CITY OF HAYWARD
HEART OF THE BAY

DATE: June 22, 2010

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Housing Element of the General Plan

RECOMMENDATION

That Council adopts the attached resolution (Attachment I) adopting the Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program, and the Housing Element.

SUMMARY

The Housing Element establishes Hayward's housing policies and programs for the period from July 1, 2009 through June 30, 2014. It is to serve as a guide to City officials in decision-making and sets forth an action plan to implement the City's housing goals. The Housing Element is intended to direct residential development and preservation in a manner consistent with the General Plan and overall requirements of the State Housing Element law.

The California Department of Housing and Community Development (HCD) has reviewed the attached draft Housing Element, and has indicated that it substantially complies with State law. Upon adoption of the Housing Element by the City Council, staff will resubmit the document to HCD for final certification. This report describes the changes that have been made to the Housing Element in response to correspondence with HCD over the last twelve months.

On May 13, 2010, the Planning Commission considered the Housing Element and recommended (6:0:1) that the Council adopt the Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program, and the Housing Element.

BACKGROUND

The current Housing Element of the General Plan was adopted by the City Council on October 21, 2003, and certified by the State on January 22, 2004. In the past, state law has required the Housing Element to be updated every five years; however, with the passage of SB 375, the Housing Element will be required to be updated every eight years after 2014 for municipalities that have state-certified elements. Work on the current update began in September 2008 with the Council's approval to hire Veronica Tam and Associates to assist with the effort. The update process was

introduced to the public on December 9, 2008 at a joint work session[1] with the City Council and the Planning Commission, and at a community meeting on December 15, 2008.

The first draft of the Housing Element was presented to the City Council on March 3, 2009[2] and to the Planning Commission on March 5, 2009[3]. Comments received during the March work sessions included questions about Hayward's Regional Housing Needs Allocation (RHNA), possible changes to the Inclusionary Housing Ordinance, and ensuring proper maintenance of existing affordable housing. Also, the Council noted that the Section 8 program should serve Hayward residents and not result in people moving to Hayward to use vouchers. The public comment period was open from March 2, 2009 through March 24, 2009. Based on comments received during the March 2009 review period, the draft Housing Element was revised and presented to the Council during a work session on May 12, 2009[4].

In response to comments received during the May 12, 2009 work session, staff made the following changes to the Housing Element:

- Eliminated a program that encouraged use of Section 8 housing vouchers;
- Language was added to Program 19 (Extremely Low Income and Special Needs Housing), to state that staff will work with State agencies to seek opportunities for cooperation on the regulation of group homes; and
- Minor revisions were made to Program 20 regarding child care policies, such as shifting away from the developer the responsibility for estimating the child care needs created by large residential projects.

Staff submitted the draft Housing Element to HCD on June 24, 2009. On August 28, 2009, staff received an eight-page letter from HCD with a list of revisions necessary for the document to meet state requirements. In response to this letter, the following changes were made to the Housing Element:

- The inventory of potential housing sites was revised to remove several parcels that HCD considered too small to accommodate high and medium-density housing;
- Information was updated related to the 238 Bypass Land Use Study Area, including an updated inventory of potential housing sites and the anticipated timeline for disposition of state-owned parcels;
- Information was updated on the City's Green Building ordinance, Climate Action Plan, and planned programs for use of Energy Efficiency and Conservation Block Grant (EECBG) funds;
- Information was added regarding the City's current effort to amend the Inclusionary Housing Ordinance;
- Typical timeframes for processing various planning permits were added;
- Information was included regarding the capability of existing utility infrastructure to accommodate new housing;

[1] http://www.hayward-ca.gov/citygov/meetings/cca/ws/2008/ws120908-03.pdf
[2] http://www.hayward-ca.gov/citygov/meetings/cca/ws/2009/ws030309-02.pdf
[3] http://www.hayward-ca.gov/citygov/meetings/pca/pc/2009/Draft_Housing_Element_Update.pdf
[4] http://www.hayward-ca.gov/citygov/meetings/cca/ws/2009/ws051209-02.pdf

- Updates were provided on the use of Redevelopment Housing Set-Aside funds, the planned Transit-Oriented-Development project at the South Hayward BART station, and other Redevelopment Agency activities;
- Changes were made related to the First-Time Homebuyer Program; and
- Language was added to meet State requirements for Transitional and Supportive housing.

The revised Housing Element was submitted to HCD on January 8, 2010. On March 9, 2010, the City's consultant received communication from HCD that there were three remaining items in need of revision. Two items, which have satisfactorily been resolved with HCD, required minor changes to Programs 7 (Preservation of At-Risk Housing) and 19 (Extremely Low Income and Special Needs Housing). The third item, which HCD addressed in a letter dated March 11, 2010, states that additional information is needed for the parcels in the residential sites inventory that are located within the 238 Bypass Land Use Corridor Study area. Staff revised the inventory and sent it via e-mail to HCD on April 5, 2010. On May 10, 2010, staff heard from HCD staff that the revised inventory is adequate, but that there were concerns that the former Carlos Bee Quarry site, which is twenty-four acres and has the potential for 964 housing units, is too large and may be difficult to develop. Staff provided a revised Housing Element to HCD on May 11, 2010 including a new Program 17 (Affordable Housing on Large Sites). HCD staff has indicated the new language is acceptable.

On May 13, 2010, the Planning Commission[5] considered the revised Housing Element and, as reflected in the attached minutes (Attachment II) voted 6:0 with one absence, to recommend that the Council adopt the Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program, and the Housing Element.

As noted in the City Manager's Weekly Report dated April 29, 2010, the Housing Element document in both 'clean' and 'tracked changes' versions is available at http://user.govoutreach.com/hayward/faq.php?cid=11040 . All changes made to the document since it was originally submitted to HCD in June 2009 are shown in the 'tracked changes' version.

DISCUSSION

Regional Housing Needs Allocation – The Housing Element is required to demonstrate that the City has identified and zoned land to accommodate the development of the housing units identified in Hayward's Regional Housing Needs Allocation (RHNA), which is considered the City's fair share of regional housing needs. The RHNA is not a production quota, but the City must show that the housing units can be *accommodated*. There is no mechanism at the State, regional, or City level that requires the units identified in the RHNA to be constructed. For the purposes of the RHNA, housing units permitted since January 1, 2007 will count toward the current allocation. (See Residential Sites Survey section below.) Hayward's allocation for the 2007 – 2014 period is a total of 3,393 housing units. The units are designated for the following affordability levels:

[5] http://www.hayward-ca.gov/citygov/meetings/pca/2010/pca051310.htm

Affordability Level	Number of Units
Very Low (31 – 50 % AMI)	768
Low (51 – 80 % AMI)	483
Moderate (81 – 120 % AMI)	569
Above Moderate	1,573
Total	**3,393**

AMI = Area Median Income

Hayward's total RHNA is relatively low when compared with other cities. Expressed as a percentage of the city's population and as a percentage of the city's existing housing units, Hayward ranks the fourth lowest of the ten cities compared. When compared to the RHNA from the previous planning period (1999-2006), Hayward received a 20 percent increase, which is low compared to the increases for other Alameda County jurisdictions, such as Berkeley (92 percent), Oakland (89 percent), and San Leandro (87 percent).

Also, Hayward's allocation for *affordable* housing (housing units affordable to very low and low income households) is also relatively low, and, in fact, is proportionately the fourth lowest of the ten Bay Area cities surveyed. For example, compared to the previous planning period, Hayward's allocation of affordable units increased by 29 percent, compared to 49 percent for Berkeley, 25 percent for Oakland, and 97 percent for San Leandro.

Residential Sites Inventory – As indicated in Table 5-38 in the draft Housing Element, 612 units have been constructed in 2007, 2008, and 2009. Assuming that the 575 units entitled for the Cannery Area and the 788 units entitled for the South Hayward BART TOD project are built by 2014, a total of 1,975 will have been built during the 2007 – 2014 planning period. Opportunity sites for an additional 1,418 units need to be identified to meet the RHNA number of 3,393 units. According to the Sites Inventory (summarized in Table 5-43 and detailed in Appendix D in the draft Housing Element), Hayward has the potential for at least an additional 3,079 housing units – or 1,661 units more than are needed.

State Laws – In addition to the discussion of Hayward's RHNA and housing potential, the Housing Element document also contains sections on current housing stock, demographics, resources for construction of new housing, constraints to the development of new housing, and programs to be implemented. The Housing Element also addresses new legal requirements that have been discussed in previous reports to the Planning Commission and Council.

Housing for Extremely Low Income Households – Assembly Bill 2634 (AB 2634) became law on September 30, 2006, and requires quantification and analysis of existing and projected housing needs of extremely low-income households (e.g., for 2008, a four-person household making no more than $25,850 annually). As indicated in Table 5-8 in the Housing Element, out of 44,858 households in Hayward, 5,393 (approximately 12 percent) are in the Extremely Low Income category. AB 2634 also requires jurisdictions to "assist in the development of adequate housing to meet the needs of extremely low, very low, low, and moderate income households." Program 19 (*Extremely Low Income and Special Needs Housing*) is designed to address this population.

Homeless Shelters – Senate Bill 2 (SB 2) requires that homeless shelters be allowed as a primary use by right in at least one zoning district. As discussed below, there are approximately 1,071 homeless people in the Hayward/San Leandro/Unincorporated area. As noted in previous reports, staff is recommending that the General Commercial (CG) zoning district be amended to allow homeless shelters without the need for a discretionary permit. The Council expressed a desire to ensure that such facilities are held to the highest standards with respect to operation and management. SB 2 allows a local jurisdiction to apply development and management standards to homeless shelters, transitional, and supportive housing, which are not required to be specified in the Housing Element. However, the following standards adopted by the City of Santa Clarita[6] are provided as an example of what may be included in the Zoning Ordinance when the CG regulations are amended (scheduled to be completed by June 2011). Santa Clarita's ordinance covers facilities defined as:

> All facilities which provide housing on a not-for-profit basis, including emergency shelters on a short-term basis or temporary transitional basis (up to and not exceeding six (6) months) until permanent housing is found. These facilities generally provide referrals to other agencies, meals, counseling and advocacy.

Santa Clarita's ordinance includes the following standards:

1. The homeless shelters shall maintain a maximum occupancy not to exceed sixty individuals.
2. Homeless shelters shall provide on-site waiting and intake areas screened from public view.
3. The homeless shelter shall provide on-site management with security during operational hours only.
4. Parking areas shall be paved.
5. The homeless shelter shall be well lit during operational hours.
6. Homeless shelters shall be allowed to have intake between the hours of five p.m. to eight p.m. or at dusk, whichever is sooner, and may discharge patrons from eight a.m. to ten a.m.
7. Homeless shelters shall abide by all applicable development standards as set forth in this code

In addition, State law allows the following standards to be considered:

- Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- The size and location of exterior and interior onsite waiting and client intake areas.
- The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

Finally, per a suggestion made during a Council work session, staff plans to include a requirement that counseling services be offered at homeless shelters. Such requirement would be consistent with the County's *EveryOne Home* program (see discussion in next paragraph.)

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[6] Section 17.17.040 (T) of the Santa Clarita municipal code, available at http://www.codepublishing.com/CA/SantaClarita/

Hayward's Homeless Population – In response to discussions at previous work sessions and inquiries from the community, the following information regarding the local homeless population is provided. The City receives HOME Investment Partnerships Program **(**HOME) and Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development **(**HUD), and is therefore required to undertake region-wide strategies to alleviate homelessness. The Alameda County strategy is called the *EveryOne Home* plan, and incorporates and coordinates as many of the various resources available as possible to reduce and ultimately end homelessness. In 2005, *EveryOne Home* administered a comprehensive count of the number of homeless people in Alameda County; the number was updated in 2007 and again in 2009 using sampling surveys. While estimates for the homeless population within the City of Hayward are not available, the following data provides a good estimate of the number of homeless people in Alameda County, and some of their characteristics, as follows.

In December 2009, there were an estimated 7,383 homeless people in Alameda County, living in the following areas:

Region:	**# of people:**	**% of total:**
North (Oakland/Berkeley/Other)	5,308	72.0%
Mid-County (Hayward/San Leandro/Unincorporated)	1,071	14.5%
South County (Fremont/Union City)	628	8.5%
East County (Pleasanton/Livermore)	369	5.0%
County Wide Totals:	**7,383**	**100.0%**

In Mid-County, approximately fifty-six percent of the homeless population consists of families with children and approximately thirty-five percent of homeless people are children. These characteristics distinguish Hayward from other parts of the County, where homeless families with children are generally present in lower proportions, (i.e., twenty-three percent County-wide).

There are eighty publicly-funded shelter beds located in Hayward, provided by three homeless shelters. Of these beds, seventy percent are specifically for households that can include children. The City provides funding for all three shelters in Hayward, and requires outreach efforts that maintain a minimum occupancy rate of ninety percent.

Reasons for Seeking Certification **–** The Planning Commission and City Council have expressed frustration with the various requirements that the state has imposed regarding the content and policies of the Housing Element, especially the requirement to accommodate a specific number of additional affordable housing units without regard for the number of existing units relative to other communities. Even so, staff is recommending that the City pursue continual State certification of a housing element for the following reasons:

- The housing element is the most frequently litigated element of the General Plan. One of the most recent lawsuits was against the City of Pleasanton, filed by a nonprofit agency and joined by the State Attorney General. Recent changes to Housing Element law (SB 375) specifically took out the requirement for a party to have suffered damages in order to file a lawsuit against the local jurisdiction. It essentially says that any person or organization with

an interest in the housing element can challenge the local jurisdiction. When the housing element is deemed to be in compliance by the responsible State agency (HCD), in the event of a lawsuit, the burden of proof rests on the litigant.

- Without certification, Hayward will not be eligible to apply for Proposition 1C and other State funds. Such funding includes infrastructure grants, grants for urban parks, and Transit-Oriented-Development grants. The City's consultant, Veronica Tam and Associates, recently worked with the City of Long Beach to get their Housing Element certified so they could apply for Transit-Oriented Development (TOD)/Jobs-Housing grants. The project was later awarded $29 million from Proposition 1C funds. Also, the planned TOD at the South Hayward BART station has been awarded $47 million in Proposition 1C funds, which would not have been possible if Hayward did not have a certified housing element.

- SB 375 extends the Housing Element update period for the next round to an eight-year period. If the City's 2009-2014 Housing Element is certified, the next update will be in 2014 for the 2014-2022 Housing Element. However, if the Housing Element is not certified, the City has to do a four-year review instead, (i.e., the next update will be in 2014 for the 2014-2018 Housing Element.) Thus, the burden of work on staff is much greater.

ENVIRONMENTAL REVIEW

Adoption of the 2009 - 2014 Housing Element is subject to an environmental analysis pursuant to the California Environmental Quality Act (CEQA). An Initial Study was prepared to analyze the potential impacts of this project and found that the potential housing development that may occur as a result of the Element during the planning period will have no significant environmental impacts that cannot be mitigated. Therefore, a Mitigated Negative Declaration has been prepared (Attachment III). A Mitigation Monitoring and Reporting Program (Attachment III-d) has also been prepared to address how identified potential significant environmental impacts will be monitored. The CEQA documents were made available to the public for the required 20-day review period and no comments were received.

ECONOMIC IMPACT

The sites inventory (Appendix D of the Housing Element) will enable developers to more easily locate properties that have potential for residential development. In addition, the programs identified in the Housing Plan section of the Housing Element are designed to benefit lower income members of the community, improve public safety at multi-family developments, and make it easier for developers to obtain necessary entitlements for new residential development. As mentioned above, having a certified Housing Element will make the City of Hayward eligible to receive grant funds, such as Proposition 1C funds.

FISCAL IMPACT

There are no significant fiscal impacts associated with the proposed revisions to the Draft Element that were not anticipated in the original Element project budget. As noted above, obtaining HCD certification of the Housing Element will allow the City to update the document every eight years,

compared to every four years if it is not certified. Having a certified Housing Element will save the City money on staff time associated with preparing updates. The Housing Plan section of the draft Housing Element calls for new ordinances to be developed during the next fiscal year. The new ordinances will be developed with existing staff resources within the Development Services Department and City Manager's Office. It is roughly estimated that development of such ordinances would take 200 to 300 hours and cost approximately $19,500 to $29,000.

PUBLIC CONTACT

Section 65583 (c)(6)(B) of the Government Code states that "The local government shall make a diligent effort to achieve public participation of all the economic segments of the community in the development of the housing element and the program shall describe this effort." Public participation has and will continue to play an important role in the formation and implementation of Hayward's housing goals and policies.

To facilitate timely dissemination of information on the Housing Element update, staff created a Housing Element webpage on the City's website. The webpage has been updated frequently with agendas, public notices, minutes, draft and final documents, and other pertinent information. The webpage included an on-line version of a survey in both English and Spanish. The survey was made available from November 26, 2008 through January 7, 2009. Paper copies were distributed throughout the community. A summary of the eighty-six survey responses is attached as Appendix A of the Housing Element.

Also, staff conducted two daytime stakeholder meetings and an evening community meeting in December, 2008. On December 17, 2008 and on March 18, 2009, staff made presentations to the Citizens Advisory Commission describing the update process. Approximately thirty people attended the stakeholder and community meetings.

Also, in addition to the Council and Planning Commission meetings mentioned above, the draft Housing Element was presented to the Human Services Commission on March 4, 2009, at a community meeting on March 9, 2009, to the Hayward Community Action Network on March 23, 2009, and to the Economic Development Committee on June 1, 2009[7]. Approximately eight people added the March 9 community meeting.

No members of the public attended the Planning Commission public hearing on May 13, 2010. Over 350 notices of this hearing have been provided to interested parties, neighborhood associations and task forces, homeowners associations, mobile home residents associations, and on the City's website.

SCHEDULE

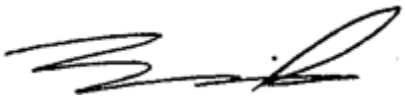
Staff intends to submit the adopted Housing Element to HCD by June 30, 2010.

[7] http://www.hayward-ca.gov/citygov/meetings/bcc/edc/2009/BCC-EDC060109.pdf

Prepared by: Erik J. Pearson, AICP, Senior Planner

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I:	Resolution
Attachment II:	Minutes from May 13, 2010 Planning Commission Meeting
Attachment III:	Draft Mitigated Negative Declaration
Attachment III-a:	Initial Study Checklist
Attachment III-b:	Project Narrative
Attachment III-c:	Greenhouse Gas Technical Memo
Attachment III-d:	Mitigation Monitoring and Reporting Program
Attachment IV:	Draft Housing Element (made available on-line at http://user.govoutreach.com/hayward/faq.php?cid=11040)

6/14/2010

HAYWARD CITY COUNCIL

RESOLUTION NO. 10-___

Introduced by Council Member_____

RESOLUTION ADOPTING MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND ADOPTING THE HOUSING ELEMENT OF THE CITY OF HAYWARD GENERAL PLAN

WHEREAS, the current Housing Element of the General Plan was adopted by the City Council on October 21, 2003; and

WHEREAS, state law requires local jurisdictions to update the housing elements of their general plans every five years; and

WHEREAS, on December 9, 2008, the City Council authorized the 2009 – 2014 Housing Element update (the "Project"); and

WHEREAS, over the course of the past year and a half, community meetings and work sessions have been held to collect input for and review drafts of the Housing Element and disseminate information associated with the proposed Project; and

WHEREAS, a draft Housing Element including all the required components was prepared and forwarded to the State Department of Housing and Community Development in compliance with state law; and

WHEREAS, the State Department of Housing and Community Development staff has indicated that the draft Housing Element is in substantial compliance with state law and will be certified; and

WHEREAS, the project has been reviewed according to the standards and requirements of the California Environmental Quality Act ("CEQA") and an Initial Study has been prepared for the Project. The Initial Study ("IS") has determined that the Project, with the recommended mitigation measures, will not result in significant effects on the environment, and a Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program have been prepared; and

WHEREAS, pursuant to the requirements of the CEQA, the Draft IS, MND, and Mitigation Monitoring and Reporting Program were made available for public comments, during the period from April 24, 2010 to May 13, 2010; and

WHEREAS, the Planning Commission held a public hearing on May 13, 2010, during which it considered the IS/MND and the proposed Project and has recommended that the City Council adopt the MND, the Mitigation Monitoring and Reporting Program, and the Housing Element; and

WHEREAS, the City Council held a public hearing on June 22, 2010, during which it considered the reports and documents presented by City staff relative to the proposed Project and the IS/MND; the Planning Commission's recommendation; the adoption of the MND and Mitigation Monitoring and Reporting Program; and to receive comments from the public.

NOW, THEREFORE BE IT RESOLVED, based on the findings set forth above, that the City Council of the City of Hayward hereby adopts the Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program, and the Housing Element of the General Plan.

IN COUNCIL, HAYWARD, CALIFORNIA_____, 2010

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, May 13, 2010, 7:00 p.m.
777 B Street, Hayward, CA 94541

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Mendall.

ROLL CALL

Present:	COMMISSIONERS:	McKillop, Loché, Peixoto, Thnay, Lavelle
	CHAIRPERSON:	Mendall
Absent:	COMMISSIONER:	Márquez

Commissioner McKillop led in the Pledge of Allegiance.

Staff Members Present: Conneely, Cruz, Fakhrai, Pearson, Rizk

General Public Present: 8

PUBLIC COMMENTS

None

WORK SESSION

1. Draft South Hayward BART/Mission Boulevard Form-Based Code

Director of Development Services David Rizk introduced the consultants for this project including Laura Hall of Hall Alminana, Robert Alminana (Architect, Hall Alminana), and Kevin Colin (Planner, Lamphier-Gregory). Ms. Hall gave a brief overview of the project before introducing Mr. Alminana who presented the highlights of the proposed code updates. Kevin Colin explained the process from pre-application to construction and Director of Development Services Rizk summarized the Next Steps.

Commissioner Peixoto asked if the residential housing along Mission Boulevard would have stoops. Robert Alminana said not unless there was a slip lane that ran parallel to Mission because the setback for a stoop is very shallow. Commissioner Peixoto then asked how the City can control building height using a form-based code. Mr. Alminana explained that the form-based code measures building height by stories as well as feet just for that purpose. Only the first floor is measured in feet because of the retail use, he said. Mr. Peixoto said during the presentation he saw a detail on one of the buildings that he really liked and he asked if those kinds of details are written into the code. Mr. Alminana explained that what Mr. Peixoto noticed is called an expression line and it occurs between the second and third floor and those types of details are definitely written into the code.

Commissioner Loché asked Mr. Alminana for a more detailed explanation of the colors and the types of transportation they represent for the thoroughfares shown in the presentation and report. Commissioner Loché also asked how frequently a Community Service District (CSD) is used as a solution to offset costs to the General Fund. Director of Development Services Rizk explained that as revenues grow tighter, more cities are turning to CSDs as a solution, especially cities that experience fast growth. In Hayward, Mr. Rizk said a CSD has been established in the Cannery area as one of the conditions of approval.

Commissioner Thnay asked for more information regarding the parking requirements for the project. Mr. Alminana explained that because this is a transit-oriented neighborhood, developers have the option to not meet minimum parking standards. The same is true for non-residential areas, Mr. Alminana explained, however, a retailer or employer may choose to meet certain standards. Using the area surrounding BART in East Dublin as a current example, Commissioner Thnay expressed concern that this policy may lead to serious parking shortages and suggested giving residents more time to get into the habit of using alternative forms of transportation. Mr. Thnay was also concerned that retail developers may rely on each other to provide the necessary parking rather than realistically plan for it themselves. Mr. Alminana pointed out that there are eight different parking strategies included in the Nelson/Nygaard report and between them there should be a way to provide sufficient parking.

Commissioner Thnay approved of the solar aspect of the sustainability proposals, but questioned the practicality of the wind turbines saying the area isn't that windy. If the City is going to charge residents a CSD fee, Mr. Thnay said the services that are used should be proven sufficient. Commissioner Thnay then expressed concern that the proposed traffic lanes are too narrow and suggested they be reconsidered. He also suggested that the thoroughfare map that Mr. Loché referred to earlier, be more reader-friendly with the definitions included on the map.

Commissioner McKillop said she thought staff was going to reconsider the parking requirements for the project and asked for an update. Director of Development Services Rizk said staff is addressing the recommendations in the Nelson/Nygaard report which does suggest elimination of minimum parking standards, but also suggests creating a residential parking district and doing cash-outs on meters. Mr. Rizk said staff is also considering other transportation demand management (TDM) and parking strategies that the City could implement along with the code to address some of the concerns expressed.

Commissioner McKillop asked the consultants if these same problems had arisen on previous projects and how were they dealt with. Mr. Alminana pointed out that every time parking is provided, especially free parking, the public is being encouraged to drive. He said that when parking is more difficult people start doing other things like using CarShare, taking the bus, riding their bikes or just walking. Mr. Alminana also pointed out that while there won't be minimum parking standards, there will still be parking. He said the money saved by developers could be used for something else. Director Rizk directed the Commissioners to a link in the staff report that details several case studies of cities that have successful implemented the recommended parking strategies.

Chair Mendall asked if a parking plan is going to come back to the Planning Commission. Director Rizk said he is hoping that funding can be found to develop a comprehensive parking and TDM

strategy and bring that before the Commission for consideration. Chair Mendall said he preferred that to another staff report.

Commissioner Lavelle asked the consultants to explain the design principles behind the creation of the proposed smaller and odd-shaped blocks at, for example, the corner of Mission Boulevard and Harder Road. Mr. Alminana explained that the smaller blocks are designed with pedestrians, and pedestrian safety, in mind. The roads, he continued, are all linked together and lead to the center of this commercial neighborhood. When Commissioner Lavelle asked if big stores like Kmart would have to be eliminated, Mr. Alminana said no, they can still exist, the parking would just be in the back and there would still be room for other small stores on the surrounding blocks.

Commissioner Lavelle also asked why, according to the report, the Planning Commission will be asked to review the progress of the form-based code every five years. Director of Development Services Rizk said the City wants to monitor progress to make sure development is reflecting the City's priorities and visions and that the code is still what they want. Commissioner Lavelle asked if this review would occur in conjunction with new proposals (that would come before the Commission anyway) or separately. Director Rizk said that depends on the kind of review required for the project, for example, a conditional use permit versus an administrative use permit, but most likely the review would occur on a periodical basis not related to a specific proposal. Commissioner Lavelle asked if changes to the code could be made based at the time of the review and Mr. Rizk concurred this could be an outcome.

Kevin Colin, Planner for Lamphier-Gregory, commented that he included that five-year review provision because of the piecemeal way the current zoning ordinance has been maintained. Presuming five years is enough time to plan and build something, he said the review will allow everyone to evaluate what has been done and take the time to consciously review the big and small picture in terms of accomplishing overall goals.

Commissioner Lavelle commented that safety is a key issue for pedestrians and she liked the smaller walkable blocks and that residents have street options other than Mission Boulevard. Ms. Lavelle felt strongly that civic spaces need to be concurrently developed with housing so residents have immediate access to areas for walking and biking when they move in. She emphasized that these civic spaces are critical or people will go back in their cars.

Finally, Commissioner Lavelle asked staff how they see implementation of the code as enticing to developers to come to Hayward to do something as new and as modern as a form-based code in these extremely challenging economic times. Director of Development Services Rizk explained that by adding density to any development means adding value. He said there's also a provision for developers who dedicate street frontage that they are allowed additional units above what is typically allowed; this provision will act like an incentive because it also adds value. Planning is also seeking grants to make some public infrastructure improvements in the area, Mr. Rizk said, and is working with the Redevelopment Agency as effectively as possible, although the State has been taking RDA monies and tax increment revenue is also down. Mr. Rizk said Planning will also

work with Redevelopment to market the code and let developers know what is happening in Hayward. He also pointed out that the South Hayward BART area has big growth potential and the Montana-Witteck-Eden Housing project will hopefully serve as a catalyst as well as the sale of open land by the State. Mr. Rizk said that even during an economic downturn, now is a good time to be laying out these plans and hopefully, in the not too distant future, the vision will be realized.

Chair Mendall asked if $500 to $600 per year is a standard charge for a Community Service District (CSD) to create and maintain park areas, lighting, and landscaping. Director of Development Services said $500 was not an unusual amount for a large new development, but pointed out that an amount has not been accessed, that was just the figure the economist used to break even, and that an analysis will have to be conducted to determine the per unit assessment. Chair Mendall said he did not have a problem with that kind of assessment.

Chair Mendall asked Mr. Alminana to explain what is meant by the phrase "by warrant" as now stated in the code. Mr. Colin explained that two new categories of variances are going to be created under the form-based code and they are calibrated according to the urban design principles of the code. For example, if a developer wanted to change a fence height by six inches, Mr. Colin explained, "by warrant" would allow Mr. Rizk to give or deny that approval. If the developer wanted to change the building height, or some element that is specifically articulated in the code, they would have to come before the Planning Commission, he said. The phrase is a differentiation to help ease the administration to incentivize following the code versus challenging the code, Mr. Colin said.

Chair Mendall commented that during conversations regarding the Mission Boulevard Corridor form-based code project there was discussion of a frontage street. He asked if a similar road was being considered along Mission for this project, especially between Industrial and Tennyson, and possibly between Tennyson and Harder. Chair Mendall said he didn't want any decisions made that precluded adding this safety feature. Mr. Alminana said that a frontage road was currently not included in the project and to include one the plans would have to be modified. Director of Development Services Rizk said staff will discuss a frontage road with the consultant. Referred to as a "slip lane," Mr. Rizk said that the concept design plan included one and residents have spoken in favor of it. Mr. Rizk said staff will have to look at the impacts on private property, especially along northern Mission where all parking lanes would have to be eliminated, and whether or not a slip lane would add value to those properties. Chair Mendall said whether or not it will work, he would like the idea considered.

Chair Mendall said he would like more detail regarding the proposed "mini neighborhoods" that Mr. Alminana touched on when responding to Commissioner Lavelle's question about block size. Mr. Alminana reiterated what he said earlier and Chair Mendall suggested that the project be promoted on a neighborhood by neighborhood basis so residents can focus on their particular area rather than the entire project. Chair Mendall also requested that the thoroughfare map have the road description right on the map rather than asking people to flip to a different page for definitions. Regarding the earlier discussion about parking, Chair Mendall pointed out that when dividing existing big blocks into smaller, walkable blocks, the City will be adding roads and all those roads will have "a ton" of new street parking. Chair Mendall said he favors the five-year review period.

Finally, Chair Mendall expressed frustration with the project's plan to up-zone a large number of parcels without asking the owners for anything in return. He acknowledged that owners would be giving up land for new roads, but said the City is giving up leverage by rezoning these parcels without requiring owners to set aside a percentage of the land for neighborhood parks. Director of Development Services Rizk explained that the City does have a park in-lieu fee in place for potential developers and those per unit fees would go toward acquiring land for parks, and building and maintaining them. He said developers also have to reserve 10-15% per lot for open space. Mr. Rizk continued by saying that through the regulations and standards of the form-based code itself, developers will transform the underutilized area and that is a direct benefit to the City. Chair Mendall said he understood that but expressed concern that the code didn't provide any leverage if a property owner decided not to participate after being upzoned. Mr. Rizk explained that the code would require landowners to allow for new roads and the added densities and more productive use of the land should offset any complaints from them. Mr. Rizk said the economist also did an analysis of land values with and without the roads, and the values increased because more housing units face the street. Chair Mendall said that was valuable in terms of convincing landowners why they should participate, but he said to protect City interests, the parcel shouldn't be upzoned until the road is built.

Ms. Hall explained that the plan contains regulations that are also laws and these laws would require landowners to comply with the form-based code. Ms. Hall also suggested that rather than thinking the City is giving away densities, that, she admitted, in the past has been manifested into some really ugly developments, a better way to think about it is to realize the developers are providing more services, improving transit, and actually giving a gift to the City, but only if they follow the code.

Chair Mendall reiterated "IF" they do it right. He said he just wants to make sure the developers do it right when it comes to dedicating their land to build new streets. Ms. Hall asked Chair Mendall what language would reassure him that they would. Chair Mendall said that he would like to see written that all of the density "bonuses" are conditional based upon the creation of the new streets. Director of Development Services Rizk said projects would have that condition and the City has added the higher densities to make that condition more palatable for the potential developer. Mr. Rizk also reiterated that by adopting the code the City is gaining the reassurance that the same standards are being followed project by project to create an integrated plan. He said simply, "How do we ensure that the dedication comes with the development proposal? We require it."

Chair Mendall said he wished that was enough to reassure him, but some parcels are losing (he approximated) half the land to new streets while adjacent parcels benefit without the same cost. "That is a really bum deal for the person who's losing half their property, so why would they agree to that?" he asked. "They wouldn't." Yes, we're offering them incentives, yes we're asking them nicely, but that just doesn't seem like enough, he said. Mr. Rizk said he thinks it is enough and staff has considered the placement of the new streets and many of them (primarily those running west to east) are on the undeveloped Caltrans properties. Regarding the proposed road that will run parallel to the BART tracks, Mr. Rizk said that over time that will become a viable asset to developers.

Chair Mendall replied that it would only take one property owner along that street to say "no" and the street wouldn't work. Mr. Rizk said the City could always use eminent domain, but he said the City is hoping it won't come to that point with the incentives built into the code.
Commissioner Thnay asked for confirmation that once the form-based code is adopted, and old codes will be abandoned and potential developers will only have the one option. "This is the plan for the future," he said. "Anyone who wants to come in needs to buy into this." Regarding retail opportunities under a form-based code, Commissioner Thnay asked if the City will have a "plan line" or regulations that will keep retailers and developers from creating haphazard access points, or driveways, from the main road.

To address the concerns expressed by Chair Mendall, Mr. Alminana said the thoroughfares and smaller block divisions were studied very carefully and most fall on Caltrans property. The roads that do traverse private property, especially key lots, Mr. Alminana said the owners have already been contacted and have expressed excitement about the pending project. Regarding the proposed road that runs along the BART track, Mr. Alminana concurred that all property owners may not agree to participate, but he continued saying that once the holdouts see the benefits being enjoyed by the participant leaders, they will eventually follow suit. Mr. Alminana acknowledged that total participation just doesn't happen. Director of Development Services Rizk, in response to Commissioner Thnay's question, said there will still be a precise plan process which would consider proposed roadways and access points.

Commissioner Thnay asked for confirmation that the property owners whose parcels were upzoned would be responsible to fund a higher proportion of the civic space requirements based on the higher densities. Mr. Rizk said yes, the park in-lieu fee would be charged on a per unit basis and would go toward large park areas that include civic buildings like a community center and that is in addition to the common open spaces which are also known as group open spaces. Commissioner Thnay concluded that property owners would be paying for the upzone indirectly.

Director of Development Services Rizk recognized that Chair Mendall's concerns had not been completely satisfied, but rather than take more time, Chair Mendall requested that the issue be readdressed in a follow-up report or discussion. Chair Mendall then concluded the work session discussion.

PUBLIC HEARING

2. Determination that the recommended FY11-FY20 Capital Improvement Program is consistent with the City's General Plan

Deputy Director of Public Works Morad Fakhrai gave a synopsis of the report noting that last year, as it had for the previous four years, the City of Hayward's Capital Improvement Program received an Award of Excellence from the California Society of Municipal Financial Officers.

Commissioner Peixoto thanked Deputy Director Fakhrai for the report and noted that during a recent visit to the Fairway Park neighborhood, residents indicated that the barriers placed at residential intersections have been effective in slowing down traffic. However, Mr. Peixoto noted that the barriers resemble large yellow garbage cans and he asked Mr. Fakhrai if there is any plan to

replace those with something more attractive. Mr. Fakhrai said yes, the barriers will be replaced with median landscaping in the next fiscal year (within the next 14 months).

Commissioner Lavelle thanked Mr. Fakhrai for the report and noted that the most challenging number was $205 million in unmet needs. She expressed hope that some of the City's improved development would bring much needed financial resources to Hayward. Commissioner Lavelle made a motion for the Planning Commission to find that the FY11-FY20 Capital Improvement Program is consistent with the City's General Plan. Commissioner Peixoto seconded the motion.

Chair Mendall said he loved the mural program and said he would like to see murals in South Hayward and other parts of the City. Deputy Director Fakhrai said the mural program is now an annual program with a budget of $90,000 per year. Chair Mendall cited the statistic that it costs the City $120 to paint over a "tag" on a utility box and only $150 to have an artist paint a mural. Mr. Fakhrai said the utility box mural program has been very successful, noting that most of the City's downtown traffic signal control boxes have been painted and while PG&E has been cooperative, allowing the City to paint its utility boxes, AT&T has not (Mr. Fakhrai said staff is working on that).

Chair Mendall commented that in the future he would like to see a progress report or a line item in the Capital Improvement Program that shows monies spent to meet Climate Action Plan and other City efficiency goals. Deputy Director Fakhrai said that under Utilities, the report does contain information on several on-going projects and long-term goals that work towards the City's sustainability efforts.

There being no other comments, the motion passed 6:0:1 with the following vote:

AYES:	Commissioners McKillop, Loché, Peixoto, Lavelle, Thnay Chair Mendall
NOES:	None
ABSENT:	Commissioner Márquez
ABSTAINED:	None

3. Housing Element of the General Plan

Senior Planner Erik Pearson indicated that staff has been in regular contact with the State Department of Housing and Community Development and that at its recommendation staff has added a new program (addressing large sites identified for potential housing development), a description of which was distributed to the Commissioners prior to the meeting. Mr. Pearson then introduced Veronica Tam, of Veronica Tam & Associates, LLC, the consultant responsible for preparing the Housing Element of the General Plan, who provided a brief overview of the comments made by the State.

Senior Planner Pearson added that pursuant to the California Environmental Quality Act, an initial study and Mitigated Negative Declaration had been prepared and staff is asking that the Commission recommend to Council that they adopt the Mitigated Negative Declaration and the Housing Element.

Commissioner Peixoto asked Ms. Tam why the State wanted a more detailed report on the City's processing procedures and timeframe. Ms. Tam explained that the State wanted to see how long a single-family and a multi-family project would take to progress through the City's approval process. Commissioner Peixoto then asked Ms. Tam if the Inclusionary Housing Ordinance was a tool to assist the City to meet the stated goals of the Housing Element or if it was a State requirement. Ms. Tam replied that the ordinance was not a requirement, but a tool the City uses to achieve its affordable housing development goals. Ms. Tam confirmed for Mr. Peixoto that if a City has enough money to subsidize affordable housing projects they wouldn't need to apply for inclusionary housing assistance funding. Mr. Peixoto asked Ms. Tam if the City of Pleasanton has an inclusionary ordinance and Ms. Tam said she didn't know. Director of Development Services Rizk indicated that he didn't know either.

Chair Mendall opened and closed the Public Hearing at 9:25 p.m.

Commissioner Thnay made the motion that the Planning Commission recommend that the City Council adopt the Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program, and the Housing Element, including the new program addressing large potential development sites. Commissioner Peixoto seconded the motion.

There being no other comments, the motion passed 6:0:1 with the following vote:

AYES:	Commissioners McKillop, Loché, Peixoto, Lavelle, Thnay Chair Mendall
NOES:	None
ABSENT:	Márquez,
ABSTAINED:	None

ADDITIONAL MATTERS

4. Oral Report on Planning and Zoning Matters

None

5. Commissioners' Announcements, Referrals

Commissioner Lavelle invited the Commissioners to attend the Volunteer Open House sponsored by the Office of the City Clerk on Monday, May 24th at City Hall. The event will give potential members an opportunity to meet representatives from the City's various boards, commissions, committees and task force and ask questions. Chair Mendall encouraged the Commissioners to attend the Volunteer Open House.

ADJOURNMENT

Chair Mendall adjourned the meeting at 9:29 p.m.

APPROVED:

_____
Elisa Márquez, Secretary
Planning Commissioner

ATTEST:

_____
Suzanne Philis, Senior Secretary
Office of the City Clerk

DEVELOPMENT SERVICES DEPARTMENT
Planning Division

MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that the following proposed project could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended.

I. PROJECT DESCRIPTION:

The project is a required update of one of the elements of the City of Hayward General Plan, which was comprehensively updated in 2002. The project is a policy-level document that is consistent with existing General Plan land use designations and densities. More specifically, the project is consistent with densities assumed in the Land Use Element of that adopted Plan and subsequent amendments. The 2002 General Plan update was considered under a program-level Environmental Impact Report (EIR) (SCH# 2001072069). The General Plan Land Use Element was amended on June 30, 2009 to address land uses within the 238 Study Area. This Land Use Element amendment was considered under a program-level EIR (SCH#2008072066).

This Mitigated Negative Declaration for the Housing Element Update tiers from those previously certified CEQA analyses. Although the proposed project is intended to encourage and facilitate the development of housing through the 2009-2014 planning period, specific future projects are subject to General Plan regulations, performance standards and permitting processes of the Zoning Ordinance, and all mitigation measures contained in applicable program-level EIRs.

The aim of the proposed project is to adopt the 2009-2014 Housing Element consistent with California Government Code Section 65583. The purpose of the Housing Element revision is to identify the City's existing and projected housing needs and to establish goals and policies to guide City officials in daily decision making in addressing these needs. The goal of providing decent, safe, sanitary and affordable housing to current and future residents of the City is a primary focus of the Element. The Element also emphasizes specific target groups requiring the most urgent attention in the City, such as the elderly, lower income households, and the homeless. The Housing Element serves as a policy guideline for addressing defined issues which may arise in meeting the housing needs of the community.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project, with the mitigation measures identified in the attached initial study checklist and project narrative, will not have a significant effect on the environment.

***FINDINGS SUPPORTING DECLARATION*:**

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project.

2. The Initial Study identified potentially significant effects but:

a) Revisions in the project before this proposed Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

b) There is no substantial evidence before the City that the project, as revised, may have a significant effect on the environment.

***III. PERSON WHO PREPARED INITIAL STUDY*:**

Erik J. Pearson, AICP, Senior Planner
Dated: April 23, 2010

IV. ATTACHMENTS:

A. Initial Study Checklist
B. Project Narrative
C. Greenhouse Gases Technical Memo
D. Mitigation Monitoring and Reporting Program

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4210, or e-mail erik.pearson@hayward-ca.gov.

DEVELOPMENT SERVICES DEPARTMENT
Planning Division

Initial Study Checklist

pursuant to the California Environmental Quality Act of 1970, as amended

1. **Project title:** City of Hayward 2009-2014 Housing Element

2. **Lead agency name and address:** City of Hayward, Planning Division
777 B Street
Hayward, CA 94541

3. **Contact person and phone number:**
Erik Pearson, Senior Planner 510-583-4210

4. **Project location:** Policies and programs of Hayward's 2009-2014 Housing Element apply Citywide.

5. **Project sponsor's name and address:** City of Hayward
777 B Street
Hayward, CA 94541

6. **General Plan designation:** Not applicable, Citywide

7. **Zoning:** Not applicable, Citywide

8. **Description of project:** The project is a required update of the Housing Element of the City of Hayward General Plan, which was comprehensively updated in 2002. The project is a policy-level document that is consistent with existing General Plan land use designations and densities. More specifically, the project is consistent with densities assumed in the Land Use Element of that adopted plan. The 2002 General Plan update was considered under a program-level Environmental Impact Report (EIR) (SCH# 2001072069). The 2009 General Plan Land Use Element amendment was considered under a program-level EIR (SCH#2008072066). This Mitigated Negative Declaration tiers from those previously certified CEQA analyses. Although the proposed project is intended to encourage and facilitate the development of housing through the 2009-2014 planning period, specific future projects are subject to General Plan regulations, performance standards and permitting processes of the Zoning Ordinance, and all mitigation measures contained in applicable program-level EIRs/MNDs.

The aim of the proposed project is to adopt the 2009-2014 Housing Element consistent with California Government Code Section 65583. The purpose of the Housing Element revision is to identify the City's existing and projected housing needs and to establish goals and policies to guide City officials in daily decision making in addressing these needs. The goal of providing decent, safe, sanitary and affordable housing to current and future residents of the City is a primary focus of the Element. The Element also emphasizes specific target groups requiring the most urgent attention in the City, such as the elderly, lower income households and the homeless. The Housing Element serves as a policy guideline for addressing defined issues

which may arise in meeting the housing needs of the community.

State Policy and Authorization

The State of California's primary housing goal is the attainment of decent housing and a suitable living environment for every Californian. To implement this goal requires cooperative participation between the government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels. Counties and cities have the responsibility to prepare and implement housing elements which, along with federal and state programs, will move toward the attainment of the state housing goals. Section 65302 of California's Government Code specifies the required components of the General Plan. Section 65583 lists the required contents of the Housing Element. State law requires Housing Elements to be updated approximately every five years to reflect the community's changing housing needs. Hayward's Housing Element was last updated in 2003.

Organization of the Housing Element

The City of Hayward Housing Element is comprised of the following key components that together fulfill the State's housing element requirements:

- A background analysis that serves as the basis for the development of housing policy. Key topics considered include the City's demographic characteristics, the characteristics of the existing housing stock, household characteristics and socioeconomic characteristics;

- An analysis of those issues that could constrain the development and/or maintenance of housing, especially affordable housing. Constraints considered include: governmental constraints; market constraints; and environmental constraints;

- A discussion of resources available to address the City's identified housing needs; and

- A housing plan for accommodating existing and projected housing needs through new construction, rehabilitation, preservation, and provision of assistance.

Regional Housing Needs

The State of California Department of Housing and Community Development (HCD) is required by State law to determine the statewide housing need for a projected period of time. The current planning period has been defined as being from January 1, 2007 through June 30, 2014. In coordination with HCD, local governments and councils of government (e.g., ABAG) are charged with making a determination of the region's existing and projected housing need as a share of the statewide housing need. State law requires that the Housing Element include a plan to accommodate the City's "fair share" of the regional housing need.

The Association of Bay Area Governments (ABAG) adopted the Final Regional Housing Needs Assessment (RHNA) in 2008 which defined the housing need allocation for each member local government within its association, including Hayward. As a result of this process, ABAG has determined that the City of Hayward's total construction need is 3,393 housing units for this planning period. This total construction need is based on a number of statistical variables, including household growth, vacancy rates, replacement needs, income distribution and growth forecasts and is divided by ABAG into need by income level. Consideration of indicators such as the number of low income households overpaying for housing, severe overcrowding, housing tenure, and current vacancy need are also part of this determination.

For Hayward, this need has been determined to be 768 units of extremely low/very low income housing, 483 units of low income housing, 569 units of moderate income housing and 1,573 units of above moderate income housing. The allocation of these units by income level, which is also termed the "fair share" distribution, is based on the median income level of Alameda County and the existing income structure of each city within the County. The intent of the future needs allocations by income group is to relieve the undue concentration of very low and low income households in a jurisdiction and to help allocate resources in a fair and equitable manner.

Since January 2007, 414 housing units have been constructed or under construction in Hayward. These units have the following income distribution: 59 very low-income units, 49 moderate-income units, and 306 above moderate-income units. Another 1,445 units have been approved since January 2007 (156 very low income units, 50 low income units, and 1,239 above moderate income units). With units constructed, under construction, and approved, the City of Hayward has already met a portion of its RHNA. For the 2009-2014 Housing Element period, the City has a remaining RHNA of 1,534 units, for which it must provide sufficient land to accommodate: 553 very low income units; 433 low income units; 520 moderate income units; and 28 above moderate income units.

The RHNA is not a mandate to approve or construct 1,534 new housing units. The RHNA targets are intended to assure that adequate sites and zoning exists to address anticipated housing demand during the planning period and that market forces are not inhibited in addressing the housing needs of all economic segments of a community. This Housing Element demonstrates that existing residential densities are sufficient to accommodate Hayward's RHNA targets through the planning period. No change in land use designation or zoning district for any property is required or proposed.

Appendix D to the Housing Element includes an inventory of residential sites that demonstrate capacity to accommodate the City's remaining RHNA through 2014. Each of these sites is located within areas of the City covered by the following plans:

- Mount Eden Neighborhood Plan
- South Hayward BART/Mission Boulevard Concept Design Plan
- 238 Study Area

Mount Eden Neighborhood Plan
The Mt. Eden Neighborhood Plan was adopted in 1990. One of the objectives of this Neighborhood Plan is to provide new housing for a variety of housing needs with qualities that encourage long-term residency. As an older neighborhood in the City, the area is developed with a variety of uses, including single-family homes, mobile homes, and some commercial uses. There were five islands of unincorporated land in the Mt. Eden neighborhood. In 2007, the Mt. Eden Annexation Phase 1 annexed three of the islands into the City. The environmental effects of this annexation and subsequent development of the annexation area were considered in the "Mt. Eden Annexation Project Environmental Impact Report" prepared by consultant Jerry Haag (SCH # 2003122009). The Final EIR was adopted by the Hayward City Council by Resolution No. 04-147 on October 12, 2004.

South Hayward BART/Mission Boulevard Concept Design Plan
This Concept Design Plan was adopted in 2006 and envisions development of high density transit-oriented development along the Mission Boulevard transit corridor generally between Harder Road and Industrial Parkway, and a transit village with high density residential development with a variety of neighborhood-serving retail and public uses in proximity to the

South Hayward BART Station. The Plan encompasses 240 acres of land and includes an assemblage of properties located in proximity to the BART Station. Vacant and underutilized properties within the Design Plan Area can accommodate approximately 1,280 units. The environmental effects of development of the planning area in accordance with the Concept Design Plan were considered in the "South Hayward Bart/Mission Boulevard Concept Design Plan Project Environmental Impact Report" prepared by consultant Jerry Haag (SCH # 2005092093). The Final EIR was adopted by the Hayward City Council by Resolution No. 06-089 on June 27, 2006.

238 Bypass Land Use Study Area
Over 40 years ago, the State of California purchased 354 acres of vacant, commercial and residential land in the City of Hayward and unincorporated Alameda County, in preparation for the construction of a Route 238 Bypass. Although the project was stopped, the parcels have remained in the State's ownership. The City of Hayward received a grant from the State Department of Transportation ("Caltrans") to complete a conceptual land use study of the Route 238 Bypass parcels. The study was completed in June of 2009. The City developed the preferred conceptual land use plan that was the basis for amendments to the General Plan and rezoning of properties. The environmental effects of development within the study area under preferred land use plan were considered in the "238 Study Area Program Environmental Impact Report" prepared by Dowling Associates (SCH # 2008072066). The Program EIR was certified by the City Council on June 30, 2009.

Housing Element Programs
The Housing Plan is the only portion of the project with potential to impact the environment. All other chapters of the Housing Element, including Housing Resources, which contains the residential sites inventory, provides information and analysis required by statute and do not commit the City to take any action. The Housing Plan includes goals, policies, and programs that are intended to meet the housing needs of the community. Housing Element goals and policies are provided to:

- Ensure that a broad range of housing types are provided to meet the needs of the existing and future residents;
- Ensure that housing is maintained and preserved;
- Increase opportunities for homeownership;
- Ensure the availability of housing-related services for special needs groups; and
- Promote equal housing opportunity.

The broadly-worded goals and policies are intended to guide review of new residential development and allocation of housing-related resources, but do not commit the City to take specific action. Programs of the Housing Element identify actions to be taken by the City to facilitate and encourage the provision of housing and related services for all economic segments of Hayward. Some programs are carried over from the previous Housing Element and represent actions taken by the City on an ongoing basis, whereas other programs are new to the 2009-2014 update and commit the City to future amendment of the Zoning Ordinance to comply with recent changes in State law. Each Housing Element program is summarized below:

Program 1: Housing Rehabilitation Loan Program (HRLP)
The Housing Rehabilitation Loan Program provides eligible lower income homeowners with below market-rate deferred loans to correct major health and safety deficiencies and make

needed accessibility modifications. This program is intended for larger rehabilitation projects, where necessary repairs cost $5,000 or more. The program's objective is to assist 20 lower income households annually through 2014.

Program 2: Minor Home Repair Grant (MHRP)
The Minor Home Repair Program offers grants up to $5,000 for minor home repairs to low income elderly and/or disabled homeowners in order to address health and safety problems, correct code deficiencies, and improve the outward appearance of homes. The program's objective is to assist 50 lower income households annually through 2014.

Program 3: Disability Access Grant and Loan Program
The Disability Access Grant and Loan Program provides below market-rate deferred loans and grants to lower income homeowners for the removal of architectural barriers in a residence to improve accessibility for persons with disabilities. The program's objective is to assist 20 lower income households annually through 2014.

Program 4: Residential Rental Inspection Program
The purpose of the Residential Rental Inspection Program is to safeguard the stock of safe, sanitary rental units within the City and protect persons entering or residing in rental units through systematic inspection of rental housing throughout the City. The program focuses attention on rental housing in higher density areas with the goal of inspecting these units every three to four years. The program's objective is to inspect approximately 3,000 rental units annually through 2014.

Program 5: Graffiti Abatement "Buster" Program
The Graffiti Buster vehicle offers graffiti abatement services on a one-time courtesy basis for retail/commercial businesses and residential fences and retaining walls that abut the public sidewalk. Staff removes graffiti from municipal property, pedestrian and vehicular overpasses, BART columns, sidewalks, traffic control boxes, and the Amtrak Station. Residents who wish to remove existing graffiti in their neighborhoods can also obtain paint from the Facilities Division to paint over graffiti.

Program 6: Crime Free/Crime Prevention through Environmental Design (CPTED)
The City seeks to provide a safe and decent living environment for all residents. Specifically, the City will promote a crime-free environment through: involving the Police Department in the development review process to promote the use of CPTED strategies; preparing an ordinance that requires CPTED strategies of all new multi-family developments; and requiring affordable housing that receives funding from the City to participate in the Crime Free Multi-Family program.

Program 7: Preservation of At-Risk Housing
Thirteen assisted housing developments, for a total of 679 housing units, in the City are considered at risk of converting to market-rate housing during the planning period of this at-risk analysis (July 1, 2009 through June 30, 2019). The City will monitor all units considered at risk of conversion to market rate and assist property owners in maintaining the affordability of these units, and provide information about assistance programs that may be available to Hayward resident displaced or impacted by the conversion of federally assisted housing projects.

Program 8: Foreclosure Prevention and Counseling
Hayward has the highest ratio of foreclosures to the total number of outstanding mortgage loans among all jurisdictions in Alameda County. This program outlines a strategy to reduce the

impact of foreclosures on the community by taking the following action: 1) including information about foreclosure prevention resources in the housing programs section of the City's website; 2) posting information about the programs available for refinancing at-risk loans, and contact information for legal services agencies and HUD-approved counseling organizations in the area; 3) providing funds to ECHO Housing or another HUD-approved counseling organization; and 4) mailing Notice of Default (NOD) recipients relevant information about resources available for homeowners facing the loss of their home.

Program 9: Purchase, Rehabilitation, and Sale of Foreclosed Properties
Given the high rate of foreclosures in Hayward, the City established a program in 2009 to acquire, rehabilitate, and resell foreclosed properties to lower and moderate income households. The program will likely focus on properties in ZIP Code 94544, where there is a concentration of foreclosed properties. The City will work with nonprofit housing developer, Habitat for Humanity, to acquire and rehabilitate five to ten foreclosed properties annually through 2014.

Program 10: First Time Homebuyer Program
In response to market conditions, the City's First Time Homebuyer Program was modified in 2009 and now provides assistance to first-time low and moderate income homebuyers by offering loans up to $40,000 (previous limit was $20,000) for downpayment assistance and closing costs. Other changes made included fixing the interest rate to 3.5 percent, as opposed to tying the interest rate to the 11th District Cost of Funds Index and allowing a five-year loan payment deferral period. The program's objective is to provide 15 to 20 loans annually through 2014.

Program 11: Mortgage Credit Certificate
The Mortgage Credit Certificate (MCC) program provides income eligible first-time homebuyers with an opportunity to reduce the amount of federal income tax otherwise due by an amount equal to 15 percent of the mortgage interest payments at a dollar-for-dollar credit. The remaining 85 percent can be taken as the usual allowable deduction of the itemized return. The result increases the household's overall income and ability to qualify for a mortgage loan. The City will continue to assist the County in promoting the program to eligible homebuyers.

Program 12: Tenant-Based Rental Assistance for Emancipated Youth
The City provides funding to Project Independence, a program implemented by the Tri-City Homeless Coalition to assist emancipated youth in Alameda County (youth from 18 to 24 who have aged out of the foster care system). In addition to affordable housing, the program provides the youth and their children (if applicable) with comprehensive supportive services. The City will continue to support Project Independence and work with the Tri-City Homeless Coalition to provide a continuum of supportive services for emancipated youth.

Program 13: Affordable Housing Development
The City will work with developers to facilitate affordable housing development. Specifically, as funding permits, the City will provide gap financing as a local match to State (e.g. Proposition 1C), federal, and other public affordable funding sources to assist in the development of affordable units through 2014. Gap financing will focus on rental housing units affordable to lower income households and households with special needs (e.g. seniors and disabled), especially projects that promote the City's goals relating to transit-oriented development and jobs/housing balance. The City will also provide developers with technical support in the application for State, federal, and other funding programs.

Program 14: Density Bonus

State law requires the provision of certain incentives for residential development projects that set aside a certain portion of the units to be affordable to lower and moderate income households. The City implements State law through its density bonus ordinance. Under current State law, jurisdictions are required to provide density bonuses and development incentives on a sliding scale, where the amount of density bonus and number of incentives vary according to the amount of affordable housing units provided. The City will develop a brochure describing the Density Bonus Ordinance and distributed to potential developers in order to promote affordable housing development.

Program 15: Green Building Ordinance
Green building refers to a whole systems approach to the design, construction, and operation of buildings and structures that helps mitigate the environmental, economic, and social impacts of construction, demolition and renovation. Green building practices recognize the relationship between natural and built environments and seek to minimize the use of energy, water, and other natural resources and provide a healthy, productive indoor environment. Under the City's Green Building Ordinance, residential structures are required to be Green Point Rated in order to receive a Certificate of Occupancy. The City will develop possible incentives for affordable housing developers to offset any additional costs that the Green Building Ordinance may add to the cost of housing development.

Program 16: Provision of Adequate Sites
Through the City's existing General Plan, Zoning Ordinance, and various concept/design plans, the City offers opportunities for a diverse range of housing options. Specifically, the City maintains an existing inventory of vacant and underutilized residential and mixed use sites that can accommodate the City's remaining Regional Housing Needs Allocation (RHNA) of 1,534 units, including 553 very low income units; 433 low income units; 520 moderate income units; and 28 above moderate income units. The City will ensure adequate sites are available to accommodate this remaining RHNA. The City will also assist in land consolidation by providing sites information to interested developers and provide gap financing assistance to nonprofit housing developers.

Program 17: Inclusionary Housing Ordinance
Hayward's Inclusionary Housing Ordinance requires that a certain percentage of new residential developments units be made affordable to low and moderate income households, depending on whether the project is intended as ownership or rental housing. The City will continue to enforce this Ordinance and conduct a study to: 1) review the Hayward Inclusionary Housing Ordinance and Affordable Housing In-Lieu Fee Resolution, specifically to review best practices for methodology of determining fees; 3) determine the affordable housing cost differential; 3) prepare a nexus study to determine the impact of market-rate housing on the need for affordable housing; and 4) analyze the financial costs, benefits, and use of incentives and alternatives to produce affordable housing.

Program 18: Development Fees and Processes
The City of Hayward charges a variety of fees to offset the costs of providing infrastructure improvements, public facilities, and services to serve new residential development. Fees are necessary to ensure that new residents are adequately served. However, they may also impact the feasibility of residential development especially during the current difficult market conditions. In February 2010, the City Council approved deferring the payment of certain fees until the close of escrow.

Program 19: Extremely Low Income and Special Needs Housing
Extremely low income households and households with special needs have limited housing options in Hayward. Housing types appropriate for these groups include: emergency shelters, transitional housing, supportive housing, and single-room occupancy (SRO) units. Pursuant to State law, the Zoning Ordinance will be amended, within one year of the adoption of the 2009-2014 Housing Element, to address the following:

- *Emergency Shelters*: Permit homeless shelters with a ministerial permit within the General Commercial (CG) zoning district. Pursuant to State law, the City may establish standards such as maximum number of beds, proximity to other shelters, length of stay, security and lighting; and provision of on-site management.

- *Transitional Housing*: Amend the Zoning Ordinance to differentiate between transitional housing in the form of group homes and institutional housing versus regular multiple-family rental housing. Transitional housing facilities that operate as multi-family rental housing developments, meeting the statutory definitions of the Health and Safety Codes, will be permitted by right where multi-family housing is permitted. Transitional housing facilities that operate as group housing facilities, meeting the statutory definition of residential care facilities under the Lanterman Disability Services Act, will be permitted according to the City's Zoning Code provisions for residential care facilities.

- *Supportive Housing*: Amend the Zoning Ordinance to differentiate between supportive housing in the form of group homes and institutional housing versus regular multiple-family rental housing. Supportive housing facilities that operate as multi-family rental housing developments, meeting the statutory definitions of the Health and Safety Codes, will be permitted by right where multi-family housing is permitted. Supportive housing facilities that operate as group housing facilities, meeting the statutory definition of residential care facilities under the Lanterman Disability Services Act, will be permitted according to the City's Zoning Code provisions for residential care facilities.

- *Group Homes/Residential Care Facilities*: Explicitly identify group homes/residential care facilities for six or fewer persons as a regular residential use and permitted by right where residential uses are permitted.

- *Single Room Occupancy (SRO)*: Permit SROs in the General Commercial (CG) zoning district.

Program 20: Child Care Services and Facilities
The City will consider amending the Zoning Ordinance and/or General Plan to address child care needs associated with new residential development. Specifically, the City will Develop for consideration new requirements, incentives, and policies to facilitate the provision of adequate child care facilities and services associated with new residential development in 2010.

Program 21: Fair Housing Services
The City of Hayward contracts with ECHO to provide fair housing and tenant/landlord services. The City will: 1) promote the dissemination of information to alert homeowners about predatory lending practices; 2) work with Bay East Association of Realtors to ensure that residential real estate agents and brokers adhere to fair housing laws and regulations; 3) work with tenants, tenant advocates, and rental housing owners and managers to eradicate housing discrimination and to ensure that Hayward's supply of rental housing is decent, safe and sanitary; and 4)

promote training for property owners and managers to ensure that they are knowledgeable of the requirements of Federal, State and local real estate, housing discrimination, tenant protection, housing inspection and community preservation laws; and promote training of tenants in the requirements of Federal, State, and local laws so that they are aware of their rights and obligations.

Program 22: Universal Design Principles
With 18 percent of the City's household being headed by an elderly person and 21 percent of the population has one or more disabilities, there is a need for accessible housing in the community. However, a significant portion of the City's housing stock is not accessible to persons with disabilities. The City will explore feasible mechanisms and incentives in 2010 to promote the use of Universal Design Principles in new construction and/or rehabilitation of housing. Universal Design is the creation of products and environments meant to be usable by all people, to the greatest extent possible, without the need for adaptation or specialization.

9. **Surrounding land uses and setting:** The City is located in southwestern Alameda County, in the nine-County San Francisco Bay Area of California. The incorporated boundary extends from the Bay margin on the west, across the bay plain, to the hills on the east. The City limits encompass an area of about 61 square miles, of which only 19,500 acres (30 square miles) are or will be developed. Hayward is adjacent to unincorporated areas of Alameda County, and the cities of San Leandro, Union City and Pleasanton.

10. **Other public agencies whose approval is required:** None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially 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 /Soils
☒	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials	☐	Hydrology / Water Quality
☐	Land Use / Planning	☐	Mineral Resources	☒	Noise
☐	Population / Housing	☐	Public Services	☐	Recreation
☐	Transportation/Traffic	☐	Utilities / Service Systems	☐	Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

Erik J. Pearson, AICP, Senior Planner
Dated: April 23, 2010

EVALUATION OF ENVIRONMENTAL IMPACTS:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. 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?	☐	☐	☒	☐
II. AGRICULTURE AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. 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?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒
III. 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?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. 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 Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game 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 local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
VI. 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), 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?	☐	☐	☐	☒
VII. GREENHOUSE GAS EMISSIONS – Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐
VIII. 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 two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐
IX. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
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) Inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
XI. 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?	☐	☐	☐	☒
XII. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels 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?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐
	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
XIII. 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?	☐	☐	☐	☒
XIV. PUBLIC SERVICES				
a) 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:				
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐
XV. 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?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
XVI. 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?	☐	☐	☐	☒
XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --				
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, 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 considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Project Narrative

I. AESTHETICS

a. Would the project have a substantial adverse effect on a scenic vista?
Less Than Significant. The City of Hayward is largely an urban area with a relatively dense development pattern that restricts scenic views and provides limited scenic resources. However, portions of the City have scenic vistas, including near views of the East Bay Hills from many individual parts of the City and views from the hills toward the San Francisco Bay. Future residential development in the City could impact these resources. This issue was analyzed in the City's 2002 General Plan Update Environmental Impact Report (EIR) and General Plan Land Use Element Amendment in 2009. Potential impacts to scenic vistas, including impacts from residential densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring compliance with the General Plan policies and strategies related to visual resources through the Site Plan Review process and adherence to the City's Zoning Ordinance height and bulk performance standards (Mitigation Measures 5.1a & 5.1b). No additional mitigation is required.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
No Impact. No state scenic highways pass through the City of Hayward. (see http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm)

c. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?
Less Than Significant Impact. Future residential development would result in physical changes that would alter the visual character of many individual locations throughout the City. In some cases, existing trees, landscaping and buildings with desirable architectural qualities could be replaced with new development that would substantially alter the visual character of its site or surroundings. This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to potential degradation of the existing visual quality or character of the area, including impacts from residential densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring compliance with the General Plan policies and strategies related to visual resources through the project review process with an emphasis on consistent development patterns, architecturally distinct structures, mature vegetation, and natural open space (Mitigation Measure 5.2). No additional mitigation is required.

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
Less Than Significant Impact. The City is an urbanized community with significant existing sources of light and glare. Residential development could result in increased

light and glare in the area. This issue was analyzed in the City's 2002 General Plan Update EIR. Potential lighting and glare impacts, including impacts from residential densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring projects to undergo Site Plan Review (Mitigation Measure 5.3). Projects are required to include shielding and cutoff features for outdoor lighting, design revisions, or other means of reducing impacts to the extent feasible. No additional mitigation is required.

II. AGRICULTURE AND FORESTRY RESOURCES

a. **Would the project 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?**

No Impact. Effects on Agricultural Resources were analyzed in the 2002 General Plan Update EIR and impacts were determined to be less than significant. Most of the land in the hill area of the City (commonly known as the East Hills Annex) remains in agricultural or grazing uses. The Agricultural zoning in this area requires a minimum lot size of 160 acres. Agricultural areas of the City would not be affected by implementation of the proposed project because the project is consistent with the General Plan, which directs urban activities inside the urban designated districts and would not impede continued agricultural activities or result in the conversion of Farmland to non-agricultural use. None of the sites identified in the 2009-2014 Housing Element are currently used as, or mapped as, Farmland and therefore the project could not result in the conversion of Farmland to a non-agricultural use. No mitigation required.

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

No Impact. Effects on Agricultural Resources were analyzed in the 2002 General Plan Update EIR and impacts were determined to be less than significant. Most of the land in the hill area of the City (commonly known as the East Hills Annex) remains in agricultural or grazing uses. The Agricultural zoning in this area requires a minimum lot size of 160 acres. None of the sites identified in the 2009-2014 Housing Element are zoned for agricultural use or under Williamson Act contract. No mitigation required.

c. **Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

No Impact. No forest land or timberland as defined in the Public Resources Code is located within the City of Hayward. No mitigation is required.

d. **Result in the loss of forest land or conversion of forest land to non-forest use?**

No Impact. See Section II(c) above. No mitigation required.

e. **Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use** or conversion of forest land to non-forest use**?**
No Impact. See Sections II(a) and II(c) above. No mitigation required.

III. AIR QUALITY

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?
No Impact. The Bay Area Air Quality Management District (BAAQMD) (the local air agency) has developed specific thresholds of significance to be used in the preparation of CEQA documents. BAAQMD guidance provides different thresholds of significance for development projects and local plans, defined as city and county general plans, redevelopment plans, specific area plans and other similar "program" documents or plans. The 2009-2014 Housing Element is considered a "program" document. The "program" threshold is consistent with the most recently adopted Clean Air Plan (CAP). A project would be judged to conflict with or obstruct implementation of the regional air quality plan if it would be inconsistent with the growth assumptions, in terms of population, employment or regional growth in Vehicle Miles Traveled (VMT) and fails to demonstrate reasonable efforts to implement Transportation Control Measures (TCMs).

VMT
The 2009-2014 Housing Element is consistent with residential densities contained in the General Plan Land Use Element. Therefore, the calculated VMT associated with implementation of the project would be the same as the VMT anticipated in the absence of the project. No impact regarding consistency with CAP VMT assumptions would occur.

TCMs
The prime objective of TCMs is to reduce vehicle trips and vehicle miles traveled within the region. These measures are geared toward the following: trip reduction, mobility improvements, implementation support, traffic operation management, user incentives, and pricing strategies. The General Plan includes numerous programs to improve transportation and transit systems and develop land use patterns supportive of reduced reliance on the private automobile, consistent with CAP TCMs. For example, the City's policies and strategies support high density residential and other intensive development at activity centers such as the vicinity of the South Hayward BART station. The Mission Blvd. corridor as a whole is identified as a prime candidate for transit oriented development, including University-related services, pedestrian-oriented improvements, and enhanced transit services along the corridor and up to California State University East Bay. The 2009-2014 Housing Element reinforces these strategies (e.g., see Policies 3.1 through 3.4 and Program 12). The project would therefore have a beneficial impact related to implementation of CAP TCMs.

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

Less Than Significant Impact. The San Francisco Bay Area Air Basin is currently non-attainment for ozone (state and federal Ambient standards) and particulate matter - PM2.5 and PM10 - (state ambient standard).

Ozone

Future residential development would result in an increase of Ozone emissions. The Bay Area 2005 Ozone Strategy (Strategy) is intended to bring the Air Basin into attainment for ozone. A project would be judged to contribute substantially to the existing ozone violation if it would conflict with or obstruct implementation of the Strategy. The Strategy outlines a number of TCMs, the implementation of which would substantially reduce the rate of increase in VMT. As described in III(a) above, the General Plan currently implements and the proposed project would implement TCM 15 by encouraging transit oriented development and non vehicular modes of travel. No mitigation is required.

Particulate Matter

Although no specific air quality plan exists for particulate matter, the BAAQMD includes a number of regulations and policies that are intended to reduce emission of this criteria pollutant, the most applicable of which to the project is controlling dust from earthmoving and construction/demolition operations. Construction and demolition dust would affect local and regional air quality at various times during the 2009-2014 planning period. The dry, windy climate of the area during the summer months combined with the fine, silty soils of the region create a high potential for dust generation. Emissions during the grading phase of construction are primarily associated with the exhaust of large earth moving equipment and the dust which is generated through grading activities. Emissions in later stages of construction are primarily associated with construction employee commute vehicles, asphalt paving, mobile equipment, stationary equipment, and architectural coatings. The effects of construction activities would be increased dustfall and locally elevated levels of PM2.5 and PM10 near the construction activity. Depending on the weather, soil conditions, the amount of activity taking place, and nature of dust control efforts, these impacts could affect existing or future residential areas within or near the project. Short term air quality impacts from future residential development would be a significant impact.

This issue was analyzed in the 2002 General Plan Update EIR. Potential air quality impacts from particulate matter emissions, including impacts from development in accordance with residential densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring all site-specific project applicants to comply with all City regulations and operating procedures prior to the issuance of building or grading permits (Mitigation Measure 8.1). This General Plan mitigation measure implements dust control strategies in Table 2 of the BAAQMD CEQA Guidelines (1999). No additional mitigation is required.

c. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the projected region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
Less Than Significant Impact. See III(b) above. No additional mitigation is required.

***d.* Would the project expose sensitive receptors to substantial pollutant concentrations?**
Less Than Significant Impact with Mitigation Incorporation. The BAAQMD defines sensitive receptors as facilities where sensitive population groups (children, elderly, acutely and/or chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and medical clinics.

Non criteria pollutants such as Hazardous Air Pollutants (HAPs) or Toxic Air Contaminants (TACs) are also regulated by the BAAQMD. BAAQMD Regulation 2, Permits Rule 5 (New Source Review of Toxic Air Contaminants) requires evaluation of potential health risks for any new or modified source of TACs. The BAAQMD must deny any project that exceeds established risk limits for cancer, chronic hazards, and acute hazards. As the project would not directly result in the emission of HAPs or TACs, and as new potential sources of these pollutants and contaminants are regulated by the BAAQMD, the impact will be less than significant.

In April 2005, the California Environmental Protection Agency (EPA) and the California Air Resources Board (ARB) published the document "Air Quality and Land Use Handbook: A Community Health Perspective." The informational guide provides recommendations for evaluating potential health effects of siting sensitive land uses near high traffic freeways and urban roads. Specifically, the handbook recommends siting new sensitive land uses a minimum of 500 feet of freeways and urban roads with more than 100,000 vehicles per day.

The General Plan Land Use Map identifies properties that are designated for residential land use and are located nearby freeways and urban roads. Because residential uses are currently permitted on these sites and the project relies on existing land use designations and zoning districts, the project would not directly result in siting sensitive land uses near high traffic freeways or urban roads inconsistent with the EPA/ARB handbook. However, the project facilitates and encourages increased residential development, including housing for seniors, families with children, and other sensitive receptors throughout the City. A potentially significant impact would occur if housing for sensitive receptors is located within 500 feet of freeways and urban roads with more than 100,000 vehicles per day. The only roadway within the City of Hayward with existing or projected traffic in excess of 100,000 vehicles per day is I-880.

MITIGATION MEASURE 1: Review proposed residential projects adjacent to high traffic routes for consistency with the recommendations of the EPA/ARB Air Quality and Land Use Handbook. Portions of properties located within 500 feet of the I-880 right-of-way shall not be used by residents or members of the public for housing or active recreation use.

Implementation of the above mitigation measure will ensure that impacts related to the exposing sensitive receptors to substantial pollutant loads are reduced to a less than significant level.

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

No Impact. Objectionable odors may be associated with a variety of pollutants. Common sources of odors include wastewater treatment plants, landfills, composting facilities, refineries and chemical plants. The 2009-2014 Housing Element has been prepared in accordance with State law to encourage and facilitate the development of housing for economic segments of the community. Residential land uses are not considered sources of objectionable odors. BAAQMD Regulation 1, Rule 1 Section 301 and Regulation 7 will ensure that no public nuisance emission, including objectionable odors, would result from future residential development. No mitigation is required.

IV. BIOLOGICAL RESOURCES

***a.* Would the project have a substantial adverse affect, 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 game or U.S. Fish and Wildlife Service?**

Less Than Significant Impact. Habitat which supports candidate, sensitive, or special status species have been identified in the City, along the Bay shoreline and in the Hayward Hills and East Hills Annex. Future residential development in the City could result in the reduction of habitat and direct removal of candidate, sensitive, or special status plant and/or animal species, including mammals, birds, amphibians, fish, insects and invertebrates, which have previously been unidentified at land and/or water areas.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential direct and indirect impacts to candidate, sensitive, or special status species, including impacts from residential densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring project-specific field surveys (Mitigation Measures 11.1). Development of undisturbed portions of public and private project sites is subject to sensitivity analyses, field surveys and mitigation (as required). No additional mitigation is required.

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

Less Than Significant Impact. Several creeks pass through Hayward. The urban portions of these creeks have been channelized, and adjacent portions are upstream and outside of the urban area. These creeks may still provide riparian habitat values which could be adversely affected by development in the vicinity if it interfered with the movement of wildlife species or the introduction of predatory species. Future residential development may occur adjacent to creeks which provide riparian habitat values. Development of such sites may have the potential to damage sensitive riparian habitat areas.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential direct and indirect impacts to riparian habitat, including impacts from residential densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring site-specific evaluation/setback requirements (Mitigation Measure11.2). Where development is proposed adjacent to natural channel creeks, the potential effects of the development on riparian habitat is evaluated as part of the permitting process to determine the potential site-specific impacts associated with such development. All such development is required to comply with the City's setback provisions, and to enter into a Streambed Alteration Agreement with the California Department of Fish and Game (if required). No additional mitigation is required.

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

Less Than Significant Impact. Several areas of the City include undeveloped land that could support the necessary soils, plants, and hydrologic conditions to qualify as wetlands, including open channels, shoreline areas, and minor drainages in the hills. Future residential development may have an adverse effect on wetland areas, as noted above for habitat and riparian areas.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential direct and indirect wetland impacts, including impacts from residential densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring project-specific field surveys and site-specific evaluation/setback requirements as described in issue IV(a) and IV(b) above (Mitigation Measure 11.3). No additional mitigation is required.

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

Less Than Significant Impact. No native plant nursery sites have been identified within or near the City, so no such areas would be adversely affected by development

under the General Plan, including the 2009-2014 Housing Element. Wildlife movement can occur through the undeveloped portions of the hills and along creek channels. These corridors would not be substantially altered by future residential development in the urbanized portion of the City because they are already affected by a similar level of development adjacent to and crossing the creeks, which are enclosed in concrete channels. However, development along the shoreline and in the hills could affect relatively undisturbed areas that could serve as movement corridors for protected species.

This issue was analyzed in the City's 2002 General Plan Update EIR. Although the EIR did not identify specific mitigation measures related to this environmental issue area, potential direct and indirect impacts, including impacts from residential densities assumed in the 2009-2014 Housing Element, have been reduced to a less than significant level by requiring future development to comply with mitigation measures identified for issues IV(a), IV(b), and IV(c) above (Mitigation Measures 11.1, 11.2, and 11.3). Impacts are also reduced through compliance with open space preservation and natural resource protection policies and strategies identified in the Conservation and Environmental Protection Element of the General Plan, including strategies to strengthen open space linkages and maintain environmental corridors (e.g., see Policies and Strategies 2-6 and 4-5). No additional mitigation is required.

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

Less Than Significant Impact. The City's General Plan and Municipal Code includes numerous policies and ordinances that are intended to either directly or indirectly protect biological resources, including a Tree Preservation Ordinance (see Chapter 10, Article 15 of the Municipal Code).

The 2009-2014 Housing Element is a policy-level document that is consistent with existing General Plan land use designations and densities. Although the proposed project is intended to encourage and facilitate the development of housing through the planning period, specific future projects are subject to General Plan regulations, performance standards and permitting processes of the Zoning Ordinance, including conformity with the City's Tree Preservation Ordinance. No mitigation is required.

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

No Impact. There is not an adopted or proposed local, regional or state habitat conservation plan that covers land within the City of Hayward. No mitigation is required.

V. CULTURAL RESOURCES

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

Less Than Significant Impact. A number of significant or potentially significant historic properties and landmarks are located in Hayward. Future residential development could result in the alteration of historical resources which have not yet been surveyed or formally protected.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts to historical resources, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by implementing development review policies and strategies related to historic resource protection outlined in the Community Facilities and Amenities Element of the General Plan (e.g., see Policy and Strategy 7-7) and requiring conformity to the Historic Preservation Ordinance (see Chapter 10, Article 11 of the Municipal Code). (Mitigation Measure 14.1) No additional mitigation is required.

b. **Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

Less Than Significant Impact. Hayward has a rich history and several archaeologically sensitive areas have been identified within the City. Although these areas may be recorded and addressed by responsible parties as part of project planning and implementation, there remains the possibility that other resources may exist that have not yet been recorded. Future residential development may uncover and damage archaeological resources if not properly recovered or preserved.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts to archaeological resources, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring the cessation of grading operations upon discovery of archaeological resources pending evaluation of the find by a qualified archaeologist and appropriate site-specific mitigation to protect, preserve, remove or restore the artifacts uncovered is implemented (Mitigation Measure 14.2). No additional mitigation is required.

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

Less Than Significant Impact with Mitigation Incorporation. Documented fossil locations were recorded in the vicinity of Hayward as part of an Application for Certification (AFC) for a proposed electrical peaker plant in Hayward that was denied by the California Energy Commission (CEC) in 2008.[1] Areas where fossils have been previously found are considered to have high paleontological resource sensitivity. Disturbance of soils with high paleontological resource sensitivity could have a

1 Eastshore Energy Center, Application For Certification (06-AFC-6).

potentially significant impact on fossil resources. It is generally accepted that the potential of encountering sediments of high paleontological sensitivity is likely when excavations reach undisturbed soils located within six feet of the current surface.

MITIGATION MEASURE 2: In the event that any paleontological resources are uncovered during future construction activity associated with future residential development, there should be no further excavation or disturbance of the site or any nearby area until the find has been evaluated by a qualified paleontologist, and appropriate site-specific mitigation has been identified to protect, preserve, remove or restore the fossil resources uncovered.

Implementation of the above mitigation measure will ensure that impacts to paleontological resources are reduced to a less than significant level.

d. **Would the project disturb any human remains, including those interred outside of formal cemeteries?**

Less Than Significant Impact. Future residential development would not result in the disturbance of any known human remains. However, it is possible that during construction-related excavation activity, human remains, most likely from the pre-American settlement era, could be uncovered.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts to human remains, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring the cessation of grading operations upon discovery of remains pending evaluation by the County Coroner (Mitigation Measure 14.3). If the remains are determined to be of Native American origin, construction must not proceed until the descendants from the deceased Native American(s) have made a recommendation for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. No additional mitigation is required.

VI. GEOLOGY AND SOILS

a. Would the project 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?

Less Than Significant Impact. The active Hayward Fault shows evidence of creep and has a high potential for rupture. The fault is the principal seismogenic source in the eastern San Francisco Bay area. The ground surface along fault traces can be gradually offset (at a rate of one-half inch or so per year) due to creep along the fault, and can be suddenly offset (horizontally and/or vertically) up to several feet

due to a major earthquake, which will damage roads and buildings and can break pipes or other underground utilities.. Considerable geological and geotechnical work has been conducted along the Hayward fault throughout Hayward over the past several decades, leading to more accurate plotting of the location of the main fault trace and knowledge of its characteristics, as well as information associated with additional active traces of the Hayward fault.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to rupture of a known earthquake fault, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring projects to comply with applicable regulations for development within the Alquist-Priolo (Earthquake Fault Hazard) Special Study Zone (Mitigation Measure 9.1). Projects proposed in areas with known potential for fault rupture must be studied (usually by excavating a trench perpendicular to the suspected fault line) to determine the presence or absence of a fault trace. Habitable structures must be located a sufficient distance (usually 50 feet) from the trace to avoid direct impacts of surface fault rupture. No additional mitigation is required.

ii. Strong seismic ground shaking?

Less Than Significant Impact. Strong and very strong ground shaking could occur within the City during the 2009-2014 housing planning period in the event of a major earthquake on the regional fault system, including the Hayward Fault. Such ground shaking is expected to cause severe damage to (or collapse of) buildings or other structures, and may result in significant economic loss and/or endanger the health and welfare of persons within the City.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to strong seismic ground shaking, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring earthquake-resistant design in accordance with the latest editions of applicable building codes (Mitigation Measure 9.2). No additional mitigation is required.

iii. Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. Seismically-induced ground failures, which are secondary seismic effects related to soil, bedrock and groundwater conditions, could occur near buildings or other facilities, resulting in injury to persons and significant economic loss due to structural damage as a result of differential settlement, liquefaction, landslides, slumping, and subsidence.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to seismic-related ground failure, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring site-specific geotechnical investigations for developments proposed in areas suspected of having high or

very high potential for seismically-induced ground failure (Mitigation Measure 9.3). Common project-level measures for mitigating these hazards include over-excavation and recompaction of foundation soils, densification of site soils, or providing a mat or other type of reinforced foundation, and avoiding landslide-prone areas and areas with other severe constraints. No additional mitigation is required.

iv. **Landslides?**

Less Than Significant Impact. Landslides may occur in areas where slope gradients exceed 50 percent, or where grading associated with development will produce steep cut or fill slopes and/or undermine adjacent hillsides. Slopes between 30 percent gradient and 50 percent gradient underlain by cohesionless soils (sand) may experience differential settlement or downslope creep. Residential development may occur, consistent with the General Plan and 2009-2014 Housing Element, in areas subject to landslides.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential landslide impacts, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring site-specific geotechnical investigations and implementation of mitigating recommendations (Mitigation Measure 9.5). Because of the potential for landsliding or soil creep on steep slopes, a geologic evaluation by a registered geologist is required for any development planned within 200 feet of areas greater than 50 percent slope as shown on USGS topographic maps. Structures situated on slopes greater than 30 percent gradient should incorporate geotechnical recommendations regarding foundations, retaining walls, and grading limitations derived from a site-specific geotechnical investigation. No additional mitigation is required.

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

Less Than Significant Impact. The development of relatively undisturbed portions of the City and the development of hillside urban areas would remove vegetation and disrupt the soil surface horizon in areas where soils may be susceptible to wind and water erosion. Sediment blown from exposed soils could damage other structures and vegetation, and would be a nuisance or hazard if it accumulates in adjacent areas and storm drainage systems. Removal of soils by wind or water can also undermine buildings, roads, and other development, resulting in significant economic loss.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to soil erosion or loss of topsoil, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by implementing erosion control measures and Best Management Practices as required by the City's Chapter 10, Article 8 of the Municipal Code (Mitigation Measure 9.6). During construction, efforts should be made to keep the disturbance of existing vegetation to a minimum. This can be accomplished primarily by keeping construction machinery off of established

vegetation as much as possible, especially on the upwind side of the construction site. Specific access routes should be established at the planning phase of the projects, and limits of grading established prior to development should be strictly observed. In addition, mechanical measures, such as silt fences and straw bales, should be used to reduce soil movement. No additional mitigation is required.

c. **Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Less Than Significant Impact. See responses to VI(a) and VI(b) above as well as VI(d) below. No additional mitigation is required.

d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Less Than Significant Impact. The City includes a broad variety of soils types, some of which are highly susceptible to expansion, which may shrink or swell as a result of seasonal or human-made soil moisture content changes. Residential structures and other improvements and utilities permitted in areas subject to expansive soil limitations could be damaged.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to expansive soil limitations, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring soil compaction and amendment of clayey materials with expansion potential on a project-specific basis (Mitigation Measure 9.4). Highly expansive soils under new buildings and utilities should be removed or amended, and compacted to provide a stable foundation. Surface water should be drained away from the building to minimize the potential for shrink-swell action. To ensure uniform characteristics in areas of low strength soils, and to obviate any potential for differential settlements, site preparation (consisting of over excavation and re-compaction of the near-surface soils) may be required prior to placement of new fills, pavements, slabs, and structures, subject to review during grading. No additional mitigation is required.

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

No Impact. All properties identified in the 2009-2014 Housing Element sites inventory are served by municipal sewers. No mitigation is required.

VII. GREENHOUSE GAS EMISSIONS

a. **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Less Than Significant Impact with Mitigation Incorporation. Greenhouse Gas (GHG) emissions associated with the projected residential development in Hayward have

been calculated using methodologies recommended by the California Air Pollution Control Officer's Association [CAPCOA] (January 2008) *CEQA and Climate Change* white paper and the California Climate Action Registry General Reporting Protocol (March 2007). A more specific description of the methodology is contained in the Appendix to the GHG emissions technical memorandum prepared for the project. The analysis focuses on CO2, N2O, and CH4 as these are those GHG emissions that the project would emit in the largest quantities as compared to other GHGs (such as chlorofluorocarbons [CFCs]).

Annual Building Emissions

Annual electricity emissions were calculated using the California Climate Action Registry General Reporting Protocol, which has developed emission factors based on the mix of fossil-fueled generation plants, hydroelectric power generation, nuclear power generation, and alternative energy sources associated with the regional grid. CO_2emission estimates also take into account emissions from other operational sources such as natural gas use for space heating. Operational indirect and stationary direct emissions are estimated at 21,053 metric tons per year in CO_2equivalency units.

The generation of electricity through combustion of fossil fuels typically yields CO_2, and to a smaller extent, N_2O and CH_4. As discussed above, annual electricity emissions can be calculated using the California Climate Action Registry General Reporting Protocol, which has developed emission factors based on the mix of fossil-fueled generation plants, hydroelectric power generation, nuclear power generation, and alternative energy sources associated with the regional grid. CO_2 emission estimates based on the URBEMIS model also take into account emissions from other operational sources such as natural gas use for space heating.

Annual Transportation Emissions

Mobile source GHG emissions were estimated based on total vehicle miles traveled (VMT) associated with projected residences. Daily VMT resulting from the proposed project is estimated at 265,672 daily miles. Based on this VMT estimate, annual transportation emissions are estimated at 55,135 metric tons in CO_2equivalency units.

Combined Annual Building and Mobile Source Emissions

Combined annual building/landscape maintenance and mobile GHG emissions associated with the potential residential units in Hayward total 76,188 metric tons per year in CO_2equivalency units. This total represents roughly 0.015 percent of California's total 2004 emissions of 492 million metric tons and approximately 6.4 percent of Hayward's total 2005 emissions of 1.18 million metric tons. These emission projections indicate that about 28% of the project GHG emissions are associated with electricity and natural gas usage, while the other 72% are associated with vehicular travel. Please note that, as discussed further in the *Methodology* in the Appendix to the GHG emissions technical memorandum prepared for this project, the

mobile emissions are in part a redirection of existing travel to other locations, and so already a part of California's GHG inventory.

The City's Climate Action Plan (CAP), adopted in 2009, includes goals for reducing emissions by 12.5 percent below 2005 levels by 2020 and by 82.5 percent below 2005 levels by 2050. The CAP also includes many actions recommended for implementation to achieve those long term goals.

MITIGATION MEASURE 3: Continue to implement the City's CAP to reduce GHG emissions. Specifically, implement Strategies 1 (Reduce Vehicle Miles Traveled) and 4 (Improve Energy Performance of New Buildings).

Implementation of the above mitigation measure will ensure that impacts related to the generation of greenhouse gas emissions are minimized and reduced to a less than significant level.

b. **Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Less than Significant Impact. The California Climate Action Team (CAT) and the California Air Resources Board (ARB) have developed programs and measures to achieve the GHG reduction targets under AB 32 and Executive Order S-3-05. These include the CAT's 2006 "Report to Governor Schwarzenegger and the Legislature," ARB's "Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California, " and ARB's "Climate Change Proposed Scoping Plan: a framework for change." The reports identify strategies to reduce California's emissions to the levels proposed in Executive Order S-3-05 and AB 32. The following analysis includes a discussion of the extent to which the 2009-2014 Housing Element complies with applicable strategies to help California reach the GHG emission reduction targets.

Vehicle Climate Change Standards: AB 1493 (Pavley) required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by the ARB in September 2004. The vehicles from the Project will be in compliance with any vehicle standards that the ARB adopts.

Building Energy Efficiency Standards in Place and in Progress: Public Resources Code 25402 authorizes the Energy Commission to adopt and periodically update its building energy efficiency standards (that apply to newly constructed buildings and additions to and alterations to existing buildings). Future residential buildings will be required to comply with the updated Title 24 standards for building construction including exterior lighting requirements. New residential construction would also be subject to the Hayward Green Building Ordinance. The Green Building Ordinance applies to new residential construction, additions or remodels over 500 square feet. New construction is required to demonstrate that buildings are "GreenPoint Rated" prior to Certificate of Occupancy issuance. "GreenPoint Rated" is a third party rating system for homes based

on a set of green building measures incorporated from Build It Green's Green Building Guidelines and used to evaluate a home's environmental performance. Additions or remodels are required to submit with their permit application the GreenPoint Rated Existing Homes Checklist and indicate on the plans and checklist if any GreenPoint Rated items have been incorporated into the project.

Energy Efficiency: Maximize energy efficiency building and appliance standards, and pursue additional efficiency efforts. Reductions could be achieved through enhancements to existing programs such as increased incentives and even more stringent building codes and appliance efficiency standards. Green buildings offer a comprehensive approach to reducing greenhouse gas emissions that cross-cut multiple sectors including Energy, Water, Waste, and Transportation. As described above, future residential buildings will be required to comply with the updated Title 24 standards for building construction including exterior lighting requirements. New residential construction would also be subject to the Hayward Green Building Ordinance. The Green Building Ordinance applies to new residential construction, additions or remodels over 500 square feet. New construction is required to demonstrate that buildings are "GreenPoint Rated" prior to Certificate of Occupancy issuance. "GreenPoint Rated" is a third party rating system for homes based on a set of green building measures incorporated from Build It Green's Green Building Guidelines and used to evaluate a home's environmental performance. Additions or remodels are required to submit with their permit application the GreenPoint Rated Existing Homes Checklist and indicate on the plans and checklist if any GreenPoint Rated items have been incorporated into the project.

Appliance Energy Efficiency Standards in Place and in Progress: Public Resources Code 25402 authorizes the Energy Commission to adopt and periodically update its appliance energy efficiency standards (that apply to devices and equipment using energy that are sold or offered for sale in California). Appliances that are purchased for future individual dwellings will be consistent with existing energy efficiency standards and will include energy efficient heating and cooling systems, appliances and equipment, and control systems.

Measures to Improve Transportation Energy Efficiency: Builds on current efforts to provide a framework for expanded and new initiatives including incentives, tools, and information that advance cleaner transportation and reduce climate change emissions. The 2009-2014 Housing Element promotes development of affordable housing, especially housing that promotes the City's goals relating to transit-oriented development and jobs/housing balance (see Program 13).

Smart Land Use and Intelligent Transportation Systems (ITS): Smart land use strategies encourage jobs/housing proximity, promote transit-oriented development, and encourage high-density residential/commercial development along transit corridors. ITS is the application of advanced technology systems and management strategies to improve operational efficiency of transportation systems and movement of people, goods and services. As described above, the 2009-2014 Housing Element promotes development of affordable housing, especially housing that promotes the City's goals relating to transit-oriented development and jobs/housing balance (see Program 13).

Water Use Efficiency: Approximately 19% of all electricity, 30% of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce greenhouse gas emissions. Future residential developments will be required to incorporate water- conservation measures, including water efficient fixtures and appliances, water-efficient landscaping and design, the use of water efficient irrigation systems and devices, and will employ water conservation measures required by the City of Hayward Water Efficient Landscape Ordinance.

Waste reduction and recycling: Reduce amount of waste generated by projects and increase recycling of products. Future residential development facilitated by the proposed project would be required to comply with all applicable standards and regulations related to solid waste, including local regulations requiring recycling/deconstruction of existing buildings and materials, including Chapter 5, Articles 1 and 10 of the Municipal Code.

Based on the foregoing analysis, the 2009-2014 Housing Element would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Furthermore, the project would not have a cumulatively considerable contribution to the significant cumulative impact of global warming because the 2009-2014 Housing Element does not conflict with or obstruct the implementation of GHG reduction strategies under AB 32 or other state or local regulations.

VIII. HAZARDS AND HAZARDOUS MATERIALS

a. **Would the project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**

Less Than Significant Impact. Implementation of the 2009-2014 Housing Element is not expected to result in the creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the transportation, release or emission of hazardous materials, substances, or waste. Residential development anticipated in the City would be similar to that already anticipated under the planning framework currently in force. As individual projects are proposed, site-specific review would be required if such projects entail the routine production, use, storage, transportation or disposal of hazardous materials, and these projects would be required to comply with all existing regulations related to hazardous materials. Any increase in the relative level of hazard associated with the possible accidental release of hazardous substances could be expected to be reduced to a level of less than significant through such compliance. No mitigation is required.

b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact. See response to VIII(a) above. No mitigation is required.

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

Less Than Significant Impact. See response to VIII(a) above. No mitigation is required.

***d.* Would the project 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?**

Less Than Significant Impact. The introduction of new or more intensive residential uses near existing commercial activities could expose future residents to hazardous materials that are in storage, use, or disposal. The location of new residential development facilitated by the 2009-2014 Housing Element would be guided by existing General Plan land use designations. The intensification of residential uses is not expected to be significant in itself, since the land is already zoned for such development, but the adjacency of the development to on-going commercial activity has the potential to expose the public to hazards.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to the proximity of residential uses to potential hazardous materials sites, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by code enforcement and the use permit review process (Mitigation Measure 13.1). The City should review sites listed pursuant to Government Code section 65962.5 for proper use permits and other regulatory compliance, and undertake code enforcement as necessary to ensure the safety of existing and new development. New residential and similar development, regardless of General Plan land use designations, should be scrutinized for possible exposure to hazardous materials, and should be sited and designed accordingly. No additional mitigation is required.

***e.* For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

Less Than Significant Impact. Portions of the City fall within Influence Areas (AIA) of the Oakland International Airport and the Hayward Executive Airport; however, residential areas of the City are only affected by the Hayward Executive Airport AIA. In accordance with Section 21674(b) of the California Public Utilities Code, the Alameda County Airport Land Use Commission (ALUC) has the authority "to coordinate planning at the state, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the

public health, safety, and welfare"; to prepare and adopt airport land use plans; and to review and make recommendations concerning specified plans, regulations and other actions of local agencies and airport operators. As such, the Alameda County ALUC implements an Airport Land Use Policy Plan (ALUPP) for the Oakland International Airport and the Hayward Executive Airport.

State ALUC law requires local general plans to be consistent with the ALUPP. In the event that the ALUPP is amended, the law requires the local public agency to amend its general or specific plan within 180 days to be consistent with the revised ALUPP. In the event that the local public agency does not concur with a provision of the ALUPP, the public agency may override the ALUC by a two-thirds vote after first holding a public hearing and making findings that the general plan of the local jurisdiction is consistent with the intent of Section 21676(b) of the Public Utilities Code (Government Code Section 65302.2).

The Alameda County ALUC reviewed the City of Hayward Draft 2009-2014 Housing Element and found that the project is consistent with the ALUPP (see letter dated March 4, 2010). Future discretionary actions related to development that is proposed within either AIA are also subject to review by the ALUC for a determination of consistency with the ALUPP. Compliance with State ALUC law will ensure that impacts related to this issue are less than significant. No mitigation is required.

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?**

No Impact. No private airstrips are located within the City and future residential development is not proposed in the vicinity of a private airstrip located outside of the City. No mitigation is required.

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

Less Than Significant Impact. In general, the City's fire prevention and emergency response capacities are adequate to meet existing needs. The Fire Department is also a member of mutual aid plans with the local cities, County, and State to provide additional services for large emergency events that tax the capabilities of any one jurisdiction. The Fire Department is also responsible for emergency preparedness, to respond to all types of major events, including floods, earthquakes, or hazardous material spills. The Public Utilities and Services Element of the General Plan includes a number of Emergency Response and Preparedness Policies and Strategies. The 2009-2014 Housing Element is consist with and future residential development will be subject to review for consistency these policies and strategies. No mitigation is required.

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

Less Than Significant Impact. Property with developed or planned residential uses abuts the wildland-urban interface (WUI), primarily in the hill areas in the east and southeast portions of Hayward. The Public Utilities and Services Element of the General Plan includes a number of Emergency Response and Preparedness Policies and Strategies designed to minimize urban wildfire hazards in the hill area. Future residential development facilitated by the 2009-2014 Housing Element would be subject to existing land use regulations and ordinances related to development in the WUI. For example, Policy/Strategy 2-1 requires implementation of WUI guidelines during the planning and design of development in high fire hazard areas. Consistent with this Policy/Strategy, development within the WUI is regulated by the City's Wildland Interface Guidelines. No mitigation is required.

IX. HYDROLOGY AND WATER QUALITY

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

Less Than Significant Impact. Construction activity related to anticipated residential development in the City could be expected to have short-term, temporary adverse effects on local water quality, such as from erosion and siltation, illicit disposal of debris, and wash water from construction vehicles and equipment.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to soil erosion or loss of topsoil, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring project-specific erosion control plans, imposing grading limitations, and implementation of water quality Best Management Practices during construction (Mitigation Measure 10.1).

Detailed plans for erosion and sediment control during and after construction must be approved by the City prior to the issuance of a grading permit. Plans must show that all erosion control will be in place before construction begins. Grading activity is restricted during the winter rain period between October 30th and April 15th. Development in the City according to the General Plan, including the 2009-2014 Housing Element, would not be expected to have any effect on compliance with applicable waste discharge requirements. Compliance with all existing waste discharge regulations would continue to be required, and no violations of any such requirements would be anticipated. No additional mitigation is required.

b. **Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the**

production rate of pre-existing nearby wells would drop to a level which not support existing land uses or planned uses for which permits have been granted)?

Less Than Significant Impact. Hayward's potable water supply is provided by municipal water districts that do not use the local groundwater resources. The City of Hayward Water Department and the East Bay Municipal Utility District obtain water from Sierra snowmelt and river runoff that is not tied to the local groundwater resources. The Alameda County Flood Control and Water Conservation District is responsible for managing the surface and groundwater resources of the City. Future residential development anticipated under the General Plan, including the 2009-2014 Housing Element, could increase the total area of impervious surfaces within the City, which could interfere with groundwater recharge to some extent. This issue was analyzed in the City's 2002 General Plan Update EIR and found that impacts related to this issue would be less than significant because future development in accordance with the plan would not result in substantial interference with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table. No mitigation is required.

c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Less Than Significant Impact. The City's 2002 General Plan Update EIR noted that the existing storm drainage system is lacking improvements in various sections; however, no major realignment of creeks was anticipated due to the highly urbanized setting of the City.

Although most of the City is highly urbanized, and most new development, including residential development that would be facilitated by the 2009-2014, would occur as rehabilitation or replacement of existing development with little change in impervious surfaces or drainage patterns, local changes to runoff patterns could occur if large areas are assembled for development or due to local site developments. The City's 2002 General Plan Update EIR identified this as a potentially significant impact.

Drainage impacts with substantial erosion or siltation potential have been mitigated by requiring project-specific stormwater evaluations and remediation (Mitigation Measure 10.2). Major development projects are required to provide a storm drainage report to determine adequacy of drainage systems to accept the increased runoff. Appropriate site-specific mitigation measures may be required if existing systems are inadequate. Projects must also identify and implement appropriate BMPs to effectively prohibit the discharge of pollutants with storm water run-off. No additional mitigation is required.

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

Less Than Significant Impact. See IX(a) to (c). No additional mitigation required.

e. Would the project 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?

Less Than Significant Impact. See IX(a) to (c). No additional mitigation required.

f. Would the project otherwise substantially degrade water quality?

Less Than Significant Impact. See IX(a). No additional mitigation required.

***g.* Would the project 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?**

Less Than Significant Impact. The City generally is well served by flood control facilities of the Alameda County Flood Control and Water Conservation District. In most cases, the 100-year flood is contained in the creek channels and culverts that make up the major storm drainage system. However, an update by the Federal Emergency Management Agency published in February 2000 shows that areas near the confluence of waters from Alameda Creek, Ward Creek and Line D are potentially subject to flooding.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to placement of housing within a 100-year flood hazard area, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring all new development in the areas presently mapped as potentially subject to flooding in the 100-year event to provide evidence of sufficient flood control protection and compliance with applicable regulations of the Alameda County Flood Control District and FEMA (Mitigation Measure 10.3). No additional mitigation is required.

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

Less Than Significant Impact. See IX(g) above. Alameda County Flood Control District and FEMA regulations would ensure that structures proposed within the 100-year flood hazard area do not impede or redirect flood flows. No additional mitigation is required.

***i.* Would the project 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?**

Less Than Significant Impact. Limited portions of the City fall within areas identified on ABAG's Dam Failure Inundation Hazard Map (see http://www.abag.ca.gov/cgi-bin/pickdamx.pl). Much of this area is designated for non-residential use. Reservoir dam safety is governed by the California Water Code and dams are regulated by the California Department of Water Resources, Division of Safety of Dams. Division of Safety of Dams inspects sites, reviews preliminary plans, and comments on proposals for proposed dams and reservoirs. As the 2009-2014 Housing Element is consistent

with current General Plan land use designations, would not directly locate housing in a dam inundation hazard area, and dam safety is regulated by the State of California, the project would not expose people or structures to significant risk as a result of failure of a levee or dam.

j. **Would the project expose people or structures to inundation by seiche, tsunami, or mudflow?**

Less Than Significant Impact. Hayward is not located within a tsunami hazard area as mapped by ABAG. The mapped tsunami hazard areas were determined by modeling of potential earthquake sources and hypothetical extreme undersea, near-shore landslide sources
(see http://www.abag.ca.gov/bayarea/eqmaps/tsunami/tsunami.html). Active faults within the San Francisco Bay Area have largely horizontal movement and are not expected to generate significant water waves (seiche) in the San Francisco Bay. Given the elevation and distance of the most of the City's land area from the bay's edge, the potential for flooding of residential properties from a seiche would be negligible. Although low density residential development may occur within sloped areas or near areas potentially subject to mudflows, the City does not have a history of mudflows and therefore potential for impacts are minimal. No mitigation is required.

X. LAND USE AND PLANNING

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

Less Than Significant Impact. The proposed project includes policies and programs intended to facilitate and encourage residential development within the City of Hayward. Large scale residential projects that involve major changes to circulation patterns for pedestrians and vehicles could have potential to physically divide an established community.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to the potential effects of residential development on an established community, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by subjecting large scale projects that require major changes to circulation patterns to public review and input (Mitigation Measure 4.3). Particular attention should be paid to effects on the established community from projects that require intersection realignment, a new street, and other features that could or substantially alter existing paths of travel. In addition, project-level environmental review may be required. The City should include appropriate conditions of approval to address the identified impacts of individual projects. No additional mitigation is required.

b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the

general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. Adoption and implementation of the 2009-2014 Housing Element of the General Plan would by definition be consistent with adopted City plans, as it is part of the overall "constitution" for development in the City.

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

No Impact. No adopted or proposed local, regional or state habitat conservation plan that covers land within the City of Hayward. No mitigation is required.

XI. MINERAL REOSURCES

a. **Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

Less Than Significant Impact. Effects on Mineral Resources were analyzed in the 2002 General Plan Update EIR and impacts were determined to be less than significant. No significant aggregate or mineral resources are located in the City. No mitigation is required.

b. **Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

Less Than Significant Impact. Effects on Mineral Resources were analyzed in the 2002 General Plan Update EIR and impacts were determined to be less than significant. No significant aggregate or mineral resources are located in the City. No mitigation is required.

XII. NOISE

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

Less Than Significant Impact with Mitigation Incorporation. Residential development facilitated by the project could produce construction-related noise and increase the ambient noise level in the community.

<u>Construction Noise</u>

Residential construction activities could result in a temporary increase in existing noise levels that would be noticeable and significant, and could exceed established noise level standards. Construction noise of 75 to 90 decibels would interfere with residential and commercial activities in the area, but construction is also recognized as being necessary to the improvement of the area.

The City should require reasonable construction practices for public and private projects that could affect sensitive receptors, including limiting construction hours to avoid early morning and evening activity, muffling and properly maintaining construction equipment used at project sites, limiting the amount of time equipment is allowed to stand idle with the engine running, and shielding construction activity and equipment to the extent practicable.

Ambient Noise

The increase in housing supply that is anticipated with implementation of the General Plan, including the 2009-2014 Housing Element, can be expected to result in a slight increase in the ambient noise level within the City. These changes would be in keeping with the overall General Plan land use designations and policies for the area, which include consideration of noise compatibility in project siting, design, construction and operations. The City's 2002 General Plan Update EIR determined that effective implementation of the Land Use Compatibility Guidelines and Development Review Guidelines would ensure impacts are less than significant. Future residential development projects would be reviewed for consistency with the General Plan Noise Element and substantial conformance with Chapter 4, Article 1 of the Municipal Code. No mitigation is required.

MITIGATION MEASURE 4: Prior to or during construction, the following mitigation measures shall be implemented:

- Noise-generating construction activities shall be limited to between the hours of 7 a.m. to 7 p.m., Monday through Saturday, and between the hours of 10:00 a.m. to 6 p.m. on Sundays and holidays, excluding activities that would pose a safety hazard to construction employees or the public. Noise-generating construction activities shall comply with City of Hayward Noise Ordinance requirements.
- Construction equipment and equipment staging areas shall be located at the furthest distance possible from adjacent land uses.
- Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- • When not in use, motorized construction equipment shall not be left idling

Implementation of the above mitigation measure will prohibit noise-generating activities from occurring during the more noise-sensitive periods of the day and would reduce short-term noise impacts to nearby residential land uses and will ensure that noise impacts are minimized and reduced to a less than significant level.

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

Less Than Significant Impact. Railroads, trucks, and buses are primary sources of ground vibration or noise in Hayward. Railroad vibration is generally localized, and can be significant in some instances, such as where bay mud and similar weak soils are present, or where inconsistent foundation is provided for the railroad such as near bridges and crossings. There are no known cases of excessive vibration, but it is possible that new or rehabilitated development could occur in areas near railroads that could be subject to groundborne vibration or noise. In addition, truck routes and bus routes are often subject to excessive vibration due to the heavy vehicles traveling over rough pavement or poorly filled trenches.

Residential development may occur in areas subject to groundborne vibration or noise. This issue was analyzed in the City's 2002 General Plan Update EIR. Ground vibration or noise impacts, including impacts from construction consistent with land uses and densities assumed in the 2009-2014 Housing Element, are mitigated by requiring engineered foundations and road improvements (Mitigation Measure 7.6). New residential development near railroad rights of way where vibration is suspected to be a problem is evaluated for potential vibration impacts and designed according to engineering recommendations to reduce the vibration. No additional mitigation is required.

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

Less Than Significant Impact. See XII(a). No mitigation is required.

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

Less Than Significant Impact. See XII(a). No mitigation is required.

e. **For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

Less Than Significant Impact. Portions of the City fall within Influence Areas (AIA) of the Oakland International Airport and the Hayward Executive Airport; however, residential areas of the City are only affected by the Hayward Executive Airport AIA. In accordance with Section 21674(b) of the California Public Utilities Code, the Alameda County Airport Land Use Commission (ALUC) has the authority "to coordinate planning at the state, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare"; to prepare and adopt airport land use plans; and to review and make recommendations concerning specified plans, regulations and other actions of local agencies and airport operators. As such, the Alameda County ALUC

adopted and implements an Airport Land Use Policy Plan (ALUPP) for the Oakland International Airport and the Hayward Executive Airport.

State ALUC law requires local general plans to be consistent with the ALUPP. In the event that the ALUPP is amended, the law requires the local public agency to amend its general or specific plan within 180 days to be consistent with the revised ALUPP. In the event that the local public agency does not concur with a provision of the ALUPP, the public agency may override the ALUC by a two-thirds vote after first holding a public hearing and making findings that the general plan of the local jurisdiction is consistent with the intent of Section 21676(b) of the Public Utilities Code (Government Code Section 65302.2).

The Alameda County ALUC reviewed the City of Hayward Draft 2009-2014 Housing Element and found that the project is consistent with the ALUPP (see letter dated March 4, 2010). Future discretionary actions related to development that is proposed within either AIA are also subject to review by the ALUC for a determination of consistency with the ALUPP. Compliance with State ALUC law will ensure that impacts related to this issue are less than significant. No mitigation is required.

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?**

No Impact. No private airstrips are located within the City and future residential development is not proposed in the vicinity of a private airstrip located outside of the City. No mitigation is required.

XIII. POPULATION AND HOUSING

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

Less Than Significant Impact. Effects on Population and Housing were analyzed in the 2002 General Plan Update EIR and impacts were determined to be less than significant. The project is not physical in nature and will not directly induce substantial population growth in Hayward by proposing new homes or indirectly through extension of roads or other infrastructure; however, the project is intended to facilitate and encourage the production of housing in accordance with State law. The Association of Bay Area Governments (ABAG) prepared the Regional Housing Needs Assessment (RHNA) in 2008 which defined Hayward's "fair share" of the regional housing need. As a result of this process, ABAG has determined that the City's total construction need is 3,393 housing units for this planning period. The RHNA is not a mandate to construct housing units; however, the Housing Element must demonstrate adequate capacity to accommodate these housing units during the 2009-2014 planning period. The residential sites inventory contained in the Housing Element relies on existing General Plan land use designations and zoning districts, does not affect any parcel that is not already urbanized or designated for urbanization,

and meets the minimum mandatory requirements of State law. All of the residential sites are located within City limits and on land that is already served by the necessary infrastructure for residential development, or on land that can have the necessary infrastructure systems extended. For these reasons, adoption and implementation of the Housing Element would not be expected to induce substantial growth that would require significant new infrastructure. No mitigation is required.

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

No Impact. Effects on Population and Housing were analyzed in the 2002 General Plan Update EIR and impacts were determined to be less than significant. The 2009-2014 Housing Element is intended to facilitate and encourage redevelopment of specific sites, including some sites with existing commercial and lower density residential uses, with higher density residential uses. Therefore, the project has the potential to increase the supply of housing in Hayward. No net displacement of housing or people would occur. No mitigation is required.

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

No Impact. See Section XIII(b) above. No mitigation is required.

XIV. PUBLIC SERVICES

a. 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:

i. Fire Protection?

Less Than Significant Impact. New residential development could increase the risk of fire to future residents and visitors by adding new dwelling units within the area. The number of calls for service for medical emergencies would also increase, based on a higher resident population. The General Plan Public Utilities and Services Element includes Policies and Strategies related to the provision of adequate fire protection services for anticipated future development, including residential development at densities that were assumed in the 2009-2014 Housing Element. The environmental impacts related to the provision of these services were analyzed in the City's 2002 General Plan Update EIR and found to be less than significant. The City development review process includes referral to the Fire Department for review, and code compliance as established by State regulations and local ordinance. No mitigation is required.

ii. Police Protection?

Less Than Significant Impact. New residential development could result in an incremental increase in the number of calls for police protection service. The numbers of calls for service are assumed to increase, commensurate with the rate of population increase. The General Plan Public Utilities and Services Element includes Policies and Strategies related to the provision of adequate police protection services for anticipated future development, including residential development at densities that were assumed in the 2009-2014 Housing Element. The environmental impacts related to the provision of these services were analyzed in the City's 2002 General Plan Update EIR and found to be less than significant. New residential development would be subject to review by the Police Department, and the City's existing security ordinance provides guidance on safe design and construction practices. No mitigation is required.

iii. Schools?

Less Than Significant Impact. The project proposes additional residential units which may impact the schools in the vicinity. Developers of new residential units must comply with Government Code Section 65996, which requires that new developments may be assessed a fee by school districts to offset demands for service, with limits on the assessment set by State law. Payment of school fees has been "deemed to provide full and complete school facilities mitigation" per Government Code Section 65996(b). No additional mitigation is required.

iv. Parks?

Less Than Significant Impact. New development anticipated as part of the City's continued growth would result in an increased demand for parks, recreational facilities and open space in the City. This increase in demand could be met through the construction of new parks and recreational facilities (or the expansion of existing recreational facilities) which, depending on the characteristics of each proposed facility and site, could result in adverse physical effects on the environment.

This issue was analyzed in the City's 2002 General Plan Update EIR. Impacts to parks, recreational facilities and open space, including impacts resulting from densities assumed in the 2009-2014 Housing Element, are mitigated by requiring site-specific analysis and project-based development of park and recreation facilities as appropriate and in proportion to the level of impact (Mitigation Measures 12.2a and 12.2b). The Hayward Area Recreation and Park District (HARD) and the East Bay Regional Park District (EBRPD), should conduct appropriate planning and environmental studies for the acquisition, construction and operation of new parks and recreational facilities (or the expansion of existing recreational facilities) to meet an increased demand for such facilities, consistent with State law. Large development projects should be coordinated with HARD to determine if it is feasible to incorporate park and recreation facilities. Private land dedications may be credited against the standard impact fees, public park and recreation projects may be jointly funded by the City and HARD, or facilities may

be provided in other ways that meet the trail, parkland, and recreation facility needs of the City. No additional mitigation is required.

v. Other Public Facilities?

Less Than Significant Impact. Approval of future residential projects may impact long-term maintenance of roads, streetlights and other public facilities. In order to off-set this potential impact, future applicants are required to annex into the City Community Facilities District (CFD). The City's 2002 General Plan Update EIR also considered impacts of future residential development, including development consistent with densities assumed in the 2009-2014 Housing Element, on public library service. The EIR found that impacts would be less than significant with implementation of Public Utilities and Services Element policies and strategies related to continued provision of sufficient library services. No mitigation is required.

XV. 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?

Less Than Significant Impact. See XIV(a)(iv). No additional mitigation is required.

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?

Less Than Significant Impact. See XIV(a)(iv). No additional mitigation is required.

XVI. TRANSPORTATION/TRAFFIC

a. **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?**

Less Than Significant Impact. The Hayward General Plan Circulation Element establishes objectives and policies for the performance of the City's circulation system. Vehicular traffic in the City is expected to increase as a result of continued development allowed by the General Plan, which could result in traffic levels on some roadway segments or at some intersections which exceed level of service standards established by the City and the Alameda County Congestion Management Agency. Transportation/traffic impacts were analyzed in the City's 2002 General Plan Update EIR. Transportation/traffic impacts, including impacts from residential densities assumed in the 2009-2014 Housing Element, are mitigated implementation of comprehensive policies and strategies outlined in the Circulation Element to address regional and local traffic through a coordinated effort to provide roadway

improvements, transit service, encourage bicycling and walking, carpooling, traffic calming, and land use strategies to reduce private auto use (Mitigation Measure 6.1).

The EIR concluded that although implementation of these policies and strategies would reduce the City's contribution to traffic growth to a less than significant level, some roadways would likely continue to operate at less than acceptable levels due to physical constraints, funding limitations, and regional growth patterns. Therefore, the overall traffic impacts from implementation of General Plan land uses would remain significant and unavoidable. As the 2009-2014 Housing Element is a policy-level document that is consistent with the General Plan and relies upon land use densities of the General Plan, the project would not result in new or significantly greater impacts related to this issue. Therefore, no additional mitigation is required.

c. **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?**

Less Than Significant Impact. See XVI(a). The City coordinates with the Alameda County Congestion Management Agency whenever an amendment to the General Plan or a major development project is proposed that could significantly impact the road and transit system. When it is shown that there may be an adverse impact on the transportation system, mitigation is required. No additional mitigation is required.

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

Less Than Significant Impact. See VIII(e). The project is not anticipated to impact current air traffic patterns. Development projects with potential to obstruct navigable air space are subject to review by the FAA. Future discretionary actions related to development that is proposed within an Airport Influence Area (AIA) are subject to review by the Alameda County Airport Land Use Commission (ALUC) for a determination of consistency with the Airport Land Use Policy Plan (ALUPP). Compliance with State ALUC law will ensure that impacts related to this issue are less than significant. No mitigation is required.

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

Less Than Significant Impact. The Circulation Element of the General Plan and Chapter 7, Article 1 of the Municipal Code establishes standards for build out of the transportation network to accommodate land uses of the General Plan. As such, project-specific review of residential development facilitated by the 2009-2014 Housing Element for conformity with applicable regulations and ordinances would ensure impacts related to hazards associated with the introduction of a design feature or incompatible land use are less than significant. No mitigation is required.

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

Less Than Significant Impact. Review of applications for development is coordinated with the City of Hayward Fire Department to incorporate elements such as fire lanes, hammerhead turnarounds, and other features necessary to ensure adequate emergency access. No mitigation is required.

g. **Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?**

No Impact. The City's General Plan Circulation Element includes many Policies and Strategies that promote alternative transportation modes. The 2009-2014 Housing Element would facilitate implementation of these policies and strategies by encouraging the provision of affordable housing projects that promote the City's goals related to transit-oriented development and jobs/housing balance (see Program 13).

XVII. UTILITIES AND SERVICE SYSTEMS

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

Less Than Significant Impact. New residential development would increase demand for wastewater treatment in the City. The City's 2002 General Plan Update EIR analyzed impacts from implementation of planned residential development, including residential densities assumed in the 2009-2014 Housing Element, on wastewater treatment facilities. The EIR determined that build out of the General Plan would not require the construction of new wastewater treatment facilities, but it may lead to a need for expansion of existing wastewater collection and treatment facilities. Applicants for specific projects are required to provide on-site service connections and extensions to the wastewater collection system as needed, and would pay sewer connection fees and service fees. Planning, design and construction of new residential projects would be subject to applicable laws and regulations that would address site-specific environmental impacts that cannot be identified at this time. No program-level mitigation is required.

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

Less Than Significant Impact. New residential development would increase demand for water service and wastewater treatment in the City. The City's 2002 General Plan Update EIR analyzed impacts from implementation of planned residential development, including residential densities assumed in the 2009-2014 Housing Element, on water and wastewater service systems.

Water Facilities

New development routinely pays connection fees and service fees that offset the capital and operations costs of serving development, and individual pipeline or reservoir projects may be undertaken on an "as needed" basis and funded through City Water Service or EBMUD resources. Site specific impacts to the local water system are evaluated at the project-level. Off-site pipeline improvements, may be required to meet fire flow requirements. The location, extent and cost of pipeline improvements would be determined when a project sponsor requests water service to a project site. The environmental impacts would be analyzed at the project-level and mitigated as appropriate when the location and extent of required improvements is known. No program-level mitigation is required.

Wastewater Facilities

See XVII(a). No program-level mitigation is required.

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

Less Than Significant Impact. See IX(c). No additional mitigation is required.

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

Less Than Significant Impact. Population growth can lead to a larger demand for potable water supply. Development would proceed according to General Plan land uses and residential densities, which are the basis for residential growth that would be facilitated by the proposed project. Water forecasts contained in the City's 2005 Urban Water Management Plan (UWMP) are based on ABAG projections. ABAG projections are informed by planned land uses identified in the General Plan. The UWMP determined that adequate water supplies exist to serve planned growth in the City through the 2009-2014 housing planning period (see Tables 5-5 and 5-6).

All new residential development is required to comply with applicable State and local laws and regulations governing conservation of water supply resources. For example, plumbing fixtures that reduce water usage (i.e., low volume toilet tanks, flow control devices for faucets and shower heads) are required in accordance with Title 24 of the California Administrative Code; and ultra low flush toilets must be installed in accordance with Health and Safety Code Section 17921.3. The use of drought tolerant plant species, drip irrigation systems, the use of inert materials and minimal use of turf areas also would be considered in order to reduce water usage, as required by Chapter 10, Article 12 of the Municipal Code. No mitigation is required.

e. **Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Less Than Significant Impact. See XVII(a). No mitigation is required.

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

Less Than Significant Impact. Solid waste collected in the City is transported to the Altamont landfill site in eastern Alameda County on Greenville Road. Approvals were recently granted to expand the area and capacity of the landfill, and the landfill has adequate capacity through the 2009-2014 housing planning period. No mitigation is required.

The City of Hayward is also mandated by state law (AB 939) to reduce the quantity of solid waste entering the landfill. Future residential development facilitated by the proposed project would be required to comply with all applicable standards and regulations related to solid waste, including local regulations requiring recycling/deconstruction of existing buildings and materials, including Chapter 5, Articles 1 and 10 of the Municipal Code.

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

Less Than Significant Impact. See XVII(f). No mitigation is required.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

***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 fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Less Than Significant Impact. As discussed in IV(a) to (f), the project would not have a significant impact on individual fish or wildlife species or the habitat for such species. The project would not have a significant impact on a plant or animal community or restrict the range of range of a rare or endangered plant or animal. Per V(a) to (d), the project will not eliminate important examples of any major periods of California history or prehistory.

***b.* Does the project have impacts that are individually limited, but cumulatively considerable?**

Not Considerable. The project is a mandatory update of the Housing Element to the General Plan and has been prepared in accordance with State law. Since the project is consistent with the General Plan it is therefore not expected to have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. In addition, the project would encourage and facilitate the provision of medium and high density residential housing in existing urban areas near public transportation, places of employment, and other activity centers – all consistent with regional and State planning and transportation goals. The project's contribution to cumulative impacts is not anticipated to be considerable.

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

No Impact. This narrative demonstrates that the project will have a less than significant impact with regards to all environmental issues areas with potential to have an adverse effect on humans.

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MEMORANDUM

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Organization: Veronica Tam & Associates
From: Rincon Consultants, Inc. (Contact: Matt Maddox, Associate Environmental Planner)
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cc:
Re:

This memorandum provides a brief overview of greenhouse gases (GHGs) and estimates GHG emissions associated with projected future housing development in the City of Hayward. Total residential development potential in Hayward is estimated at 4,095 residential units (1,965 low density units and 2,130 medium/high density units). Existing international, federal and state GHG regulations are discussed in the Appendix.

Greenhouse Gases and Global Climate Change

Gases that trap heat in the atmosphere are often called greenhouse gases (GHG), analogous to the way in which a greenhouse retains heat. Common GHG include water vapor, carbon dioxide (CO_2), methane (CH_4), nitrous oxides (N_2O_x), fluorinated gases, and ozone. GHG are emitted by both natural processes and human activities. Of these gases, CO_2 and CH_4 are emitted in the greatest quantities from human activities. The accumulation of GHG in the atmosphere regulates the earth's temperature. However, it is believed that emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations. The rate of Global Climate Change (GCC) has typically been incremental, with warming or cooling trends occurring over the course of thousands of years. However, scientists have observed an unprecedented acceleration in the rate of warming during the past 150 years likely due to the observed increase in anthropogenic GHG concentrations (United Nations Intergovernmental Panel on Climate Change (IPCC), November 2007). Current annual anthropogenic GHG emitted from the world, United States, and California are listed in the table below.

Annual Anthropogenic GHG Emissions

Worldwide	United States	California
40,000 MM CDE	7,054 MM CDE	492 MM CDE

MM = million metric tons
CDE = carbon dioxide equivalent
Source: IPPC, 2007; USEPA, April 2008; CEC, December 2006

California is the second largest emitters of GHGs among states and, if California were a country, it would be the sixteenth highest emitter among countries (AEP, 2007). Out of the 492 million metric tons of carbon dioxide equivalent (CDE[1]) produced in California (7% of US total), 41% is associated with transportation. Electricity generation is the second largest source, contributing 22% of the state's GHG emissions (CEC, December 2006). Most, 81%, of California's 2004 GHG emissions (in terms of CDE) were CO_2 produced from fossil fuel combustion, with 2.8% from other sources of CO_2, 5.7% from methane, and 6.8% from nitrous oxide (CEC, December 2006).

GHG Emissions from City of Hayward Potential Residential Units

GHG emissions associated with residential development in Hayward have been calculated using methodologies recommended by the California Air Pollution Control Officer's Association [CAPCOA] (January 2008) *CEQA and Climate Change* white paper and the California Climate Action Registry General Reporting Protocol (March 2007). A more specific description of the methodology is contained in the Appendix. The analysis focuses on CO_2, N_2O, and CH_4 as these are those GHG emissions that the project would emit in the largest quantities as compared to other GHGs (such as chlorofluorocarbons [CFCs]).

Operational Indirect and Stationary Direct Emissions

Annual electricity emissions were calculated using the California Climate Action Registry General Reporting Protocol, which has developed emission factors based on the mix of fossil-fueled generation plants, hydroelectric power generation, nuclear power generation, and alternative energy sources associated with the regional grid. CO_2 emission estimates also take into account emissions from other operational sources such as natural gas use for space heating. Operational indirect and stationary direct emissions are estimated at 21,053 metric tons per year in CO_2 equivalency units.

Transportation Emissions

Mobile source GHG emissions were estimated based on total vehicle miles traveled (VMT) associated with projected residences. Daily VMT is estimated at 265,672 daily miles. Based on this VMT estimate, annual transportation emissions are estimated at 55,135 metric tons in CO_2 equivalency units.

Combined Stationary and Mobile Source Emissions

The table below combines the operational and mobile GHG emissions associated with the potential residential units in Hayward, which total 76,188 metric tons per year in CO_2 equivalency units.

[1] *Carbon dioxide equivalent (CDE or CO_2E) is a quantity that describes, for a given mixture and amount of GHGs, the amount of CO_2 (usually in metric tons; million metric tons [megatonne] = $MMTCO_2E$ = terragram [Tg] CO_2 Eq; 1,000 MMT = gigatonne) that would have the same global warming potential (GWP) when measured over a specified timescale (generally, 100 years).*

Combined Annual Emissions of Greenhouse Gases

Emission Source	Annual Emissions
Operational	21,053 metric tons CDE
Mobile	55,135 metric tons CDE
Total Emissions	**76,188 metric tons CDE**

CDE = carbon dioxide equivalents
Sources: Calculation Methodology per California Climate Action Registry General Reporting Protocol, Reporting Entity-Wide Greenhouse Gas Emissions, Version 2.2, March 2007, page 30-35.
See Appendix for GHG emission factor assumptions

This total represents roughly 0.015% of California's total 2004 emissions of 492 million metric tons. These emission projections indicate that about 28% of the project GHG emissions are associated with electricity and natural gas usage, while the other 72% are associated with vehicular travel. Please note that, as discussed further in the *Methodology* in the Appendix, the mobile emissions are in part a redirection of existing travel to other locations, and so already a part of California's GHG inventory.

Appendix

Methodology
GHG Calculation Worksheet
URBEMIS 2007Worksheet
Summary of GHG Regulations

GHG Analysis Methodology

This analysis is based on the methodologies recommended by the California Air Pollution Control Officer's Association [CAPCOA] (January 2008) *CEQA and Climate Change* white paper and and includes the use of the California Climate Action Registry General Reporting Protocol (March 2007). Calculations of carbon dioxide, methane, and nitrous oxide are provided for full disclosure of the magnitude of potential project effects. The analysis focuses on carbon dioxide (CO_2), nitrous oxide (N_2O), and methane (CH_4) as these are those GHG emissions that the project would emit in the largest quantities as compared to other GHGs (such as chlorofluorocarbons [CFCs]).

Indirect Emissions. Operational emissions of CO_2 associated with space heating and landscape maintenance were quantified using the California Air Resource Board's URBEMIS 2007 (version 9.2.4) computer model. Nitrous oxide (N_2O) and methane (CH_4) emissions were quantified using the California Climate Action Registry General Reporting Protocol (March 2007) indirect emissions factors for electricity use (see Appendix for calculations). The calculations and emission factors contained in the General Reporting Protocol were selected based on technical advice provided to the Registry by the California Energy Commission. This methodology is considered to be reasonable and reliable for use as it has been subjected to peer review by numerous public and private stakeholders and in particular by the California Energy Commission, and is recommended by CAPCOA (January 2008).

Direct Emissions from Mobile Combustion. Emissions of CO_2 from transportation sources were quantified using the California Air Resource Board's URBEMIS 2007 (version 9.2.4) computer model. Nitrous oxide (N_2O) and methane (CH_4) emissions were quantified using the California Climate Action Registry General Reporting Protocol (March 2007) direct emissions factors for mobile combustion (see Appendix B for calculations). Total daily mileage was calculated in URBEMIS 2007 and extrapolated to derive total annual mileage. Emission rates were based on the vehicle mix output generated by URBEMIS and the emission factors found in the California Climate Action Registry General Reporting Protocol.

It should be noted that one of the limitations to a quantitative analysis is that emission models such as URBEMIS evaluate aggregate emissions and do not demonstrate, with respect to a global impact, how much of these emissions are "new" emissions specifically attributable to the proposed project in question. For most projects, the main contribution of GHG emissions is from motor vehicles and the total vehicle miles traveled (VMT), but the quantity of these emissions appropriately characterized as "new" is uncertain. Traffic to the retail component of this project can be comprised of diverted trips from other retail stores (and depending on location, either result in an increase or decrease in VMT), pass-by trips (where the store is en route to another primary location), or an additional, fully new trip associated with consumer choice to travel to the store in addition to other retail stores. In addition, the traffic associated with the residential portion of the project may be relocated trips from other locales, and consequently, may result in either higher or lower net VMT. In this instance, it is likely that some of the proposed project-related GHG emissions associated with traffic and energy demand would be truly "new" emissions; but, it is also likely that some of the emissions represent diversion of emissions from other locations. Thus, although GHG emissions are associated with the project, it is not possible to discern how much diversion is occurring or what fraction of those emissions represent global increases. In the absence of information regarding the different types of trips, the VMT generated by URBEMIS is used as a conservative estimate.

Greenhouse Gas Emission Worksheet

Operational Emissions City of Hayward Residential Development Potential

Electricity Generation *	**(kWH)**		**Project units**	**Project Usage**
Commercial consumption	16,750	per KSF	0	0
Residential Consumption	7,000	per unit	4095	28,665,000
			Total	**28,665,000**

* Generation Factor Source: CAPCOA, January 2008. CEQA and Climate Change.

Total Project Annual KWh:	**28,665,000**	kWH/year
Project Annual MWh:	**28,665**	MWH/year

Emission Factors:

CO2 *	804.54	lbs/MWh/year
CH4 **	0.0067	lbs/MWh/year
N2O **	0.0037	lbs/MWh/year

Total Annual Operational Emissions (metric tons) =
(Electricity Use (kWh) x EF)/ 2,204.62 lbs/metric ton

Conversion to Carbon Dioxide Equivalency (CO2e) Units based on Global Warming Potential (GWP)

CH4	23	GWP
N2O	296	GWP

1 ton (short, US) = 0.90718474 metric ton.

Annual Operational Emissions:

	Total Emissions		**Total CO2e Units**	
CO2 emissions, electricity:	11531.0696	tons	**10460.8**	metric tons CO2e
CO2 emissions***:	11657.6700	tons	**10575.7**	metric tons CO2e
CH4 emissions:	0.0871	metric tons	**2.0**	metric tons CO2e
N2O emissions:	0.0481	metric tons	**14.2**	metric tons CO2e
		Project Total	***21,053***	***metric tons CO2e***

References

* Table C.1: EPA eGRID CO2 Electricity Emission Factors by Subregion (Year 2000)
** Table C.2: Methane and Nitrous Oxide Electricity Emission Factors by State and Region (Average years 2001-1003)
*** URBEMIS Annual Emissions output for Area Source emissions; includes natural gas combustion for heating.

Sources: California Climate Action Registry General Reporting Protocol, Reporting Entity-Wide Greenhouse Gas Emissions, Version 2.2, March 2007.
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Greenhouse Gas Emission Worksheet

Mobile Emissions City of Hayward Residential Development Potential

From URBEMIS 2007 Vehicle Fleet Mix Output:

Daily Vehicle Miles Traveled (VMT): 265,672 (Net: Proposed - Existing)

Annual VMT: 96,970,317

Vehicle Type	Percent Type	CH4 Emission Factor (g/mile)*	CH4 Emission (g/mile)	N2O Emission Factor (g/mile)*	N2O Emission (g/mile)
Light Auto	55.6%	0.4	0.2224	0.4	0.2224
Light Truck < 3750 lbs	15.1%	0.5	0.0755	0.6	0.0906
Light Truck 3751-5750 lbs	15.9%	0.5	0.0795	0.6	0.0954
Med Truck 5751-8500 lbs	7.0%	0.5	0.035	0.6	0.042
Lite-Heavy Truck 8501-10,000 lbs	1.1%	0.12	0.00132	0.2	0.0022
Lite-Heavy Truck 10,001-14,000 lbs	0.3%	0.12	0.00036	0.2	0.0006
Med-Heavy Truck 14,001-33,000 lbs	1.0%	0.12	0.0012	0.2	0.002
Heavy-Heavy Truck 33,001-60,000 lbs	0.9%	0.12	0.00108	0.2	0.0018
Other Bus	0.0%	0.5	0	0.6	0
Urban Bus	0.1%	0.5	0.0005	0.6	0.0006
Motorcycle	1.7%	0.09	0.00153	0.01	0.00017
School Bus	0.1%	0.5	0.0005	0.6	0.0006
Motor Home	1.2%	0.12	0.00144	0.2	0.0024
Total			**0.42033**		**0.46077**

* from Table C.4: Methane and Nitrous Oxide Emission Factors for Mobile Sources by Vehicle and Fuel Type (g/mile).
Assume Model year 2000-present, gasoline fueled.
Source: California Climate Action Registry General Reporting Protocol, Reporting Entity-Wide Greenhouse Gas Emissions, Version 2.2, March 2007.

Total Emissions (metric tons) =
Emission Factor by Vehicle Mix (g/mi) x Annual VMT(mi) x 0.000001 metric tons/g

Conversion to Carbon Dioxide Equivalency (CO2e) Units based on Global Warming Potential (GWP)

CH4 23 GWP

N2O 296 GWP

1 ton (short, US) = 0.90718474 metric ton.

Annual Mobile Emissions:

	Total Emissions		Total CO2e units	
CO2 Emissions* :	**45163.3**	tons CO2	**40,971**	metric tons CO2e
CH4 Emissions:	**40.8**	metric tons CH4	**937**	metric tons CO2e
N20 Emissions:	**44.7**	metric tons N2O	**13,226**	metric tons CO2e
		Project Total:	***55,135***	***metric tons CO2e***

* From URBEMIS 2007 results for mobile sources

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Urbemis 2007 Version 9.2.4

Summary Report for Annual Emissions (Tons/Year)

File Name: C:\Documents and Settings\MMaddox\Application Data\Urbemis\Version9a\Projects\City of Hayward Residential Development Potential.urb924

Project Name: City of Hayward Residential Development Potential

Project Location: Bay Area Air District

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

CONSTRUCTION EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2
2010 TOTALS (tons/year unmitigated)	0.32	2.22	1.03	0.00	42.66	0.09	42.76	8.91	0.09	9.00	221.34
2011 TOTALS (tons/year unmitigated)	79.53	10.50	44.26	0.05	12.67	0.47	13.14	2.68	0.42	3.10	5,170.94

AREA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	70.03	9.06	98.10	0.25	13.74	13.23	11,657.67

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	49.83	63.19	582.36	0.45	83.38	15.95	45,163.31

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SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	119.86	72.25	680.46	0.70	97.12	29.18	56,820.98

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Urbemis 2007 Version 9.2.4

Detail Report for Annual Area Source Unmitigated Emissions (Tons/Year)

File Name: C:\Documents and Settings\MMaddox\Application Data\Urbemis\Version9a\Projects\City of Hayward Residential Development Potential.urb924

Project Name: City of Hayward Residential Development Potential

Project Location: Bay Area Air District

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

AREA SOURCE EMISSION ESTIMATES (Annual Tons Per Year, Unmitigated)

Source	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
Natural Gas	0.57	7.43	3.16	0.00	0.01	0.01	9,478.85
Hearth	23.75	1.54	86.91	0.25	13.71	13.20	2,165.89
Landscape	1.44	0.09	8.03	0.00	0.02	0.02	12.93
Consumer Products	36.56						
Architectural Coatings	7.71						
TOTALS (tons/year, unmitigated)	70.03	9.06	98.10	0.25	13.74	13.23	11,657.67

Area Source Changes to Defaults

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Urbemis 2007 Version 9.2.4

Detail Report for Annual Operational Unmitigated Emissions (Tons/Year)

File Name: C:\Documents and Settings\MMaddox\Application Data\Urbemis\Version9a\Projects\City of Hayward Residential Development Potential.urb924

Project Name: City of Hayward Residential Development Potential

Project Location: Bay Area Air District

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

OPERATIONAL EMISSION ESTIMATES (Annual Tons Per Year, Unmitigated)

Source	ROG	NOX	CO	SO2	PM10	PM25	CO2
Single family housing	29.48	38.24	352.43	0.27	50.46	9.65	27,331.61
Apartments mid rise	20.35	24.95	229.93	0.18	32.92	6.30	17,831.70
TOTALS (tons/year, unmitigated)	49.83	63.19	582.36	0.45	83.38	15.95	45,163.31

Does not include correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2010 Season: Annual

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Single family housing	655.00	9.57	dwelling units	1,965.00	18,805.05	160,777.53
Apartments mid rise	56.05	5.76	dwelling units	2,130.00	12,268.80	104,894.57
					31,073.85	265,672.10

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Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	53.7	1.3	98.3	0.4
Light Truck < 3750 lbs	12.9	2.3	94.6	3.1
Light Truck 3751-5750 lbs	19.8	0.5	99.5	0.0
Med Truck 5751-8500 lbs	6.6	0.0	100.0	0.0
Lite-Heavy Truck 8501-10,000 lbs	0.9	0.0	77.8	22.2
Lite-Heavy Truck 10,001-14,000 lbs	0.6	0.0	50.0	50.0
Med-Heavy Truck 14,001-33,000 lbs	1.0	0.0	20.0	80.0
Heavy-Heavy Truck 33,001-60,000 lbs	0.4	0.0	0.0	100.0
Other Bus	0.1	0.0	0.0	100.0
Urban Bus	0.1	0.0	0.0	100.0
Motorcycle	3.2	68.8	31.2	0.0
School Bus	0.1	0.0	0.0	100.0
Motor Home	0.6	0.0	83.3	16.7

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4
Rural Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
Trip speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
% of Trips - Residential	32.9	18.0	49.1			

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Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
% of Trips - Commercial (by land use)						

Operational Changes to Defaults

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Urbemis 2007 Version 9.2.4

Summary Report for Summer Emissions (Pounds/Day)

File Name: C:\Documents and Settings\MMaddox\Application Data\Urbemis\Version9a\Projects\City of Hayward Residential Development Potential.urb924

Project Name: City of Hayward Residential Development Potential

Project Location: Bay Area Air District

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

CONSTRUCTION EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2
2010 TOTALS (lbs/day unmitigated)	71.60	313.66	131.84	0.18	3,555.90	13.38	3,569.27	742.70	12.30	755.00	35,806.18
2011 TOTALS (lbs/day unmitigated)	7,391.13	406.85	658.57	0.76	3,558.63	17.43	3,576.07	743.67	15.91	759.58	97,726.43

AREA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (lbs/day, unmitigated)	261.71	41.70	106.57	0.00	0.32	0.32	52,082.58

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (lbs/day, unmitigated)	268.59	297.16	3,121.29	2.58	456.88	87.40	258,986.14

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Urbemis 2007 Version 9.2.4

Summary Report for Winter Emissions (Pounds/Day)

File Name: C:\Documents and Settings\MMaddox\Application Data\Urbemis\Version9a\Projects\City of Hayward Residential Development Potential.urb924

Project Name: City of Hayward Residential Development Potential

Project Location: Bay Area Air District

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

CONSTRUCTION EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2
2010 TOTALS (lbs/day unmitigated)	71.60	313.66	131.84	0.18	3,555.90	13.38	3,569.27	742.70	12.30	755.00	35,806.18
2011 TOTALS (lbs/day unmitigated)	7,391.13	406.85	658.57	0.76	3,558.63	17.43	3,576.07	743.67	15.91	759.58	97,726.43

AREA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (lbs/day, unmitigated)	825.77	93.59	2,143.48	6.29	335.75	323.19	124,237.73

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (lbs/day, unmitigated)	281.82	444.39	3,330.47	2.24	456.88	87.40	224,438.35

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SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (lbs/day, unmitigated)	1,107.59	537.98	5,473.95	8.53	792.63	410.59	348,676.08

Existing GHG Regulations

International and Federal. The United States is, and has been, a participant in the United Nations Framework Convention on Climate Change (UNFCCC) since is was signed on March 21, 1994. The Kyoto Protocol is a treaty made under the UNFCCC and was the first international agreement to regulate GHG emissions. However, although the United States is a signatory to the Kyoto Protocol, Congress has not ratified the Protocol and the United States has not bound itself to the Protocol's commitments (UNFCCC, 2007). The United States is currently using a voluntary and incentive-based approach toward emissions reductions in lieu of the Kyoto Protocol's mandatory framework. The Climate Change Technology Program (CCTP) is a multi-agency research and development coordination effort (which is led by the Secretaries of Energy and Commerce) that is charged with carrying out the President's National Climate Change Technology Initiative (CCTP, December 2007; http://www.epa.gov/climatechange/policy/cctp.html).

California Regulations. Assembly Bill (AB) 1493, requiring the development and adoption of regulations to achieve "the maximum feasible reduction of greenhouse gases" emitted by noncommercial passenger vehicles, light-duty trucks, and other vehicles used primarily for personal transportation in the State was signed into law in September 2002 by Governor Gray Davis. Governor Schwarzenegger issued Executive Order S-3-05 in 2005 that established statewide GHG emissions reduction targets. S-3-05 provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent of 1990 levels (CalEPA 2006).

Governor Schwarzenegger signed AB 32, the "California Global Warming Solutions Act of 2006," into law in the fall of 2006. AB 32 required the California Air Resources Board (ARB) to adopt regulations by January 1, 2008 that required reporting and verification of statewide GHG emissions. In addition, AB 32 requires the ARB to adopt regulations by January 1, 2010, to implement the early action GHG emission reduction measures identified in 2007, including a comprehensive framework of regulatory and non-regulatory elements that will result in significant and effective GHG emission reductions. The bill requires achievement by 2020 of a statewide GHG emissions limit equivalent to 1990 emissions (essentially a 25% reduction below 2005 emission levels; same requirement as under S-3-05), and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions.

Senate Bill (SB) 97, signed in August 2007, acknowledges that climate change is an important environmental issue that requires analysis under CEQA. This bill directs the California Office of Planning and Research to prepare, develop, and transmit to the Resources Agency guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, by July 1, 2009. The Resources Agency is required to certify or adopt those guidelines by January 1, 2010.

Executive Order (EO) S-01-07 was enacted by Governor Schwarzenegger on January 18, 2007. The order mandates that a statewide goal be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. In addition, a Low Carbon Fuel Standard ("LCFS") for transportation fuels will be established for California. The LCFS regulation is in draft form and is scheduled for consideration in late April 2009.

In response EO S-3-05, the CalEPA created the Climate Action Team (CAT), which, in March 2006, published the Climate Action Team Report (the "2006 CAT Report"). The 2006 CAT Report identifies

a recommended list of strategies that the State could pursue to reduce climate change greenhouse gas emissions. These are strategies that could be implemented by various State agencies to ensure that the Governor's targets are met and can be met with existing authority of the State agencies. The strategies include the reduction of passenger and light duty truck emissions, the reduction of idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, landfill methane capture, etc.

MITIGATION, MONITORING AND REPORTING PROGRAM

A Mitigation, Monitoring, and Reporting Program (MMRP) is required for the 2009 – 2014 Housing Element of the General Plan because the Initial Study/Mitigated Negative Declaration (IS/MND) identified potentially significant impacts and measures were identified to mitigate those impacts.

This MMRP has been prepared pursuant to the California Public Resources Code, which requires public agencies to "adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

The numbering of the individual mitigation measures follows the numbering sequence as found in the IS/MND.

The City of Hayward will be the primary agency, responsible for implementing the mitigation measures. The City of Hayward will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Draft IS/MND, in the same order that they appear in the Draft IS/MND. No revisions were necessary to the mitigation measures included in the Draft IS/MND.

- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.

- **Monitoring Responsibility:** Identifies the party that is responsible for mitigation monitoring.

- **Compliance Verification Responsibility:** Identifies the party that is responsible for verifying compliance with the mitigation. In some cases, verification will include contact with responsible state and federal agencies.

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing/ Implementation	Verification (Date and Initials)
III. Air Quality				
1	Review proposed residential projects adjacent to high traffic routes for consistency with the recommendations of the EPA/ARB Air Quality and Land Use Handbook. Portions of properties located within 500 feet of the I-880 right-of-way shall not be used by residents or members of the public for housing or active recreation use.	*City of Hayward Development Services Departments*	*Prior to/during construction.*	
V. Cultural Resources				
2	In the event that any paleontological resources are uncovered during future construction activity associated with future residential development, there should be no further excavation or disturbance of the site or any nearby area until the find has been evaluated by a qualified paleontologist, and appropriate site-specific mitigation has been identified to protect, preserve, remove or restore the fossil resources uncovered.	*City of Hayward Public Works and Development Services Department.*	*Prior to project approval.*	
VII. Greenhouse Gas Emissions				
3	Continue to implement the City's Climate Action Plan to reduce GHG emissions. Specifically, implement Strategies 1 (Reduce Vehicle Miles Traveled) and 4 (Improve Energy Performance of New Buildings).	*City of Hayward Development Services Department.*	*Ongoing.*	
XII. Noise				
4	Prior to or during construction, the following mitigation measures shall be implemented: • Noise-generating construction activities shall be limited to between the hours of 7 a.m. to 7 p.m., Monday through Saturday, and between the hours of 10:00 a.m. to 6 p.m. on Sundays and holidays, excluding activities that would pose a safety hazard to construction employees or the public. Noise-generating construction activities shall comply with City of Hayward Noise Ordinance requirements. • Construction equipment and equipment staging areas shall be located at the furthest distance possible from adjacent land uses. • Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation. • When not in use, motorized construction equipment shall not be left idling.	*City of Hayward Public Works and Development Services Department.*	*Prior to/during construction.*	

Attachment IV

The draft Housing Element is available on the City's website at

http://user.govoutreach.com/hayward/faq.php?cid=11040

If you would like a hard copy of the Housing Element, please contact:

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