CITY OF
HAYWARD
HEART OF THE BAY

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DATE: **January 24, 2008**

TO: **Planning Commission**

FROM: **Carl T. Emura, Associate Planner**

SUBJECT: **Conditional Use Permit Application No. PL-2006-0566 – Mr. Chris Kelly (Applicant) / Catholic Bishop of Oakland (Owner)** - Request to Modify Use Permit No. 81-94 to Allow a Second Crematory and to Permit it to Perform Up to 900 Cremations a Year

The Property is Located at 1051 Harder Road, at Mission Boulevard, in the Commercial Office (CO) Zoning District

RECOMMENDATION

Staff recommends that the Planning Commission:

- Approve the Mitigated Negative Declaration, Initial Study and Mitigation Monitoring Plan; and
- Approve the Conditional Use Permit application, subject to the attached findings and conditions of approval.

SUMMARY

Holy Angels Mortuary is located just off of Mission Boulevard, between Harder Road to the north and Holy Sepulchre Cemetery to the south. Both the mortuary and cemetery are operated by the Catholic Diocese of Oakland. The mortuary facility has an existing crematory, which was approved by the City via a conditional use permit that went into operation in 1992 and is limited to 300 cremations a year. It is the only mortuary in Hayward that has a crematory located on site. In 2007, the Catholic Diocese acquired Sorensen's Mortuary located on B Street and centralized embalming and cremation services at Holy Angels. Between the two mortuaries, 280 cremations were performed last year and the existing crematory is quickly approaching its annual limit of 300. Given the increased acceptance of cremations and an aging population, the applicant anticipates the number to grow substantially in the future and requests to add a second crematory to accommodate 900 additional cremations a year. The facility would then have the capacity to perform up to 1200 cremations a year. The Bay Area Air Quality Management District (BAAQMD) prepared an Engineering Evaluation Report associated with the proposed second cremation unit in September of 2007 that determined that the emissions would be within approvable levels and issued an "Authority to Construct".

Staff recommends approval of the application based on the BAAQMD's evaluation, compatibility with surrounding uses, sufficient buffers separating the crematory from the adjacent residential neighborhood. In addition, the combination of mortuary, crematorium and cemetery on the subject site consolidates all services and provides a public convenience for the residents of Hayward and surrounding areas.

BACKGROUND

In 2006, the Catholic Diocese of Oakland acquired Machado's Hillside Mortuary, renamed it Holy Angels Mortuary and installed a second crematory *(Model A-200HT, manufactured by American Crematory Equipment Company)* next to the existing crematory within the northwest corner of the mortuary without the benefit of a conditional use permit. A review of the original use permit issued to Machado's Hillside Mortuary in 1981 did not support this change and the applicant applied for a modification to the original use permit. Though the applicant did not apply for a conditional use permit, they did apply for a BAAQMD "Air Permit".

On May 10, 2007, prior to the owner purchasing the Sorenson Mortuary, the Planning Commission reviewed Holy Angels' application to allow a second crematory with up to 1350 additional cremations a year (see attached meeting minutes). If approved, the facility with two crematories would have been permitted to perform up to 1650 cremations per year. The operator currently cremates approximately 280 bodies per year. Apprehension was expressed about the requested capacity when it appeared that the existing crematory could meet current demands. The applicant responded that the requested capacity was based on a twenty-year projection.

Concern was also expressed that the BAAQMD's review was incomplete and that it was inappropriate to make a decision before the BAAQMD issued its Engineering Evaluation Report and determined whether any add-on controls to further mitigate air quality impacts would be required.

A motion was made to deny the application because the applicant did not demonstrate a current need for a second crematory and the Commissioners did not have adequate information to make an informed decision. The motion failed 3:3. Based on the applicant's preference, the hearing was continued until the full Commission could be available and the BAAQMD completed its evaluation.

Out of consideration of the Commissioners' concerns, Holy Angels reduced the number of cremations requested for the second crematory from 1350 to 900 a year, based on a 10-year projection.

DISCUSSION

Crematory Capacity

As more and more people accept cremation as an alternative to the traditional burial, and land becomes scarce, the need for cremation services is projected to increase. Between 2000 and 2004,

California experienced a 4.91 percent increase in cremations. In 2005, 52.06 percent of deaths in California resulted in bodies being cremated. The Cremation Association of North America projects that in 2010, 59.31 percent of all deaths in California will result in bodies being cremated. The applicant has already performed 100 more cremations last year than the previous year. The operator expects the number to increase with its purchase of Sorensen's Mortuary at 1140 B Street last July. The applicant is requesting the second crematory to perform up to 900 cremations a year and believes this additional capacity, coupled with the existing crematory capacity, will meet the facility's needs for the next ten years (see Attachments 9 and 10).

Bay Area Air Quality Management District Air Permit

An Air Permit from the Bay Area Air Quality Management District is required to ensure compliance with state and federal air quality standards. Prior to issuing an Air Permit, the BAAQMD prepares an Engineering Evaluation Report, which is comprised of a "New Source Review", "Toxic Risk Assessment" and a "Particulate Matter and Visible Emission Evaluation".

The "New Source Review" evaluates the toxic air contaminants from a new source that has the potential to emit 10.0 pounds or more per highest day of precursor organic compounds (POC), non-precursor organic compounds (NPOC), nitrogen oxide (NOx), sulfur dioxide (SO2), particulate matter (PM10), or carbon monoxide (CO). It also looks to see if it exceeds the Acute and Chronic Threshold levels for eighteen other pollutants (Acetaldehyde, Arsenic, Benzene, Beryllium, Cadmium, Chromium Hexavalent, Copper, Formaldehyde, Hydrogen Chloride, Hydrogen Fluroride, Lead, Mercury, Nickel, Selenium, Toluene, Zinc, Dioxins/furans and PAH equiv-napthalene). If the review determines that it is likely to exceed these threshold, Best Available Control Technology (BACT) is required. BACT is defined as the most effective emission control device or technique, which has been successfully utilized for the type of equipment producing the emission.

A "Health Risk Assessment" would be required if the estimated toxic emission from a cremated body exceeded EPA trigger levels. If required, the "Toxic Risk Assessment" would have to show that the increased cancer risk to a maximally exposed individual is less than one in a million or less than ten in a million using Best Available Control Technology for toxic emissions (TBACT) to minimize the cancer risk. The Toxic Risk Assessment would have to also show that both the chronic (long-term exposure impacts such as cancer, asthma, and other forms of illness) and acute (short-term exposure impacts such as coughing and eye and lung irritations) hazard indexes are less than 1.0. The cancer risk and chronic and acute hazard indexes are determined by doing a modeling study. The modeling study estimates what impacts the toxic emissions would have on the nearest residential receptor over a period of 70 years of continuous exposure. The study factors include the distance to the nearest residential receptor, the maximum cremations per year, emission levels, wind speed, wind direction, topography and other pertinent data. In this case, the nearest residential receptor was assumed to be a person at a single-family dwelling located across Harder Road approximately 350 feet away.

The "Particulate Matter and Visible Emission Evaluation" limits particulate matter grain to 0.15 grains/dscf (dry standard cubic feet) in exhaust gas volume. This threshold pertains to visible emissions.

BAAQMD's Air Quality Impacts Analysis

The BAAQMD conducted a review of the application and prepared an Engineering Evaluation Report (see Attachment 2), based on 1,200 cremations per year maximum. Holy Angels initially reduced the number of cremations to 1200, on which the report is based, and reduced it further to 900 cremations a year after the report was completed. The report was issued on September 24, 2007. The attached report does not include an analysis of the combined emission levels of the two crematories when determining whether or not to approve the second crematory. The BAAQMD does not require this analysis if the second crematory is installed more than two years after the first crematory is installed. However, the District provided staff with the emission levels for the existing crematory, which have been incorporated with testing results for the second crematory, as described below.

The "New Source Review" for the second crematory determined that there would be less than threshold levels (10.0 pounds or more per day) of the criteria pollutant emissions from the natural gas and body combustion; however, the toxic analysis indicated that the proposed crematory operation would exceed the trigger level for Arsenic, Chromium Hexavalent, Mercury, Dioxins/furans emissions. Therefore, a "Health Risk Assessment" was required to assess cancer risks.

The modeling study, adjusted for 900 cremations a year, estimated that the operation of the second crematory would result in a maximum increased cancer risk of 3.53 in a million, a chronic hazard index (long-term exposure impacts such as cancer, asthma, and other forms of illness) of 0.17, and an acute hazard index (short term exposure impacts such as coughing and eye and lung irritations) of 0.084. The existing crematory has a chronic index of 0.04 and acute hazard index of 0.06 and maximum increased cancer level of 1.5 in a million.

The combined maximum cancer risk level for both crematories would be 5.03 in a million, and the combined chronic hazard index would be 0.21 and the acute hazard index for both units would be 0.1445. The maximum cancer risk level allowed is 10 in a million and the maximum chronic and acute hazard indexes allowed is 1.0. The levels of risk for the second crematory are considered acceptable under the BAAQMD regulations for sources that meet the requirements of Best Available Control Technology for Toxic Emissions (TBACT). TBACT in this case includes the use of natural gas as an auxiliary fuel and a secondary chamber combustion temperature of at least 1600 degrees Fahrenheit, which the BAAQMD has attached as operating conditions for the Air Permit (see Attachment 2, page 5). In summary, although the BAAQMD looks at only the cancer risk level for the second crematory when determining whether or not to approve it, the combined maximum increased cancer risk levels of both crematories is still below the 10 in a million allowable level and below the chronic and acute hazard indexes of 1.0.

The "Particulate Matter and Visible Emission Evaluation" determined that the exhaust gas grain loading of less than 0.013 grains per dry standard cubic feet (dscf) meets the requirement for Best Available Control Technology for toxic air contaminants. Particulate matter emissions are limited to no more than 0.15 grains/dscf (see Attachment 2, page 6). Therefore, it can be expected that no visible emissions would be generated.

On September 24, 2007 the BAAQMD issued an Engineering Evaluation Report (see Attachment 2) and on September 27, 2007, it issued an "Authority to Construct" (see Attachment 3), which allows the applicant to install the second crematory. No add-on controls would be required by the District.

Inspections and Complaints

The BAAQMD's goal is to inspect crematories annually, but this is often not achieved because violations and higher volume polluters take priority over lower volume polluters like a crematory. However, the BAAQMD requires as a condition of approval that the owner/operator keep all monitoring, source test, and maintenance records on site for at least two years from the date of data entry, and that these records be made available to the District staff for inspection. In addition, District staff can require the owner/operator to conduct a District-approved source test to determine particulate matter, hydrocarbon, Nitrogen Oxides (NOX), Carbon Monoxide (CO), Oxygen (O_2), and toxic materials emissions under unusual conditions, such as those associated with an obese corpse or a body cremated in a disaster bag. Although the BAAQMD's inspections may not take place annually, District staff states that they investigate all complaints.

In addition to BAAQMD's inspections, the Department of Consumer Affairs conducts annual unannounced inspections of mortuary and crematory facilities. The Department staff looks at facility records to see if they are properly logged and a make a visual inspection of premises and equipment. However, the Department does not determine if the crematory is operating properly or complying with BAAQMD's conditions of approval.

The BAAQMD and the City of Hayward have no records of any complaints in the 16 years of operation of the existing crematory. The BAAQMD's records indicate that the existing crematory has been inspected four times ('93, '96, '99, '03) since 1992 when it received a "Permit to Operate". Staff observed no visible emission other than the heat wave from the existing crematory during a recent visit to Holy Angels in December 2007.

Land Use Compatibility and Buffers

The mortuary, cremation operation and Holy Sepulchre Cemetery are compatible uses. In addition, the mortuary and cremation facility are buffered from surrounding uses. Harder Road rises above the mortuary with groves of trees shielding views of the mortuary and crematory stacks from the neighborhood to the north. The mortuary is visible from the south as viewed from the cemetery plots; however, the mortuary roof screens views of the crematory stacks from this direction. Distance and topography provide a separation from other potentially incompatible uses. The crematories are approximately 350 feet from the nearest residential property to the north, and the road bank provides a physical and psychological separation between the mortuary/crematory and residential uses The crematories are also approximately 1,000 feet from the nearest commercial property and 2,480 feet from the nearest school (Moreau Catholic High School).

ENVIRONMENTAL REVIEW

An Initial Study Checklist was prepared and a Draft Mitigated Negative Declaration circulated for public review on April 17, 2007 (see attachment to Attachment 7). The Initial Study determined that the proposed project as conditioned would not have a significant effect on the environment as prescribed by the California Environmental Quality Act. As a mitigation measure, an Air Permit must be obtained from the Bay Area Air Quality Management District prior to operating the crematory. The issuance of an Air Permit and associated compliance with such permit conditions will insure reduction of any potential impacts to a less-than-significant level.

PUBLIC NOTICE

In response to previous notices, staff received one phone call objecting to the second crematory because of health concerns. On January 14, 2008, a Notice of Public Hearing for the Planning Commission meeting was mailed. One email (Attachment 11) was received opposing the crematory due to potential for chemicals being released close to residential homes.

Prepared by:

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Associate Planner

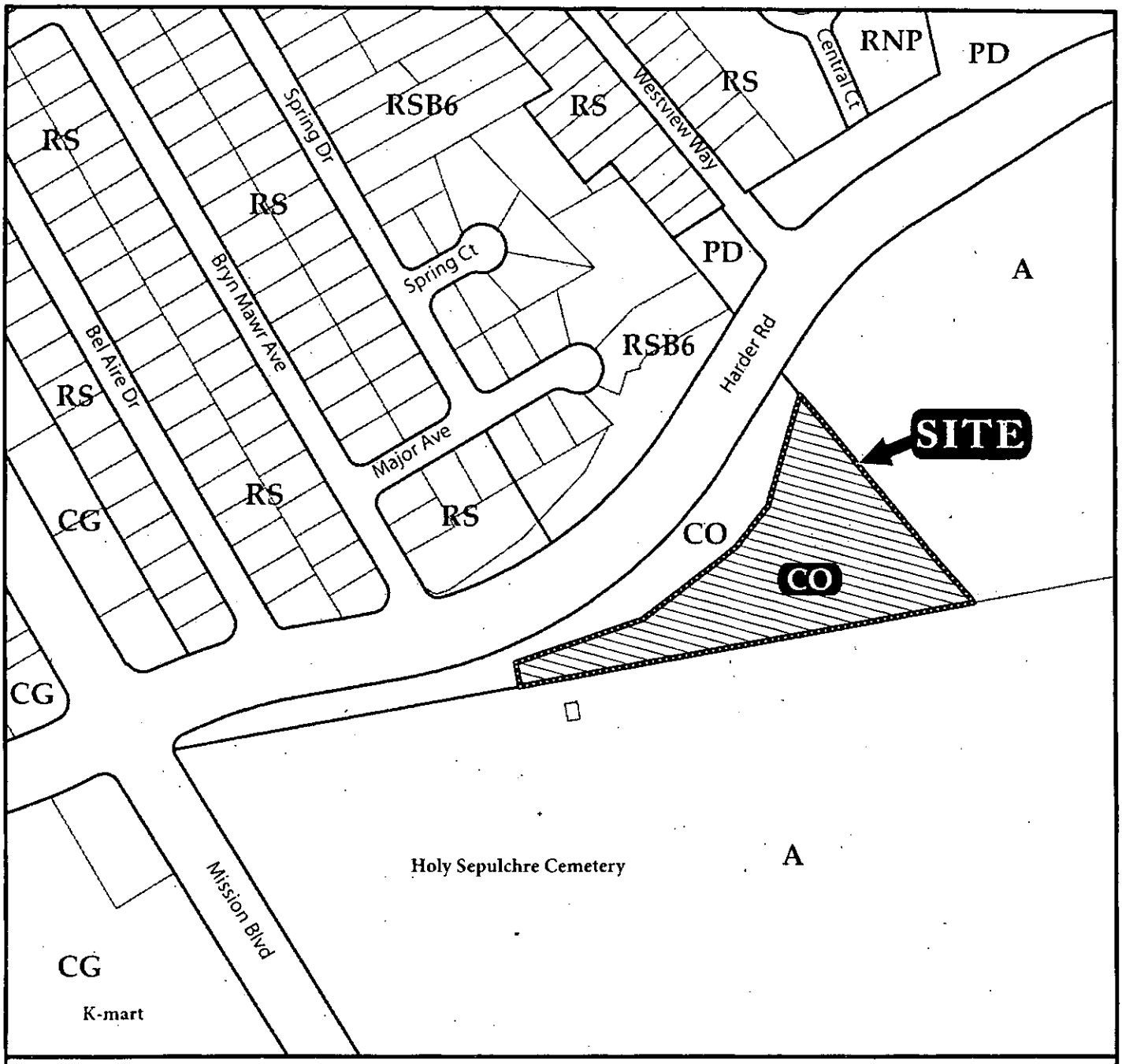
Recommended by:

David Rizk, AICP
Planning Manager

Attachments:

1. Area Map
2. Bay Area Air Quality Management District (BAAQMD) Engineering Evaluation Report, prepared by Tamiko Endo, dated September 24, 2007
3. BAAQMD Authority to Construct, dated September 27, 2007
4. Findings for Approval
5. Conditions of Approval
6. Minutes of the May 10, 2007 Planning Commission Meeting

7. Planning Commission Staff Report, dated May 10, 2007, with attachments
8. Letter from Robert G. Vranka, ESA Consultants, dated September 12, 2007
9. Letter from Robert Seelig, Director of Catholic Funeral and Cemetery Services, dated September 19, 2007
10. Letter from Robert Seelig, Director of Catholic Funeral and Cemetery Services, dated December 5, 2007
11. Email from Holly Rogers dated January 14, 2008



Area & Zoning Map

PL-2006-0567 ZC

Address: 1051 Harder Road

Applicant: Chris Kelly

Owner: Roman Catholic Bishop of Oakland

Zoning Classifications

RESIDENTIAL

RS Single Family Residential, min lot size 5000 sqft

RSB6 Single Family Residential, min lot size 6000 sqft

COMMERCIAL

CG General Commercial

CO Commercial Office

OPEN SPACE

A Agricultural

OTHER

PD Planned Development

RNP Residential Natural Preservation

North

FEET 200 400

Attachment 1

Engineering Evaluation Report
Bay Area Crematory, Plant #3576
1051 Harder Road, Hayward
Application #14562

Background

Bay Area Crematory is located at 1051 Harder Road in Hayward and is currently permitted to perform human cremations in their existing cremation retort, S-1. The plant has applied to install a second cremation chamber for the cremation of human remains.

S-2, Cremation Chamber, American Crematory Equipment Co. Model A-200Ht, with a primary burner and an afterburner 1.5 MMBtu/hr, natural gas fired

Emission Calculations

S-2: Cremation Chamber, Operating a maximum of 12 hrs/day, 365 days/yr
This unit is a multi-chamber, hot hearth design with a primary chamber designed to create turbulence and ensure proper mixing of oxygen and the products of combustion and an afterburner chamber to ensure complete combustion. The flow between the two chambers is designed to slow the gases and maximize retention time to further ensure complete combustion.

The manufacturer's specifications indicate that each cremation will take up to 2 hours with approximately 1 hour required for startup and cooldown. The unit has the capacity to handle no more than 450 lbs per cremation. The facility originally requested permits to perform a maximum of 5 cremations per day, which corresponds to 1,825 cremations per year. Since that time, the applicant has requested a lower limit of 1,200 cremations per year, maximum.

The emissions from this operation include both criteria pollutant and toxic air contaminant emissions from the combustion of natural gas and also from the combustion of human remains and the associated containers. The natural gas combustion emissions have been calculated based on emission factors from EPA's Compilation of Air Pollutant Emission Factors, Volume 1 – Stationary Point and Area Sources, 5th Edition, Chaper 1.4, Natural Gas Combustion, dated 7/1998. The emissions from combustion of human remains and the containers have been based on emission factors from the District's Permit Handbook, Chapter 11.6, Miscellaneous Operations - Crematories, which have been based on source test results (further discussion below). The emissions have been calculated on the attached spreadsheet based on 1,200 cremations per year. The criteria pollutant emissions are summarized below:

Pollutant	Annual Emission Increase, lb/yr	Annual Emission Increase, tpy	Average Daily Emissions, lb/day
PM10	969.5	0.485	3.53
POC	72.5	0.036	1.14
NOx	1156.5	0.578	4.05
CO	1403.3	0.702	4.58
SO2	308.3	0.154	1.14

Cumulative Increase

This facility has one existing crematory retort that was issued an Authority to Construct in 1988 under Application #1514. The cumulative increases for all facilities in the District were reset in 1991, including the emissions from this existing source. The criteria pollutant emissions summarized above will be added to the cumulative increase for this facility.

Pollutant	Current, tpy	Project, tpy	New, tpy
PM10	0	0.485	0.485
POC	0	0.036	0.036
NOx	0	0.578	0.578
CO	0	0.702	0.702
SO2	0	0.154	0.154

Toxic Air Contaminant Emissions

Except for mercury, formaldehyde and acetaldehyde, the toxic air contaminant (TAC) emissions from this new source have been based on emission factors from EPA's Factor Information Retrieval (FIRE) database. These factors were generated from emission testing of a propane-fired incinerator at a crematorium on October 29, 1992. Formaldehyde and acetaldehyde emission factors are from CARB's Test Report No. C-90-004, "Evaluation Test on Two Propane Fired Crematories Camellia Memorial Lawn Cemetery," October 29, 1992. The mercury emission factor is based on dental amalgam mass balance from BAAQMD source test report, "Estimate of Mercury Emissions from Crematoria" summarized in a District memorandum dated 8/3/1994.

The maximum daily TAC emissions have been calculated based on the assumption that the retort is operated continuously for 24 hours (5 cremations in one day). The annual TAC emissions were initially calculated based on the proposed 1825 cremations/year. These higher emissions were used in the health risk screening analysis discussed below. Subsequently, the applicant reduced the proposed operation to no more than 1,200 cremations per year. Emissions from both scenarios are summarized below:

Pollutant	Emission Rate (lbs/day)	Emission Rate (lbs/yr) 1825 cremations per year	Emission Rate (lbs/yr) 1200 cremations per year	Acute Toxic Risk Screening Threshold (lbs/hr)	Chronic Toxic Risk Screening Threshold (lbs/yr)
Acetaldehyde	6.50E-04	2.37E-01	1.56E-01		6.40E+01
Arsenic	1.50E-04	5.48E-02	3.60E-02	4.20E-04	1.20E-02
Benzene	4.41E-05	1.15E-02	7.56E-03	2.90E+00	6.40E+00
Beryllium	7.00E-06	2.56E-03	1.68E-03		8.00E-02
Cadmium	5.50E-05	2.01E-02	1.32E-02		4.50E-02
Chromium, hex	7.00E-05	2.56E-02	1.68E-02		1.30E-03
Copper	1.35E-04	4.93E-02	3.24E-02	2.20E-01	9.30E+01
Formaldehyde	1.75E-03	4.73E-01	3.11E-01	2.10E-01	3.00E+01
Hydrogen Chloride	3.60E-01	1.31E+02	8.64E+01	4.60E+00	3.50E+02
Hydrogen Fluoride	3.30E-03	1.20E+00	7.92E-01	5.30E-01	5.00E+02
Lead	3.30E-04	1.20E-01	7.92E-02		5.40E+00
Mercury	5.50E-03	2.01E+00	1.32E+00	4.00E-03	5.10E-01
Nickel	1.90E-04	6.94E-02	4.56E-02	1.30E-02	7.30E-01
Selenium	2.20E-04	8.03E-02	5.28E-02		7.70E+02
Toluene	7.14E-05	1.86E-02	1.22E-02	8.20E+01	1.20E+04
Zinc	1.75E-03	6.39E-01	4.20E-01		1.40E+03
Dioxins/furans	6.50E-09	2.37E-06	1.56E-06		5.70E-07
PAH equiv - napthalene	4.85E-07	1.77E-04	1.16E-04		5.30E+00

Compliance Determination

District Regulation 1, "General Provisions and Definitions"

District Regulation 1, Section 301 prohibits all sources from causing public nuisance. This source is not expected to be a source of public nuisance for either odor or emissions as long as it is maintained and operated in accordance with the manufacturer's recommendations. The facility has received no public nuisance complaints against the operation of the existing crematory retort.

California Environmental Quality Act Requirements, Regulation 2, Rule 1, Section 310

District Regulation 2, Rule 1, Section 310 specifies that all proposed new and modified sources subject to District permit requirements must be reviewed in accordance with the California Environmental Quality Act (CEQA) requirements, except for ministerial projects or projects exempt from CEQA under Section 2-1-312. The proposed crematory retort, S-2, meets the requirements of a ministerial action, defined in Section 2-1-311; the evaluation and basis for approval or denial of the permit application for the project is limited to specific procedures, fixed standards, and objective measurements set forth in the District's Permit Handbook Chapter 11.6. These guidelines have been used for evaluation of this source, therefore this retort is exempt from CEQA review.

Public Notice Requirements, Regulation 2, Rule 1, Section 412

The Waters Bill public notification requirements, contained District Regulation 2-1-412, apply to new or modified sources which will result in an increase in emissions of any toxic air contaminant at a facility located within 1,000 feet of the outer boundary of a K-12 school. The applicant has reported no K-12 school within that radius of this facility, and the District's database confirms that the nearest K-12 school is 0.47 miles (2,480 feet) from the facility. Therefore, the public notice requirements do not apply.

Best Available Control Technology Requirements, Regulation 2, Rule 2, Section 301

Per District Regulation 2, Rule 2, Section 301, Best Available Control Technology (BACT) requirements are triggered if maximum potential emissions from a new or modified source are 10 lbs/day or more. The maximum daily criteria pollutant emissions from S-2 do not exceed 10 lbs/day, therefore BACT is not triggered.

Emission Offsets and Prevention of Significant Deterioration Requirements, Regulation 2, Rule 2, Sections 302, 303, and 304

The offset requirements for emissions of precursor organic compounds (POC) and nitrogen oxides (NOx) are codified in District Regulation 2, Rule 2, Section 302. POC and NOx emission offsets are required for new or modified sources at a facility which emits or will be permitted to emit 10 tons per year or more. If the facility emits or will be permitted to emit less than 35 tons of POC per year, the emission offsets are provided by the District's Small Facility Banking Account.

The potential emissions from this facility consist of the maximum potential emissions from the operation of the existing crematory retort, S-1, and the proposed additional retort, S-2. As the facility's potential POC and NOx emissions from these two sources are less than 10 tons per year, POC and NOx emission offsets are not required.

The PM10 offset requirements, as specified in Section 2-2-303, require emission offsets of major facilities. Prevention of Significant Deterioration (PSD) requirements are defined in Regulation 2-2-304 and also apply to major facilities. As this facility is not a major facility, PM10 emission offsets are not required and PSD does not apply.

Health Risk Assessment Requirements, Regulation 2, Rule 5
The District's regulation concerning toxic air contaminant emissions is codified in Regulation 2, Rule 5, New Source Review of Toxic Air Contaminants. All TAC emissions from new and modified sources are subject to risk assessment review, if emissions of any individual TAC exceed either the acute or chronic emission thresholds defined in Table 2-5-1. This crematory retort, S-2, is a new source, the operation of which will result in emissions of toxic air contaminants due to the combustion of natural gas and the combustion of human remains, as summarized below based on the originally proposed 1,825 cremations per year:

TAC	Daily Emissions, lbs/day	Annual Emissions, lbs/yr	Acute Trigger Level, lbs/hr	Chronic Trigger Level, lbs/yr
Arsenic	1.50E-04	5.48E-02	4.2E-4	1.2E-2
Hexavalent Chromium	7.00E-05	2.56E-02	---	1.3E-3
Mercury	5.50E-03	2.01E+00	4.0E-3	5.1E-1
Dioxins/Furans	6.50E-09	2.37E-06	---	5.7E-7

As several toxic air contaminants would be emitted at levels exceeding the Toxic Air Contaminant Trigger Levels defined in Table 2-5-1 of District Regulation 2, Rule 5, a health risk screening analysis was required per Section 2-5-401. The risk assessment review of a proposed project at a facility that operates existing sources with TAC emissions must include the existing TAC emissions, as well as the additional emissions from the proposed project, if the proposed project is deemed related to the existing permitted operation. Per Section 2-5-216, a related project is one which is permitted within 2 years, unless the applicant can demonstrate that the current project is not a reasonably foreseeable consequence of the previous project and not a critical element or integral part of the previous project. Since the existing crematory retort at this facility, S-1, was permitted in 1988 (more than 2 years ago), the permitting of this new retort is not considered part of a project related to S-1. Therefore, the emissions from the existing retort, S-1, have not been included in the health risk screening analysis for this project.

The health risk screening analysis was performed to estimate the incremental health risk resulting from the TAC emissions from this new source. In addition to the inhalation exposure pathway, exposure to several of the TACs emitted was evaluated for soil ingestion, dermal exposure, and breast-milk consumption pathways. For the TACs with multi-pathway impacts, the California Air Resources Board's Hotspots Analysis and Reporting Program (HARP), version 1.2a was used to calculate a cancer unit risk value and a hazard index per unit concentration, including the impacts from the additional exposure pathways. For the residential receptor, the cancer unit risk values were determined using the Derived Adjusted analysis method, and the cancer unit risk values for the worker receptor were determined using the Point Estimate analysis method, including a ground level concentration adjustment factor of 2.0 to account for coincident operation of the source and presence of the off-site worker (correlated to an exposure of 12 hours per day, 7 days per week). The hazard indices per unit concentration for TACs with multi-pathway impacts were determined using the Derived OEHHA analysis method.

The ISCST3 atmospheric dispersion computer model was run with SCREEN3 meteorological data to estimate the maximum one-hour ambient air concentrations for each unit emission rate. Annual average concentrations were estimated by multiplying these one-hour concentrations by a persistence factor of 0.1. The one-month average concentration of lead was estimated by multiplying the one-

hour concentration with a persistence factor of 0.3 Stack parameters for the analysis were based upon the applicant's proposal, and model runs were made with Rural land use dispersion coefficients to reflect the openness of the area surrounding the facility. Elevated terrain was considered using input from the USGS 10m digital elevation maps for the Hayward sub-area (NAD27 format).

Based on 1,825 cremations per year, the results of the analysis indicate a maximum cancer risk of 7.1 in a million, a chronic hazard index of 0.3, an acute hazard index of 0.08, and a monthly averaged ambient air concentration of lead of 0.010 micrograms/cubic meter. The estimated residential risk is based on the assumption that exposure to the annual average TAC concentrations occurs 50 weeks per year over a 70-year lifetime. Risk estimates for offsite workers are based upon exposure for 40 years. Student risk was not calculated as there are no K-12 schools within 1,000 feet of the source.

After completion of the risk screening analysis, the applicant reduced the proposed operation rate to 1,200 cremations per year at S-2, maximum. The resulting cancer risk and hazard indices are reduced in proportion to the reduction in operation. From this level of operation, the maximum cancer risk is 4.7 in a million, with a chronic hazard index of 0.2 and an acute hazard index of 0.05. The resulting maximum cancer risk, chronic and acute hazard indexes, and monthly averaged ambient air concentration of lead are well within the approvable levels established by the California Air Resources Board for cancer and non-cancer impacts. Therefore, in accordance with District Regulation 2, Rule 5, these risk levels are considered acceptable if the proposed crematory retort meets Toxics Best Available Control Technology (TBACT) requirements.

TBACT for crematories is defined in the District's BACT/TBACT Guidelines, Section 11, Document #53.1, dated 9/12/2007. For precursor organic compound (POC) and carbon monoxide (CO) emissions, BACT/TBACT is defined as follows:

1. *n/d*
2. *Secondary combustion chamber ≥ 1500 degrees F*

The proposed crematory retort will be required to meet this temperature requirement, which will be enforced through permit conditions.

For emissions of nitrogen oxides (NOx) and sulfur dioxide (SO2), BACT/TBACT is defined as follows:

1. *n/d*
2. *Natural gas firing*

The proposed crematory retort will meet this requirement, which will be enforced through permit conditions.

For emissions of particulate matter (PM10), BACT/TBACT is defined as follows:

1. *Natural gas firing with secondary combustion chamber ≥ 1600 degrees F (set point at 1650 degrees F)*
2. *Natural gas firing with secondary combustion chamber ≥ 1500 degrees F*

The proposed crematory retort will meet the more stringent BACT1/TBACT1 requirement, which will be enforced through permit conditions.

Major Facility Review, Regulation 2, Rule 6
The federal permit requirements of 40 CFR Part 70 have been codified in District Regulation 2, Rule 6. These requirements apply to major facilities and designated facilities. As this facility is not a designated facility and will not have emissions that define a major facility, Regulation 2, Rule 6 does not apply.

Fees, Regulation 3
District Regulation 3 specifies the fees required for applications requesting Authorities to Construct, Permits to Operate, and also the operating permit fees. The applicant has paid the fees required under Regulation 3.

District Regulation 6, "Particulate Matter and Visible Emissions"
Section 301 of Regulation 6 prohibits visible emissions of Ringelmann 1 or darker for more than 3 minutes in any hour or equivalent opacity. Section 305 limits emissions of visible particles at offsite locations. This source is not expected to cause visible emissions if maintained and operated properly.

Section 310.1 limits particulate matter emissions to no more than 0.15 grains/dscf exhaust gas volume, corrected to 12% CO2, and Section 311 limits particulate matter emissions to no more than 1.8 lbs/hour for a process weight rate of 550 lbs/hour. Based on the emission factors provided by the applicant, the source complies with these emission limits with particulate emissions of 0.013 gr/dscf and 0.29 lbs/hour. Section 401 requires that an operator of the plant have the means to view the particulate matter emissions at all times. The facility is expected to comply with this requirement, which will be included as part of the permit conditions.

District Regulation 7, "Odorous Substances"
Sections 301 and 302 of Regulation 7 limit discharge of odorous emissions from sources. This source is not expected to be a source of public nuisance for either odor or emissions as long as it is maintained and operated in accordance with the manufacturer's recommendations. The facility has not received any odor complaints against the existing crematory retort.

40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS)
40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP)
40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories/Maximum Achievable Control Technology (MACT) Standards
District Regulation 10 includes by reference the federal New Source Performance Standards (NSPS), 40 CFR Part 60. There are several New Source Performance Standards that regulate incinerators burning the following:

- Municipal Waste is regulated under Subparts Ea, Eb, Cb, or AAAA.
- Hospital/Medical/Infectious Waste is regulated under Subpart Ec or Cc.
- Sewage Sludge is regulated under Subpart O.
- Commercial/Industrial Solid Waste is regulated under Subparts CCCC or DDDD
- Hazardous Waste is regulated under Subpart EEE or FFFF.

However, all of the above processes are defined to exclude cremation of human remains. Therefore crematories are not subject to any of the New Source Performance Standards in 40 CFR Part 60. Likewise, there is no standard for crematories in the National Emission Standards for Hazardous Air Pollutants (NESHAPS), 40 CFR Part 61 or in the National Emission Standards for Hazardous Air

Pollutants for Source Categories/Maximum Achievable Control Technology Standards, 40 CFR Part 63.

40 CFR Part 70, Federal Operating Permit Program (Title V)
The federal permit requirements of 40 CFR Part 70 have been codified in District Regulation 2, Rule 6. EPA approved implementation of the Title V requirements through Regulation 2, Rule 6. Rule 2-6 applicability was discussed above.

AB2588, Air Toxic "Hot Spots" Program
California Assembly Bill 2588, the Air Toxics "Hot Spots" Information and Assessment Act of 1987 was adopted by the state in response to the public's concern about the emissions of toxic air contaminants and their potential adverse health effects. The District reviews the toxic air contaminant emissions from each facility and ranks the facilities for potential to pose significant risk. High priority facilities are required to conduct a detailed health risk assessment, and those facilities with a increase in cancer risk of 10 in a million or higher are required to notify the affected public. The program also requires the facilities with an increase of cancer risk level of 100 in a million or more to reduce their risks to below the levels identified as "significant."

The City of Hayward requested information about the combined health risk from the existing crematory retort and the proposed second retort at this facility. (Note that the facility operates under the names "Hillside Chapel," "Hayward Mortuary," and "Bay Area Crematory," which include the existing crematory retort S-1.) The District performed a health risk analysis of the existing retort to provide this information to the City of Hayward and to rank the risk from this facility per AB2588. The existing retort at this facility, S-1, was permitted in 1988 to perform 300 cremations per year. At this level of operation, the estimated maximum cancer risk from S-1 is 1.5 in a million, the chronic hazard index is 0.04, the acute hazard index is 0.06, and monthly averaged ambient air concentrations of lead are 0.010 micrograms/cubic meter. The combined cancer risk from the existing S-1 and proposed S-2 is therefore 6.2 in a million. As the facility cancer risk is less than 10 in a million, the facility is not subject to the AB2588 notification requirements.

Permit Conditions

The permit conditions for S-1 will be updated as shown below. They will also be modified to specify the maximum number of cremations under which the original permit was issued:

Permit Condition #7180

Plant #3576, Bay Area Crematory
Conditions for S-1, Cremation Chamber, American Crematory Equipment Co. Model A-101-G, with a Primary Burner and an Afterburner 1.6 MMBtu/hr, natural gas fired
Application #1514, modified under Application #14562

1. The owner/operator shall ensure that S-1 ~~shall be~~ is operated in accordance with the manufacturer's recommendations for each type of cremation to ensure efficient combustion. (basis: Regulation 6-301, Regulation 6-401, Regulation 7)

2. The owner/operator of S-1 shall be in attendance at all time during cremation operations. (basis: Regulation 6-301, Regulation 6-401, Regulation 7)

3. The owner/operator shall ensure that the temperature in the combustion chamber of S-1 ~~shall be~~is increased as necessary to sufficiently control smoke, odor, and particulate emissions.
(basis: Cumulative Increase, Regulation 6-301, Regulation 6-310)

4. The owner/operator shall ensure that ~~At no time during the cremation cycle shall~~ the gas temperature in the combustion chamber of S-1 does not drop below 1400oF at any time during the cremation cycle.
(basis: Cumulative Increase, Regulation 6-301, Regulation 6-310)

5. The owner/operator shall ensure that~~In order to demonstrate compliance with condition #4, a~~ continuous temperature monitor/recorder ~~shall be~~is installed and operated to continuously monitor and record the gas temperature in the combustion chamber of S-1 to demonstrate compliance with Part #4, above.
(basis: Cumulative Increase, Regulation 6-301, Regulation 6-310)

6. The owner/operator shall ensure that ~~V~~visible emissions from S-1 ~~shall~~ do not exceed 0.5 Ringlemann.
(basis: Regulation 1-540)

7. The owner/operator of S-1 shall maintain the following records in a District approved log:
   a. Time and date of each cremation, totalled each month and for the previous 12 months.
   b. Type of container used.
   c. Name of crematory operator.
   d. Combustion chamber temperature records.
   e. Amount of natural gas used, totalled monthly.

   These records shall be kept on site for a period of 2 years from date of entry and made available for inspection by District personnel upon request.
   (basis: Cumulative Increase, Regulation 6-301, Regulation 6-310)

8. In the event that complaints of smoke, odor, or particulate fallout from the crematory are received in sufficient quantity as to constitute a "Public Nuisance" in accordance with the provisions of District Regulation 1-301, the District reserves the right to require the owner/operator of S-1 to conduct a source test for the following compounds
   - Total Suspended Particulate (TSP)
   - Hydrocarbons (HC)
   - Oxides of Nitrogen (NOx)
   - Oxygen Content (O2)
   - Carbon Monoxide (CO)
   - Hydrogen Chloride (HCl)

   This testing shall be conducted during actual crematory operations at conditions specified by the District.
   (basis: Regulation 1-301, Regulation 1-540)

9. The owner/operator shall ensure that no more than 300 cremations are performed at S-1 in any consecutive 12-month period.
(basis: Cumulative Increase)

The permit condition for S-2 will be as follows:

Permit Condition #23728
Plant #3576, Bay Area Crematory
Conditions for S-2, Cremation Chamber, American Crematory Equipment Co. Model A-200Ht, with a Primary Burner and an Afterburner 1.5 MMBtu/hr, natural gas fired
Application #14562

1. The owner/operator shall ensure that no more than 5 cremations are performed in any day at S-2 and no more than 1,200 cremations are performed in any consecutive 12 month period at S-2. (basis: Cumulative Increase, Regulation 2, Rule 5)

2. The owner/operator shall ensure that each cremation charge at S-2 does not exceed 450 pounds. (basis: Cumulative Increase, Regulation 2, Rule 5, Regulation 6-301, Regulation 6-310)

3. The owner/operator shall use S-2 to cremate only human remains. No other materials contaminated with toxic air contaminants as listed by the California Air Resources Board, including radioactive and/or biohazardous waste, shall be incinerated at S-2. (basis: Cumulative Increase, Regulation 2, Rule 5)

4. The owner/operator shall ensure that S-2 is fired on natural gas only. (basis: Cumulative Increase, TBACT)

5. The owner/operator shall ensure there is an operator present at all times a cremation is being performed at S-2. The owner/operator shall operate S-2 in accordance with the manufacturer's specifications to minimize emissions and odors and shall ensure that S-2 is maintained in good working condition. (basis: Regulation 6-301, Regulation 6-401, Regulation 7)

6. The owner/operator shall maintain the operating temperature in the secondary chamber of S-2 at 1600 degrees F or higher. The set point for S-2 shall be 1650 degrees F, and any temperature excursion below 1600 degrees F during the cremation mode will be considered a violation of this condition. Natural gas input to the secondary chamber burner shall be increased, if necessary, to increase temperature sufficiently to control odors and visible emissions. (basis: Cumulative Increase, Regulation 6-301, Regulation 6-310, TBACT)

7. After a shutdown, the owner/operator of S-2 shall not perform another cremation until the cremation chamber has been preheated so that the temperature in the secondary chamber is at least 1650 degrees F. (basis: Regulation 6-301, Regulation 6-310, TBACT)

8. To demonstrate compliance with the temperature requirement in Part #6, the owner/operator shall ensure that the secondary chamber of S-2 is equipped with a District-approved temperature measuring device capable of continuously measuring and recording the temperature. The location of the thermocouple shall be approved by the District's Source Test Section. (basis: Regulation 6-301, Regulation 6-310, TBACT)

9. Not later than 60 days from startup, the owner/operator shall conduct a District-approved source test to measure particulate emissions (gr/dscf) and metal emissions from S-2 (EPA Method 29). The owner/operator shall equip S-2 with sampling ports and platforms for the source test, the location of which must be approved by the District's Source Test Section. The District may require the owner/operator to conduct other District-approved source tests to determine particulate matter, hydrocarbon, NOx, CO, O2, HCl, and toxic emissions under unusual conditions, such as – an obese case, disaster bags.
(basis: Regulation 2-1-403, Regulation 2-5, Regulation 6-310)

10. The owner/operator shall obtain approval for all source test procedures from the District's Source Test Section prior to conducting tests. The owner/operator shall notify the District's Source Test Section, in writing, of the projected test dates at least 7 days prior to testing and provide a copy of the source test report within 30 days of the test date.
(basis: Regulation 2-1-403)

11. To determine compliance with the above conditions, the operator shall maintain the following records and provide all of the data necessary to evaluate compliance with the above conditions, including the following information:
    a) A daily record of the operating hours, time and date of each cremation performed, type of container used, and total weight of each cremation performed at S-2;
    b) All temperature monitoring records for S-2, including strip charts or other records;
    c) The date and detailed description of the type of maintenance performed on S-2;
    d) The date and results of all source tests performed on S-2;
    e) Monthly usage of natural gas for S-2, summed monthly at the end of each month and for the previous 12-month period; and
    f) The records of the number of cremations performed at S-2 shall be summed at the end of each month and for the previous 12-month period.

    All records shall be retained on-site for two years from the date of entry and made available for inspection by District staff upon request. These recordkeeping requirements shall not replace the recordkeeping requirements contained in any applicable District Regulations.
    (basis: Cumulative Increase, TBACT, Regulation 2-1-403, Regulation 2-5, Regulation 6-301, Regulation 6-310)

Recommendations

I recommend issuing an Authority to Construct for the following source:

S-2, Cremation Chamber, American Crematory Equipment Co. Model A-200Ht, with a primary burner and an afterburner 1.5 MMBtu/hr, natural gas fired, 1,200 cremations per year, maximum

I recommend issuing a Change of Conditions for the following source:

S-1, Cremation Chamber, American Crematory Equipment Co. Model A-101-G, with a Primary Burner and an Afterburner 1.6 MMBtu/hr, natural gas fired, 300 cremations per year, maximum

Tamiko Endow 9-24-07

Tamiko Endow
Air Quality Engineer

Date

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT
SINCE 1955

September 27, 2007

Bay Area Crematory
1051 Harder Road
Hayward, CA 94542

Attention: **John Machado**

Application Number:	**14562**
Plant Number:	**3576**
Equipment Location:	**Same as above**

Dear Applicant:

This is your Authority to Construct the following:

S-2 Cremation Chamber
American Crematory Equipment Co. A-200Ht,
with a primary burner and an afterburner 1.5 MMBtu/hr, natural gas fired

The equipment described above is subject to condition no. **23728**.

Notification

Please contact your assigned Permit Engineer, listed in the correspondence section of this letter, in writing, (by letter, fax, or email) at least three days before the initial operation of the equipment so that we may observe the equipment in operation and verify conformance with the Authority to Construct. Operation includes any start-up of the source for testing or other purposes. Operation of equipment without notification to the District may result in enforcement action. **Do not send start-up notifications to the Air Pollution Control Officer.**

Start-up Period

After receipt of the start-up letter required above, this Authority to Construct authorizes operation during the start-up period from the date of initial operation noted in your start-up letter until the Permit to Operate is issued, up to a maximum of 90 days. All conditions (specific or implied) of the Authority to Construct are in effect during the start-up period.

Fees

District Regulation 3 requires a fee for each new Permit to Operate. You will be invoiced upon receipt of your start-up letter. No permits will be issued until all outstanding fees are paid.

Implied Conditions

In the absence of specific permit conditions to the contrary, the throughputs, fuel and material consumption, capacities, and hours of operation described in your permit application will be considered maximum allowable limits. A new permit will be required before any increase in these parameters, or change in raw material handled, may be made.

Expiration

In accordance with Regulation 2-1-407, this Authority to Construct expires two years from the date of issuance unless the authority to construct has been renewed.

Attachment 3

Application: 14562
September 27, 2007

Trade Secret
Unless you have already designated specifically identified materials in your permit application as trade secret, under the California Public Records Act, all data in your permit application, the permit itself and all permit conditions will be considered a matter of public record and may be disclosed to a third party. Please contact your permit reviewer immediately if you wish to amend your permit application submittals or to designate certain permit conditions as trade secret. Unless we hear from you within ten (10) calendar days of this letter, except for materials which have been previously designated as trade secret, you shall be deemed to have waived any claim of trade secret with respect to all materials in the District's files relating to this permit application.

Right of Entry
The Air Pollution Control Officer of the Bay Area Air Quality Management District, the Chairman of the California Air Resources Board, the Regional Administrator of the Environmental Protection Agency, and/or their designees, upon presentation of credentials, shall be granted the right of entry to any premises on which an air pollution source is located for the purposes of:

A. The inspection of the source
B. The sampling of materials used at the source
C. The conduct of an emissions source test
D. The inspection of any records required by District rule or permit condition.

Correspondence
Please include you application number with any correspondence with the District. The District's regulations may be viewed online at www.baaqmd.gov If you have any questions on this matter, please call **Tamiko D Endow, Air Quality Engineer II at (415) 749-4939. Startup information may be faxed to the Engineering Division at 415-749-5030.**

Very truly yours,

Jack P. Broadbent
Executive Officer/APCO

Scott Lutz

by
Engineering Division

TDE:ilh

Plant #3576, Bay Area Crematory
Conditions for S-2, Cremation Chamber, American Crematory Equipment Co. Model A-200Ht, with a Primary Burner and an Afterburner, 1.5 MMBtu/hr, natural gas fired
Application #14562

1. The owner/operator shall ensure that no more than 5 cremations are performed in any day at S-2 and no more than 1,200 cremations are performed in any consecutive 12 month-period at S-2.
(basis: Cumulative Increase, Regulation 2, Rule 5)

2. The owner/operator shall ensure that each cremation charge at S-2 does not exceed 450 pounds.
(basis: Cumulative Increase, Regulation 2, Rule 5, Regulation 6-301, Regulation 6-310)

3. The owner/operator shall use S-2 to cremate only human remains. No other materials contaminated with toxic air contaminants as listed by the California Air Resources Board, including radioactive and/or biohazardous waste, shall be incinerated at S-2.
(basis: Cumulative Increase, Regulation 2, Rule 5)

4. The owner/operator shall ensure that S-2 is fired on natural gas only.
(basis: Cumulative Increase, TBACT)

5. The owner/operator shall ensure there is an operator present at all times a cremation is being performed at S-2. The owner/operator shall operate S-2 in accordance with the manufacturer's specifications to minimize emissions and odors and shall ensure that S-2 is maintained in good working condition.
(basis: Regulation 6-301, Regulation 6-401, Regulation 7)

6. The owner/operator shall maintain the operating temperature in the secondary chamber of S-2 at 1600 degrees F or higher. The set point for S-2 shall be 1650 degrees F, and any temperature excursion below 1600 degrees F during the cremation mode will be considered a violation of this condition. Natural gas input to the secondary chamber burner shall be increased, if necessary, to increase temperature sufficiently to control odors and visible emissions.
(basis: Cumulative Increase, Regulation 6-301, Regulation 6-310, TBACT)

7. After a shutdown, the owner/operator of S-2 shall not perform another cremation until the cremation chamber has been preheated so that the temperature in the secondary chamber is at least 1650 degrees F.
(basis: Regulation 6-301, Regulation 6-310, TBACT)

8. To demonstrate compliance with the temperature requirement in Part #6, the owner/operator shall ensure that the secondary chamber of S-2 is equipped with a District-approved temperature measuring device capable of continuously measuring and recording the

temperature. The location of the thermocouple shall be approved by the District's Source Test Section.
(basis: Regulation 6-301, Regulation 6-310, TBACT)

9. Not later than 60 days from startup, the owner/operator shall conduct a District-approved source test to measure particulate emissions (gr/dscf) and metal emissions from S-2 (EPA Method 29). The owner/operator shall equip S-2 with sampling ports and platforms for the source test, the location of which must be approved by the District's Source Test Section. The District may require the owner/operator to conduct other District-approved source tests to determine particulate matter, hydrocarbon, NOx, CO, O2, HCl, and toxic emissions under unusual conditions, such as an obese case, disaster bags.
(basis: Regulation 2-1-403, Regulation 2-5, Regulation 6-310)

10. The owner/operator shall obtain approval for all source test procedures from the District's Source Test Section prior to conducting tests. The owner/operator shall notify the District's Source Test Section, in writing, of the projected test dates at least 7 days prior to testing and provide a copy of the source test report within 30 days of the test date.
(basis: Regulation 2-1-403)

11. To determine compliance with the above conditions, the operator shall maintain the following records and provide all of the data necessary to evaluate compliance with the above conditions, including the following information:
    a. A daily record of the operating hours, time and date of each cremation performed, type of container used, and total weight of each cremation performed at S-2;
    b. All temperature monitoring records for S-2, including strip charts or other records;
    c. The date and detailed description of the type of maintenance performed on S-2;
    d. The date and results of all source tests performed on S-2;
    e. Monthly usage of natural gas for S-2, summed monthly at the end of each month and for the previous 12-month period; and
    f. The records of the number of cremations performed at S-2 shall be summed at the end of each month and for the previous 12-month period.

    All records shall be retained on-site for two years from the date of entry and made available for inspection by District staff upon request. These recordkeeping requirements shall not replace the recordkeeping requirements contained in any applicable District Regulations.
(basis: Cumulative Increase, TBACT, Regulation 2-1-403, Regulation 2-5, Regulation 6-301, Regulation 6-310)

CITY OF HAYWARD
PLANNING DIVISION
CONDITIONAL USE PERMIT APPROVAL
Revised January 24, 2008

CONDITIONAL USE PERMIT APPLICATION NO. 2006-0566: Chris Kelly (Applicant) /Roman Catholic Bishop of Oakland (Owner) - Request to modify Use Permit 81-94 to allow a second crematory within an existing mortuary *and to limit it to 900 cremations a year.*

The property is located at 1051 Harder Road, located at Mission Boulevard in the Commercial Office (CO) Zoning District. (APN: 078C-0800-001-02)

FINDINGS FOR APPROVAL

A. Approval of Conditional Use Permit No. PL 2006-0566, as conditioned, will have no significant impact on the environment, cumulative or otherwise, as prescribed by the California Environmental Quality Act, and the project reflects the City's independent judgment.

B. Adding a second crematory in a mortuary, which is adjacent to a cemetery, is desirable for the public convenience in that it simplifies funeral arrangements, reduces cost and allows for projected demands for cremation services.

C. Adding another crematory will not impair the character and integrity of the neighborhood in that the crematory stack is well screened from public view, and distance and topography provides a buffer from residential, commercial and educational facilities.

D. The proposed use will not be detrimental to the public health, safety, or general welfare in that the Bay Area Air Quality Management District would have to approve an Air Permit before the crematory could operate and the Bay Area Air Quality Management District periodically monitors the operation of the crematoriums to make sure they are in compliance with the district standards and regulations.

E. The increase in cremation capacity is in harmony with applicable City policies as well as the intent and purpose of the zoning district in that the increase capacity will allow for anticipated future demand for cremation services.

CITY OF HAYWARD
PLANNING DIVISION
CONDITIONAL USE PERMIT APPROVAL
Revised January 24, 2008

CONDITIONAL USE PERMIT APPLICATION NO. 2006-0566: Chris Kelly (Applicant) /Roman Catholic Bishop of Oakland (Owner) - Request to modify Use Permit 81-94 to allow a second crematory within an existing mortuary *and limit it to 900 cremations a year,* is approved subject to these conditions of approval and the plans, labeled Exhibit "A"

The property is located at 1051 Harder Road, located at Mission Boulevard in the Commercial Office (CO) Zoning District. (APN: 078C-0800-001-02)

CONDITIONS OF APPROVAL

1. This permit becomes void one year after the effective date of approval unless prior to that time a building permit has been authorized for the installation of the crematory. Any modification to this permit shall require review and approval by the Planning Director. *All conditions of approval of Use Permit 81-94 remain applicable as it relates to the operation of the funeral home.*

2. The applicant shall obtain a permit from the Bay Area Air Quality Management District (BAAQMD) prior to operating the crematory. *The applicant shall change the number of cremations requested from the Bay Area Air Quality District, to limit the second crematory to 900 cremations a year.*

3. The crematory shall be operated per the final conditions of the Bay Area Air Quality Management's Engineering Evaluation report. A building/mechanical permit shall be obtained to install the crematory. The Bay Area Air Quality Management's Engineering Evaluation report shall be submitted with the building/mechanical permit application.

4. The crematory shall not be operated by anyone who has not obtained the required training and license from the State of California for the operation of the crematorium.

5. The existing crematory shall be limited to 300 cremations a year and the second crematory shall be limited to *900* cremations year. An increase in the number of cremations shall require a modification of the use permit and approval by the Bay Area Air Quality Management District.

6. *The applicant shall change the number of cremations request from the Bay Area Air Quality District's to limit the second crematory to 900 cremations a year.*

7. The second crematory heat stack shall be painted to match the building and existing crematory heat stack. Any increase in the heat stack height shall be approved by the Planning Director.

8. The property owner/applicant shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways, parking areas and landscaping. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.

9. Additional trees, planted in an informal pattern, shall be provided as necessary to fill any gaps that expose the crematory stack from Mission Boulevard and Harder Road. Species, quantity and location of trees shall be approved by the City Landscape Architect. Trees shall be 15 gallon size or larger.

10. Maintain a 3-foot perimeter clearance around the equipment. No combustible storage shall be allowed within 3 feet of the equipment.

11. Maintain a clear and unobstructed access to all controls to the equipment. All controls shall be labeled and identified, including the main shut-off.

12. All natural gas piping supplying the equipment shall be properly labeled and identified.

13. A portable fire extinguisher with a minimum 2A:20BC rating shall be installed within the room.

14. If it comes to the attention of the Planning Director that the use is not consistent with the findings, the Director may call the conditional use permit application up to the Planning Commission for consideration of imposing additional conditions or restrictions.

15. Violation of these conditions is cause for revocation of the conditional use permit after public hearing before the duly authorized review body.

MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, May 10, 2007, 7:30 p.m.
777 B Street, Hayward, CA 94541

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m., by Chair McKillop followed by the Pledge of Allegiance.

ROLL CALL

Present:	COMMISSIONERS:	Lavelle, Peixoto, Thnay, Mendall, Zermeño
	CHAIRPERSON:	McKillop
Absent:	COMMISSIONER:	Sacks

Staff Members Present: Conneely, Emura, Rizk, Lens

General Public Present: Approximately 12

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS

1. **Conditional Use Permit Application No. PL-2006-0566 – Chris Kelly (Applicant) / Catholic Bishop of Oakland (Owner)** – Request to Modify Use Permit No. 81-94 to Allow a Second Crematory at the Holy Angels Funeral and Cremation Center – The Project is Located at 1051 Harder Road, easterly of Mission Boulevard

   Staff report submitted by Associate Planner Emura, dated May 10, 2007, was filed.

Associate Planner Emura presented the report indicating receipt of one comment opposing the crematory because of the projected increase in the number of cremations and the impact to the surrounding area. He added that another resident also commented on the negative impact. He also indicated that the Bay Area Air Quality Management District (BAAQMD) submitted a clarification on the Initial Study Checklist indicating that the baghouse has not been eliminated as the Best Available Control Technology (BACT) for controlling the particulate emissions.

In response to Commissioner Mendall's inquiry regarding monitoring compliance, Associate Planner Emura indicated that the City's involvement is to ensure permit compliance for the new crematory and that the BAAQMD would monitor the use. Mr. Emura also responded that he was not sure if Building would be assessing penalties for the installment of the second crematory without a permit. In response to the emission difference between the existing and the second crematory, Mr. Emura indicated that the cancer risk level is slightly higher for the existing

crematory. He added that there was no data as far as comparative machinery against the proposed crematory at the Mission Funeral Home, but he stated that both would serve the same purpose. He also stated that the crematory proposed at Mission Funeral Home is completely automated.

In response to Commissioner Lavelle's inquiry if Holy Angels Funeral would allow selling services to other area funeral homes, Associate Planner Emura indicated that the services would be for its sole use, and that a condition could be added to disallow to render services to others. Mr. Emura also responded that the mercury emission test level is within approval levels. In response to how soon the second crematory is expected to operate, Mr. Emura indicated that the Air Permit would have to be issued prior to operation and that the BAAQMD would not complete the engineering evaluation until the Planning Commission approves the California Environmental Quality Act (CEQA) documents.

In response to Commissioner Zermeño's inquiry as to what the BAAQMD requires and his concern about permitted cremations, Associate Planner Emura indicated that the BAAQMD has conducted the engineering evaluation, but has not confirmed whether a baghouse would be required and would not make any determinations until CEQA documents were approved. He added that the evaluation would only be for the second crematory and that the testing results are within allowable emission levels, but they have not ruled out requiring additional control devises to reduce the emissions. Planning Manager Risk referred to Conditions of Approval #3 and #6 indicating that cremations would have to be in compliance with the report from the BAAQMD's engineering evaluation. He suggested that the words "no more than" be inserted in Condition of Approval # 3 to specify the maximum number of cremations allowed per year. In response to Commissioner Zermeño about the frequency in which mortuaries are monitored for compliance, Associate Planner Emura indicated that the information is unknown but that there are procedures for reporting non-compliance situations and that the applicant would be required to keep a record of the operation of the crematory. It was reported that no infractions have been recorded. Planning Manager Rizk referred to Condition of Approval #14 indicating that potential non-compliance concerns can generate involvement by the Planning Director by considering imposing additional conditions or restrictions. He added that complaints would be carefully investigated for compliance with health and safety standards.

Commissioner Peixoto asked for clarification regarding particulate emissions (PM10). Associate Planner Emura stated that the regulation is established by the BAAQMD. It was stated that the emissions can be mitigated by reducing the number of cremations.

Commissioner Thnay referred to the table of projected cremations provided by Architect Kelly, and inquired what analysis was used in projecting the 1350 cremations. Associate Planner Emura indicated that the architect would be able to respond.

Chair McKillop inquired about an equivalent to the particulate emission standard and about other emissions that are under PM10. Associate Planner Emura indicated that the concern would be that the emissions could be deposited in the lungs once inhaled. He indicated that the emissions of diesel fuel would fall in the category of PM10. Planning Manager stated that the Toxic Risk Assessment test was found to be below the 1.0 hazard risk limit and apologized for not having comparative data.

Chair McKillop opened the public hearing at 8:10 p.m.

Mr. Chris Kelly, Holy Angels applicant, in reference to the PM10, indicated that they are size-specific. He stated that the BAAQMD and the State Cemetery Board would monitor all the practices and the cremations. He referred to the chart included in the report indicating that the proposed numbers of cremations is based on the projected increase of cremation and death rates and in comparison to other services provided in other cities. He apologized for the circumstances in applying for the second permit. In response to Commissioner Lavelle, Mr. Kelly indicated that there is no plan to sell cremation services to other funeral homes.

Mr. Robert Seelig, Director of Funeral and Cemetery Services for the Diocese, indicated that Catholic population in California is moving in a direction that is less apprehensive to allowing cremations. He mentioned that they would like to prepare for a demand that is projected to increase. He added that the baghouse would not make it feasible to provide cremations, but would be agreeable to consider a more feasible option. In response to Commissioner Mendall, Mr. Seelig indicated that the projection is based on one third of the Catholic population, but the influx in the choice of cremation is estimated to increase by two thirds of the population in the next15 years. In response to Commissioner Zermeño's inquiry related to the cost of cremation, it was indicated that the funeral service and cremation niche is estimated from $2,000 to $5,000 and the funeral service for a body burial plot is estimated from $3,000 to $7, 000.

Mr. Bob Perry, resident of Hayward since 1950, expressed that he is not in favor or against the proposed crematory, but was concerned with the principle that a permit should be acquired prior to construction. He favored obtaining more information from the BAAQMD and added that the existing facility can serve the current demand. Furthermore, he indicated that the approval could set a precedent that it would be permissible to build prior to obtaining proper permits.

Ms. Janet Kassouf echoed Mr. Perry's sentiments about building without permits. She spoke against the second crematory because of health concerns such as cancer risk due from potential emissions. She provided an article from The Catholic Voice, "Doctors explore toxins in the life of the womb."

Mr. Andrew Quan, Hayward Youth Commissioner, spoke against the second crematory because of the impact and consequences of mercury emissions.

Chair McKillop closed the public hearing at 8:41 p.m.

Commissioner Lavelle expressed that she was not prepared to vote in favor of a second crematory because the projected chart prepared by the applicant did not demonstrate the current need for a second crematory and because the applicant did not express plans to offer services to other funeral homes. She added that she would be in favor of entertaining a modified application when the need arises.

Commissioner Lavelle made a motion to deny the staff recommendation.

Commissioner Zermeño seconded the motion indicating that he did not have data or findings from the BAAQMD to make an informed decision.

Commissioner Mendall encouraged the Commission to allow the applicant to use the second crematory under the allowable 300 per year permit because it was indicated to produce fewer emissions than the existing crematory. Planning Manager Rizk indicated that the BAAQMD would need to issue a permit for the second crematory prior to operation. Associate Planner Emura stated that the applicant would need to modify the application and the BAAQMD would need to do a new analysis. Planning Manager Rizk further indicated that the City did not have the authority to cease operation of the current unit, but it would be up to the discretion of the applicant.

Assistant Attorney Conneely indicated that proper protocol did not exist to revoke the existing crematory, and the action permitted by the Commission was to approve or disapprove the staff recommendation.

Commissioner Thnay stated that the existing number of cremations is close to the maximum 300 allowed and did not perceive that BAAQMD was against the application. He indicated that as long as the BAAQMD is able to set findings to protect the air quality in Hayward, this type of business should be supported. He favored denying the application without prejudice.

Commissioner Zermeño indicated hesitation about the information from the BAAQMD and inquired if the applicant could come back in a couple of years and apply for a larger number of cremations. Planning Manager Rizk responded that the BAAQMD indicated that both units are in compliance with the standards except for the particulate emissions (PM10.) He stated that the applicant could come back and reapply.

Commissioner Peixoto expressed disappointment at the sequence of events in getting the data. He added that the PM10 is a compelling issue and did not feel comfortable making a decision when there is ambiguity as far as the level of control that is appropriate to reduce health risks. He indicated that he could not approve it at this stage because of lack of data. Lastly, he recommended that staff express the dilemma with the procedural analysis to the BAAQMD.

Commissioner Lavelle moved, seconded by Commissioner Zermeño, and failed with the following vote, to deny the Mitigated Negative Declaration, Initial Study and Mitigation Monitoring Plan; and deny the Conditional Use Permit Application subject to preparation of findings and conditions of denial.

AYES:	COMMISSIONERS Lavelle, Peixoto, Zermeno
NOES:	COMMISSIONERS Mendall, Thnay
	CHAIR McKillop
ABSENT:	COMMISSIONER Sacks
ABSTAIN:	COMMISSIONER None

Since the motion failed, Assistant Attorney Conneely indicated the following alternatives in order to proceed: that a new motion be proposed, wait until there is full membership present, or forward

to Council as denied.

In response to Chair McKillop's question for the applicant's preference, Mr. Kelly proposed to continue the public hearing to another meeting and have someone from the BAAQMD explain the information provided.

Commissioner Mendall requested that options be consider3d in allowing usage of the new crematory under the existing permit.

Chair McKillop moved, seconded by Commissioner Mendall, and approved with Commissioner Sacks absent, to continue the public hearing and include participation and input from the Bay Area Air Quality Management District.

ADDITIONAL MATTERS

2. Oral Report on Planning and Zoning Matters
Planning Manager Rizk reported on the forthcoming work session and public hearings.

3. Commissioners' Announcements, Referrals
Commissioner Thnay reported the blight landscaping condition at the Kishore and Sons building on Tennyson Avenue near Ruus Avenue.

APPROVAL OF MINUTES

The minutes of April 26, 2007 were approved.

ADJOURNMENT

Chair McKillop adjourned the meeting at 9:09 p.m.

APPROVED:

_____
Mary Lavelle, Secretary
Planning Commissioner

ATTEST:

_____
Miriam Lens
Commission Secretary

CITY OF HAYWARD
AGENDA REPORT

Meeting Date 05/10/07
Agenda Item 1

TO: Planning Commission

FROM: Carl T. Emura, Associate Planner

SUBJECT: **Conditional Use Permit Application No. PL-2006-0566 – Mr. Chris Kelly (Applicant) / Catholic Bishop of Oakland (Owner)** - Request to Modify Use Permit No. 81-94 to Allow a Second Crematory at the Holy Angels Funeral and Cremation Center

The Property is Located at 1051 Harder Road, at Mission Boulevard, in the Commercial Office (CO) Zoning District

RECOMMENDATION:

Staff recommends that the Planning Commission:

- Approve the Mitigated Negative Declaration, Initial Study and Mitigation Monitoring Plan; and
- Approve the Conditional Use Permit application, subject to the attached findings and conditions of approval.

DISCUSSION:

Background

In 1981, the former owner of Machado's Hillside Mortuary, Charles P. Machado, received approval for a Conditional Use Permit to construct an 11,000-square-foot mortuary with a crematory next to the Holy Sepulchre Cemetery. The residents to the north across Harder Road opposed the project and appealed the Board of Adjustments decision approving the application. However, the City Council denied the appeal and approved the application. Machado's Hillside Mortuary, after several delays, was built in 1988. Neither the Bay Area Air Quality Management District (BAAQMD) nor the City has any record of any complaints against the mortuary or crematory since it began operation.

The mortuary is nestled on a 2.56 acre parcel just off of Mission Boulevard, between Harder Road to the north and Holy Sepulchre Cemetery to the south *(See Attachment A)*. Access is from Harder Road. To the west are commercial buildings along both sides of Mission Boulevard, including a K Mart store at the southwest corner of Harder Road and Mission Boulevard. To the east is vacant land owned by CalTrans.

In January 2006, the Catholic Diocese of Oakland purchased the mortuary and renamed it Holy Angels Funeral and Cremation Center. According to applicant, the mortuary currently performs 150 to 200 cremations a year. The Bay Area Air Quality Management District (BAAQMD) limits the existing crematory to 300 cremations a year, the amount the previous owner originally requested. The Catholic Diocese anticipates an increase in demand for cremation services as more and more people find cremations acceptable and the death rate increases due to the passing of the baby boomer generation. In anticipation of this projected increase, they installed a second crematory (Model A-200HT, manufactured by American Crematory Equipment Company) without the benefit of a conditional use permit, assuming it was permitted under the original use permit. A review of the original application did not support this assumption and they are requesting to modify the existing use permit to allow a second crematory.

The second crematory is located next to the existing crematory within the mortuary. It measures 6'-3" (width) x 14'-8" (length) x 8'-4" (height) with a 26-inch-diameter stack that extends through the roof, approximately 6 feet above roof opening and 23 feet above the floor. It is the same height as the existing crematory stack located approximately five feet away. It is currently not in operation. When both crematories are in operation, they would run from 7 am to 7 pm *(maximum of 5 cremations a day),* 7 days a week. Cremation services would be available to all.

The crematories are located within the northwest corner of the mortuary with the loading doors facing Harder Road. Harder Road rises above the mortuary with groves of trees shielding views of the mortuary and crematory stacks from the surrounding neighborhood. The mortuary is visible from the south looking from the cemetery plots, however, the mortuary roof screens views of the crematory stacks from this direction. Distance and topography provide a comfortable separation from other potentially incompatible uses. The crematories are approximately 350 feet from the nearest residential property to the north, and the road bank provides a physical and psychological separation between the two uses They are also approximately 1,000 feet from the nearest commercial property and 2,480 feet from the nearest school (Moreau Catholic High School).

The property is zoned Commercial Office (CO) District. The CO District allows a mortuary, which may include a crematory with the approval of a Conditional Use Permit.

Bay Area Air Quality Management District Requirements

The Bay Area Air Quality Management District (BAAQMD) requires issuance of an Air Permit (Permit to Operate) for any equipment that emits pollutants into the atmosphere unless the equipment qualifies for a permit exemption. Once an application is filed, BAAQMD conducts an Engineering Evaluation, which may include a Toxic Risk Assessment, review of the New Source Review requirements and evaluation of emissions including Particulate Matter and Visible Emissions. The evaluation for this facility is

based on the maximum number of cremations that the applicant requests for each crematory. Holy Angels has proposed a maximum of 1,650 cremations a year, 300 for the existing crematory which BAAQMD has already approved and 1350 for the second one which BAAQMD is currently reviewing. These numbers would result in an average of 4.5 cremation a day.

Issuance of an Air Permit requires the Toxic Risk Assessment show an increased cancer risk to a maximally exposed individual is less than one in a million or less than ten in a million if Toxic Best Available Control Technology (TBACT) is applied. Based on the proposed 1,650 total maximum cremations a year, the Toxic Risk Assessment determined the cumulative cancer health risk from the two crematories is 6.75 in a million (1.5 for the existing crematory and 5.25 for the second crematory). Since the cancer risk for the proposed second unit is above 1 in a million, but less than 10 in a million, BAAQMD requires the use of the TBACT to control emissions. The use of natural gas and maintenance of a minimum firing temperature of 1,650 degrees Fahrenheit has most recently been determined as the TBACT to effectively control emissions from crematories.

In addition, the Toxic Risk Assessment requires that the chronic *(long-term exposure impacts such as cancer, asthma, and other forms of illness)* and acute *(short term exposure impacts such as coughing and eye and lung irritations)* hazard index be less than 1.0. The test results indicated that the chronic and acute hazard index for the existing crematory is 0.04 and 0.06 respectively, and for the proposed second crematory is 0.3 and 0.08 respectively, both below the 1.0 limit.

The BAAQMD also estimated the PM10 emissions for the second crematory using the source test results from three test runs for the same crematory make and model operated at Nor-Cal Crematory in Sacramento. *(PM10 is particulate matter that is ten micrometers in diameter. Ten micrometers is about one-seventh the width of a strand of human hair. PM10 can be inhaled through the upper respiratory airways and deposited in the lungs causing serious health problems.)* The tests results were higher than the BACT limit of 0.01 grain per dry standard cubic feet (gr/dscf) of PM10 control. Therefore, the installation of a baghouse or other filtration system to abate the emissions is being considered by BAAQMD. However, the BACT may not be required if it is not cost effective or technologically infeasible. The BAAQMD uses $5,300 per ton as the threshold to determine if the BACT is cost effective for control of PM10. If an add-on control is not required, the BAAQMD expects the use of natural gas and maintenance of a minimum firing temperature of 1,650 degrees Fahrenheit will be required as has been the determination in the most recent BACT reviews for other crematories. Both crematories met the visible particulate emission standards, which limits visible emissions to no more than 0.15 gr/dscf exhaust gas volume and 1.8 lbs/hour respectively. Though the Air Permit has not been finalized, the BAAQMD indicated the resulting maximum cancer risk, chronic and acute hazard indexes, and monthly ambient air concentration of lead are well within the approvable levels for cancer and non-cancer impacts. As a typical condition of approval of the Air Permit, the BAAQMD requires the owner to keep daily records of the operating hours, number of cremations and processing rate.

BAAQMD periodically reviews these records to determine if the crematory is in compliance with the conditions of the Air Permit. The Engineering Evaluation will be completed after the CEQA documents are approved and determination filed. When the evaluation is completed the BAAQMD would release it for public review. A condition of approval for the use permit from the City requires compliance with the BAAQMD's permit.

The Planning Commission could attach a condition independent of the BAAQMD's conditions requiring a baghouse, but the BAAQMD cautions staff that the feasibility and safety of the control device should be reviewed. As an example, the baghouse alone is not a good solution since hot gases venting directly to a baghouse could be a fire hazard.

ENVIRONMENTAL REVIEW:

An Initial Study Checklist was prepared and a Mitigated Negative Declaration issued on April 17, 2007. The Initial Study determined that the proposed project as conditioned would not have a significant effect on the environment as prescribed by the California Environmental Quality Act. As a mitigation measure, an Air Permit must be obtained from the Bay Area Air Quality Management District prior to operating the crematory. The issuance of an Air Permit will insure reduction of any potential impacts to a less-than-significant level.

PUBLIC NOTICE:

On December 12, 2006, an Official Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. In addition, the Mission-Garin Neighborhood Task Force and Mission-Foothills Neighborhood Task Force received an Official Notice. Staff received no comments from the public. On April 20, 2007 a Notice of Public Hearing for the Planning Commission meeting was mailed.

CONCLUSION:

More and more people are accepting and turning towards cremations as an alternative to the standard burial. With an aging population and limited land available for traditional burials, the number of cremations is anticipated to grow substantially. Combining the mortuary, crematorium and cemetery on the subject site consolidates all services, reduces cost and makes a difficult process a bit easier. In light of this, staff is supportive of adding a second crematory for the several reasons. First, the crematory is compatible with the mortuary and cemetery. Second, there are buffers to minimize the visual and psychological impacts of the crematory. Third, the existing crematory has not generated complaints from the surrounding neighborhood. Finally, BAAQMD's review determined that the toxic and emissions testing results are within approvable levels. Therefore, staff recommends approval of the conditional use permit and the applicant's request to add a second crematory.

recommends approval of the conditional use permit and the applicant's request to add a second crematory.

Prepared by:

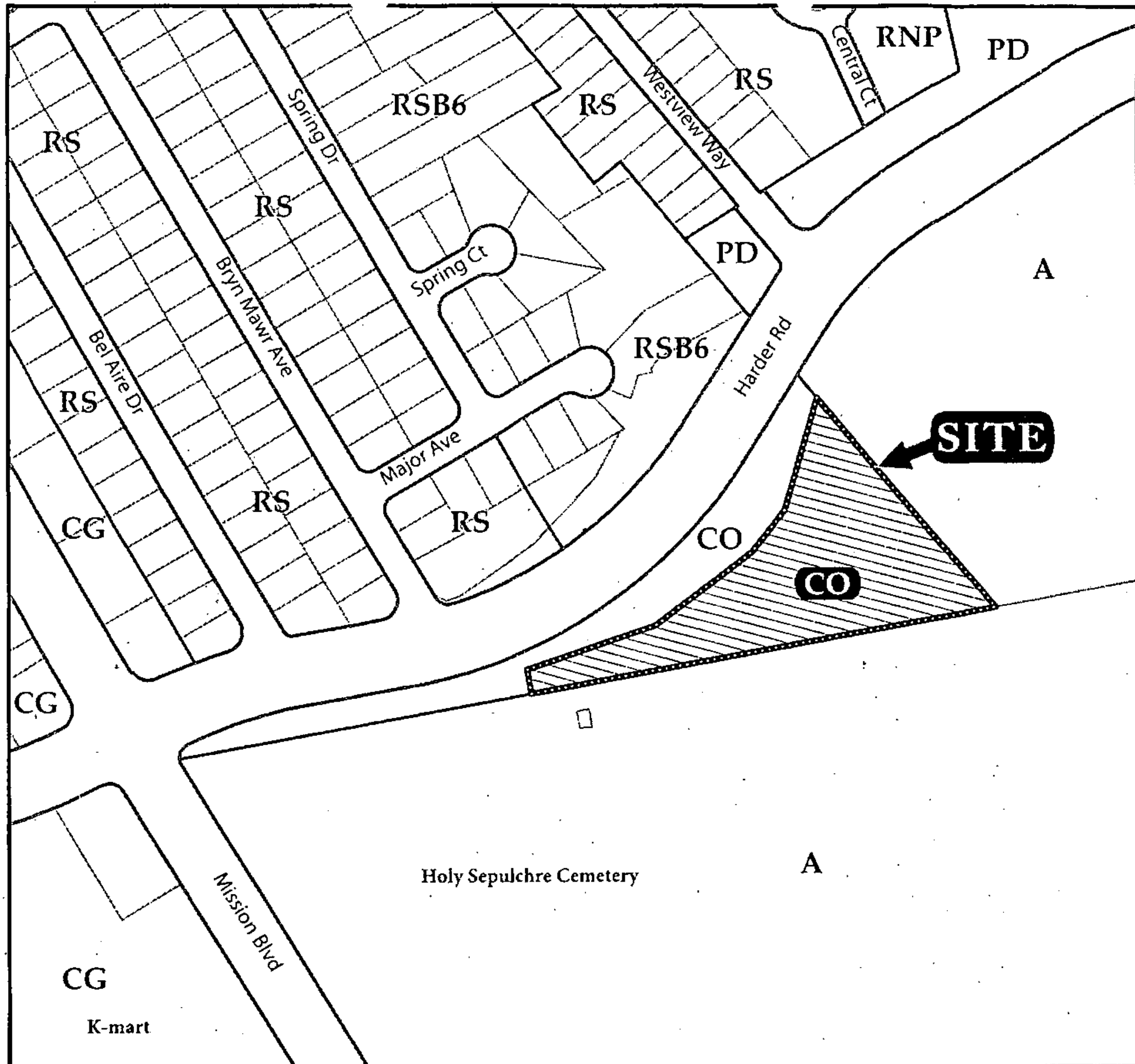
Carl T. Emura, ASLA
Associate Planner

Recommended by:

for David Rizk, AICP
Planning Manager

Attachments:

A. Area Map
B. Findings and Conditions for Approval
C. Letter from Tamiko Endow (BAAQMD Air Quality Engineer) dated February 5, 2007.
D. Letter from Chris Kelly (Applicant) dated February 1, 2007
E. Mitigated Negative Declaration, Initial Study Check List & Mitigation Monitoring Plan
F. Photos
   Plans/Specifications



Area & Zoning Map

PL-2006-0567 ZC

Address: 1051 Harder Road

Applicant: Chris Kelly

Owner: Roman Catholic Bishop of Oakland

Zoning Classifications

RESIDENTIAL

RS	Single Family Residential, min lot size 5000 sqft
RSB6	Single Family Residential, min lot size 6000 sqft

COMMERCIAL

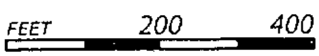
CG	General Commercial
CO	Commercial Office

OPEN SPACE

A	Agricultural

OTHER

PD	Planned Development
RNP	Residential Natural Preservation



ATTACHMENT A

CITY OF HAYWARD
PLANNING DIVISION
CONDITIONAL USE PERMIT APPROVAL
May 10, 2007

CONDITIONAL USE PERMIT APPLICATION NO. 2006-0566: **Chris Kelly (Applicant) /Roman Catholic Bishop of Oakland (Owner)** - Request to modify Use Permit 81-94 to allow a second crematory within an existing mortuary

The property is located at 1051 Harder Road, located at Mission Boulevard in the Commercial Office (CO) Zoning District. (APN: 078C-0800-001-02)

FINDINGS FOR APPROVAL

A. Approval of Conditional Use Permit No. PL 2006-0566, as conditioned, will have no significant impact on the environment, cumulative or otherwise, as prescribed by the California Environmental Quality Act and the project reflects the City's independent judgment.

B. Adding a second crematory in a mortuary, which is adjacent to a cemetery, is desirable for the public convenience in that it simplifies funeral arrangements, reduces cost and allows for projected demands for cremation services.

C. Adding another crematory will not impair the character and integrity of the neighborhood in that the crematory stack is well screened from public view and distance and topography provides a buffer from residential, commercial and educational facilites.

D. The proposed use will not be detrimental to the public health, safety, or general welfare in that the Bay Area Air Quality Management District would have to approve an Air Permit before the crematory could operate and the Bay Area Air Quality Management District periodically monitors the operation of the crematoriums to make sure they are in compliance with the district standards and regulations.

E. The increase cremation capacity is in harmony with applicable City policies as well as the intent and purpose of the zoning district in that the increase capacity will allow for anticipated future demand for cremation services.

CITY OF HAYWARD
PLANNING DIVISION
CONDITIONAL USE PERMIT APPROVAL
May 10, 2007

CONDITIONAL USE PERMIT APPLICATION NO. 2006-0566: **Chris Kelly (Applicant) /Roman Catholic Bishop of Oakland (Owner)** - Request to modify Use Permit 81-94 to allow a second crematory within an existing mortuary is approved subject to these conditions of approval and the plans, labeled Exhibit "A"

The property is located at 1051 Harder Road, located at Mission Boulevard in the Commercial Office (CO) Zoning District. (APN: 078C-0800-001-02)

CONDITIONS OF APPROVAL

1. This permit becomes void one year after the effective date of approval unless prior to that time a building permit has been authorized for the installation of the crematory. Any modification to this permit shall require review and approval by the Planning Director.

2. The applicant shall obtain a permit from the Bay Area Air Quality Management District (BAAQMD) prior to operating the crematory.

3. The existing crematory shall be limited to 300 cremations a year and the second crematory shall be limited to 1350 cremations year. An increase in the number of cremations shall require a modification of the use permit and approval by the Bay Area Air Quality Management District.

4. The second crematory heat stack shall be painted to match the building and existing crematory heat stack.

5. Any increase in the heat stack height shall be approved by the Planning Director.

6. The crematory shall be operated per the final conditions of the Bay Area Air Quality Management's Engineering Evaluation report. A building/mechanical permit shall be obtained to install the crematory. The Bay Area Air Quality Management's Engineering Evaluation report shall be submitted with the building/mechanical permit application.

7. The crematory shall not be operated by anyone who has not obtained the required training and license from the State of California for the operation of the crematorium.

8. The property owner/applicant shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways, parking areas and landscaping. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.

9. Additional trees, planted in an informal pattern, shall be provided as necessary to fill any gaps that expose the crematory stack from Mission Boulevard and Harder Road. Species, quantity and location of trees shall be approved by the City Landscape Architect. Trees shall be 15 gallon size or larger.

10. Maintain a 3-foot perimeter clearance around the equipment. No combustible storage shall be allowed within 3 feet of the equipment.

11. Maintain a clear and unobstructed access to all controls to the equipment. All controls shall be labeled and identified, including the main shut-off.

12. All natural gas piping supplying the equipment shall be properly labeled and identified.

13. A portable fire extinguisher with a minimum 2A:20BC rating shall be installed within the room.

14. If it comes to the attention of the Planning Director that the use is not consistent with the findings, the Director may call the conditional use permit application up to the Planning Commission for consideration of imposing additional conditions or restrictions.

15. Violation of these conditions is cause for revocation of the conditional use permit after public hearing before the duly authorized review body.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
SINCE 1955

February 5, 2007

City of Hayward
Planning Division, 1st Floor
777 B Street
Hayward, CA 94541
Attention: Mr. Carl Emura

Application Number: 14562
Plant Number: 3576
Plant Name: Bay Area Crematory
Equipment Location: 1051 Harder Road
Hayward

Dear Mr. Emura:

Per your request, the District has completed a health risk screening analysis for the existing crematory retort, S-1, located at Bay Area Crematory, 1051 Harder Road in Hayward.

S-1, Cremation Chamber, American Crematory Equipment Co. Model A-101-G, with a primary burner and an afterburner 1.6 MMBtu/hr, natural gas fired

This analysis was not performed under Application 1514 in 1988 when the source was originally permitted, as there were no available emission estimates for toxic air contaminants emissions from crematories at that time. The health risk screening analysis for S-1 has been based on the emissions from 300 cremations per year; this level of operation was presented by the facility as the maximum number of cremations to be performed at this source under Application 1514.

In addition to the inhalation exposure pathway, exposure to several of the TACs emitted was evaluated for soil ingestion, dermal exposure, and breast-milk consumption pathways. The estimated residential risk is based on the assumption that exposure to the annual average TAC concentrations occurs 50 weeks per year over a 70-year lifetime. Risk estimates for offsite workers are based upon exposure for 40 years. Student risk was not calculated as there are no K-12 schools within 1,000 feet of the source. At this rate, the corresponding maximum cancer risk from S-1 is 1.5 in a million, the chronic hazard index is 0.04, the acute hazard index is 0.06, and the monthly averaged ambient air concentrations of lead is 0.010 micrograms per cubic meter.

As relayed to you previously, the health risk screening analysis of the incremental health risk resulting from the TAC emissions from the proposed second source, S-2, was completed last month.

S-2, Cremation Chamber, American Crematory Equipment Co. Model A-200Ht, with a primary burner and an afterburner 1.5 MMBtu/hr, natural gas fired

Based upon a maximum of 1,825 cremations per year and the same parameters described above, the maximum incremental cancer risk from the proposed S-2 is 7.1 in a million, the chronic hazard index is 0.3, the acute hazard index is 0.08, and the monthly averaged ambient air concentration of lead is 0.010 micrograms/cubic meter.

ATTACHMENT C

The District has been notified that the Bay Area Crematory will accept a lower operating limit of 1,350 cremations per year, maximum, for the proposed unit, S-2. The estimated risk is directly proportional to emissions, which is also directly proportional to the number of cremations performed. Therefore, the incremental cancer risk associated with 1,350 cremations per year at S-2 is 5.25 in a million. The risk from S-2 would be in addition to the risk evaluated for the existing unit, so with both retorts operating, the cumulative incremental cancer health risk would be 6.75 in a million.

The resulting maximum cancer risk, chronic and acute hazard indexes, and monthly averaged ambient air concentration of lead are well within the approvable levels for cancer and non-cancer impacts. Therefore, in accordance with District Regulation 2, Rule 5, these risk levels are considered acceptable if the proposed crematory retort meets Toxics Best Available Control Technology (TBACT) requirements. TBACT is defined in Section 2-5-301 as the most effective emission control device or the most stringent emission limitation achieved by an emission control device or technique, which has been successfully utilized for the type of equipment. The District has required use of natural gas and maintenance of a minimum firing temperature of 1650 degreesF as TBACT control for the most recent crematory installations in the Bay Area. TBACT review for this installation will consider these most recent determinations as well as any additional information available at the time the evaluation is finalized.

If you have any further questions, please call me at **(415) 749-4939 (fax 415-749-4949).**

Very truly yours,

Tamiko Endow

Tamiko Endow
Air Quality Engineer

TDE:tde

CHRIS KELLY ARCHITECTS

ARCHITECTURE • PLANNING • CONSULTING

February 1, 2007

Mr. Carl T. Emura, ASLA
City of Hayward
Department of Community and Economic Development
777 B Street
Hayward, CA 94541

Re: Holy Angels Funeral & Cremation Center
1051 Harder Road
Hayward, CA 94544
APN 81-157-217

Dear Carl,
Per our conversation you have requested a maximum number of cases for the new crematory at Holy Angels. We are requesting a maximum of 1,350 cases per year for the new crematory. With the existing crematory currently permitted for a maximum of 300 cases per year, the maximum total for the site would be 1,650 cases per year. As mentioned in the project description the site is only actually performing 150-200 cases currently.

There are two key points I would like to make about the possible number of cases performed today and in the future. Currently the cremation rate in California is 54% of all deaths and is expected to grow to 65% in the next 10 years. This is well documented and we can provide articles and statistic of the mortality data upon request. The second key point is that the death rate will increase by 50% in the next 25 years due to the passing of the baby boomer generation.

Attached is a chart showing the progression of total possible cases per year. If you take these two points and apply to Holy Sepulchre Cemetery, which serves Holy Angels, the total interments is multiplied by the cremation percentage, plus adding a factor of 25% for additional cases that would not choose this cemetery; you arrive at a potential scenario for number of cases needed per year. We would like the City to understand that while the current number of cases is low, if the current trend applies, the number of cases will only increase in the near future, thus the requested for a higher number of cases.

The Bay Air Quality Board (BAQB) calculates a health risk factor which is based on a maximum number of cases permitted, not the actually number of cases per year. The chart also lists the accumulative health risk factor if based on the potential scenario of cases per

(415) 884-9636 55 GALLI DRIVE, SUITE B, NOVATO CA 94949 FAX (415) 884-9656

ATTACHMENT D

year. As you can see on the chart, it would take more than 23 years to get to the health risk factor stated in the BAQB permit application report. Note that if you calculate the risk factor for the number of case actually performed today, it would be less than 1. The point of this chart is to show that there is a gradual growth towards the maximum number of cases permitted per year.

I think we would all agree that we need to reduce the amount of particulate emissions into the air; I would have to say that cremation contributes very little to over all emissions that are out there today. Cigarette smoking, residential fireplaces, diesel engines, and many others sources are by far the biggest negative health contributors to air quality. We see cremation only becoming more popular due to the limited number of ground burial spaces available, as well as the fact that the population is rapidly growing resulting in a higher density of land use throughout the Bay Area.

I would encourage the City to look at the need the public is requesting for cremation services. We feel that our request for the total number of case per year is commensurate with other crematories in the Bay Area.

We look forward to proceeding towards approval for this much needed project.

Should you have any questions, please do not hesitate to give me a call.

Regards,

Chris Kelly AIA

Holy Angels Funeral & Cremation Center
1051 Harder Road
Hayward, CA 94544

Holy Angels/Holy Sepulchre Data/Year	Holy Sepulchre Cemetery Interments	Estimated % Not Coming to Cemetery	Number of internments Not Coming to Cemetery	Total Interments	Cremation % in California	Total Possible	Risk factor
Actual - 2006	1197	25%	299	1496	54%	808	3.1
Estimated - 2007	1200	25%	300	1500	55%	825	3.2
2008	1200	25%	300	1500	56%	840	3.3
2009	1200	25%	300	1500	57%	855	3.3
2010	1224	25%	306	1530	58%	887	3.5
2011	1248	25%	312	1561	59%	921	3.6
2012	1273	25%	318	1592	60%	955	3.7
2013	1299	25%	325	1624	61%	990	3.9
2014	1325	25%	331	1656	62%	1027	4.0
2015	1351	25%	338	1689	63%	1064	4.1
2016	1378	25%	345	1723	64%	1103	4.3
2017	1406	25%	351	1757	65%	1142	4.4
2018	1434	25%	359	1793	65%	1165	4.5
2019	1463	25%	366	1828	65%	1189	4.6
2020	1492	25%	373	1865	65%	1212	4.7
2021	1522	25%	380	1902	65%	1237	4.8
2022	1552	25%	388	1940	65%	1261	4.9
2023	1583	25%	396	1979	65%	1286	5.0
2024	1615	25%	404	2019	65%	1312	5.1
2025	1647	25%	412	2059	65%	1338	5.2
2026	1680	25%	420	2100	65%	1365	5.3
2027	1714	25%	428	2142	65%	1393	5.4
2028	1748	25%	437	2185	65%	1420	5.5
2029	1783	25%	446	2229	65%	1449	5.6
2030	1819	25%	455	2273	65%	1478	5.8

CITY OF HAYWARD
MITIGATED NEGATIVE DECLARATION

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

I. PROJECT DESCRIPTION:

Administrative Use Permit No. PL-2006-0566 – Chris Kelly (Applicant)/Roman Catholic Bishop of Oakland (Owner) – Request to modify Use Permit No. 81-94 to allow a second crematory to an existing funeral home. The property is located at 1051 Harder Road at Mission Boulevard in Hayward.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project could 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. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.

2. The project will not adversely affect any scenic resources. The crematory stack is screened by a road bank, grove of trees and mortuary roof.

3. The project will not have an adverse effect on agricultural land since the property is surrounded adjacent to a cemetery and the Bay Area Air Quality Management District has not received any complaints about the existing crematory and mortuary. The addition of a second crematory is not expected to have an adverse effect on the agriculturally zoned vacant land east of the property.

4. The project will not result in significant impacts related to changes into air quality. An Air permit would have to be issued by the Bay Area Air Quality Management District prior to installing the crematory. The permit would insure that crematory operates within State and Federal standards. Testing results indicate that the crematories would be well within the approvable levels for cancer and non-cancer impacts.

5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since the site is not located in a wetland and the site is fully developed.

6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleonotological resources, unique topography or disturb human remains.

7. The project site is located within a "State of California Earthquake Fault Zone", however, construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.

8. The project will not lead to the exposure of people to hazardous materials. The Bay Area Air Quality Management District will insure that the crematory operates within permissible emission levels of hazardous materials.

9. The project will meet all water quality standards. Drainage improvements, if any will be made to accommodate storm water runoff.

10. The project is consistent with the policies of the City General Policies Plan, the Downtown Design Plan, the City of Hayward Design Guidelines and the Zoning Ordinance.

11. The project could not result in a significant impact to mineral resources since the site is too small to be developed to extract mineral resources.

12. The project will not result in significant impacts related to noise. The crematory is enclosed in a building and is not expected to generate noise levels in excess of standards established in the General Plan.

13. The project will not result in a significant impact to public services.

14. The project will not result in a significant impact to recreation facilities.

15. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

16. The project will not result in a significant impact to utilities and service systems.

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

Carl T. Emura, ASLA Associate Planner
Dated: April 17, 2007

II. ***COPY OF INITIAL STUDY IS ATTACHED***

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4209, or e-mail carl.emura@hayward-ca.gov .

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting it in writing.
  Provide copy to Alameda County Clerks office.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division

INITIAL STUDY CHECKLIST FORM

Project title:	**Conditional Use Permit No. PL-2006-0566 - Modification of Use Permit No. 81-94 - Request to Allow a Second Crematory to an Existing Funeral Home**
Lead agency name and address:	City of Hayward, 777 "B" Street, Hayward, CA 94541-5007
Contact persons and phone numbers:	Carl T. Emura, Associate Planner (510) 583-4209
Project location:	The property is located at 1051 Harder Road at Mission Boulevard
Project sponsor's name and address:	Mr. Chris Kelly % Chris Kelly Architects 55 Galli Drive, Suite B Novato, Ca. 94949
General Plan:	Medium Density Residential
Zoning:	Commercial Office (CO)
Description of project:	Proposal to add a second crematory to an existing funeral home.
Surrounding land uses and setting:	To the north, across Harder Road are single-family dwellings; to the south, is Holy Sepulchre Cemetery; to the west, are commercial buildings along both sides of Mission Boulevard and a K Mart store at the southwest corner of Harder Road and Mission Boulevard; and to the east is vacant land owned by CalTrans.
Other public agencies whose approval is required:	Bay Area Air Quality Management District

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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 Resources	☒	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Geology /Soils
☒	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.

_____ April 17, 2007
Signature Date

Carl T. Emura, ALSA Associate Planner City of Hayward

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
I. **AESTHETICS** -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
Comment: *The project would not have a substantial adverse effect on a scenic vista. The crematory metal heat stack is located on the north side of the building. The road bank, the grove of trees along Harder Road and the roof screen views of the stack from Mission Boulevard and Harder Road.*				
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
Comment: *The project will not damage any scenic resources*				
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
Comment: *The project will not degrade the existing visual character and quality of the site and its surroundings in that the metal heat stack can not be seen from Mission Boulevard and Harder Road. The raised roadway and trees obscure views of the crematory stack as viewed from Mission Boulevard south of Harder Road. The mortuary roof obscures views of the crematory stack as viewed from Mission Boulevard, north of Harder Road.*				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒
Comment: *The project will not create a new source of light or glare that will adversely affect day or nighttime views in the area.*				

II. **AGRICULTURE 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. Would the project:

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? **Comment:** *The project site does not contain farmland.*	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? ***Comment:*** *The project is not located in an agricultural district or an area used for agricultural purposes.*	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? ***Comment:*** *The project area does not contain agricultural uses or farmland, See II b.*	☐	☐	☐	☒
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? ***Comment:*** *The project will not conflict with the Bay Area 2000 Clean Air Plan or the City of Hayward General Plan policies relating to Air Quality, if the Bay Area Air Quality Management District (BAAQMD) issues an Air Permit for the operation of the crematory. An Air Permit is required from BAAQMD to insure compliance with the Bay Area 2000 Clean Air Plan and other State and Federal regulations. It is a document that states the requirements for equipment to comply with air pollution laws and regulations.* *Prior to issuing an Air Permit, the BAAQMD would prepare an Engineering Evaluation report that would include:* *a) Toxic Risk Assessment* *b) New Source Review* *d) Particulate Matter and Visible Emission Evaluation* *The Toxic Risk Assessment would have to show that the increased cancer risk to a maximally exposed individual is less than one in a million or less than ten in a million using Best Available Control Technology (BACT) to reduce the cancer risk. The Toxic Risk Assessment would have to also show that both the chronic and acute hazard index is less than 1.0*				

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*

III a) Air Quality Continued

The New Source Review requires Best Available Control Technology (BACT) for any new or modified source which results in emissions from a new source or an increase in emissions from a modified source and which has the potential to emit 10.0 pounds or more per highest day of precursor organic compounds (POC), non precursor organic compounds NPOC, nitrogen oxide (NOx), sulfur dioxide (SO2), particulate matter (PM10), or carbon monoxide (CO). However the Best Available Control Technology may not be required if it is not cost effective or technologically infeasible. The BAAQMD uses $5,300 per ton as the threshold to determine if the BACT is cost effective.

The Particulate Matter and Visible Emission Evaluation limits particulate matter grain loading of 0.15 grains/dscf (dry standard cubic feet) in exhaust gas volume.

The applicant applied for an Air Permit and an Engineering Evaluation was conducted. Testing information was obtained from Tamiko Endo, BAAQMD Air Quality Engineer, who processed the Air Permit application.

The existing crematory would perform a maximum of 300 cremations a year and the proposed second crematory would perform a maximum of 1350 cremations a year. The Toxic Risk Assessment determined that the chronic and acute hazard index for the existing crematory is 0.04 and 0.06 respectively and for the proposed second crematory is 0.3 and 0.08 respectively, both within the 1.0 limit. It also determined, based on the total maximum cremations a year, that the cumulative cancer health risk for the two crematories is 6.75 in a million. Because the cancer risk exceed 1 in a million, the BAAQMD requires the use of natural gas and maintenance of a minimum firing temperature of 1650 degrees Fahrenheit as the most effective emission control device to comply with the Best Available Control Technology.

BAAQMD used the source test results from three test runs for the same crematory chamber operated in Sacramento at Nor-Cal Crematory for the New Source Evaluation. The test results were 0.0116, 0.0246, and 0.0572 gr/dscf (dry standard cubic feet). Since these results were higher than the limit of 0.01 gr/dscf, the applicant was asked to determine the cost of installing a baghouse (a filtration system that catches toxic emissions) to reduce the emissions. It was determined that the cost to install a baghouse would be $180,000 per ton, far exceeding the $5,300 per ton threshold. Therefore BAAQMD did not require a baghouse. Since the test results were under 0.15 grains/dscf, it complied with particulate matter and visible emission threshold

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
III a) Air Quality Continued				
Mitigation Measure: *An Air permit from the Bay Area Air Quality Management District (BAAQMD) is required to install and operate a crematory. The issuance of an Air Permit will insure reduction of any potential impact to a less-than-significant level.* ***Implementation Responsibility:*** *City of Hayward* ***Verification Responsibility:*** *City Planning Division* ***Monitoring Schedule During Plan Review:*** *Condition of Approval – Staff will verify that an Air Permit is obtained prior to issuance of Building Permit.* ***Monitoring Schedule During Construction/Implementation:*** *Condition of Approval - Air Permit must be maintained throughout the life of its use. (BAAQMD requires that the owner keep the date and detailed description of the type of maintenance, monitoring and source test done on cremator. In addition the owner is required to keep daily records of the operating hours, number of cremations and processing rate. BAAQMD periodically reviews these documents to determine if the crematory is in compliance with the conditions of the Air Permit.)*	☐	☒	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? ***Comment:*** *See IIIa*	☐	☒	☐	☐
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)? ***Comment:*** *See IIIa*	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations? ***Comment:*** *See IIIa*	☐	☒	☐	☐

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
III Air Quality Continued				
e) Create objectionable odors affecting a substantial number of people?	☐	☒	☐	☐
Comment: *The crematory can create objectionable odors. A poorly designed retort with inadequate turbulence, temperature and residence time can result in objectionable odors. The BAAQMD limits the discharge of odorous substances and recommends providing an afterburner in the secondary chamber of the retort. This compensates for deficiencies, if any in the design of the primary chamber and minimizes the discharge of odorous substances. The crematories are equipped with a secondary chamber with an afterburner.*				
Mitigation Measure: *An Air permit from the Bay Area Air Quality Management District (BAAQMD) is required to install and operate a crematory. The issuance of an Air Permit will insure reduction of any potential impact to a less-than-significant level.*				
Implementation Responsibility: *City of Hayward*				
Verification Responsibility: *City Planning Division*				
Monitoring Schedule During Plan Review: *Condition of Approval – Staff will verify that an Air Permit is obtained prior to issuance of Building Permit.*				
Monitoring Schedule During Construction/Implementation: *Condition of Approval - Air Permit must be maintained throughout the life of its use.*				
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?	☐	☐	☐	☒
Comment: *The property is currently uses as a funeral home and is surrounded by vacant land and a cemetery. There is no evidence of any candidate, sensitive, or special status species.*				
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?	☐	☐	☐	☒
Comment: *The site contains no riparian or sensitive habitat.*				

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? ***Comment:*** *The site contains no wetlands.*	☐	☐	☐	☒
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? ***Comment:*** *The site does not contain habitat used by migratory fish or wildlife nor is it a migratory wildlife corridor.*	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ***Comment:*** *The project is in conformance with the General Policies Plan and will conform to the requirements of the Tree Preservation 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? ***Comment:*** *There are no habitat conservation plans affecting the property.*	☐	☐	☐	☒
V. **CULTURAL RESOURCES** -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? ***Comment:*** *No known historical resources exist on-site.*	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? ***Comment:*** *There would be no ground disturbances. No known archaeological resources exist in on-site.*	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ***Comment:*** *No known paleontological resources exist on-site.*	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries? ***Comments:*** *The site is an existing funeral home adjacent to a cemetery, however no known human burials are located on-site and the addition of a second crematory would be located in the existing funeral home.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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. *__Comment:__ The project is located within the Hayward Fault Zone.*	☐	☐	☒	☐
ii) Strong seismic ground shaking? *__Comment:__ The site is located within a "State of California Earthquake Fault Zone" and the second crematory would be located in the existing mortuary. The installation of the second crematory would be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking.* *__Impacts:__ Ground shaking can be expected at the site during a moderate to severe earthquake, which is common to virtually all development in the general region. This impact is considered less than significant.*	☐	☐	☒	☐
iii). Seismic-related ground failure, including liquefaction? *__Comment:__ Liquefaction and differential compaction is not considered to be likely on this site.*	☐	☐	☐	☒
iv) Landslides? *__Comment:__ The project is not located within an area subject to landslides.*	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil? *__Comment:__ The site is fully developed and the installation of the crematorium does not entail any site grading.*	☐	☐	☐	☒
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? *__Comment:__ The crematory will be located in an existing building. No known seismic liquefaction or landslide area exist on the site.*	☐	☐	☐	☒
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? *__Comment:__ The Funeral Home is existing and the crematorium would be installed inside an existing building.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
Comment: *The Funeral Home is connected to the City of Hayward sewer system.*				
VII. **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?	☐	☒	☐	☐
Comment: *There is no evidence of hazardous materials at the site nor will hazardous materials be used or transported at or near the site. However, mercury resulting from the thermal instability of mercury alloys of amalgam tooth fillings during cremation of human bodies may potentially be a source of mercury and other hazardous air emissions. The Bay Area Air Quality Management District BAAQMD) conducted a Toxic Risk Assessment and the mercury level as well as other toxic substances are well within in the approvable levels for mercury and other toxic emissions. BAAQMD also determined that cumulative cancer risk was within acceptable levels. See IIIa.*				
Mitigation Measure: *A Bay Area Air Management District Air Permit is required prior to installation and operation of the crematory. The issuance of an Air Permit will insure reduction of any potential impact to a less-than-significant level.*				
Implementation Responsibility: *City Of Hayward*				
Verification Responsibility: *City Planning Division*				
Monitoring Schedule During Plan Review: *Staff will verify Air Permit is obtained prior to issuance of Building Permit.*				
Monitoring Schedule During Construction /Implementation: *Condition of Approval – The Air Permit must be maintained throughout the life of its use.*				
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?	☐	☒	☐	☐
Comment: *See VII a.*				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
Comment: *There are no schools within one-quarter mile of the funeral home.*				

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? ***Comment:*** *The site is not included on a list of hazardous materials sites and would not 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? ***Comment:*** *The project is not located within an airport zone.*	☐	☐	☐	☒
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? ***Comment:*** *See VII e.*	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ***Comment:*** *The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.*	☐	☐	☐	☒
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? ***Comment:*** *The project is not located in an area of wildlands and is not adjacent to wildlands.*	☐	☐	☐	☒
VIII. **HYDROLOGY AND WATER QUALITY** -- Would the project:				
a) Violate any water quality standards or waste discharge requirements? ***Comment:*** *The project will meet all water quality standards and waste discharge requirements.*	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? ***Comment:*** *The site will be served with water by the City of Hayward and the crematorium would not significantly increase water usage. Therefore, water quality standards will not be violated and groundwater supplies will not be depleted*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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? ***Comment:*** *The site is fully developed and the addition of another crematorium would not alter the existing drainage pattern.*	☐	☐	☐	☒
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? ***Comment:*** *See VIII c.*	☐	☐	☐	☒
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? ***Comment:*** *The site is fully developed and the addition of another crematorium would not increase runoff water.*	☐	☐	☐	☒
f) Otherwise substantially degrade water quality? ***Comment:*** *See VIII a.*	☐	☐	☐	☒
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? ***Comment:*** *According to FEMA Flood Insurance Rate Maps (panel # 065033-0012 Zone C dated Sept. 16, 1981); this site is not within the 100-year flood hazard area.*	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? ***Comment:*** *See VIII g.*	☐	☐	☐	☒
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? ***Comment:*** *The site is not within the 100-year flood zone, is not near any levees and is not located downstream of a dam.*	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow? ***Comment:*** *The project is not in a location that would allow these phenomena to affect the site.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
IX. **LAND USE AND PLANNING** - Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
Comment: *The project will not physically divide an established community. The funeral home has an existing crematorium. The BAAQMD and the City of Hayward have not received any complaints regarding the existing crematorium. The crematorium stacks would be screened from the street and the Harder Road bank provides a physical and visual separation of the crematorium from the nearest residential neighborhood.*				
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?	☐	☐	☐	☒
Comment: *The crematory does not conflict with any applicable land use plan, policy or regulation as conditioned.*				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
Comment: *See IV f.*				
X. **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?	☐	☐	☐	☒
Comment: *The project will not result in a significant impact to mineral resources since the subject site is located in an urbanized area that does not contain mineral resources that could be feasibly removed.*				
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?	☐	☐	☐	☒
Comment: *See X a*				

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
XI. **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? ***Comment:*** *The Funeral Home is located off of Harder Road, below the road bank and surrounded by vacant land and a cemetery. Any noise generated would be dampened by the building walls and the traffic noise off of Harder Road.*	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? *Comment: See XI a.*	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? ***Comment:*** *See XI a.*	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? ***Comment:*** *See XI a.*	☐	☐	☐	☒
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? ***Comment:*** *See XI a.*	☐	☐	☐	☒
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? ***Comment:*** *See XI a.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
XII. **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)?	☐	☐	☐	☒
Comment: *The additional crematorium would not induce population growth.*				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
Comment: *No housing will be removed.*				
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
Comment: *See XII b.*				
XIII. **PUBLIC SERVICES**				
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	☐	☐	☐	☒
Comment: *The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.*				
b) Police protection?	☐	☐	☐	☒
Comment: *See XIII a.*				
c) Schools?	☐	☐	☐	☒
Comment: *See XIII a.*				
d) Parks?	☐	☐	☐	☒
Comment: *See XIII a.*				
e) Other public facilities?	☐	☐	☐	☒
Comment: *See XIII a.*				

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
XIV. **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? ***Comment:*** *The additional crematorium would not increase the use of existing neighborhood and regional parks and their facilities.*	☐	☐	☐	☒
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? ***Comment:*** *The project would not include recreational facilities that might have an adverse physical effect on the environment.*	☐	☐	☐	☒
XV. **TRANSPORTATION/TRAFFIC** -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? ***Comment:*** *The addition of a crematorium would not cause an increase in traffic.*	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? ***Comment:*** *See XV a.*	☐	☐	☐	☒
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? ***Comment:*** *The project will not affect air traffic patterns.*	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ***Comment:*** *The additional crematorium will not substantially increase hazards.*	☐	☐	☐	☒
e) Result in inadequate emergency access? ***Comment:*** *The Hayward Fire Department has reviewed the project and finds the project acceptable to Hayward Fire Department requirements and standards.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
f) Result in inadequate parking capacity? ***Comment:*** *The funeral home is not being expanded. The crematorium will be added to the existing facility; therefore, no additional parking is required.*	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? ***Comment:*** *The project does not conflict with adopted policies supporting alternative transportation.*	☐	☐	☐	☒

XVI. **UTILITIES AND SERVICE SYSTEMS** - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ***Comment:*** *The additional crematorium will not exceed wastewater treatment requirements.*	☐	☐	☐	☒
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? ***Comment:*** *The funeral home is existing and the additional crematorium will not result in construction or expansion of wastewater treatment facilities.*	☐	☐	☐	☒
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? ***Comment:*** *The funeral home is existing and the additional crematorium will not result in construction or expansion of storm water drainage facilities.*	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? ***Comment:*** *The additional crematorium will not have an impact on the water supply; therefore, it can be served by existing entitlements and resources.*	☐	☐	☐	☒
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? ***Comment:*** *The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the crematoriums.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
f) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
Comment: *The additional crematorium will not exceed wastewater treatment requirements.*				
g) 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?	☐	☐	☐	☒
Comment: *The funeral home is existing and the additional crematorium will not result in construction or expansion of wastewater treatment facilities.*				
h) 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?	☐	☐	☐	☒
Comment: *The funeral home is existing and the addition of a crematorium will not result in construction or expansion of storm water drainage facilities.*				
i) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
Comment: *The additional crematorium will not have an impact on the water supply; therefore, it can be served by existing entitlements and resources.*				
j) 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?	☐	☐	☐	☒
Comment: *The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the project.*				
k) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
Comment: *Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year2034.*				

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
l) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒
Comment: *The project study area participates in the Waste Management of Alameda County recycling program. Construction and operation of the project will comply with all federal, state and local statutes and regulations related to solid waste.*				
XVII. 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?	☐	☐	☒	☐

MITIGATION MONITORING PROGRAM
Holy Angels Mortuary and Cremation Center
1051 Harder Road

1. *AESTHETICS* – No mitigation required

2. *AGRICULTURE RESOURCES* – No mitigation required

3. *AIR QUALITY*

Mitigation Measure: An Air permit from the Bay Area Air Quality Management District (BAAQMD) is required to install and operate a crematory. The issuance of an Air Permit will insure reduction of any potential impact to a less-than-significant level.

Implementation Responsibility: City Of Hayward
Verification Responsibility: City Planning Division
Monitoring Schedule During Plan Review: Condition of Approval – Staff will verify that an Air Permit is obtained prior to issuance of Building Permit.

Monitoring Schedule During Construction/Implementation: Condition of Approval - Air Permit must be maintained throughout the life of its use.

4. *BIOLOGICAL RESOURCES* - No mitigation required

5. *CULTURAL RESOURCES* – No mitigation required

6. *GEOLOGY AND SOILS* – No mitigation required

7. *HAZARDS AND HAZARDOUS MATERIALS*

Mitigation Measure: A Bay Area Air Management District Air Permit is required prior to installation and operation of the crematory. The issuance of an Air Permit will insure reduction of any potential impact to a less-than-significant level.

Implementation Responsibility: City Of Hayward

Verification Responsibility: City Planning Division

Monitoring Schedule During Plan Review: Staff will verify Air Permit is obtained prior to issuance of Building Permit.

Monitoring Schedule During Construction /Implementation:

Condition of Approval – The Air Permit must be maintained throughout the life of its use.

8. *HYDROLOGY AND WATER QUALITY* – No mitigation required

9. *LAND USE & PLANNING* – No mitigation required

10. *MINERAL RESOURCES* – No mitigation required

11. *NOISE* – No mitigation required

12. *POPULATION AND HOUSING* – No mitigation required

13. *PUBLIC SERVICES* – No mitigation required

14. *RECREATION* – No mitigation required

15. *TRANSPORTATION/TRAFFIC* – No mitigation required

16. *UTILITIES AND SERVICES SYSTEMS* – No mitigation required

DUE TO THE LENGTH OR COLOR OF THE REFERENCED EXHIBIT, IT HAS BEEN ATTACHED AS A SEPARATE LINK.

American
CREMATORY EQUIPMENT CO.

Specifications

MODEL A-200 HT "Hot Hearth" CREMATION CHAMBER

DESIGN:

The American A-200 HT is a multi-chamber, **"Hot Hearth"** design unit. Constructed with several chambers to ensure maximum efficiency and pollution control by re-burning the smoke and orders created during cremation.

STEEL EXTERIOR WALLS:

The exterior walls of the unit are constructed of double wall steel plate, properly reinforced with structural tubing, built on 8" channels. The exterior dimensions are 6.3 ft wide, 8.4 ft high and 14.8 ft. in length. Shipping weight is approximately 24,000 lbs.

INSULATION:

The interior insulation lining consist of 8" of 1900`F. block insulation next to casting and 4.5" thick of "Super Duty Fire Brick" w/ 1/8" butted joints installed between the steel casing and the interior brick lining. This insulation shall have 12.5" in total thickness.

INTERIOR WALLS:

Walls shall be of the highest quality of fire brick with a temperature grade of 2800-3200`F. and shall be laid with high temperature cement and bricks anchored to casings. The arch (roof) is "Cast" with high temp. castable. Both the main chamber and after chambers shall be of "Super Duty Fire Brick" construction.

"HOT HEARTH" FLOOR:

The unique dish shaped "Hot Hearth" "Cast Floor" with a 3000`F. high strength refractory castable is five (5) inches thick, designed to control fluids. This providing easy cremains removal and positive fluid control for all size cases.

MAIN CHAMBER:

The main chamber is designed to create turbulence to ensure the proper mixing of oxygen, the products of combustion and to radiate heat to the entire area of the hearth. Secondary air is introduced into this chamber.

AFTERBURNER CHAMBER:

The afterburner chamber is located under the hearth floor of the main chamber. Secondary air is introduced to complete combustion and gases are then heated by the flame of the afterburner and burned. The opening and turns between these chambers slows the gases to provide maximum retention time and further ensure complete combustion.

AUTOMATIC CONTROL PANEL:

The control panel is fully automatic and easy to operate. Each unit comes with two (2) temperature controllers, air delay timers and easy to operate bush buttons with color coded lights to allow the operator to monitor each cremation. Each unit has all the Underwriters Laboratories (UL) approval for your safety.

LOADING DOOR:

The charging door is hydraulically operated. The door opening is 27" high x 39" wide. The door is refractory lined and is designed with ceramic fiber self-sealing door. An automatic change door switch will turn off the primary burner whenever the door is opened and will reactivate burner when door is closed.

BURNERS:

Standard equipment includes two nozzles mixing tempered air burners. The primary burner (Top) fires down into the ignition chamber and the after-burner (Top) fires down into the combustion chamber. This top fired control component design allows built-in safety features on all burners, Spark ignited automatic gas burners with controls is in accordance with the latest safety requirements. Incorporated are double block gas safety solenoid valves to fail safe in the event of flame failure. Also, interlock pressure switches on gas and air. All electrical components and combustion equipment are approved by the Underwriter's Laboratory, (UL), F.M., S.A., and F.I.A.

FORCED DRAFT FAN:

One turbo blower is provided to furnish a constant supply of over-fire and secondary air for complete combustion of fuel gases. The capacities and pressure of the blower will change depending on the type of fuel selected.

AUTOMATIC CYCLE AND TEMPERATURES CONTROLS:

Burners are cycled by an automatic timer control. Temperature measurement and control is provided by a solid state indicating pyrometer, which automatically adjust the main burners and afterburner from high to low fire as necessary to maintain correct set temperature.

EASY LOADING & FRONT SIMPLE ASH RECOVERY:

A removable ash receptor area is provided at the front of the cremator to receive the cremains. A stationary crome roller makes front loading easy.

STACKS:

Constructed of heavy duty 14 gauge steel, rolled to 26" diameter and lined with 3" 2500˚F. refractory castable material. Each section of stack is flanged and bolted in five (5) foot sections. Two (2) five ft. sections of stack are provided as standard equipment with each "Hot Hearth" cremation chamber.

FINISH:

Exterior coated with heat and weather resistant exterior grade enamel paints. Front panels are made of Brushed Stainless Steel and easy to keep clean.

ELECTRICAL OPTIONS:

230/380/415/460 Volts. 50 or 60 Hertz Single or Three Phase

CLEAN OUT TOOLS:

One (1) Repositioning tool, Clean-Out Brush and two (2) Stainless Steel Ash pans shall be provided with each unit.

OPERATING INSTRUCTIONS:

Our factor trained field engineer will start-up, cure out unit and provide complete training on the proper operation of all the equipment.

24-HOUR SERVICE HOT LINE:

We offer to our customer the convenience of 24 Hrs/ 7 Days a week to call our **1-800-396-2254** for any problems you may be having with your unit. We can talk you through the problem or make arrangements to service your equipment.

We thank you for choosing American Crematory for your Cremation needs

American
CREMATORY EQUIPMENT CO.

General Information Summary

Equipment Process Location Drawing:

See Drawings

Equipment Description:

American Cremation Chamber, Model A-200 HT for Type IV waste cremations only, equipped with a primary burner and a afterburner with a combined maximum rated input of 1.5 MNBTU/HR natural gas fired only.

Process Description:

Set timer for 180 minutes, start blower, turn secondary / air switch to OFF, damper motors will close secondary air off and air to main burner, start afterburner and preheat secondary chamber to 1500`F. When the temperature exceeds 1500`F. turn the secondary air switch to ON. Open door, place remains into the primary chamber, close door and start cremation burner, the cremation is now in progress and will take approximately two hours to complete, depending on the weight of the decedent and casket. After the cremation is complete, the burners are turned off, the combustion blower will remain on to cool down the primary chamber for one hour. After the cool down, the door may be opened and the cremains can be removed from the primary chamber.

Discharge of emission are mainly caused be operator error, due to inserting a decedent into the primary chamber on the second or third cremation of the day when the primary chamber is to hot, not allowing enough time for cool down between cremations. Also by opening the door and repositioning the remains too soon into the cremation, and cremating over the maximum allowable weight of 500 lbs. per batch load.

Pollution Control Equipment:

The afterburner is controlled by a temperature controller, set at 1500`F. If the temperature exceeds 1500`F. in the afterburner, the burner will automatically adjust to low fire at 25, 000 BTU/HR input. The primary burner is controlled by a temperature controller and is set at 1600`F., a thermocouple is probed into the primary chamber, if the temperature exceeds 1600`F. the burner will automatically adjust to low fire with 15, 000 BTU/HR input. There is also a 60-minute timer to manually keep the primary burner in low fire for up to 60 minutes, this will slow down the cremation process. The primary burner can not be fired unless the afterburner is on.

American CREMATORY EQUIPMENT CO.

Operating Schedule:

Hrs. / Day..... 24 Hrs.
Day / Week..... 7
Week / Yr..... 52

Process Rate:

Model A-200 HT, 100-150 lbs/Hr
Average time per Cremation....2 Hrs. or less

Fuel and Burners:

Natural Gas 0.6 SP. GR Pressure Required = 1600 CFH – 14"- 20" WC
1 each Eclipse Combustion Thermjet Medium Velocity Burner, Model TJ50
500, 000 BTU/HR for primary burner, adjusted 500.00 BTU/HR high fire with 15% excess air.
1 each Eclipse Combustion Thermjet Medium Velocity Burner, Model TJ100
1, 000.000 BTU/HR at high fire with 10% excess air in afterburner.

Flow Diagram: See Drawings

Stack/Exhaust Emissions:

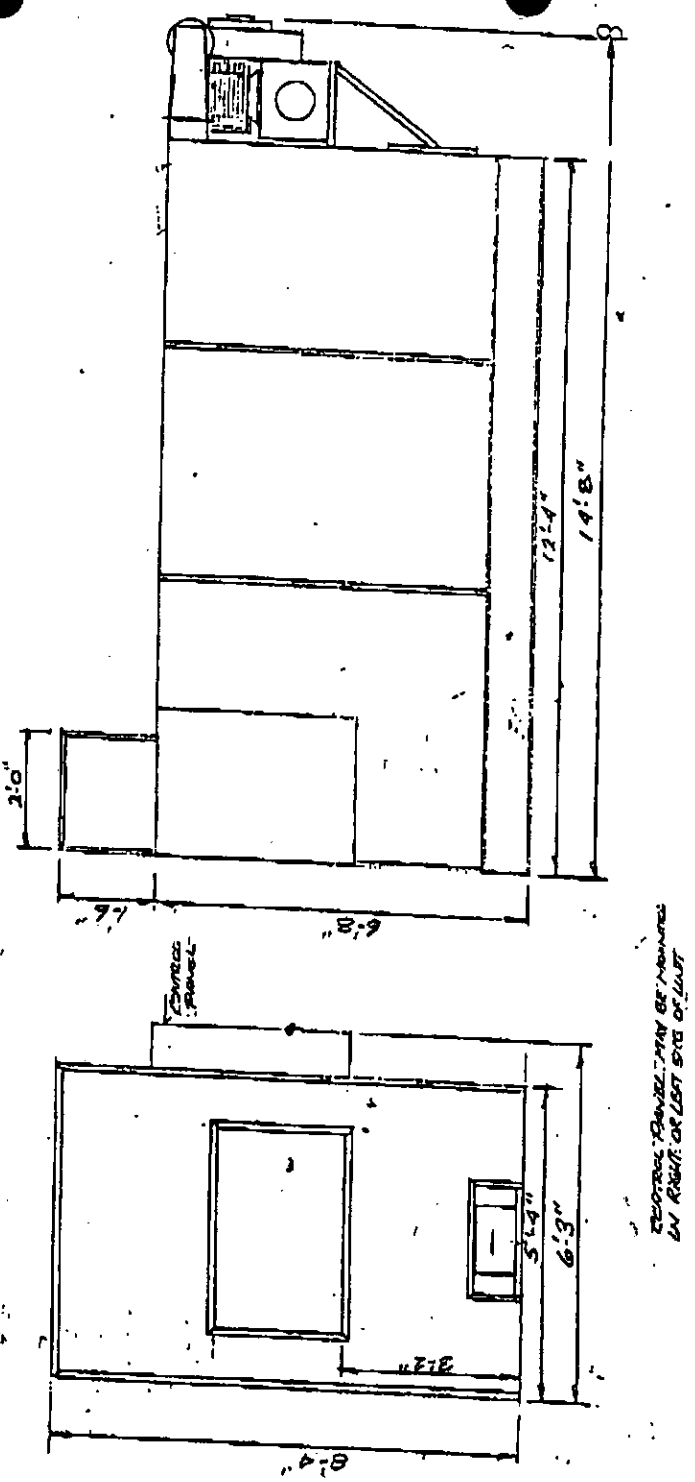
See Enclosed Source Test Report on the "American" Model A-200HT

Stack Data:

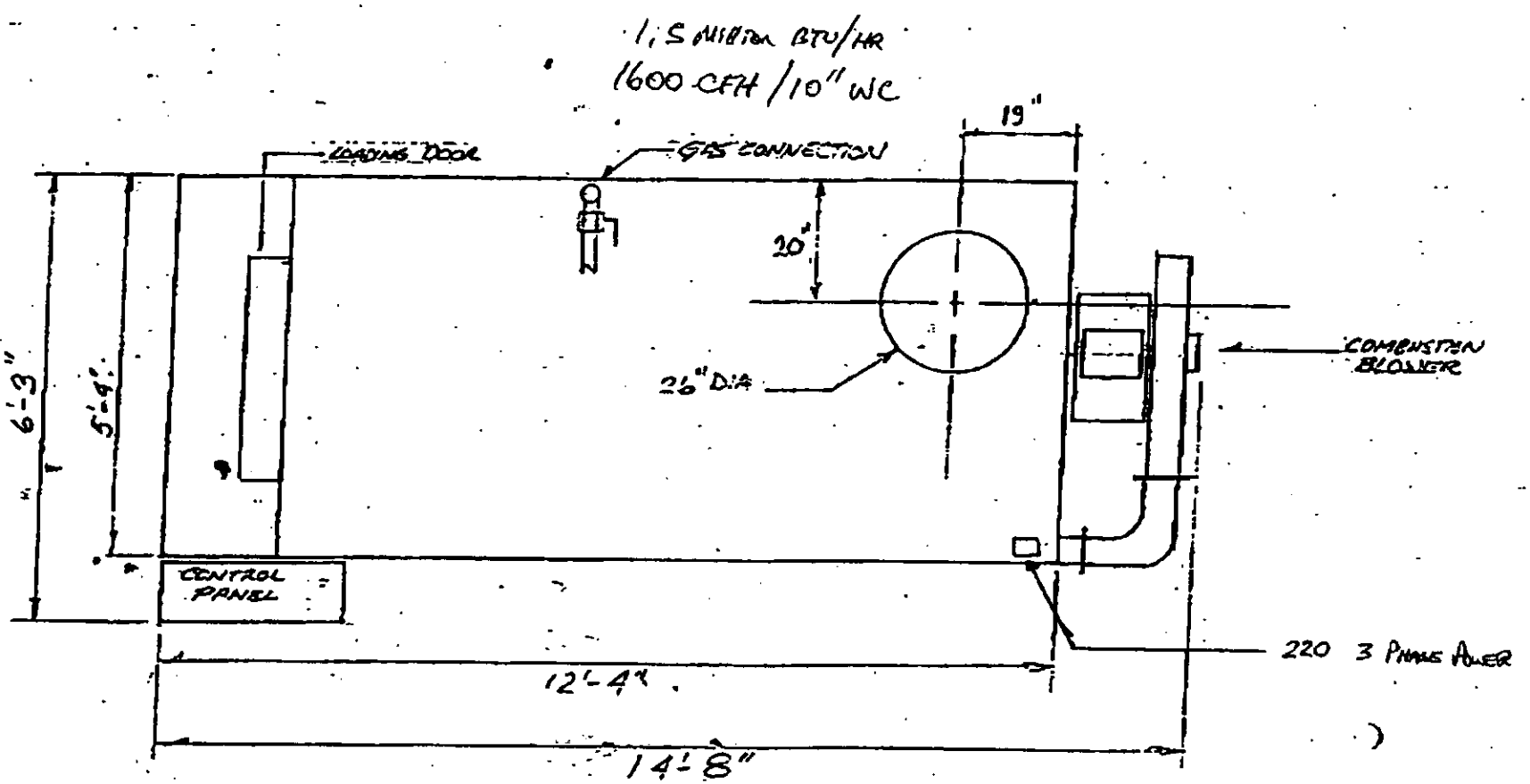
Height..... 18 Feet
Diameter ID..... 20 Inches
Velocity..... 19.4 ft / sec
Temperature..... 900`F. to 1000`F.

Air Quality Impact:

This unit is smokeless and odorless when operated correctly by trained personnel. All crematory personnel will be fully trained and certified on the proper operation of this cremation chamber to prevent any problems with the correct operation of equipment.


14'8"
12'4"
2'0"
7'
8'9"
CONTROL PANEL
5'4"
6'3"
2'8"
8'4"
CONTROL PANEL MAY BE MOUNTED ON RIGHT OR LEFT SIDE OF UNIT

American Crematory A-200 HT



ESA

350 Frank H. Ogawa Plaza
Suite 300
Oakland, CA 94612
510.839.5066 phone
510.839.5825 fax

www.esassoc.com

September 12, 2007

Mr. Carl T. Emura, ASLA
City of Hayward
Department of Community and Economic Development
777 B Street
Hayward, CA 94541

Subject: Proposed Expansion of the Holy Angels Funeral and Cremation Center
1051 Harder Rd., Hayward, CA 94544
Application # PL-2006-0566

Dear Mr. Emura:

Environmental Science Associates (ESA) was asked by Catholic Cemeteries to review and comment on the air quality analysis and health risk assessment of the proposed expansion of the Crematorium in Hayward that was prepared by the Bay Area Air Quality Management District (BAAQMD). ESA is an environmental consulting firm that was started 1in 1969 when the National Environmental Policy Act was enacted. We have conducted environmental studies, including air quality studies and health risk assessments for city and county agencies in California and for the private sector. I'm a Senior Technical Associate at ESA. I have a Ph.D. in chemical physics and over 35 years' experience in evaluating the environmental impacts of industrial projects, including incinerators.

I was requested by the Applicant to comment on the health risk assessment that was prepared by BAAQMD and to give my views on the impacts of the proposed facility, in the context of the California Environmental Quality Act (CEQA). In addition, I was asked by the Applicant to be available to the City for responding to technical questions, since the BAAQMD staff are not available to attend the public hearing.

CEQA is a California law which sets forth a process for public agencies to make informed decisions on projects that may affect the environment. It requires that environmental impacts associated with a proposed project be evaluated and the significance of the impacts be disclosed, so that decision makers can decide whether to approve a project. With regard to public health impacts, CEQA has established significance threshold levels, where if the maximum impacts from a project are below the thresholds, the impacts would be less than significant, and additional mitigation measures would not be needed. With regard to cancer risk, CEQA defines the significance threshold as 10 in one million, which means that if a project's maximum incremental cancer risk is less than 10 in one million, the impact would be less than significant.

The proposed new facility at Catholic Cemeteries will adopt state-of-the art design, which includes a secondary combustion chamber to ensure complete combustion and minimal emissions. The health risk assessment for the proposed new facility that was reported by the BAAQMD modeling analysis shows that the maximum incremental cancer risk would be no greater than 4.6 in one million. If the existing facility is included in the analysis, the maximum cumulative risk from both facilities would be no greater than 6.1 in one million. Since the incremental risks from the project and the cumulative risks from both facilities are less than the CEQA threshold of 10 in one million, the impacts would be less than significant.

Attachment 8

This analysis considers extreme worst case, and actual impacts would be much lower. In this analysis, it is assumed that a person would be staying at the maximum location outdoors (24 hrs./day, 7 days/week) for a lifetime, which is 70 years. In actuality, this does not occur. Even if a person were at the maximum location for a lifetime, they would spend over 90% of that time indoors, and studies by California Air Resources Board (CARB) have shown that indoor pollutant levels from outdoor emissions are one half to two thirds of the outdoor levels. Thus, one can assume that the risks to the public would be considerably lower than the maximum levels reported in the modeling analysis. In addition these levels are much lower than the risks we experience each day from truck and auto emissions in the Bay Area, which according the BAAQMD can be as high as 500 to 600 in one million.

In conclusion, the health risk impacts from the proposed expansion at Catholic Cemeteries are very small, especially when compared to the risks we experience each day, and CEQA would consider the maximum incremental risks to be less than significant. If you have any questions prior to the hearing or would like me to respond to your questions at the public hearing, please let me know.

Sincerely,

Robert G. Vranka, Ph.D.
Senior Technical Associate

c.c. Chris Kelly, AIA

207415

Catholic Funeral & Cemetery Services
DIOCESE OF OAKLAND

CATHOLIC FUNERAL & CEMETERY SERVICES

RE[illegible]

SEP 2[illegible]

PLANNING DIVISION

September 19, 2007

Mr. Carl T. Emura, ASLA
City of Hayward
Department of Community and Economic Development
777 B Street
Hayward, CA 94541

Re: Holy Angels Funeral and Cremation Center
1051 Harder Rd., Hayward, CA 94544
Application #PL-2006-0566 for Permit for Crematory

Dear Carl,

After careful review of the City of Hayward's concerns regarding the implementation of a second retort at Hayward Mortuary (doing business as Holy Angels Funeral and Cremation Center), we are proposing to make some changes to accommodate the concerns of the City Planning Commission.

Key Aspects

1. Current Cremation Statistics: Our current permit allows for 300 cremations per year. When we acquired Hayward Mortuary (dba Machado's Hillside Chapel) in January of 2006 they were performing approximately 125 cremations per year out of 360 total funeral cases (a cremation rate of 35%). Since that time, our funeral cases have grown to 600 cases annually. The cremation rate at our funeral center has risen to 40% which suggests that we will annualize at 240 cremations in 2007. Given that the cremation rate in California is currently 54%, we project that the number of cremations we will be required to perform will be over 324 within the next 1-2 years for just the 600 funerals we handle at our funeral center

   We operate Holy Sepulchre Cemetery next to our funeral center. The cemetery currently inters 1200 funeral cases per year. If Catholics follow the state cremation rate trend, the rate of cremation cases coming to our cemetery will approximate 648 cases. In both cases, our permit for 300 cremations will be forcing citizens of Hayward to leave the area to have their family members cremated.

CENTRAL OFFICE
1965 Reliez Valley Road
P.O. Box 488
Lafayette, CA 94549
Phone: (925) 946-1440
Fax: (925) 946-1449

Attachment 9

It is projected that the cremation rate will rise to 65% in California within the next 10 years. At 65% cremation, this projects that Holy Angels Funeral & Cremation Center's 600 funeral cases will include 390 cremations. As well, Holy Sepulchre Cemetery's 1200 interments will include 780 cremations. It is very obvious that the cremation rate will increase.

2. Acquisition of Sorensen Bros. Mortuary: On July 31, we acquired Sorensen Bros. Mortuary. They handle 240 funerals per year of which 90 or so are cremation cases. Currently, we are handling the cremations at our Holy Angels location only as our permit will allow.

3. Death Rate Increase of 50%: Within the next 20 years, the death rate will increase by 50%. This requires us to forecast a projected increase on our current business model as described above and increase those numbers by another 50%. Therefore, Holy Sepulchre Cemetery's projected rate of 780 cremations along with those performed by Holy Angels as well as Sorensen Bros. funeral centers for families not choosing our cemetery (projected at 300 combined) would require a minimum permitted amount of 1080 within the next 5-10 years. Looking out 20 years, this would need to be increased by at least 50% to a total of 1620 cremations. This does not include any other increases due to an influx or shift of funeral services to our funeral centers.

4. Reduction to 1200 Cremations to Permit: After hearing comments from the commission, we have reduced our request to 1200 cremations for our new crematory unit. While ultimately we could reduce it further for the immediate purposes of being able to handle the increased cases coming to us, we are forced to deal with the reality that the increase in cremation is happening rapidly. We have hired a consultant to provide additional information regarding emissions, but our reduction should put us well within a range that was indicated as desirable by the commission.

Please feel free to contact me to clarify any of the information that I have provided.

Sincerely,

Robert W. Seelig
Director

Catholic Funeral & Cemetery Services
DIOCESE OF OAKLAND

CATHOLIC FUNERAL & CEMETERY SERVICES

December 5, 2007

Carl Emura
City of Hayward
Department of Community and Economic Development
777 B Street
Hayward, CA 94541-5007

Re: Reduction of Cremation Cases for Application

Dear Carl,

After reviewing our application with planning staff, we have reduced the number of cremations in our application from 1350 to 900 annually. This reduction is based upon comments from the Planning Commission during the initial review of our application. We narrowed our approach based upon a taking a 10 year forecast of operations. Previously, we submitted a forecast that showed that the rate of cremation (over 54%) and the increase in the death rate in the next 5 years will increase the total number of cremation cases to over 1200 per year by the year 2017. We operate as part of Holy Sepulchre Cemetery in Hayward where we are seeing the shift to cremation very rapidly. In one year, we have had an increase from 180 cremations to over 280 in 2007. An increase of 100 cremations per year is realistic given our 10 year forecast and the trends within Alameda County.

With this reduction, we are further reducing the emissions output which were already within acceptable limits. We do believe that this will provide us the opportunity to operate for 5-10 years before re-examining this issue which will also allow the City of Hayward to once again re-evaluate the issue. Please let me know if there are any questions. I can be contacted at (925) 946-1440.

Sincerely,

Robert W. Seelig
Director of Funeral and Cemetery Services

CENTRAL OFFICE
1965 Reliez Valley Road
P.O. Box 488
Lafayette, CA 94549
Phone: (925) 946-1440
Fax: (925) 946-1449

Attachment 10

From: HRogers4@aol.com

Sent: Monday, January 14, 2008 6:26 PM

To: Carl Emura

Subject: Re: Conditional Use Permit Application No. PL-2006-0566 - Chris Kelly Architect

To: Carl Emura and the
Hayward Planning Commission

Re: Conditional Use Permit Application No. PL-2006-0566 - Chris Kelly / Roman Catholic Bishop of Oakland

I would like to encourage a denial for the proposed application allowing a second crematory to an existing funeral home and to permit it to perform up to 900 cremations a year. I am well aware of the chemicals crematories emit and find that they should not be located so close to residential homes. In addition to the chemicals released, I find that Hayward is out of compliance concerning air quality and with the proposed power plants, increased traffic, etc., we could potentially have the areas worst air quality. We need to be conservative with our proposed businesses from now on.
Thank you kindly.
Holly Rogers

Attachment 11