

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
IX. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING SETTING

The proposed project is subject to the following land use and planning documents:

- General Plan for the Central Metropolitan, Eden and Washington Planning Units of Alameda County (1981)
- County of Alameda Municipal Code
- City of Hayward General Plan (Amended 2006)
- City of Hayward Municipal Code
- City of Hayward Mt. Eden Neighborhood Plan (1990).

The annexation area totals 61 acres and includes 5.68 acres of road Right-of-Way (ROW), with 69 parcels (68 lots) located in two "islands" – the Mohr-Depot island and the West-Mohr island.

The existing Alameda County land use designations within the annexation area include Suburban and Low Density Residential (less than 9 dwelling units per acre [du/ac]). The County's associated zoning includes Single-family Residence (PD R-1 L B-20) (1 du/ac; 20,000 sq. ft. minimum lot size) for a majority of the parcels; Agriculture (A) (100 acre minimum lot size) for Chabot College, Mohr-Fry properties and four parcels on the west side of the Mohr-Depot Island; Single-family Residence (R-1) (1 du/ac; 5,000 sq. ft. minimum lot size) for one parcel in the Mohr-Depot Island; and Single-family Residence (R-1 L B-20) (1 du/ac; 20,000 sq. ft. minimum lot size) for 12 parcels in the Mohr-Depot Island.

The existing City of Hayward land use designations within the annexation area include Limited Medium Density Residential (LMDR) (8.7-12.0 du/ac) for a majority of the parcels; Public and Quasi-Public (PQP) for the eastern portion of the West-Mohr Island (Chabot College and the Mohr-Fry Estate); and Industrial Corridor (I) for the southwest corner of the Depot-Mohr Island.

The City of Hayward pre-zoning districts within the area include Single-Family Residential (RS) (1 du/ac; 5,000 sq. ft. minimum lot size) for a majority of the parcels on the Mohr-Depot Island; Single-Family Residential (RSB4) (1 du/ac; 4,000 sq. ft. minimum lot size) for the 13 parcels west of Chabot College; Agricultural (A) (1 acre minimum lot size) for the Mohr-Fry and Hermann-Mohr

properties; Public Facilities (PF) for the Chabot college property; and Light Manufacturing (LM) for the parcel in the southwestern corner of the Mohr-Depot Island.

STANDARDS OF SIGNIFICANCE

An impact would be considered significant if the project divided a community such that new infrastructure and services would be required and the community could no longer function as a whole. A significant impact would also occur if the project conflicted with any of the plans or policies contained in the City of Hayward General Plan or Zoning Code, or the policies or regulations of any agency with jurisdiction over the project. Conflict with one or more policies is considered to be significant.

IMPACT DISCUSSION

PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY

a) Less than Significant Impact. The City of Hayward has undertaken a comprehensive study of annexation of an area consisting of the two remaining unincorporated islands in the Mt. Eden area, which are completely surrounded by the City, as shown in **Figure IX.1-Hayward City Limits and SOI**. The two islands proposed for annexation into the City and detaching from the County are the West-Mohr and the Mohr-Depot islands, which are comprised of approximately 61 acres, including 5.68 acres of road rights-of-way. The proposed project is located north of Depot Road, south of West Street, east of Industrial Boulevard and west of Hesperian Boulevard in the area of the City of Hayward known as Mt. Eden.

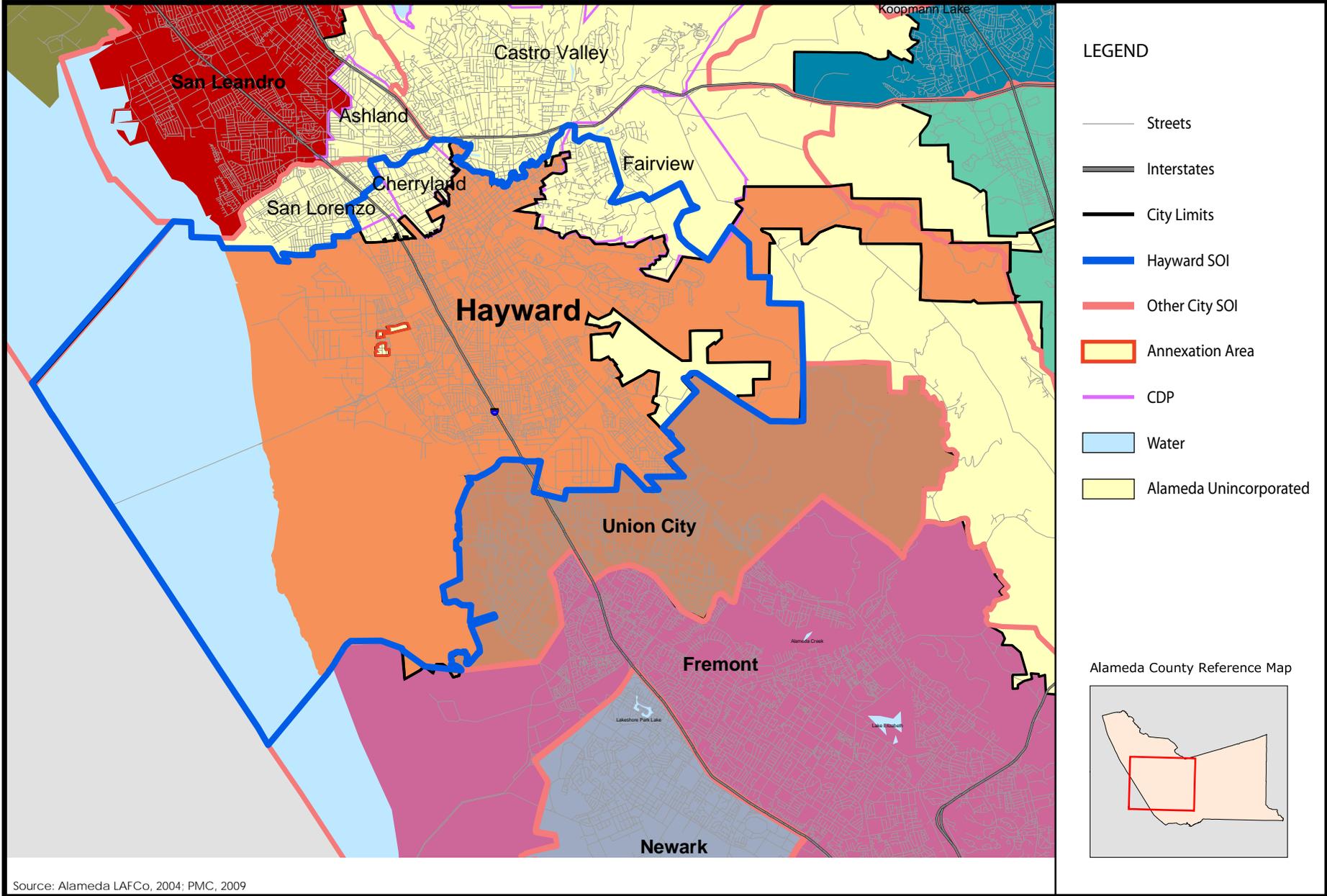
County development policies for the proposed annexation area are contained in the 1981 General Plan for the Central Metropolitan, Eden and Washington Planning Units of Alameda County. However, the County is in the process of developing an updated “*Eden Area General Plan*” which would be applicable to the annexation area and would include policies supporting cooperation with the City to “*annex Mt. Eden into Hayward*” and for the City to “*provide urban amenities to the Mt. Eden area.*”

The existing County designation for the majority of the two islands of Limited Medium Density Residential (7-12 du/ac) is consistent with City designation of Limited Medium Density Residential (8.7-12 du/ac). Only two parcels, the most western parcel on the Mohr-Depot island and the Mohr-Fry parcel have different land use designations between the County and City, and based on current uses, the City designations more accurately reflect the existing and anticipated long-term uses of the parcels.

In conjunction with annexation, the City must pre-zone the parcels into City of Hayward zoning districts in a manner consistent and appropriate to the parcel and surrounding land uses. The pre-zoning is based on General Plan land use designations and, as stated previously, on the Mt. Eden Neighborhood Plan and is outlined below, as previously shown in **Figure 7**.

The existing Alameda County residential zoning districts all allow one single-family residential unit per parcel (§17.08.030), as do the City residential zoning districts (group homes with six or fewer residents are also allowed) (§10-1.210).

I:_CSA\Work\Hayward_City of Mt Eden Phase II Annexation 28-0008



Source: Alameda LAFCo, 2004; PMC, 2009



Figure IX.1
Hayward City Limits and SOI



The Mohr-Fry Estate property is County-zoned Agriculture and would remain that way once annexed into the City for historic preservation purposes. The Hermann-Mohr property would also be City-zoned Agriculture for the same purpose. The Agriculture zoning reduces the development potential on the properties, allowing for ongoing protection of the historic buildings and uses onsite. Horizon Services, located on the Hermann-Mohr property, is currently operating with a use permit issued by the County, and would continue operating under that permit once annexed by the City. Both the Hermann-Mohr property and the Mohr-Fry Estate property were evaluated for historic significance, and it was found that both could be locally significant resources. Additionally, the Mohr-Fry Estate property appears eligible for both the National Register of Historic Places (NRHP) and the California Register of Historic Resources (CRHR) is eligible for the State Register (**Appendix C**). The Agricultural zoning reduces the development potential on the properties, allowing for ongoing protection of the potential resources for future restoration opportunities.

The Chabot College parcel is County-zoned Agriculture as well; however, it would be City-zoned Public Facility to maintain a zoning consistent with the existing uses as sports fields associated with Chabot College. These uses are long-term anticipated uses in accordance with the Chabot College Facilities Plan. Consistent with the existing and assumed future use of this property, the Chabot College section of the annexation area is not anticipated to increase in square footage or intensity in the near term.

As discussed previously in Section II), Agriculture Resources, the four parcels on the west side of the Mohr-Depot island are currently zoned Agriculture, however, there are no agricultural operations currently in these parcels and the City pre-zoning more accurately reflects the existing and anticipated long-term uses of single-family residential and light manufacturing/industrial.

Surrounding areas consist of Low, Limited Medium and Medium Density Residential, Retail and Office, Industrial Corridor, Parks and Recreation, Limited Open Space and Public and Quasi-Public land use designations under the City of Hayward General Plan. As described above, the proposed project would represent a continuation of adjacent land with compatible land uses.

Furthermore, the proposed project does not include the creation of new roadways, which can sometimes serve as a physical obstacle within a neighborhood. The proposed project does include the abandonment of rights-of-way for Eden Avenue, but this would not create an obstacle to circulation because these rights-of-way have not been maintained for vehicular access. Ramona Drive would become a private access road, but this would not eliminate circulation because it would be improved and maintained by property owners. The proposed project is anticipated to increase local circulation through the neighborhood via the installation of road improvements on Mohr Drive, Monte Vista Drive, Laguna Drive, Occidental Road, and Depot Road.

Due to the continuation of existing land uses, compatible pre-zoning, the lack of proposed new physical obstacles, and the maintenance of circulation, the proposed project would have a **less than significant** impact on disrupting or dividing an established community.

CONFLICT WITH LAND USE PLAN, POLICY OR REGULATIONS

b) Less than Significant Impact. Both the County of Alameda and the City of Hayward, in their respective General Plans, Zoning Codes, and other planning documents include language that promotes the eventual annexation of the annexation area into the City of Hayward, and

therefore detaching the annexation area from the County of Alameda. County of Alameda Land Use Plan and Associated Policies

The *General Plan for the Central Metropolitan, Eden and Washington Planning Units of Alameda County* (1981) contains policies and actions governing land use and development pertinent to the Mt. Eden areas. In particular, the following objective, principle, and implementations in particular govern the provision of utilities and services:

Objective 3 *To achieve coordinated, planned service and facility development by promoting efficiency in the provision of services by the public sector.*

Principle 3.1 *The further fragmentation of local government that is created by a multiplicity of agencies, including special purpose districts, providing public services and facilities should be discouraged.*

Implementation 3.1.2 *Encourage the timely annexation or incorporation of urbanized unincorporated communities and areas such that governmental efficiency, equity, and/or logical jurisdictional boundaries are achieved.*

Implementation 3.1.4 *Encourage unincorporated islands to annex to the surrounding city; undeveloped parcels within these islands should be annexed prior to obtaining development approval and building permits.*

The County is in the process of developing an updated “*Eden Area General Plan*” which would be applicable to the annexation area and would include policies supporting cooperation with the City to “*annex Mt. Eden into Hayward*” and for the City to “*provide urban amenities to the Mt. Eden area.*” As shown in the goals, policies and action below, the County of Alameda has been planning for the detachment of the Mt. Eden area from the County in order to annex into the City of Hayward.

Goal LU-2 - *Promote and maintain physically coherent and logical boundaries of the Eden Area.*

Policy LU-2.P 3 - *The annexation of unincorporated islands and the logical, minor re-configuration of jurisdiction boundaries should be encouraged to provide rational service boundaries.*

Action LU-2.A 2 - *Work with the City of Hayward to incorporate the Mt. Eden community into the City.*

Policy 5.a - *The County should work with the City of Hayward on annexing Mt. Eden into the City.*

Policy 5.b - *Mt. Eden’s identity should be conserved through the active preservation of historic resources and landmarks.*

Policy 5.c - *The County shall enforce code violations in the Mt. Eden community to the greatest extent possible.*

Policy 5.d - The County should work with the City of Hayward to provide urban amenities to the Mt. Eden Area including municipal sewer service and sidewalks prior to annexation.

Policy 5.e - The County should assist developers interested in redeveloping Mt. Eden with assembly of parcels, infrastructure improvements and special financing mechanisms.

Table IX-1- Existing County Zoning Districts within the Annexation Area, below, summarizes existing County zoning districts within the project area. For each district, the ordinance outlines allowable uses, minimum parcel size, minimum lot width, and other development standards. Following the tables are descriptions of each zoning district.

**TABLE IX-1
EXISTING COUNTY ZONING DISTRICTS WITHIN THE ANNEXATION AREA**

Name of District	District	Minimum Parcel Size	Maximum Lot Coverage	Allowable Uses
Single-family Residence	R-1	5,000 sf	N/A	1 SFD; field crop, orchard, garden
Single-family Residence	R-1 L B-20	20,000 sf	N/A	1 SFD; Rural Uses, Livestock allowed
Single-family Residence	PD R-1 L B-20	20,000 sf	N/A	1 SFD; Planned Development-Rural Uses, Livestock allowed
Agriculture	A	100 acres	Not Available	1 SFD or mobile home; crop, vine or tree farm, truck garden, plant nursery, greenhouse apiary, aviary, hatchery, horticulture; raising or keeping of poultry, fowl, rabbits, sheep or goats or similar animals; grazing, breeding or training of horses or cattle; winery or olive oil mill; fish hatcheries and rearing ponds; public or private riding or hiking trails; boarding stables and riding academies

Source: Source: County of Alameda Municipal Code Title 17, Zoning Ordinance. 2009.
Notes: SFD = single family dwelling, N/A = Not applicable, sf = square foot.

Single-family residence districts are established to provide for and protect established neighborhoods of one-family dwellings, and to provide space in suitable locations for additional development of this kind, together with appropriate community facilities and allowance for restricted interim cultivation of the soil compatible with such low-density residential development. (§ 17.08.010)

Planned Development districts are established to encourage the arrangement of a compatible variety of uses on suitable lands in such a manner that the resulting development will:

- A. Be in accord with the policies of the general plan of the county;
- B. Provide efficient use of the land that includes preservation of significant open areas and natural and topographic landscape features with minimum alteration of natural land forms;
- C. Provide an environment that will encourage the use of common open areas for neighborhood or community activities and other amenities;

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

D. Be compatible with and enhance the development of the general area;

E. Create an attractive, efficient and safe environment. (§ 17.18.010)

Agriculture districts are established to promote implementation of general plan land use proposals for agricultural and other nonurban uses, to conserve and protect existing agricultural uses, and to provide space for and encourage such uses in places where more intensive development is not desirable or necessary for the general welfare. (§ 17.06.010)

The *City of Hayward General Plan* (Amended 2006) contains policies and strategies governing land use and development pertinent to the annexation area. The following policies and strategies in particular govern the provision of utilities and services.

Policy 11. Seek to achieve more congruous boundaries to provide for the efficient delivery of public services and to create a greater sense of community.

Strategy 1. Evaluate annexing unincorporated islands and adjoining urbanized county areas within the Sphere of Influence in light of desires of affected residents and fiscal impacts on the city.

Strategy 2. Continue to pursue joint planning and review of proposed developments with Alameda County for remaining unincorporated areas within the Sphere of Influence.

In 1990, the *Mt. Eden Neighborhood Plan* was developed and adopted by the City of Hayward. While Hayward has no regulatory authority in the Mt. Eden area thus far, the City has developed Preliminary zoning designations to prepare for potential annexation.

Table IX-2 - City Pre-Zoning Zoning Districts within the Annexation Area summarizes the City’s pre-zoning within the project area. For each district, the ordinance outlines allowable uses, minimum parcel size, maximum lot coverage, and other applicable development standards.

**TABLE IX-2
CITY PRE-ZONING ZONING DISTRICTS WITHIN THE PROJECT AREA**

Name of District	District	Minimum Parcel Size	Maximum Lot Coverage	Allowable Uses
Agriculture	A	1 acre	40 percent	Crop and tree farming, farm or ranch, sale of crops grown on premises, SFD, group homes, Christmas tree or pumpkin patch lot, day care home, public agency facilities
Light Manufacturing	LM	10,000 sf	40 percent	Manufacturing, assembly, general office use, publishing facilities, wholesale sales, engineering, public agency facilities
Public Facility	PF	None	90 percent	Public agency, educational, parking lots/structures, school district, and transit facilities
Single-Family Residential	RS	5, 000 sf	40 percent	SFD, group home, day care home, public agency facility
Single-Family Residential	RSB4	4,000 sf	Minimum lot area per du, 4,000 sf	SFD, group home, day care home, public agency facility

Notes: SFD = single family dwelling, sf = square foot.

The A District shall be subject of the following specific regulations in addition to the general regulations hereinafter contained in order to preserve agricultural areas until such time as orderly development may take place. (§10-1.2005)

The LM District is intended to provide for limited manufacturing and other light industrial uses within the Industrial Corridor that are compatible with business parks and adjacent residential areas. (§10-1.1805)

The PF District ...[is established] to promote and encourage a suitable environment devoted to publicly owned government buildings and facilities, public community centers, libraries and museums, public educational facilities, public school districts facilities, public transit stations, public parking lots and structures, and other such uses directly or indirectly serving the general public. (§10-1.2305)

The RS District ... [is established] to promote and encourage a suitable environment for family life where children are members of many families; to be used only for single-family homes and the community services appurtenant thereto. (§10-1.205)

The RSB4 District...When the B District is combined with another District the regulations of the District shall be modified by B District requirements. The B District shall be used in order to make provisions more suitable for districts, wherever conditions require.

Any "Planned Development" zoning that occurred in Mt. Eden Phase I is not included as a part of the proposed project. Should any future projects within the annexation area include a request for a "Planned Development" zoning designation, the process would occur under a separate approval process and environmental review.

LAFCo Policies and Regulations

The Alameda County Local Agency Formation Commission (LAFCo) controls boundary changes for local jurisdictions and special districts in Alameda County, including annexations and amendments to a jurisdiction's Sphere of Influence (SOI). As such, it is a responsible agency in considering the proposed project, and the decision making body for the annexation.

Alameda County LAFCo has adopted policies to guide the agency in its decision-making process, which is set forth in *Guidelines, Policies and Procedures* and *Procedures for Preparation and Processing of Environmental Documents Pursuant to the California Environmental Quality Act*, both published November 2003. According to these standards, the underlying purpose of Alameda County LAFCo is to discourage urban sprawl and encourage the orderly formation and development of local agencies.

Please refer to **Table IX-3-Alameda County LAFCo Policy Analysis** for an outline regarding how the proposed project is in compliance with Alameda County LAFCo policies.

**TABLE IX-3
ALAMEDA COUNTY LAFCO POLICY ANALYSIS**

Policy Summary	Discussion
5.0. General Policies	
5.11. An annexation shall not be approved if it represents an attempt to annex only revenue-producing property (§56668).	Included in the annexation area are the Hermann-Mohr, Mohr Fry Estate and Chabot College properties; all of which were found to have low revenue-generating development potential. Also, the industrial property in the southwestern portion of the annexation area also has a low revenue-generating development potential.
5.12. Annexations, not initiated by LAFCo, shall not be approved unless the annexing agency is willing to accept the annexation.	The City has been prepared for the proposed annexation through development of the Mt. Eden Neighborhood Plan (1990), which includes the proposed annexation area. The County of Alameda has also been supportive of the detachment from the County as can be seen through Policies 5.a thru 5.e and in Action A2 (Goal LU-2) of the proposed Draft of the Eden Area General Plan (2007).
5.13. Where another agency is currently providing service or objects to the annexation, LAFCo will compare the proposed plan of service with alternative service plans and adopted determinations from any service reviews to determine whether the proposal is the best alternative for service.	The Plan for Providing Municipal Services (to be included in the City's application to LAFCo) includes a comprehensive table of services with existing and proposed agencies for LAFCo review along with discussion on plans for all transitions of services.
5.14. The Commission shall seek to approve changes of organization that encourage and provide planned, well ordered, efficient development patterns that include the appropriate preservation and conservation of open space and prime agricultural lands within and around developed areas, and contribute to the orderly formation and development of local agencies based upon local circumstances and conditions (§56300, §56301).	The annexation area consists of two islands which are currently surrounded by incorporated City of Hayward lands. (See Section IX, Land Use/Planning of this study). Annexation of these islands would create a contiguous and logical expansion of the City of Hayward as they are already within an existing incorporated City area. The proposed land uses within the annexation area are compatible with the surrounding land uses as discussed earlier in this section.
5.15. The Commission shall consider existing zoning and pre-zones, general plans and other land use plans, interests and plans of unincorporated communities, SOIs and master service plans of neighboring governmental entities and recommendations and determinations from related service reviews (§56375, §56668).	Mt. Eden Neighborhood Plan (1990): The City of Hayward, in preparing for the proposed annexation, developed pre-zoning designations for the proposed annexation area, including; agricultural (for historic preservation purposes), residential, public facility, and light manufacturing land uses. Proposed Draft of the Eden Area General Plan (2007): The County of Alameda, in preparing for the proposed annexation, developed policy guidance (Policies 5.a thru 5.e and Action A2 (Goal LU-2)) outlining how the County would support processing and transitions applicable to the annexation. This document has not yet been finalized; however, the latest publicly released draft in March of 2007 included these policies and actions.
5.16. LAFCo will only approve changes of organization that are consistent with general application policies and criteria as interpreted by the Commission, and do not worsen conditions or undermine recommendations disclosed in a service review.	A discussion of existing conditions and potential impacts of the proposed project are discussed throughout this study.
5.17. LAFCo discourages the annexation of vacant	There are three parcels, which are designated as and

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Policy Summary	Discussion
land, or extension of urban services, unless there is a demonstrated near term (within five years) need for services.	surrounded by Low and Medium Density Residential uses, which are shown as vacant in Figure 2-1, Existing Land Use in the County of Alameda Eden Area Final Draft General Plan. These three parcels are pre-zoned by the City of Hayward as Single-Family Residential, and are surrounded by parcels that are pre-zoned for the same use. Extension of urban services to these parcels would be included in extension to surrounding parcels and would not require additional service extension beyond what would be required at the time site specific development is approved.
5.18. LAFCo requires verification of approved development plans, such as a tentative map, specific plan, or other urban entitlements when vacant territory is proposed for annexation to a city or district.	The majority of the annexation area is currently developed with urban uses (66 out of 69 parcels are currently at various stages of development). While the three vacant parcels included in the annexation area are pre-zoned by the City as Single-Family Residential, no development plans are included as a part of the proposed annexation.
5.19. Prior to annexation to a city or special district, the petitioners shall provide information demonstrating that the need for governmental services exists, the annexing agency is capable of providing service, that a plan for service exists, and that the annexation is the best alternative to provide service (§56700, §56668).	A discussion of the need for governmental services and the capability of the City of Hayward and other entities to provide these services are included in this study.
5.110. LAFCo will look unfavorably on projects that shift the cost of services and infrastructure benefits received to others or other service areas.	The proposed annexation area is located in Alameda County's Redevelopment Annexation area, which was formed in 2000. Increases in property tax revenues due to new development will accrue to the County's Redevelopment Agency. Agreements to cover the cost of services have been developed
5.111. A proposed annexation shall be a logical and reasonable expansion to the annexing district (§56001, §56119, §56668).	The annexation area consists of two islands which are currently surrounded by incorporated City of Hayward lands. Annexation of these islands would create a contiguous and logical expansion of the City of Hayward. The proposed land uses within the annexation area are compatible with the surrounding land uses.
5.112. Pre-hearings are required for any proposal, except a special reorganization, that includes a city detachment unless the city transmits a resolution supporting the proposal. If such resolution has not been received, LAFCo shall transmit a copy of the detachment proposal to the affected city at least 21 days before the pre-hearing (§56751).	A pre-hearing will not be required for the proposed project.
5.113. If the city from which a territory is proposed to be detached transmits a resolution requesting termination of the proceedings within 60 days after the pre-hearing is placed on the agenda, LAFCo shall terminate it (§56751).	The County of Alameda is the agency from which the proposed territory would be detached, and it has already been shown that the County supports the proposed action; therefore, a termination of proceedings resolution is not anticipated from the County.
5.114. LAFCo shall disapprove proposals that extend urban services to land subject to a Land Conservation contract or agricultural preserve unless it can be clearly demonstrated that disapproval will discourage orderly and timely urban development (§56001,	There are two parcels included in the annexation area that are proposed for Agriculture zoning for historic preservation purposes as the only two structures within the annexation area that were found to be eligible for historic review (the Cornelius Mohr and Hermann-Mohr estates) are located on those parcels. No new development is

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

Policy Summary	Discussion
§56301) and no feasible alternative exists.	proposed or anticipated on these parcels, and therefore extension of services would not be required.
5.115. LAFCo shall disapprove proposals including annexation of territory subject to a Williamson Act contract if any city or special district would provide facilities or services related to sewers, nonagricultural water, or streets and roads in the territory under contract unless:	According to the Alameda County Williamson Act Lands Map 2006-2007, the annexation area is not subject to any Williamson Act contracts.
<ul style="list-style-type: none"> • A notice of nonrenewal has been served pursuant to §51245 and the annexing agency has agreed that no services will be provided to the territory prior to contract expiration unless they solely support contracted land uses; 	N/A (See Response to 5.115)
<ul style="list-style-type: none"> • A tentative cancellation has been approved pursuant to §51282; 	N/A (See Response to 5.115)
<ul style="list-style-type: none"> • Facilities or services provided to the contracted territory only support the continuance of contracted agricultural and open space uses; 	N/A (See Response to 5.115)
<ul style="list-style-type: none"> • The post-annexation contract administrator has adopted policies and feasible mitigation measures to ensure continuation of agricultural and other permitted uses on the site over the long term; and/or 	N/A (See Response to 5.115)
<ul style="list-style-type: none"> • The proposal encourages and provides planned, well-ordered and efficient urban development patterns that include appropriate consideration of agricultural and open space lands within these development patterns (§56856.5). 	N/A (See Response to 5.115)
6.0. Specific City Annexation Policies	
6.11. LAFCo promotes the timely conversion of land to urban uses and will effectuate this goal through encouraging infill development on incorporated vacant lands located adjacent to already developed areas (§56301, §56377).	The annexation area includes partially developed and vacant lands, which have future development potential according to the Development Potential Analysis, which would include infill development.
6.12. The fundamental policy of the Commission in considering the development status of land, located in or adjacent to an established city SOI boundary and contiguous to a city boundary, shall be that such urban development is preferred in cities. This policy is based on the fact that cities exist to provide a broader range of services than do special districts (§56001, §56425).	Much of the annexation area is currently developed with urban uses. Please see the Development Potential Analysis for a complete discussion on the development status of the annexation area lands.
6.13. Developed lands that benefit from municipal services, and are contiguous to a city boundary, should be annexed to the city providing such services.	The proposed annexation area includes developed lands that would benefit from municipal services. The proposed area is within the City of Hayward’s Urban Limit Line and is currently surrounded by incorporated City lands. Approximately six municipal services would transfer from Alameda County to the City of Hayward consisting of: Police, Water, Street Maintenance, Street Lighting, Library, Cable Television, and General Governmental and Other Support Services.
6.14. Land may not be annexed to a city unless it is	The land proposed to be annexed is currently within the

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Policy Summary	Discussion
contiguous to the city at the time the proposal is initiated unless the land is owned by the city, is being used for municipal purposes at the time Commission proceedings are initiated, is within the same county as the city, and does not exceed 300 acres in area (§56741, §56742, §56742.5).	City of Hayward Urban Limit Line and is surrounded by incorporated City Lands, i.e., the annexation area consists of two islands of unincorporated County land surrounded by incorporated City land.
6.15. A city shall pre-zone undeveloped property to be annexed before the Commission takes action on the annexation (§56375). No changes to the general plan or zoning shall be made for two years after LAFCo approves a proposal unless the annexing city determines that substantial changes have occurred that necessitate such actions (§56375(e)).	The City of Hayward, in preparing for the proposed annexation, developed pre-zoning designations for the proposed annexation area, including undeveloped areas, including; agricultural (for historic preservation purposes), residential, public facility, and light manufacturing land uses in the Mt. Eden Neighborhood Plan (1990).
6.16. The city shall be the Lead Agency and LAFCo shall be the Responsible Agency, for environmental review of any pre-zone and related change of organization. The city shall consult with LAFCo during the CEQA process, provide a written response to LAFCo's input, and submit environmental documentation to LAFCo pursuant to PRC §15050, §15381, §15096, §15051.	The City of Hayward will be contacting LAFCo to discuss the CEQA process.
6.17. Applications for annexation of islands subject to Williamson Act Land Conservation contracts will not be deemed complete unless a meeting to consider the proposal has been conducted by the affected city and related minutes, staff reports, or written comments are included.	According to the Alameda County Williamson Act Lands Map 2006-2007, the annexation area is not subject to any Williamson Act contracts.
6.18. Applications for annexation of tidelands or submerged lands owned by the State Lands Commission or its trustees will not be deemed complete unless a determination of boundaries and issues by the State Lands Commission is provided to LAFCo (§56740).	The proposed annexation areas do not include tidelands or submerged lands owned by the State Lands Commission or its trustees.
6.19. Detachment from districts providing services to areas being annexed to the city are to be processed simultaneously as a reorganization in compliance with government codes (§56826, §56073) and consistent with applicable SOI policies and any service review recommendations adopted by LAFCo.	A discussion of the need for governmental services and the capability of the City of Hayward and other entities to provide these services are included in this study.

Source: Alameda County LAFCo, 2003a.

Taking into account the intent of the aforementioned County and City planning documents and policies, compliance with LAFCo regulations, and compatible proposed land uses as discussed above in item a), the proposed project would not 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, neighborhood plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, implementation of the proposed project would create a less than significant impact.

CONFLICT WITH HABITAT CONSERVATION PLAN OR NATURAL COMMUNITY CONSERVATION PLAN

c) *No impact.* Please see the discussion under Section IV.f), Biological Resources for more information. There is no adopted Habitat Conservation Plan or Natural Community Conservation Plan that covers the annexation area. Although the annexation area is within the area covered by the adopted Recovery Plan for Serpentine Soil Species of the San Francisco Bay Area, no serpentine soils are present within the annexation area. No provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan apply to the annexation area, and therefore the proposed project will not conflict.

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING SETTING

The state requires local jurisdictions to protect areas with economically significant mineral resources from incompatible development. In an effort to maintain availability of sand, gravel and crushed rock for long-term construction needs, the California Division of Mines and Geology (under the authority of the Surface Mining and Reclamation Act of 1975) has classified aggregate mineral zones throughout the state. The only designated "sector" of regional significance in Hayward meeting tests of economic feasibility and current compatible land use that is to be protected from land uses incompatible with mineral extraction is La Vista Quarry, located in the unincorporated area east of Mission Boulevard and Tennyson Road. No other significant aggregate or mineral resources are located in the City of Hayward.

STANDARDS OF SIGNIFICANCE

An impact would occur if the proposed project was located in an area containing mineral resources or if the proposed project was located near mineral resources and would inhibit recovery of those resources either through location or type of land use.

IMPACT DISCUSSION

MINERAL RESOURCES

a) No Impact. The state requires local jurisdictions to protect areas with economically significant mineral resources from incompatible development. In an effort to maintain availability of sand, gravel and crushed rock for long-term construction needs, the California Division of Mines and Geology (under the authority of the Surface Mining and Reclamation Act of 1975) has classified aggregate mineral zones through the state. The only designated "sector" of regional significance in Hayward meeting tests of economic feasibility and current compatible land use that is to be protected from land uses incompatible with mineral extraction is La Vista Quarry, located in the unincorporated area east of Mission Boulevard and Tennyson Road (City of Hayward, 2002a, 7-5). The Alameda County General Plan also does not identify the Eden Area as containing mineral resources (Alameda County, 2007b, 4.8-7).

LOCALLY IMPORTANT MINERAL RESOURCES

b) No Impact. See discussion under **X-a** above.

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	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 of applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

ACOUSTIC FUNDAMENTALS

Sound is mechanical energy transmitted through a medium (air) in the form of a wave from a disturbance or vibration. Noise, however, is generally defined as sound that is loud, unpleasant, unexpected, or disagreeable.

Amplitude & Frequency

Amplitude is the difference between ambient air pressure and the peak pressure of the sound wave. Amplitude is measured in decibels (dB) on a logarithmic scale. For example, a 10 dB sound is 10 times the pressure difference of a 0 dB sound; a 20 dB sound is 100 times the pressure

difference of a 0 dB sound. Another feature of the decibel scale is the way in which sound amplitudes from multiple sources add together. A 65 dB source of sound, such as a truck, when joined by another 65 dB source results in a sound amplitude of 68 dB, not 130 dB (i.e., doubling the source strength increases the sound pressure by 3 dB). Amplitude is interpreted by the ear as corresponding to different degrees of loudness. Laboratory measurements correlate a 10 dB increase in amplitude with a perceived doubling of loudness and establish a 3 dB change in amplitude as the minimum audible difference perceptible to the average person (FHWA, 1980).

Frequency is the number of fluctuations of the pressure wave per second. The unit of frequency is the Hertz (Hz). One Hz equals one cycle per second. The human ear is not equally sensitive to sound of different frequencies. Sound waves below 16 Hz or above 20,000 Hz cannot be heard at all, and the ear is more sensitive to sound in the higher portion of this range than in the lower. To approximate this sensitivity, environmental sound is usually measured in A-weighted decibels (dBA). On this scale, the normal range of human hearing extends from about 10 dBA to about 140 dBA.

Sound and the Human Ear

Because of the ability of the human ear to detect a wide range of sound pressure fluctuations, sound pressure levels are expressed in logarithmic units called decibels. The sound pressure level in decibels is calculated by taking the log of the ratio between the actual sound pressure and the reference sound pressure squared. The reference sound pressure is considered the absolute hearing threshold.

In addition, because the human ear is not equally sensitive to all sound frequencies, a specific frequency-dependent rating scale was devised to relate noise to human sensitivity. A dBA scale performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear. The basis for compensation is the faintest sound audible to the average ear at the frequency of maximum sensitivity. This dBA scale has been chosen by most authorities for purposes of environmental noise regulation. Typical indoor and outdoor noise levels are presented in **Exhibit XI-1, Typical Noise Levels**.

Unfortunately, there is no completely satisfactory way to measure the subjective effects of noise, or of the corresponding reactions of annoyance and dissatisfaction. This is primarily because of the wide variation in individual thresholds of annoyance, and habituation to noise over differing individual experiences with noise.

Thus, an important way of determining a person's subjective reaction to a new noise is the comparison of it to the existing environment, referred to as the "ambient" environment. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by the hearers. With regard to increases in A-weighted noise level, knowledge of the following relationships will be helpful in understanding this report (U.S. EPA, 1971):

- Except in carefully controlled laboratory experiments, a change of 1 dB cannot be perceived by humans.
- Outside of the laboratory, a 3 dB change is considered a just-perceivable difference.
- A change in level of at least 5 dB is required before any noticeable change in community response would be expected.
- A 10 dB change is subjectively heard as approximately a doubling in loudness.

EXHIBIT XI-1
TYPICAL NOISE LEVELS

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
<u>Jet Fly-over at 300m (1000 ft)</u>	110	<u>Rock Band</u>
<u>Gas Lawn Mower at 1 m (3 ft)</u>	100	
<u>Diesel Truck at 15 m (50 ft), at 80 km (50 mph)</u>	90	<u>Food Blender at 1 m (3 ft)</u>
<u>Noisy Urban Area, Daytime</u>	80	<u>Garbage Disposal at 1 m (3 ft)</u>
<u>Gas Lawn Mower, 30 m (100 ft)</u>	70	<u>Vacuum Cleaner at 3 m (10 ft)</u>
<u>Commercial Area</u>		<u>Normal Speech at 1 m (3 ft)</u>
<u>Heavy Traffic at 90 m (300 ft)</u>	60	
<u>Quiet Urban Daytime</u>	50	<u>Large Business Office</u>
		<u>Dishwasher Next Room</u>
<u>Quiet Urban Nighttime</u>	40	<u>Theater, Large Conference Room (Background)</u>
<u>Quiet Suburban Nighttime</u>		
	30	<u>Library</u>
<u>Quiet Rural Nighttime</u>		<u>Bedroom at Night,</u>
	20	<u>Concert Hall (Background)</u>
		<u>Broadcast/Recording Studio</u>
	10	
<u>Lowest Threshold of Human Hearing</u>	0	<u>Lowest Threshold of Human Hearing</u>

When evaluating noise impacts, based on the above relationships, it is generally recognized that an increase of greater than 3 dBA is considered potentially significant. However, increases in ambient noise levels need to also take into account the existing noise environment. Consequently, increases in cumulative noise exposure (in CNEL/Ldn) of 5 dBA are generally considered significant in areas where the ambient noise environment is less than 60 dBA. In areas where the ambient noise environment is between 60 and 65 dBA, increases of 3.0 dBA, or greater, would be considered significant. In areas where the ambient noise environment exceeds 65 dBA, a predicted increase of 1.5 dBA, or greater, would be considered significant. These thresholds were initially recommended by the Federal Interagency Committee on Noise (FICON) in 1972, based on noise levels at which people typically become increasingly annoyed. These recommendations have since been recognized by various local, state and federal agencies and are the criteria typically used for the analysis of increases in ambient noise levels (FICON, 2000).

Negative Effects of Noise on Humans

Negative effects of noise exposure include physical damage to the human auditory system, interference, and disease. Exposure to noise may result in physical damage to the auditory system, which may lead to gradual or traumatic hearing loss. Gradual hearing loss is caused by sustained exposure to moderately high noise levels over a period of time, while traumatic hearing loss is caused by sudden exposure to extremely high noise levels over a short period of time. However, gradual and traumatic hearing loss both may result in permanent hearing damage. In addition, noise may interfere with or interrupt sleep, relaxation, recreation, and communication. Although most interference may be classified as annoying, the inability to hear a warning signal may be considered dangerous. Noise may also be a contributor to diseases associated with stress, such as hypertension, anxiety, and heart disease. The degree to which noise contributes to such diseases is dependent upon the noise frequency, bandwidth, level, and exposure time (Caltrans, 1998).

Characteristics of Sound Propagation & Attenuation

Noise can be generated by a number of sources, including mobile sources such as automobiles, trucks, and airplanes, and stationary sources such as construction sites, machinery, and industrial operations. Noise generated by mobile sources typically attenuates (is reduced) at a rate between 3.0 and 4.5 dBA per doubling of distance. The rate depends on the ground surface and the number or type of objects between the noise source and the receiver. Hard and flat surfaces, such as concrete or asphalt, have an attenuation rate of 3.0 dBA per doubling of distance. Soft surfaces, such as uneven or vegetated terrain, have an attenuation rate of about 4.5 dBA per doubling of distance. Noise generated by stationary sources typically attenuates at a rate between 6.0 and about 7.5 dBA per doubling of distance.

Sound levels can be reduced by placing barriers between the noise source and the receiver. In general, barriers contribute to decreasing noise levels only when the structure breaks the "line of sight" between the source and the receiver. Buildings, concrete walls, and berms can all act as effective noise barriers. Wooden fences or broad areas of dense foliage can also reduce noise, but are less effective than solid barriers.

Noise Descriptors

The selection of a proper noise descriptor for a specific source is dependent upon the spatial and temporal distribution, duration, and fluctuation of the noise. The noise descriptors most often

encountered when dealing with traffic, community, and environmental noise are defined below (Caltrans 1998, Lipscomb and Taylor 1978).

- L_{max} (Maximum Noise Level): The maximum instantaneous noise level during a specific period of time.
- L_{min} (Minimum Noise Level): The minimum instantaneous noise level during a specific period of time.
- L_{eq} (Equivalent Noise Level): The energy mean noise level. The instantaneous noise levels during a specific period of time in dBA are converted to relative energy values. From the sum of the relative energy values, an average energy value is calculated, which is then converted back to dBA to determine the L_{eq} .
- L_{dn} (Day-Night Noise Level): The 24-hour L_{eq} with a 10 dBA “penalty” for the noise-sensitive hours between 10 p.m. and 6 a.m. The L_{dn} attempts to account for the fact that noise during this specific period of time is a potential source of disturbance with respect to normal sleeping hours.
- CNEL (Community Noise Equivalent Level): The CNEL is similar to the L_{dn} described above, but with an additional 5 dBA “penalty” for the noise-sensitive hours between 7 p.m. to 10 p.m., which are typically reserved for relaxation, conversation, reading, and television. If using the same 24-hour noise data, the CNEL is typically approximately 0.5 dBA higher than the L_{dn} .

REGULATORY FRAMEWORK

Local Plans, Policies, Regulations, and Ordinances

City of Hayward General Plan

The Noise Element of the City of Hayward General Plan contains policies designed to protect the community from the harmful and annoying effects of exposure to excessive noise. The City’s General Plan also includes noise compatibility guidelines and standards for proposed development projects. The City’s noise compatibility standards are summarized in **Table XI-1, City of Hayward Land Use Compatibility Noise Criteria**.

In addition to the noise criteria identified in **Table XI-1**, the City’s General Plan also includes specific criteria for the evaluation of noise impacts associated with proposed development projects. These criteria include an interior noise standard of 45 dB L_{dn} for new housing units. Residential dwellings exposed to exterior aircraft or railroad noise levels of 60 dB L_{dn} or greater shall also achieve an interior noise standard of 55 dBA L_{max} within bedrooms during the daytime hours and 50 dBA L_{max} during the nighttime hours (City of Hayward, 2002a; City of Hayward, 2006). The City’s *General Plan Guidelines for the Review of New Development* is summarized in **Table XI-2, City of Hayward Guidelines for the Review of New Development**.

City of Hayward Noise Ordinance

The City of Hayward’s noise ordinance includes provisions for the protection of public peace, but does not identify specific noise standards. In accordance with the City’s noise ordinance, noise-generating construction activities shall not exceed the local ambient level by more than 6 dB at any point outside the property line between the hours of 7:00 p.m. and 7 a.m., Monday

through Saturday. Construction activities are limited to between the hours of 10:00 a.m. and 6 p.m. on Sundays and holidays.

STANDARDS OF SIGNIFICANCE

Noise impacts associated with the proposed project would be considered significant if implementation of the proposed land uses would:

- Result in a substantial increase (i.e., 6 dBA or greater) in ambient noise levels at nearby residential land uses during the more noise-sensitive nighttime hours of 7 p.m. to 7 a.m., Monday thru Saturday, or between 6 p.m. and 10 a.m. on Sundays or holidays;
- Result in a substantial permanent long-term increase in ambient noise levels. For purposes of this analysis, “substantial increase” is defined as an increase of 5 dBA where the ambient noise environment is less than 60 dBA. In areas where the ambient noise environment is between 60 and 65 dBA, increases of 3.0 dBA, or greater, would be considered significant. In areas where the ambient noise environment exceeds 65 dBA, a predicted increase of 1.5 dBA, or greater, would be considered significant.
- Result in increased exposure of land uses to excessive groundborne vibration levels. There are currently no adopted federal, state, or local standards for vibration. For most structures, a peak particle velocity (ppv) threshold of 0.2 inch per second (in/sec) is recommended by Caltrans to avoid structural damage, with the exception of fragile historic structures or ruins (Caltrans, 2002).

**TABLE XI-1
CITY OF HAYWARD LAND USE COMPATIBILITY NOISE CRITERIA**

Land Use Category	Community Noise Exposure (Ldn or CNEL, dBA)						Interpretation
	55	60	65	70	75	80	
Residential – Low Density Single Family, Duplex, Mobile Homes							Normally Acceptable Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
Residential – Multiple Family							Conditionally Acceptable New construction or development should be undertaken only after a detailed analysis of noise reduction requirements and needed noise insulation features included in the design. Conventional construction with closed windows and fresh air supply systems or air conditioning will normally suffice.
Transient Lodging – Motels, Hotels							Normally Unacceptable New construction or development
Schools, Libraries, Churches, Hospitals, Nursing Homes							Normally Unacceptable New construction or development
Auditoriums, Concert Halls, Amphitheaters							Normally Unacceptable New construction or development
Sports Arena, Outdoor Spectator Sports							Normally Unacceptable New construction or development

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

Land Use Category	Community Noise Exposure (Ldn or CNEL, dBA)						Interpretation
	55	60	65	70	75	80	
							should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
Playgrounds, Neighborhood Parks							
Golf Courses, Riding Stables, Water Recreation, Cemeteries							Clearly Unacceptable New construction or development should generally not be undertaken
Office Buildings, Business Commercial and Professional							
Industrial, Manufacturing, Utilities, Agriculture							

Source: City of Hayward 2002

**TABLE XI-2
CITY OF HAYWARD GUIDELINES FOR THE REVIEW OF NEW DEVELOPMENT**

- A. New development projects shall meet acceptable noise level standards. The “acceptable” noise standards for new land uses as established in Land Use Compatibility for Community Exterior Noise Environments shall be used with further consideration of the following:
1. The maximum acceptable exterior noise level in residential areas is an Ldn of 55 dB for single-family development and an Ldn of 60 dB for multi-family development. These levels shall guide the design and location of future development, and are the goals for the reduction of noise in existing development. These goals will be applied where outdoor use is a major consideration (e.g., backyards in single-family housing developments and recreation areas in multi-family housing projects). The outdoor standard will normally be applied to any area considered to be “useable open space”, including decks and balconies associated with apartments and condominiums.
 2. Indoor noise level shall not exceed an Ldn of 45 dB in new housing units.
 3. If the primary noise source is aircraft or a railroad, noise levels in new residential development exposed to an exterior Ldn of 60 dB or greater should be limited to a maximum instantaneous noise level in bedrooms at night of 50 dB(A). Maximum instantaneous noise levels in bedrooms during the daytime and in other rooms should not exceed 55 dB(A).
 4. If the primary noise source is a commercial or industrial land use, new residential development shall not be allowed where the ambient noise level due to commercial or industrial noise sources will exceed the noise level standards as set forth in Table 1. Each of the noise level standards specified in Table 1, “Noise and Land Use Compatibility Standards for Industrial and Commercial Noise”, shall be reduced by 5 dB(A) for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
 5. Appropriate interior noise levels in commercial, industrial and office buildings are a function of the use of space and shall be evaluated on a case-by-case basis. Interior noise levels in offices generally should be maintained at 52 Leq (hourly average) or less. The noise guidelines and contours will be used to determine if additional noise studies are needed for proposed new development. Noise studies shall follow a standard format and guidelines.
- B. Protect the noise environment in existing residential areas. The guidelines are not intended to be applied reciprocally. In other words, if an area currently is below the desired noise standards, an increase in noise up to the maximum should not necessarily be allowed. The impact of a proposed project on an existing land use should be evaluated in terms of the potential for adverse community response based on a significant increase in existing noise

levels, regardless of the compatibility guidelines. Specific examples of these situations are described below:

1. The project has the potential to generate significant adverse community response due to the increased character of the noise it would generate.
2. Noise created by commercial or industrial sources associated with new project or developments shall be controlled so as not to exceed the noise level standards set forth in Table 1 as measured at any affected residential land use. The allowable noise level shall be adjusted up to the ambient noise level.

In general, the City will require the evaluation of mitigation measures for projects that would cause the Ldn to increase by 3 dB(A) or more at an existing residential area.

- C. Locate noise sensitive uses away from noise sources unless mitigation measures are included in development plans. Protect schools, hospitals, libraries, churches, convalescent homes, and other noise sensitive uses from noise levels exceeding those allowed in residential areas.
- D. Design city streets to reduce noise levels in adjacent areas. Continue to require soundwalls, earth berms, and other noise reduction techniques (e.g., "open grade" or "rubberized" asphalt) as conditions of development approval.

Source: City of Hayward, 2002a.

Existing Noise Environment

Noise-Sensitive Land Uses

Noise-sensitive land uses generally include those uses where exposure to noise would result in adverse effects, as well as uses where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Other noise-sensitive land uses include hospitals, convalescent facilities, parks, hotels, churches, libraries, and other uses where low interior noise levels are essential. Noise-sensitive land uses located near the annexation area consist of residential land uses, the nearest of which are generally located adjacent to the annexation area.

Existing Noise Sources and Ambient Noise Levels

The annexation area is influenced primarily by vehicle traffic on area roadways. Major roadways located in the vicinity of the annexation area that contribute to ambient noise levels at the annexation area includes Hesperian Boulevard to the west, West Street to the north, Industrial Boulevard to the west, and Depot Road to the south. The eastern portion of the West-Mohr island is located within the projected 60 dBA CNEL contour of Hesperian Boulevard. The western and southern portions of the Mohr-Depot island are located within the projected 60 dBA CNEL noise contour of Industrial Boulevard and Depot Road (City of Hayward, 2002a). To a somewhat lesser extent, aircraft overflights from Hayward Executive Airport, as well as, outdoor recreational activities at Chabot College also contribute to ambient noise levels at the annexation area.

IMPACT DISCUSSION

EXCEED NOISE STANDARDS

a) *Less than Significant with Mitigation Incorporated.* The proposed project includes the annexation of the Mohr-Depot island and the West-Mohr island, which are surrounded by incorporated areas of Hayward. The proposed project would include the potential development of 54 single-family dwelling units. Increases in ambient noise levels associated with proposed development would occur during short-term construction and long-term increases in vehicle traffic on area roadways. Noise-related impacts associated with short-term construction and long-term operation of proposed residential land uses, as well as, compatibility of proposed

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

land uses in comparison to projected future noise levels associated with nearby noise sources, are discussed separately, as follows:

Short-term Increases in Ambient Noise Levels

Construction noise typically occurs intermittently and varies depending upon the nature or phase (e.g., demolition/land clearing, grading and excavation, erection) of construction. Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. Although noise ranges were found to be similar for all construction phases, the grading phase tends to involve the most equipment resulting in slightly higher average-hourly noise levels. Typical noise levels for individual pieces of construction equipment are summarized in **Table XI-3, Typical Construction Equipment Noise Levels**. As depicted, individual equipment noise levels typically range from approximately 75 to 91 dBA at 50 feet, without noise control. With noise control, individual equipment noise levels typically range from approximately 75 to 80 dBA at 50 feet. Typical operating cycles may involve 2 minutes of full power, followed by 3 or 4 minutes at lower settings. Depending on the activities performed and equipment usage requirements, combined average-hourly noise levels at construction sites typically range from approximately 65 to 89 dBA L_{eq} at 50 feet (EPA 1971).

**TABLE XI-3
TYPICAL CONSTRUCTION EQUIPMENT NOISE LEVELS**

Type of Equipment	Noise Level in dBA at 50 feet	
	Without Feasible Noise Control	With Feasible Noise Control ¹
Dozer or Tractor	80	75
Excavator	88	80
Compactor	82	75
Front-end Loader	79	75
Backhoe	85	75
Grader	85	75
Crane	83	75
Generator	78	75
Truck	91	75

¹ Feasible noise control includes the use of intake mufflers, exhaust mufflers, and engine shrouds.

Sources: U.S. Environmental Protection Agency 1971; Federal Transit Administration 2006

Assuming a maximum construction noise level of 89 dBA L_{eq} and an average attenuation rate of 6 dBA per doubling of distance from the source, construction activities located within approximately 1,500 feet of noise-sensitive receptors could reach levels of approximately 60 dBA. Activities occurring during the more noise-sensitive evening and nighttime hours may result in increased levels of annoyance and potential sleep disruption to occupants of nearby

residential dwellings. Construction-generated noise would, therefore, be considered to result in a **potentially significant** short-term noise impact to nearby noise-sensitive land uses.

Mitigation Measure

MM XI-1 Prior to or during construction, the following mitigation measures shall be implemented:

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

Timing/Implementation: Prior to/during construction.

Enforcement/Monitoring: City of Hayward Development Services Department.

Implementation of MM XI-1 would prohibit noise-generating activities from occurring during the more noise-sensitive periods of the day and would reduce short-term noise impacts to nearby residential land uses. With mitigation, this impact would be considered **less than significant**.

Long-term Increases in Ambient Noise Levels

Residential land uses would not be anticipated to result in the long-term operation of any major stationary sources of noise. As a result, increases in ambient noise levels at nearby existing noise-sensitive land uses would be primarily associated with potential increases in vehicle traffic noise due to increased traffic potentially generated by the future residential land uses constructed within the annexation areas. Occupants of future residential land uses located within the annexation area could also be exposed to potential increases in ambient noise levels from nearby transportation and non-transportation noise sources that could potentially exceed the City's noise standards. As noted earlier in this report, the City's "normally acceptable" noise compatibility criteria for residential land uses is 60 dBA L_{dn} /CNEL. Noise levels are considered "conditionally acceptable" at levels up to 70 dBA L_{dn} /CNEL, provided exterior noise reduction measures have been incorporated and interior noise levels have been reduced to within acceptable levels (**Table XI-2**).

Potential exposure to transportation and non-transportation noise sources is discussed in more detail, as follows:

Roadway Traffic Noise

Potential increases in ambient noise levels associated with the proposed residential development would be primarily associated with increases in vehicle traffic on area roads. Based on the traffic analysis prepared for this project, the proposed project would result in a total of approximately 258 daily trips. Increases in vehicle trips would predominantly occur along segments of West Street and Hesperian Boulevard located near Annexation Area 1; as well as, segments of Industrial Boulevard and Depot Road located near Annexation Area 2 (DMJM Harris/AECOM, 2009). Existing traffic volumes along these nearby roadways average several thousand vehicle trips per day. Typically, a doubling of vehicle traffic would be required before a noticeable increase (i.e., 3 dBA or greater) in traffic noise levels would occur. Assuming a maximum of 258 daily trips generated by each of the West-Mohr island and the Mohr-Depot island, implementation of the proposed project would result in increased traffic noise levels of approximately 0.1 dBA, or less, along adjacent primarily affected roadways.

Predicted future noise contours for area roadways were calculated as part of the *City of Hayward General Plan Update*. Based on the predicted traffic noise contours contained in the General Plan, the projected 60 dBA L_{dn} /CNEL noise contours of adjacent and nearby roadways, including Hesperian Boulevard, Depot Road, and Industrial Boulevard, would be projected to extend onto the Annexation Areas. As the parcel-specific location of anticipated future residential units can not be known at this time, predicted exterior and interior traffic noise levels at future residential dwellings cannot be calculated at this time. However, given that the projected 60 dBA L_{dn} /CNEL noise contours of adjacent and nearby roadways would extend onto portions of annexation area, predicted noise levels at future residential land uses could conceivably exceed the City's "normally acceptable" noise standard of 60 dBA L_{dn} /CNEL. As a result, exposure to roadway traffic noise would be considered **potentially significant**.

Railroad Noise

The Union Pacific Railroad extends in a general north to south direction approximately 1,300 feet west of the annexation area. The existing UPRR is currently used for freight transport. The number of trains traveling along the UPRR varies from day to day, but typically averages fewer than 5 trains per day. An analysis of train noise levels was recently completed for the *Eden Shores* development project in February 2005. Based on the analysis conducted, the predicted train noise levels measured approximately 74 dBA L_{dn} at 50 feet from the track. Maximum intermittent noise levels associated with the sounding of train horns ranged from 86 to 89 dB at a distance of 160 feet (City of Hayward, 2005). Based on these noise levels, predicted train noise levels at the nearest western boundary of the West-Mohr island and the Mohr-Depot island, approximately 1,300 feet from the track centerline, would be approximately 53 dBA L_{dn} . Based on these noise levels, predicted train noise levels at future residential dwellings located within the annexation area would not exceed the City's "normally acceptable" exterior noise standard of 60 dBA L_{dn} /CNEL. As a result, exposure to train noise would be considered **less than significant**.

Aircraft Noise

The nearest airport located within the vicinity of the annexation area is the Hayward Executive Airport, which is located approximately 0.5 mile north of the annexation area. However, the annexation area is not located within the existing 65 dBA CNEL noise contour of the airport, which are generally located within the boundaries of the airport (Donnelley, 2008). Future operations and associated noise contours of the airport are not anticipated to substantially change in future years (City of Hayward, 2002a). Based on current and projected noise

contours, predicted average-daily noise levels at the nearest annexation area would not be anticipated to exceed the City's exterior noise standard of 60 dBA CNEL.

Although projected average-daily noise levels would not be anticipated to exceed applicable noise standards, future residential land uses would be located beneath the flight paths of this airport. Aircraft overflights could result in intermittent increases in ambient noise levels. To avoid prolonged flight at low altitudes over noise-sensitive residential areas and resultant intermittent noise impacts, the Hayward Executive Airport has implemented an aircraft noise abatement program. The program includes various measures designed to reduce potential noise impacts to nearby residential areas and establishes maximum allowable single-event noise levels for aircraft, based on the time of day. The Hayward Executive Airport also operates a noise monitoring network at various locations around the airport to monitor and enforce adopted aircraft noise restrictions. Aircraft in violation of adopted noise standards are prohibited from taking off, landing, or otherwise operating at the airport (Boeing, 2008). Continued enforcement of these restrictions would ensure that resultant intermittent noise events associated with aircraft overflights of the annexation area would not exceed applicable noise standards. As a result, exposure to average-daily and intermittent aircraft noise levels would be considered **less than significant**.

Chabot College – Exterior Recreational Activities

The annexation area is generally located near the northern and western boundaries of Chabot College. Noise sources located at the college that could potentially affect occupants of future residential dwellings located within these annexation areas would be primarily associated with the use of exterior recreational facilities at the college. Exterior recreational facilities at the Cabot College include a stadium, consisting of a football field and track, located near the northern boundary of the college, and various other ballfields generally located within the western portion of the campus.

Based on noise measurements conducted for similar facilities, noise levels typically associated with the use of school playfields and stadiums, including noise from spectators and players, average approximately 60 to 65 dBA L_{eq} at 50 feet. For larger stadiums equipped with amplified sound systems and events that draw large spectator crowds, such as the existing football stadium, predicted exterior noise levels can range from approximately 57 to 72 dBA L_{eq} at approximately 500 feet. Other uses commonly associated with stadiums, such as band performances, can also result in substantial increases in ambient noise levels. Maximum intermittent noise levels associated with activities conducted at stadiums can reach levels of up to approximately 90 dBA at 50 feet, for brief periods of time.

As the parcel-specific location of anticipated future residential units can not be known at this time, a detailed analysis of resultant noise impacts associated with the adjacent recreational-use activities cannot be conducted at this time. Resultant noise levels at nearby offsite land uses would be dependent on multiple factors, such as the distance of proposed dwellings from nearby recreational activities, site design and construction techniques; as well as, the specific activities conducted at the nearby recreational facilities. However, based on noise levels commonly associated with recreational uses, as discussed above, predicted noise levels at future residential dwellings could potentially exceed the City's noise standards. As a result, exposure to noise generated by nearby recreational uses would be considered **potentially significant**.

Mitigation Measure

MM XI-2 A site-specific acoustical assessment shall be prepared by a qualified acoustical consultant for future residential dwellings located within the annexation area. The acoustical assessment shall address potential transportation and non-transportation noise impacts. Mitigation measures shall be incorporated sufficient to achieve the City of Hayward noise standards. Such measures may include, but are not limited to, the incorporation of setbacks, sound barriers, berms, and/or increased building noise-reduction measures.

Timing/Implementation: Prior to tentative map approval.

Enforcement/Monitoring: City of Hayward Development Services Department.

Implementation of **MM XI-2** would require incorporation of building design and construction techniques and materials sufficient to achieve the City's noise standards. With mitigation, this impact would be considered **less than significant**.

GROUNDBORNE VIBRATION OR NOISE LEVELS

b) Less than Significant. Ground vibration spreads through the ground and diminishes in strength with distance. The effects of ground vibration can vary from no perceptible effects at the lowest levels, low rumbling sounds and detectable vibrations at moderate levels, and slight damage to nearby structures at the highest levels. At the highest levels of vibration, damage to structures is primarily architectural (e.g., loosening and cracking of plaster or stucco coatings) and rarely result in structural damage. For most structures, a peak particle velocity (ppv) threshold of 0.5 inches per second (in/sec) is sufficient to avoid structure damage, with the exception of fragile historic structures or ruins. At the request of the U.S. Environmental Protection Agency the Committee of Hearing, Bio-Acoustics, and Bio-Mechanics (CHABA) have developed guidelines for safe vibration limits for ruins and ancient and/or historic buildings. For fragile structures, the CHABA recommends a maximum limit of 0.25 inches per second ppv. For the protection of fragile, historic, and residential structures, the California Department of Transportation recommends a more conservative threshold of 0.2 inches per second ppv. This same threshold would represent the level at which vibrations would be potentially annoying to people in buildings (FTA, 2006; Caltrans, 2002).

Increases in groundborne vibration levels attributable to the proposed project would be primarily associated with short-term construction-related activities. Groundborne vibration levels associated with construction equipment are summarized in **Table XI-4**. Construction activities associated with the proposed improvements would likely require the use of various tractors, trucks, and jackhammers. The use of pile drivers is not anticipated to be required for the development of proposed residential land uses. Based on the vibration levels presented in **Table XI-4, Representative Vibration Source Levels for Construction Equipment**, ground vibration generated by construction equipment would be less than 0.09 inches per second ppv at 25 feet. Predicted vibration levels at the nearest onsite and offsite structures would, therefore, not be anticipated to exceed even the most conservative threshold of 0.2 inches per second ppv. Short-term groundborne vibration impacts would be considered **less than significant**. No mitigation is required.

TABLE XI-4
 REPRESENTATIVE VIBRATION SOURCE LEVELS FOR CONSTRUCTION EQUIPMENT

Equipment	Peak Particle Velocity at 25 Feet (in/sec ppv)
Large Tractors	0.089
Caisson Drilling	0.089
Loaded Trucks	0.076
Jackhammer	0.035
Small Tractors	0.003

Source: Caltrans 1996, FTA 2006

Long-term operational activities associated with the proposed project would not involve the use of any equipment or processes that would result in potentially significant levels of ground vibration. The nearest existing source of groundborne vibration is the Union Pacific Railroad, which is located in excess of approximately 1,300 feet from the annexation area. Based on screening criteria recommended by the California Department of Transportation (Caltrans), architectural damage due to train-generated ground vibration could occur at structures located within approximately 25 feet of the track centerline. Ground vibration levels may be perceptible and result in increased levels of annoyance for occupants of buildings located within approximately 66 feet of the tract centerline (Caltrans, 2002). Based on these screening-level criteria, predicted groundborne vibration levels at the nearest boundary of the annexation area, which are located in excess of approximately 1,300 feet from the railline, would not exceed applicable groundborne vibration criteria. As a result, this impact is considered **less than significant**.

PERMANENT INCREASE IN AMBIENT NOISE

c) Less than Significant with Mitigation Incorporated. As previously discussed, implementation of the proposed project would not be anticipated to result in potentially significant increases in ambient noise levels at nearby existing noise-sensitive land uses. However, predicted noise levels at future residential land uses developed within the annexation area could potentially exceed the City's noise standards. As a result, this impact would be considered **potentially significant**, subject to mitigation. With implementation of **MM XI-1** and **MM XI-2**, this impact would be considered **less than significant**. Refer to the discussion in Section XI. Noise, **item a)**, above, for additional discussion.

TEMPORARY OR PERIODIC INCREASE IN AMBIENT NOISE

d) Less than Significant with Mitigation Incorporated. As previously discussed, short-term construction activities would be anticipated to result in potentially significant increases in ambient noise levels at nearby existing and/or proposed noise-sensitive land uses. As a result, this impact would be considered **potentially significant**, subject to mitigation. With implementation **MM XI-1**, this impact would be considered **less than significant**. Refer to the discussion in Section XI. Noise, **item a)**, above, for additional discussion.

LOCATED WITHIN TWO MILES OF AN AIRPORT AND LOCATED WITHIN THE VICINITY OF A PRIVATE AIR STRIP

e, f) Less than Significant. The nearest airport/airstrip is the Hayward Executive Airport located on Hesperian Boulevard north of Winton Avenue. As previously discussed, the airport is approximately 0.5 miles north of the annexation area. The annexation area is not located within the 60 dBA CNEL noise contour of this airport. Continued enforcement of the adopted airport noise abatement procedures would ensure that resultant intermittent noise levels associated with aircraft overflights of the annexation area would not exceed applicable noise standards. This impact is considered **less than significant**.

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
XII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXISTING SETTING

The number of existing housing units in the proposed annexation area is 71, per Alameda County Assessor’s Office records. Since new development cannot occur without access to public sewer and water systems and City policy approved in 1995 has not allowed access to those systems unless annexation occurs or a public health situation exists due to failure of a private septic system or well, it can be assumed that no significant change to population or number of housing units has occurred since 2000.

The population increase resulting from implementation of the proposed project would be between 166 to 170 persons, for a total of 385 to 394 persons residing within the annexation area. This resulting range is based on an average household size of 3.08 persons and 3.15 persons per household (Metropolitan Transportation Commission – Association of Bay Area Governments Library, 2009). While this statistic has not yet been released, it is anticipated that the ABAG Projections 2009 will report that the average household size applicable to the annexation area is between 3.08 and 3.15 persons per household.

STANDARDS OF SIGNIFICANCE

An impact would be considered potentially significant if the proposed project would induce substantial growth or concentration of the population; alter the location, distribution, density, or growth rate of the population of an area; substantially affect existing housing or create a demand for additional housing; or conflict with housing and population projections and policies set forth in City of Hayward General Plan.

IMPACT DISCUSSION

POPULATION GROWTH

a) Less than Significant. The number of existing housing units in the proposed annexation area is 71, per Alameda County Assessor's Office records. The population increase resulting from implementation of the proposed project would be between 166 to 170 persons, for a total of 385 to 394 persons residing within the annexation area. This resulting range is based on an average household size of 3.08 persons and 3.15 persons per household (Metropolitan Transportation Commission – Association of Bay Area Governments Library, 2009). While this statistic has not yet been released, it is anticipated that the ABAG Projections 2009 will report that the average household size applicable to the annexation area is between 3.08 and 3.15 persons per household. Although the proposed project would directly induce population growth as it would allow for additional housing units and would require the extension of infrastructure meeting City standards, the growth is not considered substantial and has also been anticipated through the City's General Plan. The proposed project would have a **less than significant** impact on population growth.

DISPLACE HOUSING

b) Less than Significant. The proposed project does not include specific plans for near term development that could displace housing or people. At such time that any future development is proposed within the annexation area, separate environmental review in compliance with CEQA would be required.

DISPLACE PEOPLE

c) Less than Significant. See discussion under **item XII.b)** above.

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
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 following public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXISTING SETTING

FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE

Fire and emergency medical service to the proposed annexation area are provided by the Hayward Fire Department. The Department provides fire suppression, emergency medical, fire prevention, hazardous materials response and related services. The Department employs a staff of 135 with 87 firefighters certified as paramedics. Hayward Fire Department staff responded to approximately 14,500 calls for service in 2008. Nine operating stations are maintained by the Department, which house 11 fire companies. These consist of nine engine companies, which are first responders and provide fire suppression, and two truck companies that provide structural entry, ventilation, laddering and rescue operations as well as medical response.

The fire station nearest the proposed annexation area is Fire Station #6, located near the intersection of West Winton Avenue and Saklan Road (1401 West Winton Avenue) which has one fire engine and three Firefighters. The Department has adopted response time criteria for emergency calls for service, including a response of five minutes for arrival of the first engine company to a call, an arrival time of seven minutes for the first truck company and the arrival of the balance of Fire Department within ten minutes. Given the close proximity of Station #6 to the proposed annexation area, the response time for the primary company would be well within the City’s response criteria. The Hayward Fire Department responded to 20 calls for service in the annexation area in 2008, 21 in 2007, 19 in 2006, 20 in 2005, 20 in 2004, 24 in 2003, 21 in 2002, 31 in 2001 and 29 in 2000.

In 1983, the City and County entered into an agreement whereby the City would provide primary fire protection services for the unincorporated lands in west Hayward, with reimbursement provided by the County for services rendered. Under this agreement, the Hayward Fire Department has historically been, and would continue to be the fire protection agency for the proposed reorganization area and unincorporated areas in the Mt. Eden vicinity. The City currently receives about \$37,000 per annum to provide fire protection in Mt. Eden. This

money would no longer pass through the Hayward Fire Department budget following annexation.

POLICE PROTECTION

For the proposed annexation area, law enforcement services are currently provided primarily by the Alameda County Sheriff's office, with the nearest facility being the Eden Township substation, located at 15001 Foothill Boulevard in San Leandro. The Sheriff's office is the first responder for emergency calls for service and also provides patrol and detection for residents of the unincorporated portion of Alameda County. Traffic services are provided by the California Highway Patrol. The Sheriff's Department patrol beat for the unincorporated Mt. Eden area is shared with other unincorporated portions of the County in the San Lorenzo area.

The Hayward Police Department provides police protection within the community, including crime prevention, investigation services, traffic control and animal control services to City residents. Services are provided out of a main headquarters facility located at 300 Winton Avenue. The adopted 2009-2010 City budget indicates the Department includes a staff complement of 191 sworn officers out of a total staff of approximately 301. The Department also maintains a variety of vehicles and support equipment. The Alameda County Sheriff's Office responded to 149 calls for service in the Mt. Eden area in 2008, 250 in 2007, 565 in 2006 and 578 in 2005. The sharp drop in calls between 2006 and 2007 is a result of the Phase I annexation of three islands.

SCHOOLS

All of the proposed annexation area is within the Hayward Unified School District. The annexation area is within the Eden Gardens Elementary School, Ochoa Middle School and Mt. Eden High School attendance areas.

PARKS

The annexation area and the entire City are within the Hayward Area Recreation and Park District (HARD) service area. The Hayward General Plan includes a standard of 1.5 acres of local parks per 1,000 people.

OTHER PUBLIC FACILITIES

Library

The Hayward library system serves residents within Hayward and in the proposed annexation area. Residents in the annexation area and other unincorporated portions of Alameda County are also served by the Alameda County Library system. The Hayward library system includes the Main Library, located at 835 "C" Street and the Weekes Branch Library, located at 27300 Patrick Avenue. Both branches are open six days per week. The nearest Alameda County branch libraries to the proposed annexation area are the Castro Valley Branch Library, located at 20055 Redwood Road, and the San Lorenzo Branch Library, located at 395 Paseo Grande. The Castro Valley and San Lorenzo branches are open six days per week.

Roadways

All roadways within the proposed annexation area, with the exception of Ramona Drive, are public roadways, many of which lack curbs, gutters and sidewalks. Roadways are currently maintained by Alameda County.

STANDARDS OF SIGNIFICANCE

Regarding public services, a significant impact would occur if the project resulted in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks, and other public facilities.

IMPACT DISCUSSION

FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE

a) *Less than Significant.* Future construction of new residential and non-residential development anticipated in the proposed annexation area would increase the risk of fire to future residents, employees and visitors by adding new dwelling units and non-residential floor space. However, the recent connection of the annexation area to Hayward's water system will significantly assist in increasing fire safety in the area by providing a reliable water supply with adequate water pressure. The number of calls for service for medical emergencies would increase based on a higher resident and employee population. The timing of such increases is unknown and would be dependent on market forces. Increases in calls for fire services would be evaluated periodically as part of the City's normal budget cycle. The proposed project would have a **less than significant** impact on fire protection and emergency medical service.

POLICE PROTECTION

b) *Less than Significant.* Approval of the proposed annexation and related potential new development would represent an incremental increase in calls for service to the Police Department. Increases in calls for police services would be evaluated periodically as part of the City's normal budget cycle. Upon annexation, the area would be served by the Hayward Police Department and the Alameda County Sheriff would no longer have primary jurisdiction within this area. Residents of the Project area would benefit from a higher level of service due to probable faster response times compared to the Sheriff's Office, due to closer proximity of the Hayward Police Department headquarters to the Project area. Emergency response time would likely be improved, with a greater number of police personnel on patrol with smaller beat responsibilities. Upon annexation, new development would also be required to adhere to the standard security measures imposed by the City of Hayward Police Department. The proposed project would have a **less than significant** impact on police protection.

SCHOOLS

c) *Less than Significant Impact with Mitigation Incorporated.* New potential development is estimated to generate 22 elementary school students, 5 middle school students and 12 high school students. Developers would be obligated to pay the required school impact fees to mitigate impacts of these additional students on the schools.

Mitigation Measures

MM XIII.1 Prior to approvals of land use entitlements for individual development projects within the Project area by the City of Hayward, each project proponent shall pay school impact mitigation fees in effect at the time building permits are granted, or provide other mitigation as found acceptable by the Hayward Unified School District.

Timing/Implementation: Prior to any site disturbance.

Enforcement/Monitoring: City of Hayward Development Services Department and Hayward Unified School District.

Implementation of the above mitigation measure MM XIII-1 would reduce impacts to schools to a **less than significant** level.

PARKS

d) *Less than Significant Impact with Mitigation Incorporated.* Approval of the proposed annexation and subsequent development within the City of Hayward would increase the demand for local and community park and recreation facilities. Anticipated development would be expected to generate the need for an additional 0.26 acres of new local parkland and requires mitigation.

Mitigation Measures

MM XIII-2 Payment of park in-lieu fees or dedication of parkland and or recreation facilities, as approved by HARD, at the time future development is permitted will mitigate the demand for future parks. Possibilities for enhanced park and recreation facilities in and adjacent to the Project area may include the expansion of Greenwood Park, and/or the expansion of joint use facilities at Chabot College and Ochoa Middle School/Rancho Arroyo Park, and a 3.55-acre area just west of the Waterford apartment complex along Depot Road within City limits, which is identified as a potential park site in the Mt. Eden Neighborhood Plan.

Timing/Implementation: Prior to project approval.

Enforcement/Monitoring: City of Hayward Development Services Department and HARD.

Implementation of the above mitigation measure MM XIII-2 would reduce impacts to parks and other public facilities to a **less than significant** level.

OTHER PUBLIC FACILITIES

e) *Less than Significant.* The impacts on library operations due to the proposed project would be expected to be minimal and **less than significant** given that the Hayward library system already provides service to the project area additional to the Alameda County Library system.

All roadways within the proposed annexation area, with the exception of Ramona Drive, are public roadways, many of which lack curbs, gutters and sidewalks. No new public roadways are planned. Based on 1993 improvement plans developed by the County, several roadways would be required to be widened. The 1993 improvement plans show that Eden Avenue would be extended south from Laguna Drive to Depot Road, however, the improvement plans are being revised and City intends to abandon this right-of-way. No public improvements are planned for Ramona Drive, which is a private street. If annexation is approved, maintenance for all public streets and associated traffic operations and street lighting within the annexation area would be provided by the City. However, the financing for the street improvements has been determined and payment of taxes and other standard revenue sources for street maintenance would be required of the annexed parcels. These mechanisms would reduce the potential impact of street improvements and maintenance to **less than significant**.

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXISTING SETTING

The annexation area and the entire City are within the Hayward Area Recreation and Park District (HARD) service area. The Hayward General Plan includes a standard of 1.5 acres of local parks per 1,000 people.

STANDARDS OF SIGNIFICANCE

Regarding recreation, a significant impact would occur if the project increased 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 or if the project included or required construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

IMPACT DISCUSSION

NEIGHBORHOOD OR REGIONAL PARKS AND EXPANSION OF RECREATIONAL FACILITIES

a, b) *Less than Significant.* Please refer to the discussion under XIII. Public Services d) above. The proposed project involves the annexation of parcels that have already been largely developed, and as such level of usage of neighborhood parks and regional parks would remain the same, with the exception of any new residents associated with new development. At the time of project approval, payment of park in-lieu fees or dedication of parkland and or recreation facilities, as approved by HARD, would be collected. The proposed project would have a less than significant impact on the condition of existing neighborhood and regional parks and recreational facilities. Any future park that would be necessary to meet park and recreational facility demand would be required to undergo project-level environmental review at the time that the plans were developed to determine if the facility would have a potential adverse physical effect on the environment. Therefore, the proposed project would have a **less than significant** impact upon recreation.

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic that 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING SETTING/TRANSPORTATION ANALYSIS

In the vicinity of the annexation area, on-street parking is generally permitted in the residential areas and is prohibited in industrial areas. Class III bike facilities currently exist on Middle Lane, Clawiter Road and Depot Road. Class III bicycle facilities are signed routes only, where bicyclists share travel lanes with vehicles. Sidewalks currently exist along the majority of the major roadways in the vicinity of the annexation area, but sidewalks are missing along many of the property frontages within the annexation area.

Regional access to the annexation area is provided by Interstate 880 and State Route 92. Local access is provided by Hesperian Boulevard, Industrial Boulevard, and Depot Road.

Interstate 880 (I-880) is a regional freeway extending between San Jose to the south and I-80 in Emeryville to the north. Four lanes are generally provided in each direction on this freeway near the annexation area, with auxiliary lanes available at some locations. Access to I-880 from the

annexation area is provided via an interchange at West Winton Avenue located north of the annexation area.

State Route 92 (SR-92) is a regional freeway and state highway located south of the annexation area, extending between I-880 in Hayward and Half Moon Bay to the west. Three to four lanes are generally provided in each direction on this freeway near the annexation area. Access to SR-92 from the annexation area is provided via interchanges at Hesperian Boulevard and Industrial Boulevard.

Hesperian Boulevard is a north-south, six-lane arterial that runs between Bayfair Shopping Center in San Leandro to Union City, where it becomes Union City Boulevard. It is fronted by primarily commercial uses and provides access to the Hayward Executive Airport, Chabot College, and Highway 92.

Industrial Boulevard is a north-south, four-lane arterial that runs from Clawiter Road to I-880, where it turns into Industrial Parkway. It provides access to both Route-92 and I-880.

Depot Road is an east-west, four-lane road that runs from Clawiter Road to I-880, where it turns into Industrial Parkway. It provides access to both Route-92 and I-880.

METHODOLOGY

In conjunction with City staff, two study intersections were identified as including all locations wherein the proposed project could result in a significant adverse impact to transportation.

1. Industrial Boulevard / Depot Road; and
2. Hesperian Boulevard / Depot Road.

Intersection Level of Service (LOS) conditions were analyzed at the study intersections for the weekday AM (7:00 AM to 9:00 AM) and PM peak travel periods (4:00 PM to 6:00 PM). Using this data, it was possible to analyze if the vehicular traffic associated with the proposed project would cause a potential impact at the study intersections under any of the four scenarios below:

1. Existing Conditions;
2. Existing plus Project Conditions (Phase II); and
3. Baseline (Existing plus Phase I) plus Project Conditions (Phase II).

Additional methods and assumptions are outlined in **Appendix D, Transportation Analysis**.

RESULTS

Based on the traffic analysis prepared for this project, the potential future development within the West-Mohr island and Mohr-Depot island would result in an increase of 258 and 410 total daily trips, respectively. Therefore, the proposed project would result in a total increase of 668 daily trips. Additional results are outlined in **Appendix D**.

STANDARDS OF SIGNIFICANCE

Regarding the existing street system, a significant impact would occur if the project increased traffic substantially or caused a level of service standard established by a county congestion agency to be exceeded. Local standards of significance include that the minimum acceptable threshold for signalized intersection traffic operations is level of service D; however, LOS E may be acceptable at locations where the high fiscal and social costs of implementing improvements to achieve LOS D may be prohibitive (City of Hayward, 2002a). In addition, the City utilizes a significance threshold of five seconds of added delay for peak hour at intersections operating at LOS F. A significant impact would also occur if the project resulted in a change in air patterns that resulted in a safety risk, increased hazards due to a design feature or incompatible uses, resulted in inadequate emergency access, or resulted in inadequate parking capacity.

IMPACT DISCUSSION

INCREASE IN TRAFFIC/ LEVEL OF SERVICE

a, b) Less than Significant. Per the City of Hayward's established significance criteria, the proposed project would not generate enough trips to cause an intersection to operate below level of service D under existing conditions plus Project Conditions or baseline (Existing plus Phase I) plus Project Conditions (Phase II). Please refer to **Appendix D** for further information. The proposed project would have a **less than significant** impact upon traffic increases relative to the capacity of the existing road system. The proposed project would have a **less than significant** impact on any level of service standard established by a county congestion agency to be exceeded at an intersection.

Two intersections were studied, the intersection of Industrial Boulevard / Depot Road and the intersection of Hesperian Boulevard / Depot Road. Both intersections currently operate at acceptable levels of service C at both the AM peak and PM peak hour, with the exception that the Hesperian Boulevard / Depot Road intersection operates at level of service B at the PM peak hour (DMJM, 2009, Table 2).

As shown in **Table XV-1, Vehicular Trips Generated by the Proposed Project**, the proposed project would generate 668 gross daily trips, with 52 occurring in the AM peak hour and 66 occurring in the PM peak hour (DMJM, 2009, Table 3). As shown in **Table XV-2, Intersection Level of Service - Existing Plus Project Conditions**, the study intersections would still continue to function at the current level of service for the AM and PM peak hour with an additional delay of a fraction of a second per vehicle (DMJM, 2009, Table 4). This is also true for the operation of the study intersections under baseline conditions, as shown in **Table XV-3, Intersection Level of Service - Baseline Plus Project Conditions** (DMJM, 2009, Table 5).

**TABLE XV-1
VEHICULAR TRIPS GENERATED BY THE PROPOSED PROJECT**

Trip Generation Rates	ITE Land Use Code	Daily Trip Rate	AM Peak Hour			PM Peak Hour		
			Peak Hour Rate	% In	% Out	Peak Hour Rate	% In	% Out
Residential Uses	210	9.57	0.75	25%	75%	1.01	63%	37%
Industrial Uses	110	6.97	0.92	88%	12%	0.98	12%	88%
Rehabilitation Facility(1)	620	6.10	0.38	60%	40%	0.42	47%	53%
Project Description	Project Size	Daily Trips	Peak Hour Trips	In	Out	Peak Hour Trips	In	Out
Annexation Area 1								
Residential Uses	27 D.U.	258	20	5	15	27	17	10
Annexation Area 2								
Residential Uses	27 D.U.	258	20	5	15	27	17	10
Industrial Uses	4,200 S.F.	30	4	3	1	4	1	3
Rehabilitation Facility ⁽¹⁾	20,000 S.F.	122	8	5	3	8	5	3
Total Vehicle Trips		668	52	18	34	66	40	26

Source: DMJM Harris, 2009, Table 3.

Notes:

Trip Rates for Nursing Home (ITE Land Use Code 620) were used in the absence of more site-specific information for the rehabilitation facility uses. In addition, inbound/outbound split information for the AM peak hour was obtained from San Diego Traffic Generators (SANDAG) in the absence of information for Nursing Home uses in the ITE Trip Generation Manual, 7th Edition.

**TABLE XV-2
INTERSECTION LEVEL OF SERVICE – EXISTING PLUS PROJECT CONDITIONS**

Intersection		Peak Hour	Existing Conditions		Existing plus Project (Phase II) Conditions	
			LOS	Delay	LOS	Delay
1	Industrial Boulevard / Depot Road	AM	C	20.3	C	20.6
		PM	C	17.4	C	17.5
2	Hesperian Boulevard / Depot Road	AM	C	23.7	C	23.8
		PM	B	14.9	B	15.0

Source: DMJM Harris, 2009, Table 4.

Notes:

Delay in seconds per vehicle.

TABLE XV-3
INTERSECTION LEVEL OF SERVICE - BASELINE PLUS PROJECT CONDITIONS

Intersection	Peak Hour	Existing plus Project (Phase II) Conditions		Baseline (Existing plus Phase I) plus Project (Phase II) Conditions	
		LOS	Delay	LOS	Delay
1 Industrial Boulevard / Depot Road	AM	C	20.6	C	21.2
	PM	C	17.5	C	17.6
2 Hesperian Boulevard / Depot Road	AM	C	23.8	C	24.4
	PM	B	15.0	C	15.2

Source: DMJM Harris, 2009, Table 5.

Notes:

Delay in seconds per vehicle.

AIR TRAFFIC PATTERNS

c) **No Impact.** The proposed project is in the vicinity of the Hayward Executive Airport, but does not involve a new land use that would necessitate a change in air traffic patterns, nor does the proposed project place people in a location that would result in a safety risk from air traffic patterns.

HAZARDS DUE TO A DESIGN FEATURE OR INCOMPATIBLE USES

d) **Less than Significant.** The proposed project would result in the extension of street and utility improvements, as well as new driveways, sidewalks, and other vehicular and pedestrian travel ways. Upon annexation, future development would be subject to design standards adopted and enforced by the City of Hayward to minimize hazards resulting from unsafe design. The proposed project would have a **less than significant** impact on the creation of hazards due to a design feature or incompatible use.

EMERGENCY ACCESS

e) **Less than Significant.** The proposed project would result in the extension of street and utility improvements, which in part are based upon the desire to improve public safety by increasing emergency access through the area. Additionally, any plans for new development would be reviewed by the City of Hayward Fire, Police, and Public Works Departments to ensure that the emergency access provisions of the City would be met. Therefore, the proposed project would have a **less than significant** impact.

PARKING CAPACITY

f) **Less than Significant.** Following annexation to the City, all new development would be required to comply with the City of Hayward on-site parking standards to ensure that adequate parking is provided. Therefore, the proposed project would have a **less than significant** impact on parking capacity.

POLICY, PLAN OR PROGRAM CONFLICTS

g) No Impact. Based on information from the latest United States Census Journey to Work data, a relatively low percentage of area trips occur by transit. Given the low levels of project trip generation and multiple bus lines serving the area, significant adverse impacts to area transit providers are not anticipated. With the incorporation of the Mt. Eden annexation areas into the incorporated regions of the City of Hayward, it is anticipated that sidewalks would be added in accordance with City standards as areas redevelop. The proposed project would not conflict with any adopted plans, policies, or programs supporting alternative transportation. Therefore, the proposed project would have **no impact**.

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXISTING SETTING

WASTEWATER

Four properties within the proposed project area are connected to the City's wastewater collection and treatment system – all of which are on Depot Road. Upon annexation of unincorporated properties to the City, existing private septic systems would eventually be phased out, since the Municipal Code requires that all properties within 200 feet of a public sewer system connect to that system. As discussed in the project description, the Hayward Municipal Code is proposed to be amended to provide Mt. Eden annexation area properties 10 years in which to connect to the City sewer system.

The City is responsible for collection and treatment of wastewater within the community. Please see **Figure XVI.1, Locations of Existing City of Hayward Sewer and Water System**. Wastewater is collected and transported via a number of major trunk sewers to the City's wastewater

treatment plant located at the terminus of Enterprise Avenue in western Hayward. The plant currently treats an estimated 13.4 million gallons per day (mgd) of wastewater and has a rated capacity of 16.5 mgd. Major improvements to the plant are being constructed to increase the plant's treatment reliability and unit processes redundancy. The Phase 2 improvements are scheduled for completion in June 2008. Treated effluent from the plant is disposed through East Bay Dischargers Authority facilities within San Francisco Bay.

WATER

The City owns and operates a public water distribution system, including transmission lines, pump stations and water reservoirs (**Figure XVI.1**). Hayward supplies water to all but a small portion of the residential, commercial, industrial and institutional entities within the City boundaries and to a select number of properties outside the City limits through special approvals/utility service agreements. In 2007, the average daily demand was 18.2 million gallons per day. The water distribution system provides sufficient water supply and pressure to service existing needs, including peak demand, fire protection and other emergencies. In 2002, Hayward updated its Water Distribution System Master Plan to identify needed improvements through 2020. Recommended projects have been incorporated into the Capital Improvement Program.

Hayward's sole source of potable water is the San Francisco Public Utilities Commission (SFPUC), through the Hetch Hetchy Water System. The SFPUC system is a regional water system that serves 28 other local cities and districts, in addition to the City of San Francisco. In the early 1960s, Hayward and the SFPUC entered into an agreement that provides for the supply of all the water that Hayward needs, as long as water supplies are normal. SFPUC water is delivered to the City via two aqueducts that have a maximum gravity capacity of 32 million gallons per day. Using a system of booster pump stations, the capacity can be increased to about 50 million gallons per day. During periods of drought, the City is required to cut back water demand to a specified level, similar to what other agencies would be required to do. Recent legislation requires SFPUC to implement a Water System Improvement Program. To this end, the SFPUC has embarked on a \$4.3 billion capital improvement program to improve the reliability and redundancy of the regional water system by 2015. To date, more than 20 of the planned 75 improvement projects have been completed.

Hayward has adopted a water efficient landscape ordinance that would assist in minimizing future water use of developer-installed irrigation systems for new landscaping associated with new development. Also, Hayward has entered into emergency intertie agreements with Alameda County Water District (ACWD) and East Bay Municipal Utilities District (EBMUD) to provide water in the event that a limited term emergency or planned maintenance cuts off or severely reduces SFPUC water supply to the City. Per the agreements, ACWD can provide up to 5.7 million gallons per day and EBMUD, via a recently completed an intertie pump station, can provide up to 30 million gallons per day. Additionally, the City has five emergency wells capable of producing about 13.7 million gallons per day.

Most parcels in the annexation area were previously served by the Mohrland Mutual Water Association (MMWA). The City and MMWA agreed for the City to take control of the private well and related distribution facilities as of July 1, 2009. Consequently, on July 1, 2009, the City connected the MMWA distribution lines to the City water system and all parcels within the annexation area are now served by the City of Hayward public water system. No new water mains in the annexation area are necessary as part of the proposed project. During July and August of 2009, the City installed water meters on the properties previously served by the MMWA. The primary source of water for the MMWA water system was a 600-foot deep well located on Mohr Drive. The private well acquired from MMWA will now be utilized only during emergencies.

STORMWATER DRAINAGE

Figure XVI.2, Locations of Existing City of Hayward Stormwater Drains shows existing storm drain facilities. Stormwater runoff from the proposed project area is presently accommodated via drainage in local streets where it is collected in the local City or County systems and transported via a regional drainage system maintained by the Alameda County Flood Control and Water Conservation District (ACFCWCD), Zone 4, for ultimate discharge into San Francisco Bay. Local drainage within the annexation area and surrounding lands flows to regional Line A that runs parallel to and south of West Street, continues westward, south of Dunn Road, eventually transports stormwater to San Francisco Bay.

According to the Flood Insurance Rate Map (Community Panel Number 060001 0180C – revised 2/9/2000), both islands are entirely within Zone C (areas of minimal flooding). The annexation area is within Zone 4 of the Alameda County Flood Control and Water Conservation District (ACFCWCD).

Both the County and City have water quality programs and requirements, related to the NPDES permit issued for agencies in Alameda County. Fees assessed on a parcel-specific basis fund such programs.

SOLID WASTE

Waste Management, Inc. has a franchise agreement with the City to provide weekly collection of garbage, recyclables, and organics from residences and businesses within Hayward. Solid waste intended for disposal is transported to Altamont Landfill, which is located in eastern Alameda County near Greenville Road. Altamont Landfill is owned and operated by Waste Management Inc. The landfill has an estimated remaining capacity to the year 2032. Hayward's existing franchise agreement with Waste Management expires in May 2014. The proposed annexation area is also served by Waste Management, Inc. pursuant to a franchise agreement with Alameda County. Garbage and recycling collection services are similar in some respects to those provided residents and businesses within Hayward. For example, comparable services include weekly curbside collection of garbage, recyclables, and organics for residents of single-family dwellings. The differences in service include no collection of recyclables or organics offered to businesses and every-other-week collection of recyclables from multi-family dwellings rather than weekly service.

STANDARDS OF SIGNIFICANCE

Regarding utilities and service systems, a significant impact would occur if the proposed project exceeded wastewater treatment requirements of the applicable Regional Water Quality Control Board, resulted in the need for additional or expanded wastewater capacity and treatment, water distribution capacity and treatment, or stormwater drainage facilities. A significant impact would occur if the proposed project required additional water entitlements, was served by a landfill without sufficient capacity, or did not comply with statutes and regulations regarding solid waste.

IMPACT DISCUSSION

WASTEWATER TREATMENT REQUIREMENTS

a) Less than Significant. The project area would be serviced by the City of Hayward sewer system at full buildout. The buildout of the project area is consistent with what is envisioned by the City's General Plan. Therefore, the potential of the City of Hayward wastewater treatment facilities to accept additional flows without exceeding the Regional Water Quality Control Board standards is considered **less than significant**.

NEW OR EXPANSION OF WATER TREATMENT FACILITIES AND WATER SUPPLY

b, d) Less than Significant. Approval and implementation of the proposed project would allow future water service for the entire annexation area by the City. Implementation of the proposed project would increase demand for water for domestic and fire fighting purposes within the annexation area. Planning estimates yield a total overall water demand of approximately 44,500 gallons per day (gpd) when the area is fully developed. Total projected average daily water use for future residential development would be approximately 31,000 gallons per day (gpd) and approximately 13,500 gpd for all non-residential uses. The total demand for the annexation area (44,500 gallons per day) represents a 0.24 percent increase in the City's overall water demand. The existing and planned infrastructure can accommodate the increased demand from the annexation and potential impacts to water supply and the water supply treatment and facilities are **less than significant**.

While water supply is available to serve the maximum demand for this project, it should be noted that ongoing standard water conservation and demand reduction measures should be taken to reduce the impact on the water supply.

NEW OR EXPANSION OF WASTEWATER TREATMENT FACILITIES AND DETERMINATION OF WASTEWATER CAPACITY

b, e) Less than Significant. No new water mains in the annexation area are necessary as part of the proposed project. When the City took control of the water distribution system from MMWA on July 1, 2009, the City connected the existing water mains to the City water system. During July and August of 2009, the City installed water meters on the properties previously served by the MMWA. The well that was operated by MMWA will only be used during emergencies.

Approximately 2,300 linear feet of eight-inch sanitary sewer main would be installed in Monte Vista Drive and Occidental Road to serve the area. In addition, approximately 1,200 linear feet of four-inch sewer laterals would be installed in both islands where needed. Wastewater generation would be increased if the proposed project were approved and implemented, primarily due to an increase in domestic water use. The amount of wastewater generation would be a function of water use. The quantity of increased wastewater demand anticipated to be generated from residential development in the annexation area would be approximately 28,000 gallons per day, based on an average flow of 230 gallons per day per dwelling unit. This figure is slightly higher than the City-wide average of 200 gpd, as it accounts for growth in indoor water use, and associated discharge, by 2020.

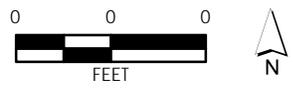
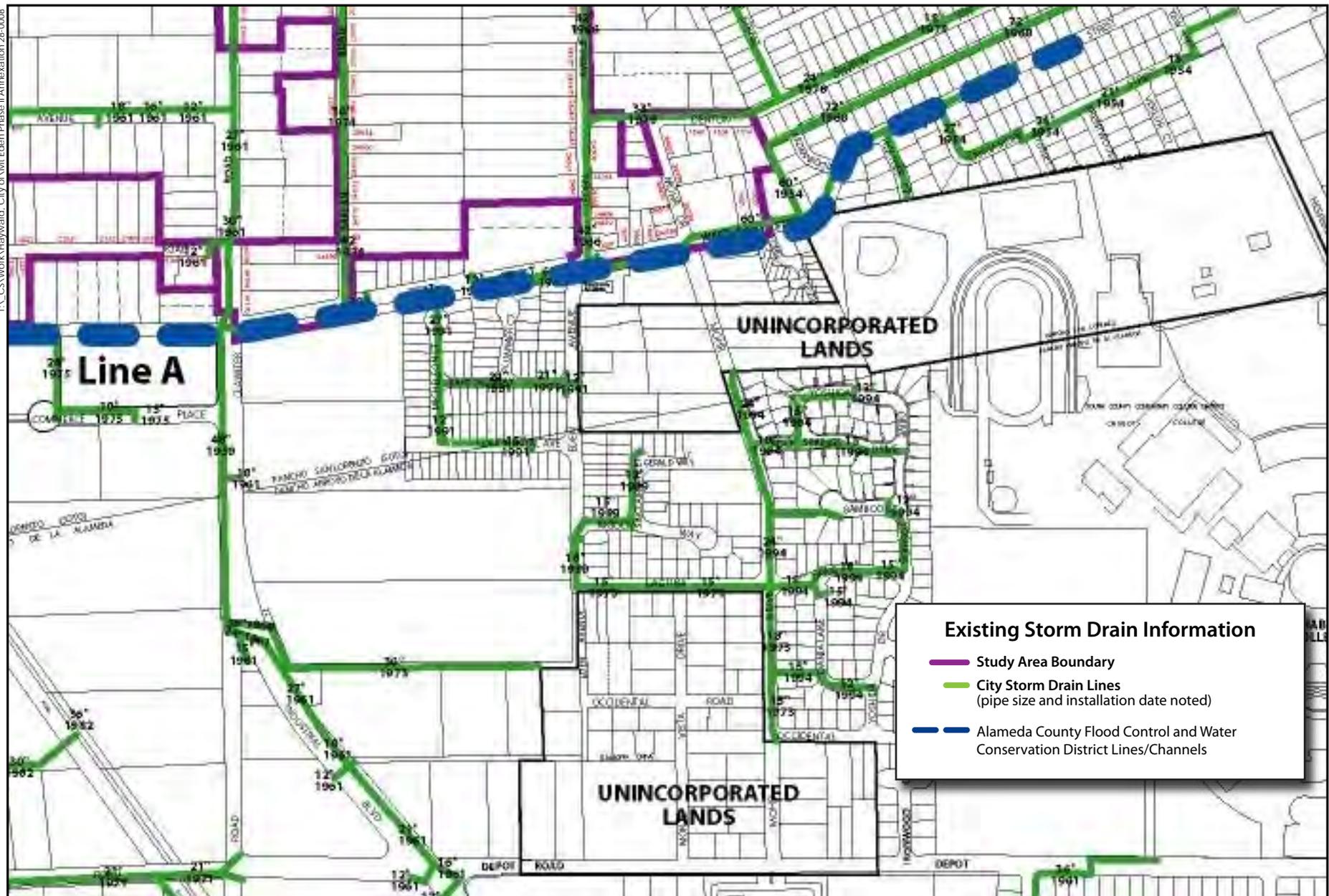


Figure XVI.2
Locations of Existing City of Hayward Storm Drains

About 75% of total institutional/industrial consumption is discharged to the sanitary sewer system; thus, it is reasonable to estimate that approximately 10,000 gpd (75% of 13,500) of wastewater discharge would be generated from anticipated future non-residential development.

Per current Municipal Code provisions, approval and implementation of the proposed project would require parcels currently utilizing private septic systems to phase out these systems in compliance with the Hayward Municipal Code. Approval of the proposed annexation and potential new development in the annexation area would result in an increase in the amount of treated effluent leaving the City's wastewater treatment plant. However, the City has determined that future development within the proposed annexation area, consistent with the General Plan, could be accommodated within the City's wastewater treatment and disposal system and the proposed project would have a **less than significant** impact on wastewater capacity and facilities.

The annexation area has historically utilized private septic systems for the treatment of wastewater. As discussed in the project description, at the time of annexation, the City of Hayward would amend the provisions of the Public Utilities Chapter of the Hayward Municipal Code. Similar to what was done for the Phase I portion of the Mt. Eden Annexation, the amendment would allow a property in the annexation area that is legally serviced by a private septic system up to 10 years after annexation to connect to the public sewer system, provided certain conditions are met. These conditions include:

- no changes in use on the property,
- no addition of facilities or other changes that increase the sewer discharge,
- evidence is submitted annually that indicates the septic system is operating properly, and
- a notice is recorded against the property indicating the property would be required to connect to the public sewer system if failure of the septic system occurs, if expansion of use resulting in increased sewer discharge occurs or when the 10-year timeframe expires, whichever first occurs.

The proposed project, including the amendment to the Municipal Code, does not exacerbate any existing problems that may occur regarding the use of private septic systems. Instead the proposed project creates a mechanism by which public health and safety would be promoted through the connection of the parcels within the annexation area to the public sewer system. The proposed project does not compromise the integrity of existing septic systems and would have a **less than significant** impact on wastewater capacity and facilities.

NEW OR EXPANSION OF STORMWATER DRAINAGE FACILITIES

c) Less than Significant. With approval and implementation of the proposed project, storm drain system upgrades would be required to include installation of approximately 3,300 linear feet of 12 to 24-inch and 215 linear feet of 36-inch storm drain culverts in both islands. There would be no changes in service due to annexation. Residential parcels would require additional service to respond to spill reports and illicit discharge surveys; however, these responses would represent marginal increases to the overall inspection and survey efforts. Future development within the project area, consistent with the General Plan, could be accommodated by the existing downstream stormdrainage facilities and would be improved within the project area. The proposed project would have a **less than significant** impact on stormwater drainage facilities.

ADDITIONAL UTILITIES

Less than Significant. PG&E currently provides electricity and gas service to the proposed annexation area and would continue to do regardless of project approval. AT&T provides primary telephone and telecommunication facilities in the annexation area and would continue to do so regardless of project approval. Approval and implementation of the proposed project would have a **less than significant** impact on natural gas, electricity and telecommunication facilities.

SOLID WASTE DISPOSAL CAPACITY AND COMPLIANCE WITH REGULATIONS RELATED TO SOLID WASTE

f, g) Less than Significant. Annexation would have minimal and less than significant impact on the solid waste collection service provider for existing properties, since all solid waste in both the annexation area and the City is presently collected by Waste Management, and hauled to Altamont Landfill for disposal. Existing garbage and recycling collection services are similar to those provided residents and businesses within Hayward. The fees for those services are comparable to those assessed for incorporated residents and businesses.

New development in the annexation area would increase the amount of short-term construction debris, as well as solid waste that would be generated. Additional equipment and personnel may be needed to collect this increased amount of solid waste. Fees and user charges would offset any increased capital and/or personnel costs and, therefore, this is also a **less than significant** impact.

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE Does the Project:				
a) 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 rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

QUALITY OF THE ENVIRONMENT, HABITAT, SPECIES, AND HISTORY/PREHISTORY

a) *Less than Significant Impact with Mitigation Incorporated.* Implementation of the proposed project, as mitigated, would have a less than significant impact upon the quality of the environment, habitat of a fish or wildlife species, fish or wildlife populations, plant or animal communities, rare or endangered plants or animals, or examples of the major periods of California history or prehistory

CUMULATIVE OR INCREMENTAL IMPACTS

b) *Less than Significant Impact with Mitigation Incorporated.* The impacts of the proposed project are individually limited and not considered "cumulatively considerable". Although incremental changes certain areas can be expected as a result of the proposed project, all environmental impacts that could occur as a result of the proposed project would be reduced to a less than significant level through implementation of the mitigation measures recommended in this Initial Study for the following resource areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Public Services.

DIRECT OR INDIRECT ENVIRONMENTAL EFFECTS

c) *Less than Significant Impact Mitigation Incorporated.* Implementation of the proposed project would result in no environmental effects that would cause substantial direct or indirect adverse effects on human beings with incorporation of the mitigation measures recommended in this Initial Study.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION PREPARATION

CITY OF HAYWARD—PLAN FOR PROVIDING MUNICIPAL SERVICES

Erik Pearson, AICP Senior Planner

PMC—PRE-ZONING AND DEVELOPMENT POTENTIAL ANALYSIS

Michael McCormick Project Manager
Ashley Hefner Assistant Planner

PMC—FISCAL IMPACT ANALYSIS

Derek Wong Fiscal Analysis Specialist

PMC—ENVIRONMENTAL IMPACT ANALYSIS

Michael McCormick Project Manager
Janet Palma, AICP Project Manager
Rebecca Atkinson Associate Planner
Jeanette Owen Senior Biologist
John Nadolski Cultural Resources Specialist
Leann Taagepera Cultural Resources Specialist
Christy Hopper Architectural Historian
Richard Brandi Architectural Historian
Tina Pitsenberger Cultural Resources Technician

DMJM HARRIS | AECOM—TRAFFIC ANALYSIS

Bill Burton, PE Associate Vice President

AMBIENT AIR QUALITY AND NOISE CONSULTING—AIR AND NOISE ANALYSIS

Kurt Legleiter Principal

PERSONS AND AGENCIES CONSULTED

CITY OF HAYWARD

Public Works Department
Development Services Department, Planning Division
Fire Department
Police Department

REFERENCES

- Alameda County. 1981. *General Plan for the Central Metropolitan, Eden and Washington Planning Units of Alameda County*. Adopted January 13, 1981.
- Alameda County. 2007a. *Eden Area Draft Final General Plan*. Draft March 26, 2007.
- Alameda County. 2007b. *Eden Area General Plan Draft Final Environmental Impact Report*. March 26, 2007.
- Alameda County. Municipal Code Title 17. 2009.
- Alameda County. Proposed Alameda County Historic Preservation Ordinance. <www.acgov.org/cda/planning/hpo.htm>. Website accessed July 15, 2009.
- Alameda County Assessor's Office. Parcel Data. July 2008.
- Alameda County Local Agency Formation Commission (Alameda County LAFCo). 2003a. *Guidelines, Policies, and Procedures*. November 2003.
- Alameda County Local Agency Formation Commission (Alameda County LAFCo). 2003b. *Procedures for Preparation and Processing of Environmental Documents Pursuant to the California Environmental Quality Act*. November 2003.
- Association of Bay Area Governments (ABAG). 2009. Projections 2009.
- Bay Area Air Quality Management District (BAAQMD). 1999. *BAAQMD CEQA Guidelines*.
- Bay Area Air Quality Management District (BAAQMD). 2009. <http://www.baaqmd.gov> .Website accessed July 20, 2009.
- Beardsley, R.K. 1948. *Cultural Sequences in Central California Archaeology*. *American Antiquity* 14:1-28.
- Beardsley, R.K. 1954. *Temporal and Areal Relationships in Central California Archaeology*. *University of California Archaeological Survey Reports* 24, 25.
- Boeing Company (Boeing). 2007. *Airport Noise Regulations, Hayward Executive Airport*. Information Updated by Airport April 2007. <http://www.boeing.com/commercial/noise/hayward.html>. Website accessed May 14, 2007.
- California Air Resources Board (ARB). 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*.
- California Air Resources Board (ARB). 2008a. *Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act*. October 2008.
- California Air Resources Board (ARB). 2008b. *Climate Change Scoping Plan*. December 2008.
- California Air Resources Board (ARB). 2009. <<http://www.arb.ca.gov>> Website accessed July 20, 2009.

- California Air Pollution Control Officers Association (CAPCOA). 2008. CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.
- California Air Pollution Control Officers Association (CAPCOA). 2009. <<http://www.capcoa.org>>. Website accessed July 20, 2009.
- California Climate Change Center. 2006. Our Changing Climate: Assessing Risks to California.
- California Department of Toxics Substances Control (DTSC). 2009. *Hazardous Waste and Substances Site List – Site Cleanup (Cortese List)*. <http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm> . Website accessed July 29, 2009.
- California Department of Transportation (Caltrans). 1998. CALTRANS 1998: State of California, Department of Transportation (Caltrans). Technical Noise Supplement.
- California Department of Transportation (Caltrans). 2002. *Transportation Related Earthborne Vibrations*.
- California Department of Transportation (Caltrans). 2006. <http://www.caltrans.ca.gov>. Website accessed March 2006.
- California Native Plant Society (CNPS). 2009. Inventory of Rare and Endangered Plants (online edition, v7-09c). California Native Plant Society. Sacramento, CA. <http://www.cnps.org/inventory> [website accessed July 16, 2009].
- California Department of Fish and Game (CDFG). 2002. California Interagency Wildlife Task Group. 2002. CWHR version 8.0 personal computer program. Sacramento, CA.
- California Department of Fish and Game (CDFG). 2009a. California Natural Diversity Database (CNDDDB), Wildlife and Habitat Data Analysis Branch, Rarefind Version 3.1.1. Commercial version dated May 30, 2009. Information expires November 30, 2009.
- California Department of Fish and Game (CDFG) 2009b. California Natural Diversity Database (CNDDDB): QuickViewer. Wildlife and Habitat Data Analysis Branch, California Dept. Fish and Game, Sacramento, CA. http://www.dfg.ca.gov/whdab/html/quick_viewer_launch.html [Website accessed 16 July 2009].
- Carey & Company. 2008. *Intensive Survey of 50 Properties in Unincorporated Alameda County. Report on file at Alameda County.*
- CEC. 2006. 2006 Final Climate Action Team Report to the Governor and Legislature.
- CEC. 2007. Climate Action Team Proposed Early Actions to Mitigate Climate Change in California.
- CEC. 2009. California Climate Change Portal. <http://www.climatechange.ca.gov>. Website accessed August 2009.
- City of Hayward. 1989. Municipal Code Chapter 10, Article 11, Historic Preservation Ordinance.

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

- City of Hayward. 1990. *Mt. Eden Neighborhood Plan, Hayward, California, Adopted by City Council Resolution No. 90-177*. July 17, 1990.
- City of Hayward. 2002a. *City of Hayward General Plan*. March 2002.
- City of Hayward. 2002b. *General Plan Update Environmental Impact Report*. March 2002.
- City of Hayward. 2004a. *Mt Eden Annexation Project Draft Environmental Impact Report*. May 2004.
- City of Hayward. 2004b. *Mt. Eden Annexation Project Final Environmental Impact Report*. October 12, 2004.
- City of Hayward. 2005. *Eden Shores East Environmental Initial Study/Mitigated Negative Declaration*.
- City of Hayward. 2006. *City of Hayward General Plan*. Amended 2006.
- City of Hayward. 2008. *History of the City of Hayward*. <http://www.hayward-ca.gov/webware/Default.aspx?Message=1519&t=-1>. Website Accessed February 12, 2008.
- City of Hayward. 2009a. *Route 238 Bypass Land Use Study Draft Environmental Impact Report*. February 2009.
- City of Hayward. 2009b. *City of Hayward Climate Action Plan*. June 1, 2009.
- City of Hayward. *Municipal Code*. 2007.
- DMJM Harris/AECOM. 2009. *Mt. Eden Phase II Annexation Transportation Analysis*. July 2009.
- Donnelley, Jenny-Administrative Assistant, Hayward Executive Airport. 2008. *Email transmittal to Kurt Legleiter, AMBIENT Air Quality & Noise Consulting. 2005 Noise Contours for Hayward Executive Airport*. May 14, 2008.
- Federal Highway Administration (FHWA). 1980. *Highway Noise Fundamentals*. September 1980.
- Federal Transit Administration (FTA). 2006. *Transit Noise and Vibration Impact Assessment*. April 2006.
- Federal Interagency Committee on Noise (FICON). October 22, 2000. Discussion of Methodologies of Measuring Noise Impact.
- Fredrickson, D. A. 1973. *Early Cultures of the North Coast of the North Coast Ranges, California. Unpublished Ph.D. Dissertation, Department of Anthropology, University of California, Davis, California*.
- Fredrickson, D. A. 1974. *Cultural Diversity in Early Central California: A View from the North Coast Ranges. The Journal of California Anthropology* 1(1):41-54.
- Governor's Office of Planning and Research (OPR). 2009. *Proposed CEQA Guideline Amendments for Greenhouse Gas Emissions*. April 2009.

- Harrington, J.P. *Report of Fieldwork on Indians of Monterey and San Benito Counties. Smithsonian Institution, Bureau of American Ethnology Annual Report for 1931-1932: 2-3.* Washington, D.C. 1933.
- Harrington, J.P. 1942. Culture Element Distribution, XIX: Central California Coast. *University of California Anthropological Records* 7(1):1-146. Berkeley, California.
- Hoover, M., H. Rensch, E. Rensch, and W. Abeloe. 2002. *Historic Spots in California.* Fifth Edition, revised by Douglas E. Kyle. Stanford University Press. Stanford, California.
- IPCC. 2007. Climate Change 2007: Synthesis Report.
- Levy, Richard. 1978. Costanoan. In Handbook of North American Indians. Volume 8, California. Smithsonian Institution, Washington D.C.
- Lipscomb, David M, Ph.D. and Arthur C. Taylor, Ph.D. 1978. *Noise Control Handbook of Principles and Practices.*
- M. David Egan. 1972. McGraw Hill. *Concepts in Architectural Acoustics.*
- Metropolitan Transportation Commission – Association of Bay Area Governments Library. 2009. Bay Area Census Hayward. <<http://www.bayareacensus.ca.gov/cities/Hayward.htm>. Website accessed July 16, 2009.
- Nelson, Nels. 1907. San Francisco Bay Mounds. *University of California Archaeological Survey Manuscripts 349.* Berkeley, California.
- Nelson, Nels. 1909a. Shellmounds of the San Francisco Bay Region. *University of California Publications in American Archaeology and Ethnology* 7(4):309-356. Berkeley, California.
- Nelson, Nels. 1909b. Site Survey, Russian River to Golden Gate Mounds. *University of California Archaeological Survey Manuscripts 351.* Berkeley, California.
- PMC. 2008. *Letter Report Regarding the Eligibility of the Hermann-Mohr Residence and the Mohr-Fry Estate for Inclusion in the California Register of Historical Resources and City of Hayward Local Registers of Historic Properties.* Report prepared for the City of Hayward.
- Uhle, Max. *The Emeryville Shellmound. University of California Publications in American Archaeology and Ethnology* 7(1):1-106. Berkeley, California. 1907.
- U.S. Department of Housing and Urban Development, Office of Community Planning and Development. 1982. *The Noise Guidebook.*
- U.S. Environmental Protection Agency (U.S. EPA). 1971. *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances.*
- United States Fish and Wildlife Service (USFWS). 1998. *Recovery Plan for Serpentine Soil Species of the San Francisco Bay Area.* Portland, Oregon. 330+ pp.
- United States Fish and Wildlife Service (USFWS). 2009. Species List for *Hayward, California* USGS topographical 7.5' quadrangle and surrounding quadrangles (*Oakland East, Las Trampas Ridge, Diablo, San Leandro, Dublin, Redwood Point, Newark, and Niles*).

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

Document Number: 090716111802. http://www.fws.gov/sacramento/es/spp_list.htm.
Website Accessed 16 July 2009.

University of California Museum of Paleontology, Berkeley. 2008. Database search January 2008.