South Hayward BART / Mission Blvd Form-Based Code

Draft Supplemental Program EIR

SCH# 2005092093

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

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INTRODUCTION

PURPOSE

The California Environmental Quality Act and the Guidelines promulgated thereunder (together "CEQA") require an Environmental Impact Report (EIR) to be prepared for any project which may have a significant impact on the environment. An EIR is an informational document, the purposes of which, according to CEQA are "…to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." The information contained in this Supplemental Program EIR is intended to be objective and impartial, and to enable the reader to arrive at an independent judgment regarding the significance of the impacts resulting from the proposed project.

PROPOSED PROJECT

The subject of this EIR is the South Hayward BART/Mission Boulevard Form-Based Code (i.e., the "Project"), which can be viewed on the City of Hayward's website at: http://www.hayward-ca.gov/forums/SHBARTFBC/shbartfbcforum.shtm. As proposed, the provisions of the Project would replace the majority of existing Zoning Regulations applicable to an approximately 240-acre area along Mission Boulevard and centered on the South Hayward BART Station (i.e., the Project area). This includes requisite amendments to the Zoning Map resulting in the application of Transect Zones and Civic Space Zones.[1] Additionally, the Project would change the General Plan Land Use Map designations for most private parcels within the Project area to Sustainable Mixed Use. Existing and/or planned public schools, parks or mass-transit facilities would receive a Parks and Recreation or Public/Quasi-Public designation. This EIR evaluates the environmental effects associated with future land use and development pursuant to implementation of these new provisions of the Project.

The proposed Project is described in greater detail in Chapter 3, Project Description.

[1] All existing or entitled projects presently zoned Planned Development (PD) would not be affected by the Project.

CEQA DOCUMENT TYPE

BACKGROUND

The potential environmental effects associated with land use and development within the Project area were previously addressed under two separate CEQA documents, the South Hayward BART/Mission Boulevard Concept Design Plan Program EIR and the Route 238 Bypass Land Use Study Program EIR. Collectively, those documents are described as the "Previous CEQA Documents" within this EIR. The South Hayward BART/Mission Boulevard Concept Design Plan Program EIR (i.e., "Concept Design Plan EIR") studied an area coterminous with the current Project. However, the project associated with that Previous CEQA Document entailed text changes to the Hayward General Plan and Zoning Ordinance and changed only a portion of the General Plan Land Use and Zoning designations for parcels within its study area. The Route 238 Bypass Land Use Study Program EIR, associated with a previously proposed bypass freeway in the Hayward foothills, studied General Plan and Zoning designations changes at many parcels through a broad area of Hayward, including a small portion of the current Project area. Each of those prior EIRs studied the potential environmental effects associated with land use policy and zoning changes in a context similar to the current Project, as discussed in greater detail below.

SUPPLEMENTAL EIR

CEQA Guidelines §15162 provides that:

> (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
>
> (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
>
> (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
>
> (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
>
> (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
>
> (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative

In this case, the following two (2) EIRs (i.e., "Previous CEQA Documents") are being supplemented:

- South Hayward BART/Mission Boulevard Concept Design Plan Program EIR (State Clearinghouse No. 2005092093), certified by the Hayward City Council on June 27, 2006; and

- Route 238 Bypass Land Use Study Program EIR (State Clearinghouse No. 2008072066), certified by the Hayward City Council on June 30, 2009.

This Supplemental Environmental Impact Report (SEIR) evaluates the potential environmental impacts that might reasonably be anticipated to result from several modifications to the South Hayward BART/Mission Boulevard Concept Design Plan ("Concept Design Plan") and 238 Bypass Land Use Study; as evaluated in their respective Program EIRs. The proposed modifications include: (1) new General Plan and zoning designation changes; (2) mixed-use zoning throughout the Project area; (3) increased residential densities; and (4) increased commercial space. The net result of these modifications is referred to as the Project ("Project") in this SEIR.

The SEIR also evaluates the potential environmental impacts that might reasonably be anticipated to result from the following circumstances that have changed since certification of the Previous CEQA Documents: (1) the Route 238 Corridor Improvement Project has started construction; (2) the South Hayward Mixed Use transit-oriented development project was approved; and (3) the Mission Paradise development project was approved.

Lastly, this SEIR also evaluates the potential environmental impacts based on the following new information which has become available after certification of the Previous CEQA Documents: (1) the CEQA Guidelines were amended to include requirements for addressing greenhouse gas emissions and global climate change; and (2) new thresholds and guidelines for determining air quality impacts were approved by the Bay Area Air Quality Management District (BAAQMD).

PROGRAM EIR

CEQA Guidelines §15168 provides that Program EIRs may be prepared on a series of actions that can be characterized as one large project and that, as was the case for the Previous CEQA Documents, the current Project consists of the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program. Implementation of the current Project would require approval of subsequent land use actions, including, but not limited to site plan reviews, subdivision maps, conditional use permits and other entitlements. Therefore, this

document is considered a Program EIR.

The scope of environmental analysis in this Program SEIR is limited to those topics and issues that can be currently identified without being highly speculative. As was contemplated in the Previous CEQA Documents, it is anticipated that additional environmental review will occur as individual land use entitlements are requested in the future. It is further envisioned that this SEIR will be used as the basis for any further environmental analyses and documentation concerning those future land use entitlement requests.

As provided for under CEQA Guidelines §15168(d):

> (d) Use with Subsequent EIRs and Negative Declarations. A program EIR can be used to simplify the task of preparing environmental documents on later parts of the program. The program EIR can:
>
> (1) Provide the basis in an Initial Study for determining whether the later activity may have any significant effects.
>
> (2) Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.
>
> (3) Focus an EIR on a subsequent project to permit discussion solely of new effects which had not been considered before.

NOTICE OF PREPARATION

On December 22, 2010, the City of Hayward circulated a Notice of Preparation (NOP) and Initial Study to help identify the types of impacts that could result from the proposed Project, as well as potential areas of controversy. The NOP was mailed by the State Clearinghouse to public agencies considered likely to be interested in the proposed Project and its potential impacts.

Work sessions were held before the Hayward City Council on April 27, 2010, and before the Planning Commission on May 13, 2010, to introduce the proposed Project and to initiate the CEQA process.

Comments received by the City on the NOP and comments made at the prior work sessions were taken into account during the preparation of this Draft SEIR. Two written comments were received: one from the California Department of Transportation, the other from Sherman Lewis of the Hayward Area Planning Association. The NOP, written comments, and the distribution list are provided in **Appendix A**.

SUPPLEMENTAL EIR SCOPE

A SEIR need contain only the information necessary to make the previous EIR adequate for the project, as revised.

As part of the preliminary analysis of the current Project, the City prepared an Initial Study (included in **Appendix B**) to determine the appropriate level of analysis to be undertaken for evaluation of the potential environmental effects that could result from implementation of the Project. Based on this preliminary analysis, the City concluded that the Project would not necessitate the preparation of a Subsequent EIR pursuant to CEQA Guidelines §15162(a) since only minor additions or changes are necessary to make the Previous CEQA Documents adequate for the current Project.

Due to the proposed increase in both residential densities and commercial space, the City determined it necessary to update the traffic and air quality analyses for the Project, since both Previous CEQA Documents identified significant impacts under those topics. The City also acknowledged the need to address global climate change in the SEIR in recognition of recent changes to CEQA for that topic. Lastly, the City determined it necessary to evaluate potential effects to aesthetic resources resulting from the proposed change to the regulations concerning urban form (e.g., building heights, setbacks).

Therefore, the City has prepared this Draft Supplemental Program EIR for the purpose of analyzing and disclosing the potential environmental impacts of the proposed revisions to the Project as they may relate to the topics of: (1) aesthetics; (2) air quality; (3) greenhouse gas emissions; and (4) transportation.

SUPPLEMENTAL EIR ORGANIZATION

Following this brief introduction to the Draft Supplemental Program EIR, the document's ensuing chapters include the following:

Chapter 2: Executive Summary and Impact Overview

Chapter 3: Project Description

Chapter 4: Aesthetics (Impacts/Mitigation Measures Labeled "Aes")

Chapter 5: Air Quality (Impacts/Mitigation Measures Labeled "Air")

Chapter 6: Greenhouse Gases (Impacts/Mitigation Measures Labeled "GHG")

Chapter 7: Transportation and Circulation (Impacts/Mitigation Measures Labeled "Traf")

Chapter 8: Alternatives

Chapter 9: Mandatory CEQA Topics

Chapter 10: References

Appendices

In Chapters 4 through 7, each assessment of potential environmental effects is preceded by a description of the environmental setting, as it relates to the respective environmental topic under

discussion. This is then followed by an evaluation of environmental impacts that may be associated with the Project and the mitigation measures that would reduce or eliminate these impacts, as may be necessary.

SEIR REVIEW PROCESS

This Draft SEIR is intended to enable City decision makers, public agencies and interested citizens to evaluate the environmental consequences associated with the proposed Project. The City of Hayward, as lead agency, will consider the information contained in the EIR prior to making a decision on the Project. As required under CEQA, the City must also respond to each significant effect identified in the SEIR by making findings and if necessary, by making a statement of overriding considerations for significant and unavoidable effects (if any) before approving the Project. In accordance with California law, the EIR on the Project must be certified before any action on the Project can be taken. EIR certification does not constitute Project approval

During the review period for this Draft SEIR, interested individuals, organizations and agencies may offer their comments on its evaluation of Project impacts and alternatives. The comments received during this public review period will be compiled and presented together with responses to these comments in a Final SEIR. Together, the Draft SEIR and the `subsequent Final SEIR will constitute the EIR for the Project. The Hayward Planning Commission will review the SEIR documents at a noticed public meeting and will provide a recommendation as to whether or not the SEIR provides a full and adequate appraisal of the Project and its alternatives. The Hayward City Council will then consider the SEIR, including the Planning Commission's recommendation, at a subsequent noticed public hearing, and will consider whether or not to certify the SEIR and approve the Project.

In reviewing the Draft Supplemental Program EIR, readers should focus on the sufficiency of the document in identifying and analyzing the possible environmental impacts associated with the Project. Readers are also encouraged to review and comment on ways in which significant impacts associated with this Project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or new or modified mitigation measures that would provide better ways to avoid or mitigate significant environmental impacts. Reviewers should explain the basis for their comments and, whenever possible, should submit data or references in support of their comments.

This Draft SEIR will be circulated for a minimum forty-five (45) day public review period. During that public review period, comments should be submitted in writing to:

David Rizk, Director
Development Service Department
City of Hayward
777 B Street
Hayward, CA 94541-5007

Please contact David Rizk at 510-583-4004 or david.rizk@hayward-ca.gov if you have any questions.

After reviewing the SEIR and following action to certify it as adequate and complete, the Hayward City Council will be in a position to approve, revise or reject the Project as currently proposed. This determination will be based upon information presented on the entirety of the Project, its impacts and probable consequences, and the possible alternatives and mitigation measures available.

REQUIRED APPROVALS

This Draft SEIR addresses all steps necessary to implement the South Hayward BART/Mission Boulevard Form-Based Code through the following local actions:

- General Plan Land Use Map and Text Amendment to revise all existing designations in the Project area to the Sustainable Mixed Use, Parks and Recreation and Public and Quasi-Public designations, with a Text Amendment to General Plan Appendix C to allow densities with a Sustainable Mixed Use designation up to 100.0 dwelling units per acre, versus the currently allowed range of 25.0 to 55.0 units per acre and to Appendix D, the Zoning Consistency Matrix;

- Zoning Regulations Text Amendment to include the South Hayward BART/Mission Boulevard Form-Based Code as a new Article 24 to Chapter 10 of the Hayward Municipal Code;

- Zoning Map Amendment to revise all existing designations in the Project area to those shown on the Regulating Plan (Figure 1-1 of the South Hayward BART/Mission Boulevard Form-Based Code; Figure 3-7 in this SEIR);

- Repeal the South Hayward BART/Mission Boulevard Special Design Overlay District (SD-6) (Section 10-1.2635 of the Hayward Municipal Code); and

- Repeal the 2006 South Hayward BART/Mission Boulevard Concept Design Plan.

There are no other agency (e.g., regional, state, federal) approvals necessary to approve the Project.

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EXECUTIVE SUMMARY

PROJECT UNDER REVIEW

PROJECT LOCATION

The South Hayward BART/Mission Boulevard Form-Based Code and its accompanying regulatory changes ("Project") encompass an irregular linear shaped area of approximately 240 acres which is centered upon the South Hayward BART station and Mission Boulevard. The South Hayward BART station is located at the approximate midpoint within the Project area at the intersection of Tennyson Road and Dixon Street. Along Mission Boulevard, the Project extends from Harder Road to just south of Industrial Parkway. The Project area is situated east of the BART tracks running north/south.

Figure 1-1 (Project Boundary), located in Chapter 1 (Introduction), identifies the Project area.

PROJECT DESCRIPTION

The Draft South Hayward BART/Mission Boulevard Form-Based Code, available on the City of Hayward's website at: http://www.hayward-ca.gov/forums/SHBARTFBC/shbartfbcforum.shtm, would essentially replace the majority of existing Zoning Regulation provisions applicable to the Project area. This includes requisite amendments to the Zoning Map resulting in the application of Transect Zones and Civic Space Zones. Additionally, the Project would change the General Plan Land Use Map designations for most parcels within the Project area to Sustainable Mixed Use. Existing and/or planned public schools, parks or mass-transit facilities would receive a Parks and Recreation or Public/Quasi-Public designation.

The proposed Project is described in greater detail in Chapter 3, Project Description.

SUMMARY OF IMPACTS AND MITIGATION MEASURES

This summary provides an overview of the analysis contained in Chapters 4 through 6. CEQA Guidelines §15123(b) requires a summary to include discussion of: (1) each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect; (2) areas of controversy known to the lead Agency including issues raised by agencies and the public; and (3) issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.

The following section is organized as follows: (1) a summary of the Initial Study findings; (2)

potential areas of controversy; (3) significant and significant unavoidable impacts; and (4) alternatives to the proposed project that would reduce or avoid the environmental impacts of the project. A summary is also required to discuss issues to be resolved, including the choice among alternatives, and whether or how to mitigate significant environmental effects.

INITIAL STUDY FINDINGS

The potential environmental effects associated with land use and development within the Project area were previously addressed under two separate CEQA documents, the South Hayward BART/Mission Boulevard Concept Design Plan Program EIR and the Route 238 Bypass Land Use Study Program EIR. Collectively, those documents are described as the "Previous CEQA Documents" within this EIR.

The City prepared an Initial Study to identify potential impacts that could occur with development of the modified project, as compared to those that would occur with the South Hayward BART/Mission Boulevard Concept Design Plan and Route 238 Bypass Land Use Study. The Initial Study concluded that there would be no additional impacts to the following environmental issues, beyond those considered in the Previous CEQA Documents:

- Agriculture
- Biology
- Cultural Resources
- Geology
- Hazards and Hazardous Materials
- Hydrology
- Land Use
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Utilities

The Initial Study describes that many mitigation measures found within the Previous CEQA Documents are recommended to be uniformly applied across the Project area. The Previous CEQA Documents included study areas that overlapped but which were not coterminous. The City determined it desirable to consolidate, for this current Project, all mitigation measures within the Previous CEQA Documents in order to simplify their applicability to future development proposals. For a complete description of the Initial Study findings, please refer to **Appendix B** to this SEIR.

POTENTIAL AREAS OF CONTROVERSY

Two (2) comment letters were received on the Notice of Preparation (NOP) and each spoke to the following summarized transportation and circulation issues:

- California Department of Transportation (Caltrans) encourages locating housing and jobs near mass transit nodes, requests the traffic impact study include certain details, and

incorrectly states that Tennyson Road constitutes a State right-of-way. In conjunction with the Route 238 Corridor Improvement Project, Mission Boulevard was recently relinquished to the City of Hayward.

- Sherman Lewis, President of the Hayward Area Planning Association, suggests revisiting parking-related mitigation measures in the Previous CEQA Documents and that the City consider adopting additional parking policies and regulations, not encompassed within the Project, to address long-term traffic impacts. Mr. Lewis also provides specific recommendations for the South Hayward Mixed-Use Project of which is not the subject of this Draft SEIR, nor the Previous CEQA Documents.

SIGNIFICANT, SIGNIFICANT UNAVOIDABLE & CUMULATIVE IMPACTS

Under CEQA, a significant impact on the environment is defined as, "…a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."

While significant impacts were identified in the Previous CEQA Documents and those impacts would be carried forward with the current Project, implementation of the current Project, as modified from that analyzed in the Previous CEQA Documents, would not result in any new or substantially more severe significant impacts.

IMPACTS DETERMINED NOT TO BE SIGNIFICANT

The following impact topic areas were analyzed in this Draft SEIR and determined as a result of the Project to have no impact, a less than significant impact, or to be less than significant after mitigation:

- Aesthetics
- Air Quality
- Greenhouse Gas Emissions
- Traffic

Impact analysis is included in Chapters 4 through 7 of this Draft SEIR. Impacts and mitigation measures are summarized in **Table 2-1** below.

SUMMARY TABLE

Information in **Table 2-1**, Summary of Impacts and Mitigation Measures, has been organized to correspond with environmental issues discussed in Chapters 4 through 7. The table is arranged in four columns: (1) potential environmental impacts; (2) recommended mitigation measures; and (3) resulting level of significance after mitigation. Levels of significance are categorized as follows: SU = Significant and Unavoidable; S = Significant; and LTS = Less Than Significant.

A series of mitigation measures is noted where more than one mitigation measure is required to achieve a less-than-significant impact, and alternative mitigation measures are identified when available. For a complete description of potential impacts and recommended mitigation measures associated with the modified project, please refer to the specific discussions in Chapters 4 through 7.

TABLE 2-1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
Significant and Unavoidable Impacts		
N/A	N/A	N/A
Less than Significant Impacts After Mitigation		
Air-2: Siting of Sensitive Receptors Near Highway Emissions and Related Risks. Development anticipated under the Project would bring additional sensitive uses (which could include residences, schools, day care centers, playgrounds, and medical facilities) to sites exposed to increased health risks from vehicle emissions from Mission Boulevard (Highway 238). Such exposure would represent a potentially significant impact.	**Air-2**: Highway Overlay Zone. The Project shall include an overlay zone extending 500 feet from Mission Boulevard or a reduced distance if coordinated with BAAQMD. This overlay zone shall include the following considerations and mitigation: <u>Indoor Air Quality:</u> In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include one of the following methods: (a). Development project applicants shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Development Services Department for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis	LTS

TABLE 2-1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
	during operation of the project. i. For sensitive uses (residences, schools, day care centers, playgrounds, and medical facilities) sited within the overlay zone from Mission Boulevard, the applicant shall install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used. Project applicants shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the CC&Rs for residential projects and/or distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters. (b) Alternative to (a) above, a project applicants proposing siting of sensitive uses (residences, schools, day care centers, playgrounds, and medical facilities) within the overlay zone around Mission Boulevard shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the	

TABLE 2-1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
	exposure of project residents/occupants/users to air polluters prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Development Services Department for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required. <u>Exterior Air Quality:</u> (c) To the maximum extent practicable, individual and common exterior open space proposed as a part of developments in the Project area, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants. (d) Alternative to (c) above, an HRA could be prepared and implemented to take into account the risk specifics of the site, as more fully described in item (b) above.	
Traf-1: (Dixon Street-East 12th Street at Tennyson Road) Adding Project-generated traffic to the 2025 Baseline would cause this intersection to operate at LOS F in the AM peak-hour condition. This would be a potentially significant impact.	**Traf-1**: (LOS at Dixon Street/Tennyson Road) Create an exclusive right turn pocket and a shared through-left turn lane in the southbound direction (on the East 12th Street approach). Lane geometries in the northbound direction would include an exclusive left-turn pocket and a shared through-right turn lane. Signal phasing would be changed to split phasing in the northbound and southbound directions, with a southbound right-turn overlap during eastbound and westbound protected left turn phases. U-turns in the eastbound direction would be	LTS

TABLE 2-1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
	prohibited to minimize conflicts with southbound right-turning vehicles.	
Traf-2: (LOS at Mission Boulevard/Industrial Parkway) Adding Project-generated traffic to the 2025 Baseline would cause this intersection to operate at LOS E in the AM peak-hour. This would be a potentially significant impact.	**Traf-2**: (LOS at Mission Boulevard/Industrial Parkway) For the westbound right turn lane, provide an overlapping signal with the southbound left protected phase.	
Traf-3: (LOS at Mission Boulevard/Tennyson Road) Mission Boulevard at Tennyson Road is projected to operate at LOS E in the AM peak-hour under the current Project. This is considered a potentially significant impact.	**Traf-3:** (LOS at Mission Boulevard/Tennyson Road) Split phasing signal timing in the eastbound and westbound directions is already being constructed as part of the Route 238 Corridor Improvement Project. However, in addition to the split phasing, the following would need to be accomplished: (a) convert the eastbound through lane to an eastbound shared through-left lane, and (b) stripe the westbound approach to a shared left-through lane and an exclusive right turn lane, and (c) provide overlap phasing for westbound and eastbound right turns; and (d) prohibit northbound and southbound U-turns to avoid conflicts with the right turn overlap phasing.	
Traf-4: (LOS at Mission Boulevard/Harder Road) Adding Project-generated traffic to the Year 2025 Baseline would cause the Mission Boulevard/Harder Road intersection to operate at LOS E in the PM peak-hour. This would be considered a potentially significant impact.	**Traf-4:** (LOS at Mission Boulevard/Harder Road) Convert the signal phasing of this intersection to split phasing with right-turn overlap phasing in the eastbound and westbound directions during the northbound and southbound protected left-turn phase. In conjunction with the signal phasing changes, accomplish the following: (a) convert one eastbound exclusive left turn lane into a shared left and through; (b) convert one eastbound through lane into an exclusive right; and (c) provide overlap phasing for the westbound right turns and for the eastbound right turns, and (d) prohibit northbound and southbound U-turns to avoid conflicts with the right turn overlap	

TABLE 2-1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
	phasing.	
Less than Significant Impacts with No Mitigation Required		
Aes-1: The Project would increase building heights at locations that may, depending upon the vantage point, impact scenic vistas of the Hayward Hills. However, the Project would require Site Plan Review for all proposed new developments and additions or alterations to existing development and, therefore, result in a less than significant impact.	Replace Concept Design Plan EIR Mitigation Measure 4.1-2 with Form-Based Code's Site Plan Review process (Zoning Ordinance §10-1.3000).	LTS
Air-1: Conflict with Clean Air Plan. Development anticipated as a result of the Project would increase development intensity beyond that assumed in the CAP, but would support the goals of the CAP, including applicable control measures. This would be a less-than-significant impact.	No mitigation warranted.	LTS
Traf-5: (Design Feature Hazard) The Project includes planned new thoroughfares connecting to existing thoroughfares. Detailed engineering safety studies of each planned new thoroughfare, including their intersection with existing thoroughfares, has not been accomplished to date. However, the Project would require a detailed examination of new thoroughfares through an existing "Precise Plan Lines for Streets" review process. Implementation of this review process would ensure that the design of these new roads does not result in a roadway design hazard. Thus, a less than significant would result under this criterion.	No mitigation warranted	LTS

TABLE 2-1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
GHG-1: Generation of Long-Term Operational GHG Emissions. The Project would generate long-term operational GHG emissions over its lifetime. However, the Project's GHG efficiency, which accounts for the population and employment of the Project area, would be below the BAAQMD's GHG efficiency-based threshold. Therefore, the Project would not generate a level of GHG emissions that would have a significant impact on global climate change. As a result, this impact would be less than cumulatively considerable and less than significant.	No mitigation warranted	LTS
GHG-2: GHG reductions are addressed statewide by the AB 32 Scoping Plan, regionally by the Bay Area 2010 CAP, and locally through the Hayward Climate Action Plan (CAP) The proposed Project is consistent with the reduction strategies presented in these documents and therefore would result in no impact related to GHG reduction plan consistency.	No mitigation warranted	LTS

ALTERNATIVES TO THE PROJECT

As noted in the Initial Study prepared for the Draft SEIR, the impacts of the Project would be similar or slightly less than those identified in the Previous CEQA Documents for many topics. The Project is similar in many respects to the plans evaluated in those Previous CEQA Documents. The overall impacts of the currently approved plans and the Project are similar.

The "No Project" alternative is considered the environmentally superior alternative in the strict sense that it would avoid the single new significant (but mitigable) impact (i.e., Air-2) presented by the current Project. However, this would come at the expense of the current Project's objectives, which would not be achieved.

In cases where the "No Project" alternative is identified as the environmentally superior

alternative, CEQA requires that the second most environmentally superior alternative be identified. Comparison of the environmental impacts associated with each alternative indicates that each of the other alternatives (i.e., six (6) alternatives within the Previous CEQA Documents) would lead to a complex mix of impacts that would be greater and/or lesser than the current Project, depending on the topic.

The current Project would generally represent the next-best alternative in terms of the fewest impacts and it would meet the City's objectives to the same extent as the projects evaluated in the Previous CEQA Document. There are no alternative locations to consider since the Project concerns the adoption of land use and development regulations which would not result in parcel-specific impacts

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PROJECT DESCRIPTION

ENVIRONMENTAL SETTING

Pursuant to California Environmental Quality Act (CEQA) Guidelines §15125(a), the following environmental setting description is based upon the physical conditions as they existed at the time the Notice of Preparation (NOP) was published (i.e., December 22, 2010). Also, while the text within this chapter speaks to the regional and neighborhood settings, more detailed descriptions of the environmental setting are provided in subsequent chapters according to individual environmental topics.

REGIONAL SETTING

The City of Hayward is known as the "Heart of the Bay," due to its central and convenient location in Alameda County along the east side of the San Francisco Bay, twenty-five (25) miles southeast of San Francisco, fourteen (14) miles south of Oakland, twenty-six (26) miles north of San Jose, and ten (10) miles west of the Tri-Valley communities of San Ramon, Dublin and Pleasanton.

The Project area is situated generally at the base of the Hayward Hills. The topography of the Project area is generally flat, with a gradual downward slope to the west towards San Francisco Bay, which is located approximately 5.5 miles to the west.

Mission Boulevard is one of the East Bay's longest, continuous thoroughfares. Though the street name changes depending upon which jurisdiction it is passing through, this thoroughfare spans over thirty (30) miles from Oakland in the north to Fremont in the south. Mission Boulevard's long history as a regional thoroughfare is evident in it's designation as State Route 238 (Hayward south of Industrial Parkway to Fremont) and State Route 185 (Hayward north of A Street to Oakland).

Figure 3-1 (Regional Location) identifies the Project's regional location.

PROJECT AREA LOCATION

The South Hayward BART/Mission Boulevard Form-Based Code ("Project") would apply to an irregular, linear shaped area of approximately 240 acres, which is centered upon the South Hayward BART station and Mission Boulevard (i.e., Project Area). The South Hayward BART station is located at the approximate midpoint within the Project area at the intersection of Tennyson Road and Dixon Street. Along Mission Boulevard, the Project extends from Harder Road to just south of Industrial Parkway. The Project area is situated east of the BART tracks running north/south.

Figure 3-2 (Project Area Location) identifies the Project location.

NEIGHBORHOOD SETTING

Project Area (North to South)

Harder Road to Sorenson Road

The southwest corner of Harder Road and Mission Boulevard consists of a large commercial building occupied by Kmart. Continuing in a southerly direction, a number of smaller commercial buildings containing retail, service and restaurants front onto Mission Boulevard. To the east of Mission Boulevard, outside of the Project area, the entire frontage consists of the Holy Sepulchre Cemetery.

Sorenson Road to Jefferson Street

Bowman Elementary School and the Mission Plaza Shopping Center are the predominate land uses in this segment. An assortment of commercial land uses (e.g., retail, automobile service, restaurant) front Mission Boulevard. Remaining land uses within this segment consist of single-family and multiple-family homes (along Sorenson Road and Jefferson Street) adjacent to the BART tracks. Moreau Catholic High School is located on the east side of Mission Boulevard, outside of the Project area.

Jefferson Street to Tennyson Road

This segment of the Project area consists of multiple vacant properties fronting Mission Boulevard and a variety of commercial land uses (e.g., automobile service, automobile sales, retail, restaurant, gasoline sales) in single-story structures generally fronted by parking lots. Adjoining properties, outside the Project area, include single-family and multiple-family homes either leading up the Hayward Hills to the east or westward toward the BART tracks.

Tennyson Road to Industrial Parkway

This segment is dominated by the South Hayward BART station and broad expanses of vacant and underutilized land interspersed between multiple-family structures. The western Project Area boundary is coterminous with the BART tracks. A few commercial land uses (e.g., office, retail, restaurants, self-storage) are located along Mission Boulevard. The topography of the Hayward Hills becomes more pronounced to the east of the Project area as slopes steepen in the direction of the former La Vista Quarry which is no longer in operation.

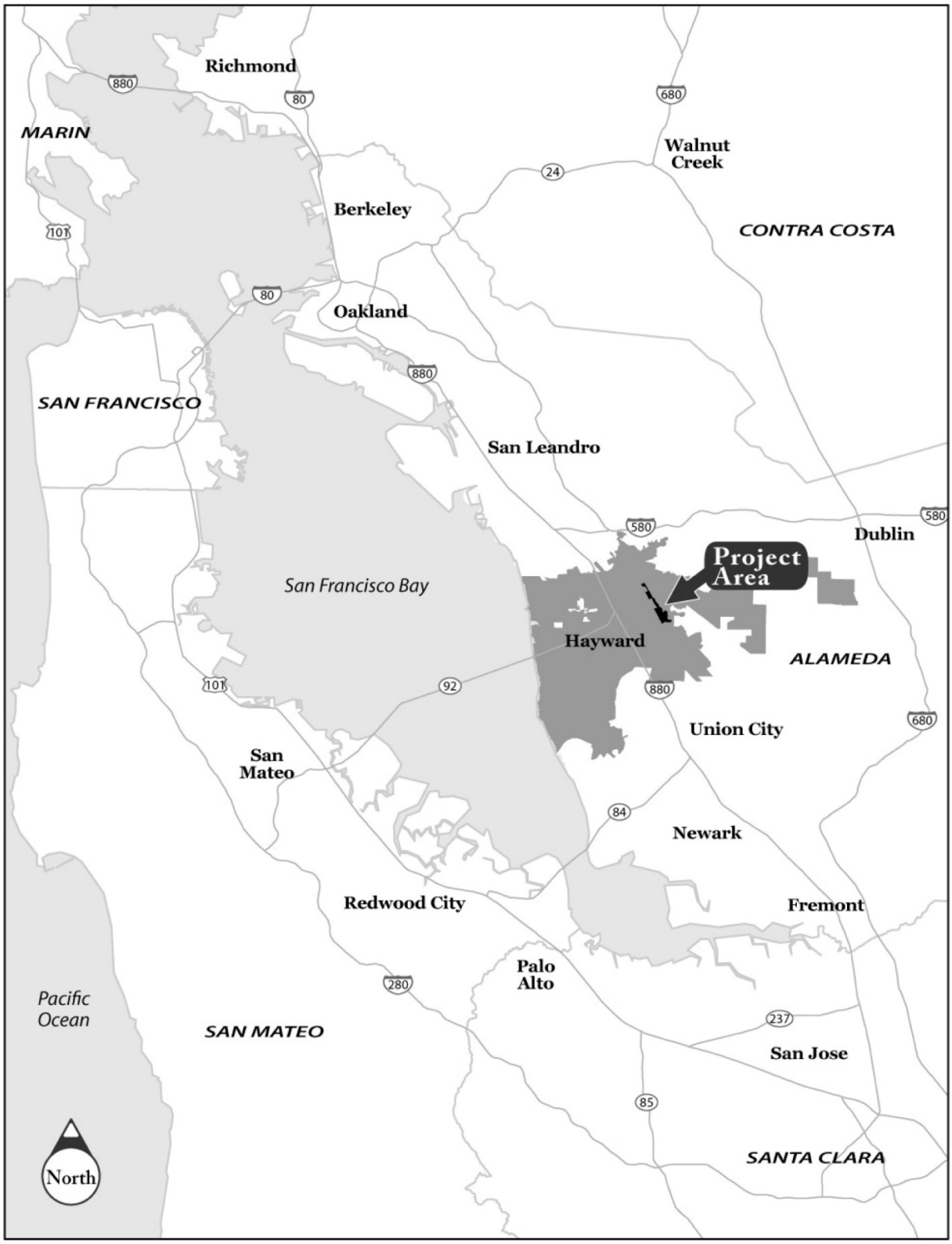

Figure 3-1: Regional Location.

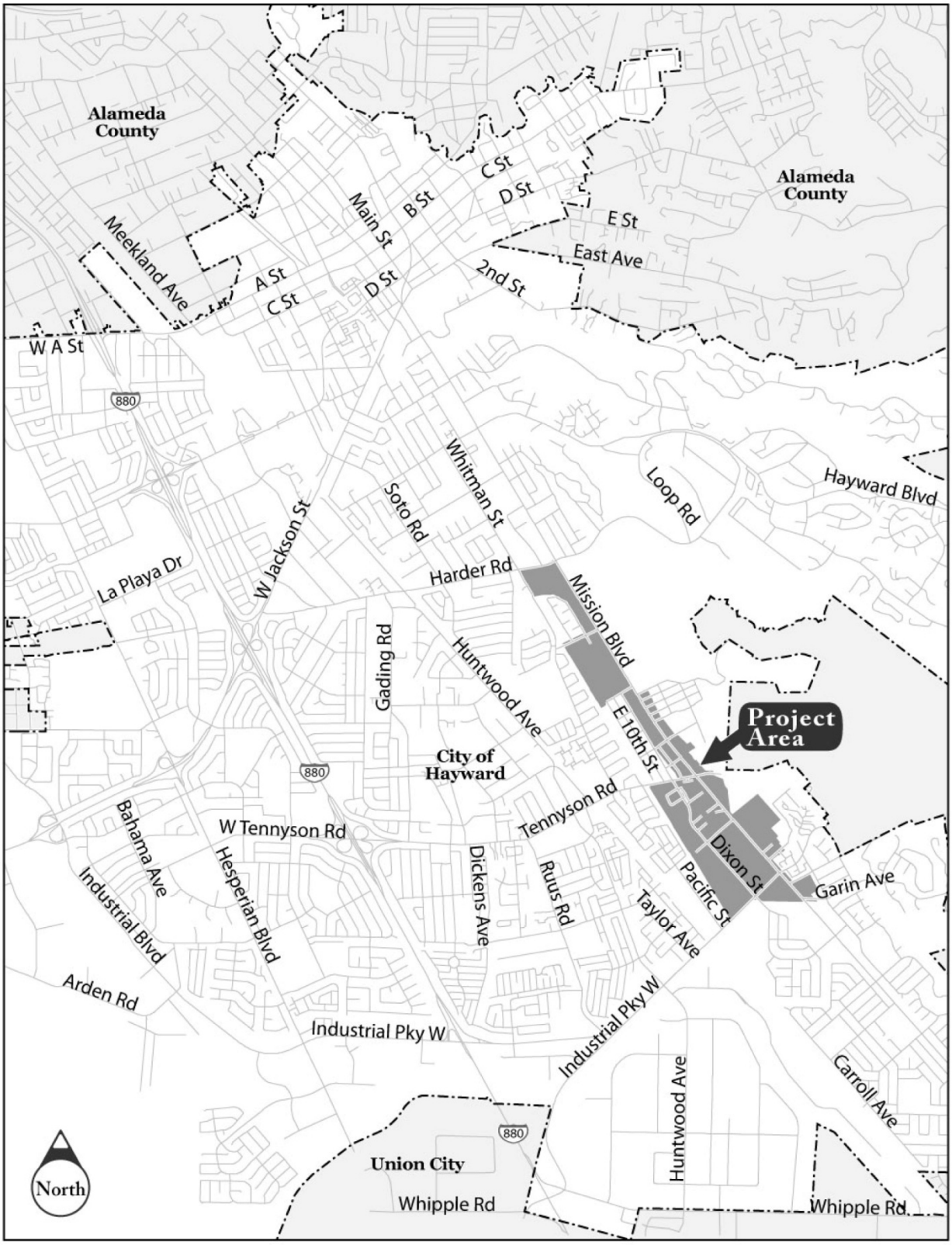

Figure 3-2: Project Area Location.

CURRENTLY APPLICABLE PLANS, POLICIES AND REGULATIONS

Portions of the South Hayward BART/Mission Boulevard Form-Based Code ("Project") area are governed under two (2) planning studies, including the following:

- South Hayward BART/Mission Boulevard Concept Design Plan (June 2006), available at this link: http://www.hayward-ca.gov/forums/SHBART/pdf/SHBART_ConceptPlan_0906_Web.pdf; and

- Route 238 Bypass Land Use Study (May 2009), information available at this link: http://www.hayward-ca.gov/forums/rte-238blus/238blus.shtm.

The South Hayward BART/Mission Boulevard Concept Design Plan (Concept Design Plan) currently regulates an area coterminous with the current Project area. The Concept Design Plan changed General Plan Land Use and zoning designations within the current Project area, which are illustrated in **Figure 3-3** (General Plan) and **Figure 3-4** (Zoning Designations). The Route 238 Bypass Land Use Study also resulted in General Plan and Zoning designation changes, which are also shown in **Figure 3-3** and **Figure 3-4**. Each of these prior planning programs were analyzed in Program EIRs that studied the potential environmental effects of land use policy and zoning changes in a context similar to the current Project, as discussed in greater detail below.

SOUTH HAYWARD BART/MISSION BOULEVARD CONCEPT DESIGN PLAN

The South Hayward BART/Mission Boulevard Concept Design Plan ("Concept Design Plan") resulted in land use policy and regulation changes similar in content and scope to those included in the current Project. These land use policy and regulatory changes were analyzed in a Program EIR certified by the City of Hayward on June 27, 2006.

Plan Description

The Concept Design Plan accomplished various General Plan Land Use Map and Zoning Map changes, including assignment of different land use designations to particular parcels as well as the application of two new land use designations to certain properties. The new General Plan Land Use Map designations included a Station Area Residential (75.0-100 dwellings per acre) and Mission Boulevard Residential (34.8 to 55.0 dwellings per acre) designation. Two new corresponding Zoning Map designations of Station Area Residential and Mission Boulevard Residential were also adopted and applied. Additionally, a new Special Design District (Municipal Code §10-1.2635) was applied to the entire Concept Design Plan area, and text changes to the existing Neighborhood Commercial-Residential (CN-R) Zoning District were adopted. Finally, amendments were made to the City's Off-Street Parking Regulations related to the Concept Design Plan.

The Concept Design Plan also included the adoption of Design Guidelines for street frontages, site access and parking, building character, open space and lighting, signage, and building service elements (see Concept Design Plan pages 57- 80). Those guidelines are intended for application in conjunction with the review requirements of the Special Design District. The Concept Design Plan also includes a set of circulation improvement recommendations to

improve connectivity at certain locations (see Concept Design Plan Pages 81-87). Circulation improvements pertain to pedestrians, bicyclists and vehicles (passenger automobiles and buses).

Pursuant to CEQA Guidelines §15124(b), the Concept Design Plan's Program EIR identified the following objectives:

1. To implement goals and polices within the adopted Hayward General Plan and applicable redevelopment plans.

2. To promote the conversion of older commercial uses that are no longer economically feasible, to a state-of-the-art, urban-scale residential neighborhood containing up to 3,707 additional residential dwellings and up to 67,789 square feet of additional commercial land uses.

3. To provide for intensified land uses to encourage the development of a transit-friendly, smart-growth area near an existing BART station consistent with regional planning objectives.

4. To assist the City of Hayward with meeting quantified housing objectives contained in the City's Housing Element of the General Plan.

5. To provide incentives for landowners to remediate identified soil and groundwater contamination conditions.

6. To provide economic incentives to provide missing public infrastructure improvements or upgrade older such facilities.

7. To provide locations for new public facilities, including a community center and the expansion of Bowman School.

8. To increase local jobs and economic return to the City of Hayward and Hayward Redevelopment Agency.

Program EIR Description

While the Concept Design Plan's defined boundary is coterminous with that of the current Project, the Concept Design Plan did not modify the General Plan Land Use Map and Zoning Map designations for all properties within its boundary. Parcels highlighted as "South Hayward BART/Mission Boulevard Concept Design Plan (June 2006)" in **Figure 3-5** (Previous CEQA Documents) had their General Plan and zoning designations changed in June 2006. Those not highlighted retained their prior General Plan and zoning designations.

The Concept Design Plan's Program EIR analyzed three land use alternatives of differing development intensities at an equal level of detail. Environmental areas analyzed included: Aesthetics and Light and Glare, Air Quality, Hazards and Hazardous Materials, Hydrology, Drainage and Water Quality, Noise, Population and Housing, Transportation and Circulation, Utilities and Public Services, and Schools and Parks. The Concept Design Plan Program EIR identified significant and unavoidable impacts for the following:

- Air Quality – Inconsistency with Air Quality Plan (Impact 4.2-1)
- Air Quality – Cumulative Air Quality Impacts (Impact 4.2-2)
- Traffic – Cumulative Traffic Impacts (Impact 4.7-4)

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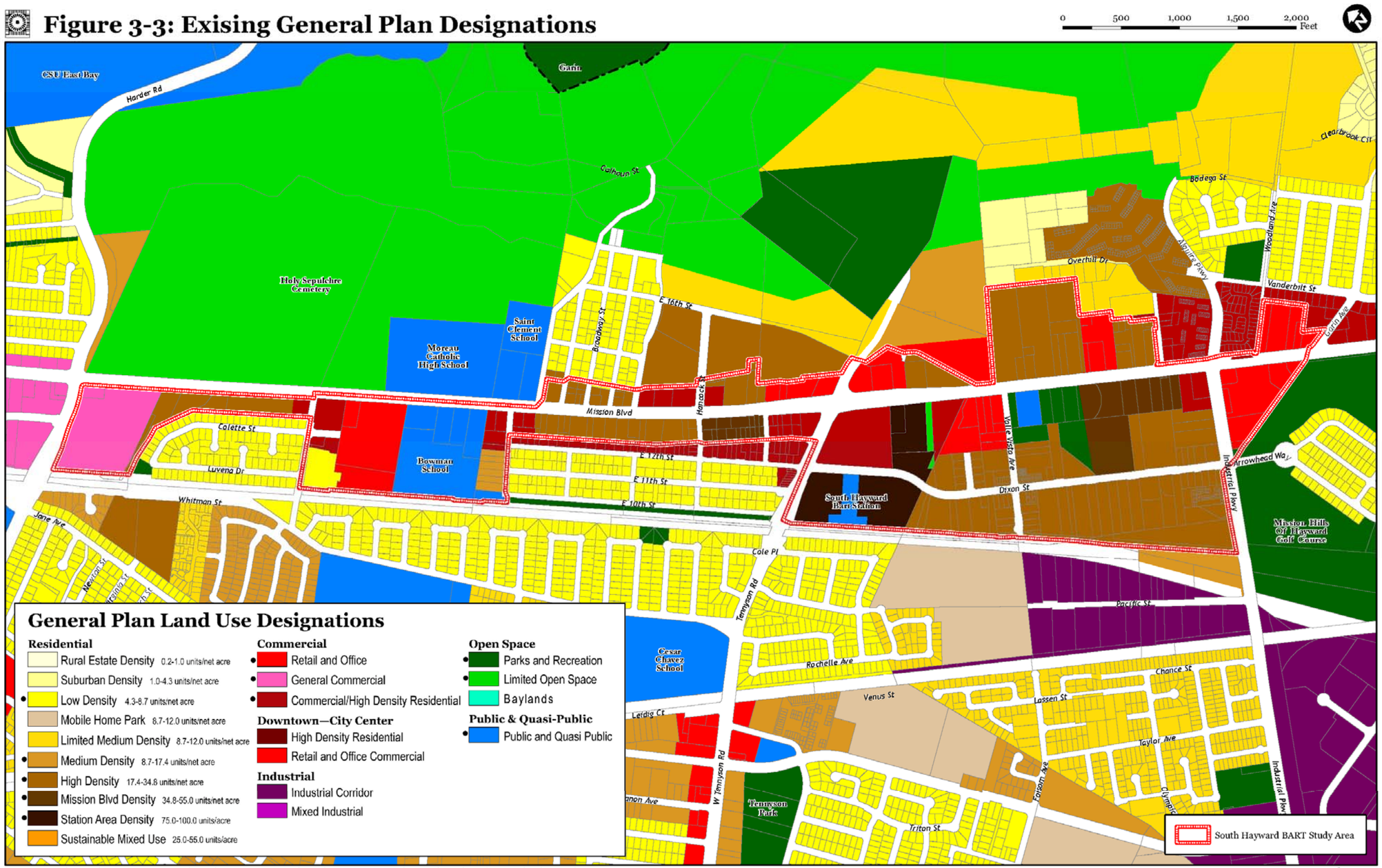
Figure 3-3: Exising General Plan Designations



Note: Land use designations within the Form-Based Code Area are indicated with a dot in the legend.

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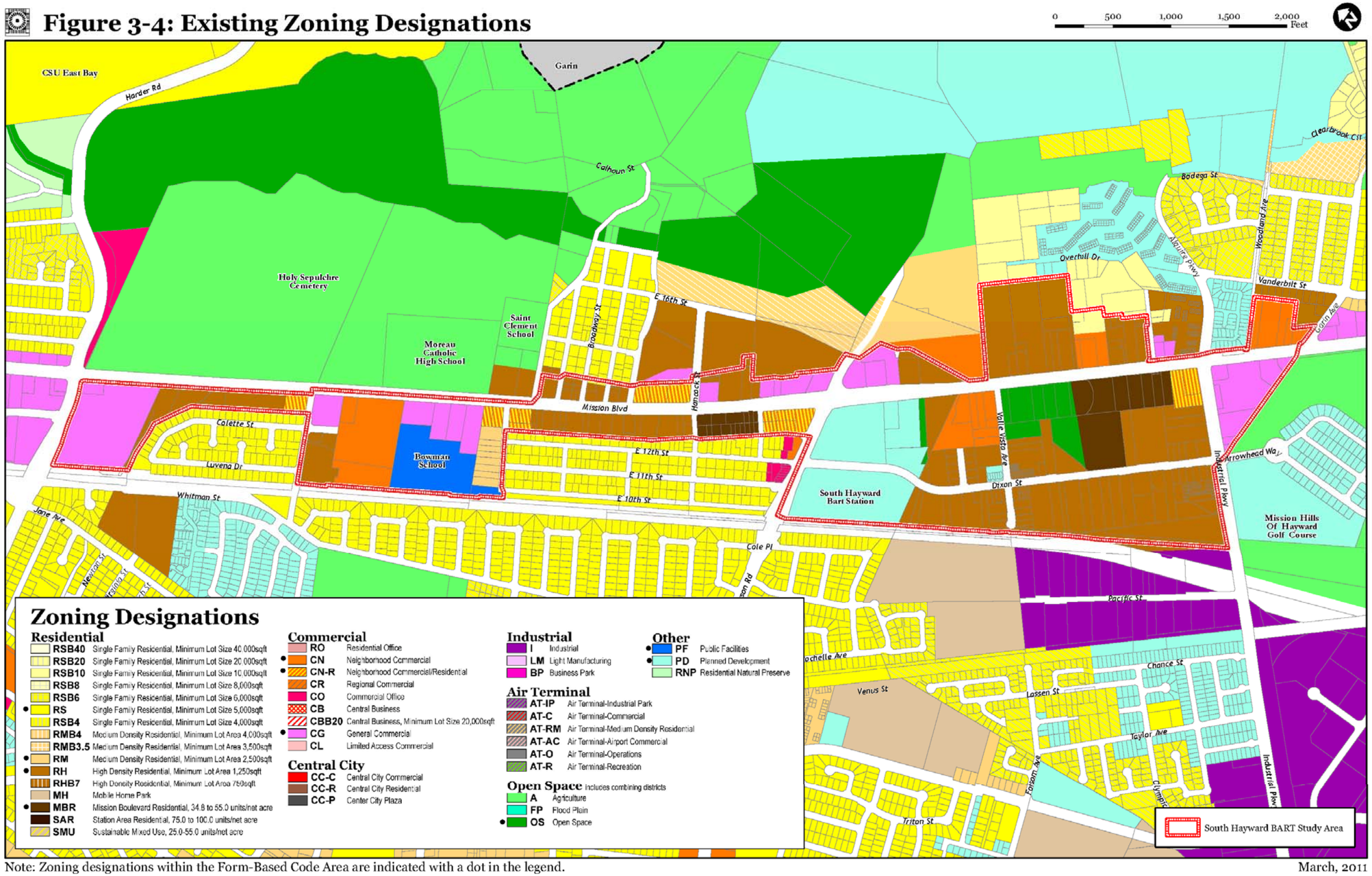
Figure 3-4: Existing Zoning Designations



Zoning Designations

Residential

	RSB40	Single Family Residential, Minimum Lot Size 40,000sqft
	RSB20	Single Family Residential, Minimum Lot Size 20,000sqft
	RSB10	Single Family Residential, Minimum Lot Size 10,000sqft
	RSB8	Single Family Residential, Minimum Lot Size 8,000sqft
	RSB6	Single Family Residential, Minimum Lot Size 6,000sqft
•	RS	Single Family Residential, Minimum Lot Size 5,000sqft
	RSB4	Single Family Residential, Minimum Lot Size 4,000sqft
	RMB4	Medium Density Residential, Minimum Lot Area 4,000sqft
	RMB3.5	Medium Density Residential, Minimum Lot Area 3,500sqft
•	RM	Medium Density Residential, Minimum Lot Area 2,500sqft
•	RH	High Density Residential, Minimum Lot Area 1,250sqft
	RHB7	High Density Residential, Minimum Lot Area 750sqft
	MH	Mobile Home Park
•	MBR	Mission Boulevard Residential, 34.8 to 55.0 units/net acre
	SAR	Station Area Residential, 75.0 to 100.0 units/net acre
	SMU	Sustainable Mixed Use, 25.0-55.0 units/net acre

Commercial

	RO	Residential Office
•	CN	Neighborhood Commercial
•	CN-R	Neighborhood Commercial/Residential
	CR	Regional Commercial
	CO	Commercial Office
	CB	Central Business
	CBB20	Central Business, Minimum Lot Size 20,000sqft
•	CG	General Commercial
	CL	Limited Access Commercial

Central City

	CC-C	Central City Commercial
	CC-R	Central City Residential
	CC-P	Center City Plaza

Industrial

	I	Industrial
	LM	Light Manufacturing
	BP	Business Park

Air Terminal

	AT-IP	Air Terminal-Industrial Park
	AT-C	Air Terminal-Commercial
	AT-RM	Air Terminal-Medium Density Residential
	AT-AC	Air Terminal-Airport Commercial
	AT-O	Air Terminal-Operations
	AT-R	Air Terminal-Recreation

Open Space Includes combining districts

	A	Agriculture
	FP	Flood Plain
•	OS	Open Space

Other

•	PF	Public Facilities
•	PD	Planned Development
	RNP	Residential Natural Preserve

Note: Zoning designations within the Form-Based Code Area are indicated with a dot in the legend.

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A summary of the assumptions for land use alternatives addressed in the Concept Design Plan Program EIR is shown in the following **Table 3-1** (Concept Design Plan Comparison of Land Use Alternatives).

TABLE 3-1: CONCEPT DESIGN PLAN COMPARISON OF LAND USE ALTERNATIVES

	Net Dwelling Unit Range	Net Commercial Floor Area
Concept Design Plan - Land Use Alternatives		
Suburban Concept Alternative	1,165 to 2,607	-51,533 sq.ft.
Blended Concept Alternative	1,635 to 3,219	-50,347 sq.ft.
Urban Concept Alternative	2,375 to 5,039	67,789 sq.ft.

Ultimately, the Hayward City Council adopted a variation of the Blended Concept Alternative as enumerated in the June 27, 2006 staff report providing for a development potential of 2,814 net new residential dwelling units and a reduction of 4,822 square feet in commercial building floor area. Copies of both the Concept Design Plan and its accompanying Program EIR are available for review at the City of Hayward Permit Center, 777 B Street, Hayward, CA between the hours of 8AM and 5PM, and also available at the following link:

http://www.hayward-ca.gov/forums/SHBART/shbartforum.shtm

ROUTE 238 BYPASS LAND USE STUDY

The Route 238 Bypass Land Use Study ("238 Land Use Study"), like the Concept Design Plan, also resulted in land use policy and regulation changes similar in subject matter to those included in the current Project. These land use policy and regulatory changes were analyzed in a Program EIR certified by the City of Hayward on June 30, 2009.

Study Description

The 238 Land Use Study was initiated as a result of the California Department of Transportation's (Caltrans) decision to not pursue construction of a 238 Bypass Freeway through Hayward. Originally, in anticipation of constructing the 238 Bypass Freeway, Caltrans acquired a number of vacant and developed properties within the planned freeway right-of-way. Some, but not all of the Caltrans properties are contiguous to each other. As a response to Caltrans decision to not construct the 238 Bypass Freeway, the City of Hayward prepared the 238 Land Use Study to assess and ultimately adopted General Plan Land Use Map and Zoning Map changes for those Caltrans-owned parcels.

Like the previously discussed Concept Design Plan, the Route 238 Bypass Land Use Study also accomplished various General Plan Land Use Map and Zoning Map changes. Within the current Project area, this included re-assignment of land use designations to particular parcels, as shown

in **Figure 3-5** (Previous CEQA Documents). A new General Plan Land Use Map and Zoning Map designation of Sustainable Mixed Use was also adopted, though it was not assigned to properties within the current Project area. The 238 Land Use Study also resulted in the adoption of a new Special Design District (Municipal Code §10-1.2640), whose purpose is to ensure the implementation of a Hayward Foothills Trail and which would occur within and extend out of the current Project area.

Pursuant to CEQA Guidelines §15124(b), the Route 238 Land Use Study Program EIR identified the following objectives:

1. To identify appropriate future land use types, densities and locations to replace the former Route 238 Bypass freeway consistent with community desires, physical and environmental constraints and public agency interests.

2. To provide a degree of certainty regarding future land uses for residents and businesses within and adjacent to the former Route 238 Bypass right-of-way.

3. To assist the City of Hayward with meeting quantified housing objectives contained in the City's Housing Element of the General Plan.

4. To ensure that any future development within the more visible hillside areas is implemented in an environmentally sensitive manner.

5. To identify and provide protection for sensitive biological resources and their habitats.

6. To provide economic incentives to provide missing public infrastructure improvements or upgrade older such facilities, including but not limited to roads, water, wastewater and drainage facilities.

7. To provide locations for new public facilities, including a future school site.

8. To increase local jobs and economic return to the City of Hayward.

9. To ensure future development provides revenue mechanisms for funding additional service demands as a result of development.

Program EIR Description

Unlike the Concept Design Plan, only a small number of parcels addressed in the 238 Land Use Study are located in the current Project area. Parcels highlighted as "238 Land Use Study (May 2009)" in **Figure 3-5** (Previous CEQA Documents) had their General Plan Land Use Map and Zoning Map designations changed in May 2009. Those not highlighted retained their existing General Plan Land Use Map and Zoning Map designations.

The 238 Land Use Study Program EIR analyzed, at an equal level of detail, three alternatives of differing land uses and development intensities - Market Potential, Community Meetings, and Existing Policies and Public Agencies. Environmental areas analyzed included: Aesthetics and Light and Glare, Air Quality, Biological Resources, Cultural Resources, Geology and Soils,

Hazards and Hazardous Materials, Hydrology, Drainage and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services and Utilities, Transportation and Circulation, and Parks and Schools. The Route 238 Bypass Land Use Study Program EIR identified significant and unavoidable impacts for the following:

- Traffic – Cumulative Traffic Impacts (Impact 4.11-1)

Within the current Project area, the 238 Land Use Study Program EIR's alternatives consisted of variations in the allocation of General Plan Land Use Map and Zoning Map designations, which differed both in land use and densities (See Figures 3.1-3, 3.1-4 and 3.1-5 in the EIR). Ultimately, the Hayward City Council adopted a variation of the three alternatives addressed in the Program EIR, as enumerated in the June 30, 2009 staff report, which increased the areas designated Mission Boulevard Residential and Parks and Recreation. Copies of both the 238 Land Use Study and its accompanying Program EIR are available for review at the City of Hayward Permit Center, 777 B Street, Hayward, CA between the hours of 8AM and 5PM, and also available at the following link: http://www.hayward-ca.gov/forums/rte-238blus/238blus.shtm .

DETAILED PROJECT DESCRIPTION

The South Hayward BART/Mission Boulevard Form-Based Code ("Project") will essentially replace the majority of existing Zoning Regulation provisions applicable to the Project area. Other regulatory actions are proposed in conjunction with this, as described in detail below.

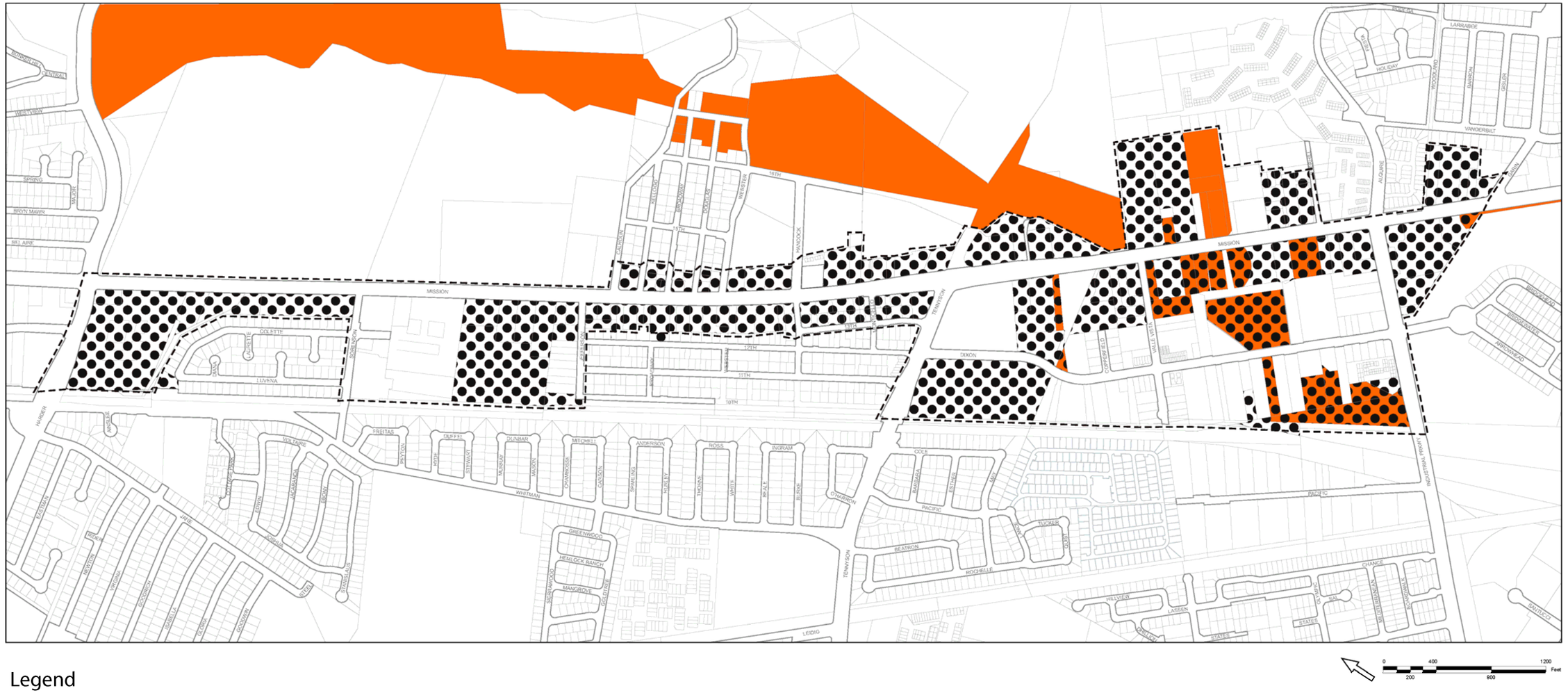
GENERAL PLAN AMENDMENT

The Project would change the General Plan Land Use Map designations for most parcels within the Project area to Sustainable Mixed Use, as illustrated in **Figure 3-6** (Proposed General Plan Designations). Existing and/or planned parks would receive an Open Space - Parks and Recreation designation and existing and/or planned public schools and mass-transit facilities would receive a Public/Quasi-Public designation. The existing General Plan describes the Sustainable Mixed Use designation as follows:

> *Mixed Use Developments may include residential with retail and/or office/commercial uses, or educational and cultural facilities with public open space. Residential densities range from 25.0 – 55.0 dwelling units per net acre for mixed use projects that include a residential component. This land use designation is located along major transit corridors, near transit stations or in close proximity to public higher educational facilities or large employment centers. To facilitate transit-oriented development in these areas, developments will have reduced parking requirements. Neighborhood serving retail uses are highly recommended for residential component mixed use projects to reduce car trips.*

The Project would also modify the Sustainable Mixed-Use designation by modifying the permitted residential density range from 25.0 to 55.0 dwelling units per net acre to 17.5 to 100.0 dwelling units per net acre. Additionally, Appendix D of the General Plan (General Plan and Zoning Consistency Matrix) would be amended to indicate that the Project's Transect zoning designations would be consistent with the General Plan Land Use Map designations of

Sustainable Mixed Use. Civic Space zoning designations would be indicated as consistent with the General Plan's Parks and Recreation designation.

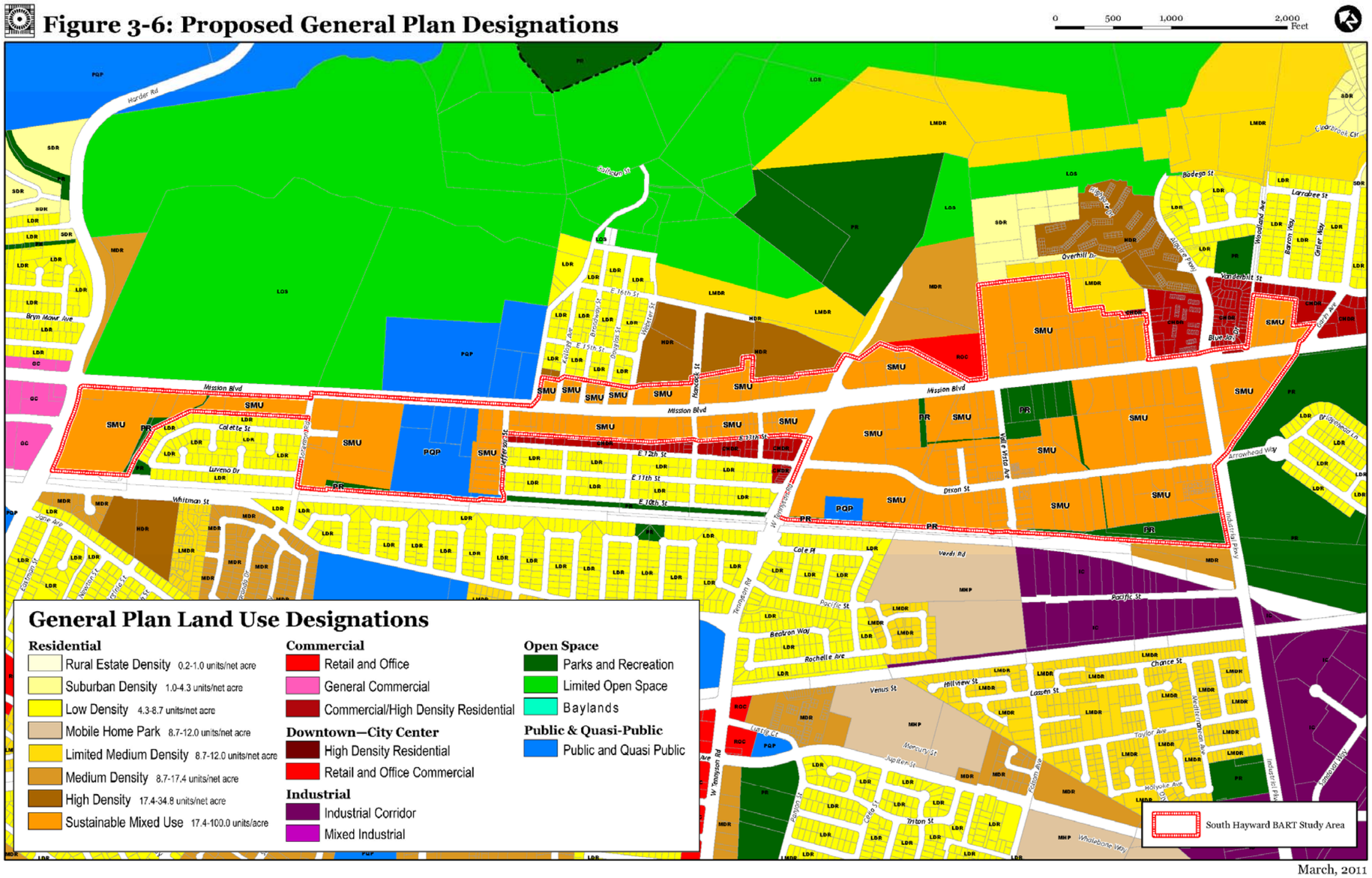


Legend

- Parcels
- 238 Land Use Study Program EIR (May 2009)
- South Hayward BART / Mission Boulevard Concept Design Plan Program EIR (June 2006)
- South Hayward BART / Mission Boulevard Form-Based Code

Figure 3-5: Previous CEQA Documents

Figure 3-6: Proposed General Plan Designations



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MUNICIPAL CODE AMENDMENT

Planning, Zoning and Subdivision Regulations Text Amendment

The Form-Based Code would become a new Article 24 in Chapter 10 (Planning, Zoning and Subdivision Regulations) of the Hayward Municipal Code. In doing so, the Code would supplant many existing development standards currently applicable to the Project area as expressed through existing, mapped Zoning Districts. However, other existing development standards not specifically addressed or modified under the South Hayward BART/Mission Boulevard Form-Based Code, per §10-24.140(c) of the Code, would remain applicable to the Project area.

A copy of the South Hayward BART/Mission Boulevard Form-Based Code may be viewed at Hayward City Hall at 777 B Street in Downtown Hayward or downloaded from the City's website at the following location:

http://www.ci.hayward.ca.us/forums/SHBARTFBC/shbartfbcforum.shtm

Zoning Map Amendment

Regulating Plan, Transect Zones & Other Standards

The Project would revise all existing Zoning Map designations within the Project area, replacing them with new zoning districts as identified in **Figure 3-7** (Regulating Plan). Proposed new Zoning Districts include: T4 (Urban General Zone), T5 (Urban Center Zone), T5 TOD Density Overlay 1 (75.0 du/ac minimum; 100.0 du/ac maximum), T5 TOD Density Overlay 2 (40.0 du/ac minimum; 65.0 du/ac maximum), and CS (Civic Space Zone). The proposed development standards associated with the T4 (Urban General) and T5 (Urban Center) Zones are summarized in **Figures 3-8** and **3-9** below.

While the Form-Based Code includes proposed new standards specifically applicable to these new zoning districts, it also includes new standards that would apply universally throughout the Project area. These include new standards (§10-24.245 through §10-24.295) under the following topics: Parking, Architectural, Fence and Wall, Landscape, Visitability, Sustainability, Subdivision, Sign, Telecommunication Facility, and Group Homes.

Thoroughfare Plan

The Code also includes a complement to the Regulating Plan consisting of a Thoroughfare Plan (see **Figure 3-10**). The Thoroughfare Plan is intended to implement the Hayward General Plan's direction to pursue opportunities for infill development and redevelopment by accommodating alternate street patterns, including shorter block lengths, interconnected streets and alleys, and to avoid cul-de-sacs.

New thoroughfares indicated on the Thoroughfare Plan would be constructed over time in conjunction with private development projects on abutting property. **Figure 3-11** (Proposed New Thoroughfares) illustrates the location of proposed new thoroughfares. Projects constructing these planned new thoroughfares would be eligible to receive a density bonus correlated to the length of street dedication (see §10-24.275(h) in the Form-Based Code). In the absence of private

development projects, the City of Hayward Redevelopment Agency may (over time) also acquire and construct thoroughfare segments identified in the Thoroughfare Plan.

Concept Design Plan Repeal

The Project would replace the architectural and urban design guidelines found in the Concept Design Plan. The Concept Design Plan's design guidelines would be in conflict with standards proposed by the Project. Therefore, to remove conflicts, the current Project would result in the repeal of the Concept Design Plan, in whole.

In conjunction with the original Concept Design Plan approval, a "South Hayward BART/Mission Boulevard Special Design District (SD-6)" was also approved (Zoning Ordinance §10-1.2635). The provisions of this Special Design District (SD-6) would also conflict with standards proposed by the Project. Therefore, the current Project would result in the repealing of this zoning district (Zoning Ordinance §10-1.2635).

RESULTING LAND USE AND DEVELOPMENT CHANGES

This EIR assesses the extent to which changes that are proposed as part of the South Hayward BART/Mission Boulevard Form-Based Code ("Project") and associated potential new development may result in new or significantly increased environmental effects beyond those identified and discussed in the Previous CEQA Documents. The environmental review now necessary for the Project is only required to address substantial changes to the Previous CEQA Documents necessary to adequately address new or different information specific to the current Project, its circumstances or new information. The new or different aspects of the current Project include the following:

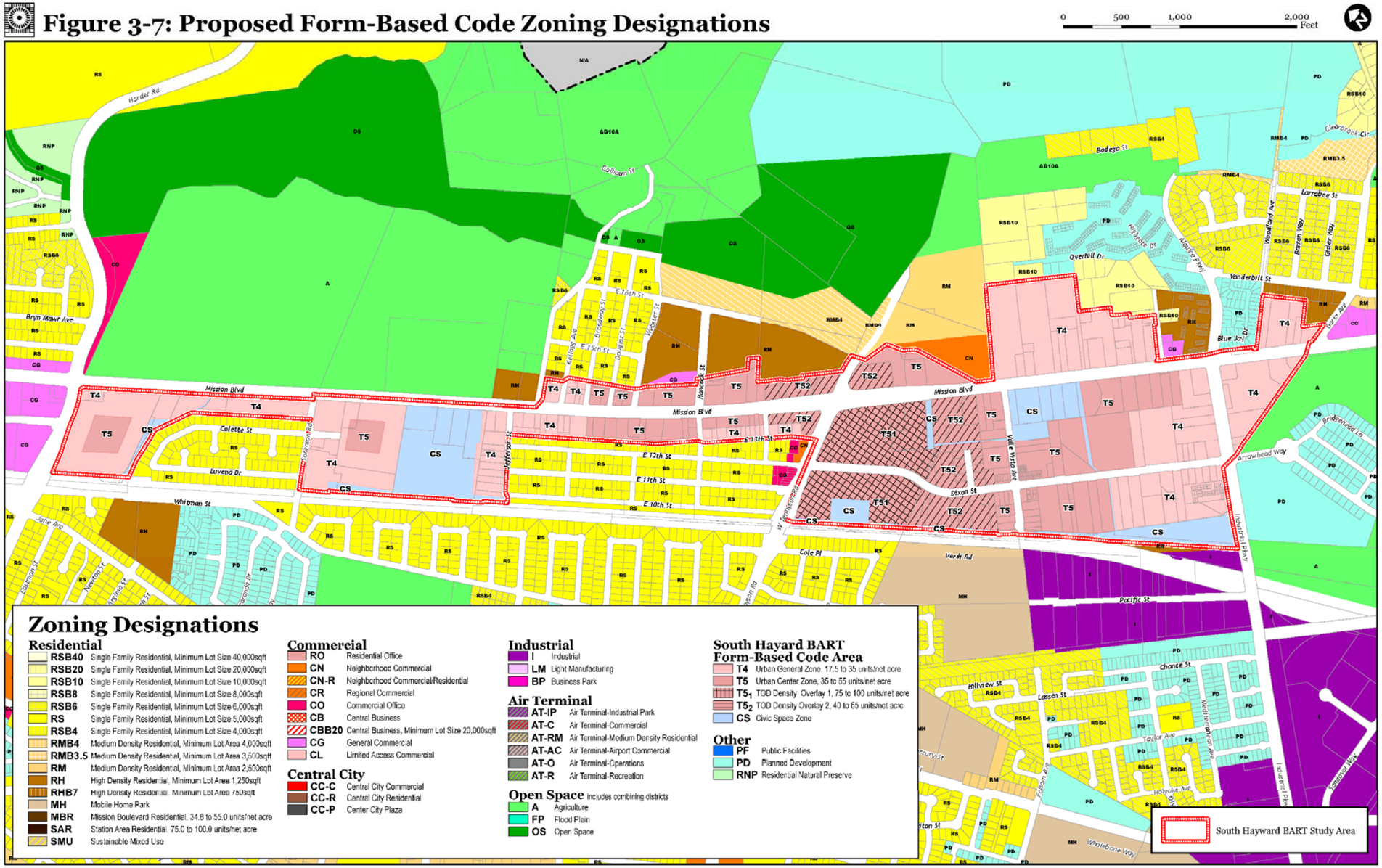
- New General Plan and Zoning Designation Changes – As shown in **Figures 3-6 and 3-7** (Previous CEQA Documents), the current Project includes changes to the General Plan Land Use Map and Zoning Map.

- Mixed-Use Zoning Throughout – The current Project would apply General Plan Land Use Map and Zoning Map designations that permit both residential and commercial land uses at certain properties that generally presently permit only commercial or residential land uses. A small number of parcels would be designated as a Civic Space Zone where current or future public property would generally accommodate uses beneficial and in support of the broader community.

- Increased Residential Densities - The current Project would increase the maximum permitted residential density above that presently allowed throughout the Project area. The net difference resulting from increased residential density is a maximum increase of 771 new dwellings.

- Increased Commercial Space – The current Project would increase the maximum permitted commercial floor area above that presently allowed throughout the Project area. The net difference resulting from increased commercial floor area is a maximum increase of 218,613 square feet of new space.

Figure 3-7: Proposed Form-Based Code Zoning Designations



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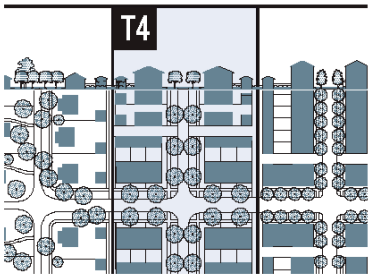


(see Table 1)

j. BUILDING CONFIGURATION (see Table 7)	
Principal Building	4 stories max, 2 min
Outbuilding	2 stories max.
e. LOT OCCUPATION (see Table 11e)	
Lot Width	18 ft min 120 ft max.
Lot Coverage	80% max
f. SETBACKS - PRINCIPAL BUILDING (see Table 11f)	
(f.1) Front Setback Principal	6 ft. min. 24 ft. max.
(f.2) Front Setback Secondary	6 ft. min. 24 ft. max
(f.3) Side Setback	0 ft. min.
(f.4) Rear Setback	3 ft. min.*
Frontage Buildout	60% min at setback
g. SETBACKS - OUTBUILDING (see Table 11g)	
(g.1) Front Setback	20 ft. min. + bldg. setback
(g.2) Side Setback	
(g.3) Rear Setback	3 ft. min.
h. BUILDING DISPOSITION (see Table 8)	
Edgeyard	permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	permitted
i. PRIVATE FRONTAGES (see Table 5)	
Porch & Fence	permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront	permitted
Gallery	permitted
Arcade	not permitted
	Refer to Summary Table 11
PARKING PROVISIONS (see Section 10-24.245)	
Rental DU: 1.75 max per unit	
For Sale DU/Residential Condominium: 2.0 max per unit	
Non-residential Function: no min - no max	

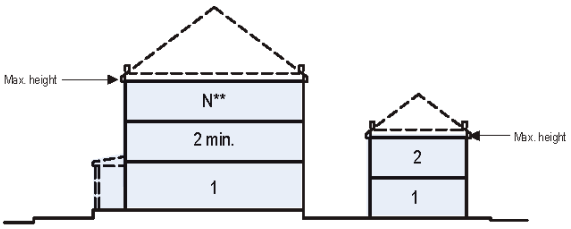
*or 15 ft. from center line of alley

**"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

Note: Letters on the Table (j. Building Configuration, e. Lot Occupation, etc) refer to the corresponding section in Summary Table 11.

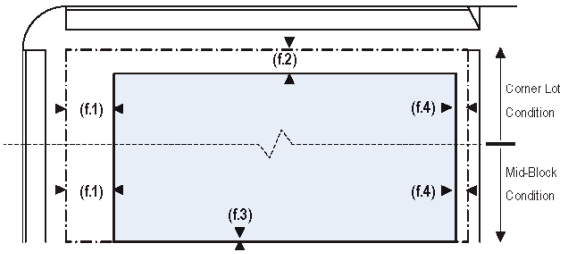
BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minumum of 11 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck as specified on Table 7.



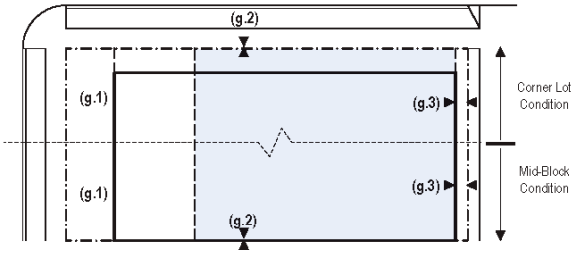
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Covered and uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 15d).
2. Trash containers shall be stored within the third Layer.

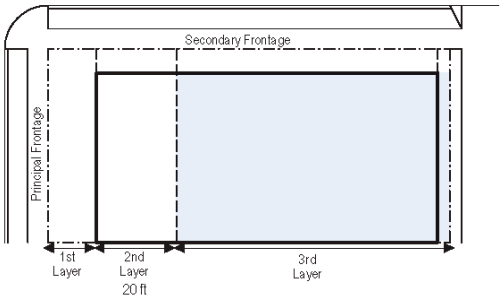
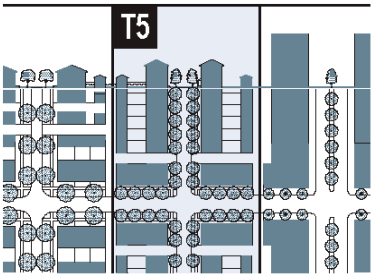


Figure 3-8: Proposed T4 Zone Development Standards



(see Table 1)

j. BUILDING CONFIGURATION (see Table 7)	
Principal Building	6 stories max. 3 min.
Outbuilding	2 stories max.
e. LOT OCCUPATION (see Table 11e)	
Lot Width	18 ft min 250 ft max.
Lot Coverage	90% max
f. SETBACKS - PRINCIPAL BUILDING (see Table 11f)	
(f.1) Front Setback Principal	2 ft. min. 12 ft. max.
(f.2) Front Setback Secondary	2 ft. min. 12 ft. max.
(f.3) Side Setback	0 ft. min. 24 ft. max.
(f.4) Rear Setback	3 ft. min.*
Frontage Buildout	80% min at setback
g. SETBACKS - OUTBUILDING (see Table 11g)	
(g.1) Front Setback	40 ft. max. from rear prop.
(g.2) Side Setback	0 ft. min. or 2 ft at corner
(g.3) Rear Setback	3 ft. max.
h. BUILDING DISPOSTION (see Table 8)	
Edgeyard	not permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	permitted
i. PRIVATE FRONTAGES (see Table 5)	
Porch & Fence	not permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront	permitted
Gallery	permitted
Arcade	permitted
Refer to Summary Table 11	
PARKING PROVISIONS (see Section 10-24.245)	
Rental DU: 1.5 max per unit	
For Sale DU/Residential Condominium: 1.8 max. per unit	
Non-residential Function: no min. - no max.	

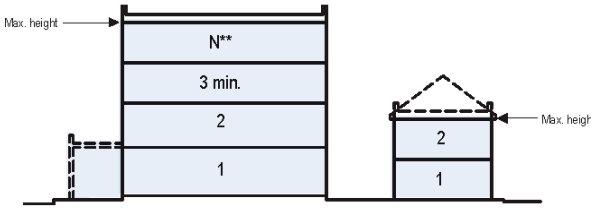
*or 15 ft. from center line of alley

**"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

Note: Letters on the Table (j. Building Configuration, e. Lot Occupation, etc) refer to the corresponding section in Summary Table 11.

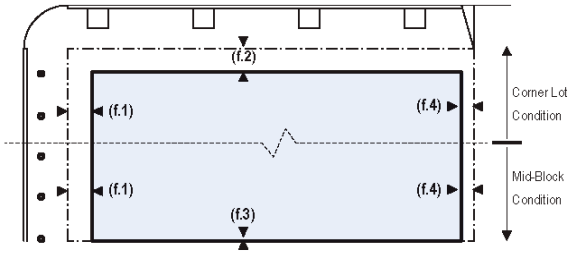
BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minumum of 11 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck as specified on Table 7.
4. Expression Lines shall be as shown on Table 7.



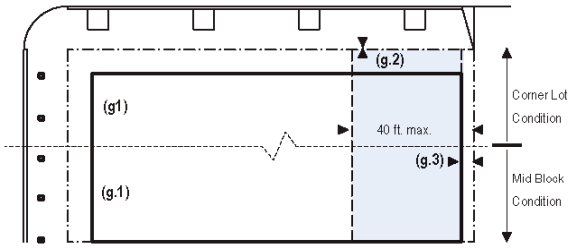
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Covered and uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 15d).
2. Trash containers shall be stored within the third Layer.

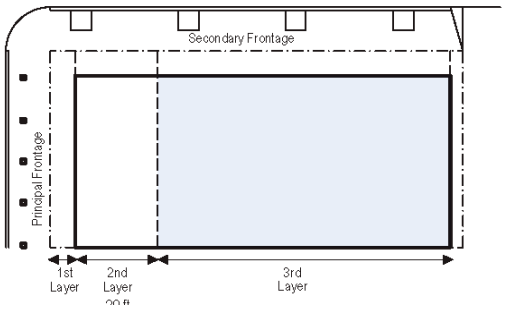


Figure 3-9: Proposed T5 Zone Development Standards

- Modified and New Planned Streets – The current Project modifies a number of planned circulation improvements as contemplated in the Concept Design Plan. Also, the current Project includes a number of new planned public streets (see **Figure 3-10** and **3-11**). For all proposed new streets, a set of dimensional standards (e.g., sidewalk width, planter width, etc.) are proposed as shown in Table 2 in the Form-Based Code. However, the Project accommodates flexibility in ultimate street location and alignment in instances where obstacles (e.g., mature tree, boulder, public infrastructure) prevent strict compliance with the Thoroughfare Plan.

CHANGES IN CIRCUMSTANCES

Certain circumstances have changed since certification of the South Hayward BART/Mission Boulevard Concept Design Plan Program EIR (June 2006) and the Route 238 Bypass Land Use Study Program EIR (May 2009) (i.e., a change in the existing or future condition), including:

- Construction on the Route 238 Corridor Improvement Project started on August 16, 2010 and is anticipated to be complete in December 2012. Within the current Project area, the Route 238 Corridor Improvement Project will:

    - Modify Mission Boulevard (from the Jackson/Foothill intersection to Carlos Bee Boulevard) from two (2) to three (3) travel lanes in each direction, including parking/peak hour travel lanes. New curb and gutter with a 7-foot sidewalk will be constructed on both sides of Mission Boulevard.

    - Construct a spot widening of the Mission Boulevard/Carlos Bee Boulevard intersection to provide for dual left-turn lanes from southbound Mission to eastbound Carlos Bee, dual left turn lanes from westbound Carlos Bee Boulevard to southbound Mission Boulevard, and dual left-turn lanes, a thru lane, and a right/thru lane from eastbound Orchard Avenue.

    - Extend 10-foot wide sidewalks along Mission Boulevard on both sides of the street to fill in missing gaps to Industrial Parkway.

    - Improve bicycle access along Mission Boulevard by providing outside 14-foot lanes along the proposed curbs.

    - Underground over head utilities, install extensive median landscaping, install energy efficient LED street and pedestrian-scaled lights, and modify traffic signal system with Adaptive Timing Control along Mission & Foothill Boulevards.

    - Install a traffic signal and a dedicated left turn lane at the Moreau High School entrance to improve access for southbound Mission traffic.

    - Provide a new signalized intersection at Berry Avenue and Mission Boulevard.

- The South Hayward Mixed Use Transit-Oriented development project (also known locally as the Wittek-Montana Project) was approved in March 2009, but building permit applications for that development have not been filed. This project is located at the South

Hayward BART Station and neighboring parcels across and east of Dixon Street. This project is approved to include 788 dwellings, 64,680 square feet of commercial floor area, and 910 parking spaces.

- The Mission Paradise Project was approved in June 2007, but building permit applications have not been filed. This project is located on parcels fronting Mission Boulevard between Webster and Hancock Streets and includes 82 dwellings and 13,804 square feet of commercial floor area.

For the most part, these changed circumstances would not have implications on the environmental consequences associated with the current Project. Both the South Hayward Mixed Use and Mission Paradise projects were approved in conformance with the Hayward General Plan and applicable Zoning Map designations, as contemplated by the Concept Design Plan and 238 Land Use Study Program EIRs.

One goal of the Route 238 Corridor Improvement Project is to, "construct a facility that will accommodate current and future traffic demands as permitted by funding constraints."[1] More specifically, these improvements are intended to satisfy forecasted traffic volumes (both local and regional) for the year 2025. These traffic volumes and forecast year are consistent with those contemplated in the Concept Design Plan and 238 Land Use Study Program EIRs. Therefore, there is no component of the Route 238 Corridor Improvement Project EIR that would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects when combined with the current Project.

NEW INFORMATION

This SEIR assesses whether new information, not known at the time of preparation of the Previous CEQA Documents, results in a new or significantly increased environmental effect. New information particular to the current Project includes:

- On March 18, 2010, new California Environmental Quality Act (CEQA) Guidelines amendments addressing greenhouse gas emissions and global climate change (which were not addressed in the previous EIRs) became effective.

- On June 2, 2010, new thresholds for air quality impacts and guidelines for assessing impacts were approved by the Bay Area Air Quality Management District (BAAQMD). The risk and hazards thresholds for new receptors were effective January 1, 2011.

- On June 15, 2010, the City of Hayward adopted a revised Historic Preservation Ordinance (Municipal Code Chapter 10, Article 11), as well as a broader Historic Preservation Program, including a Historical Resources Survey and Inventory, a Historic Context Statement, Goals and Objectives for Historic Preservation, and Incentive Programs.

[1] Page ES-2, Route 238 Corridor Improvement Project EIR.

This new information is included in this SEIR, along with an assessment of whether this new information indicates that the Project may have a new significant environmental effect or a substantial increase in the severity of previously identified significant effect.

PROJECT OBJECTIVES

The City of Hayward's objective with the current Project is to accomplish the following:

- Provide certainty in the land use entitlement process through the elimination of duplicative and contradictory evaluation standards and guidelines.
- Increase opportunities for pedestrian activity, including shorter walking distances to commercial services and mass transit destinations, through construction of new thoroughfares.
- Enhance the built environment through construction of new buildings and renovations to existing buildings throughout the Project area and, in particular, along prominent corridors such as Mission Boulevard.
- Utilize streamlined and clear land use entitlement processing to attract economic activity in the Project area through construction and establishment of new businesses.

All of the original objectives of the Concept Design Plan Program EIR (stated previously) remain applicable to the current Project. All of the original objectives of the Route 238 Route Land Use Study Program EIR (also stated previously) remain applicable to the current Project, with the exception of the following which pertain to issues tied to properties outside of the current Project area:

4. To ensure that any future development within the more visible hillside areas is implemented in an environmentally sensitive manner.

7. To provide locations for new public facilities, including a future school site.

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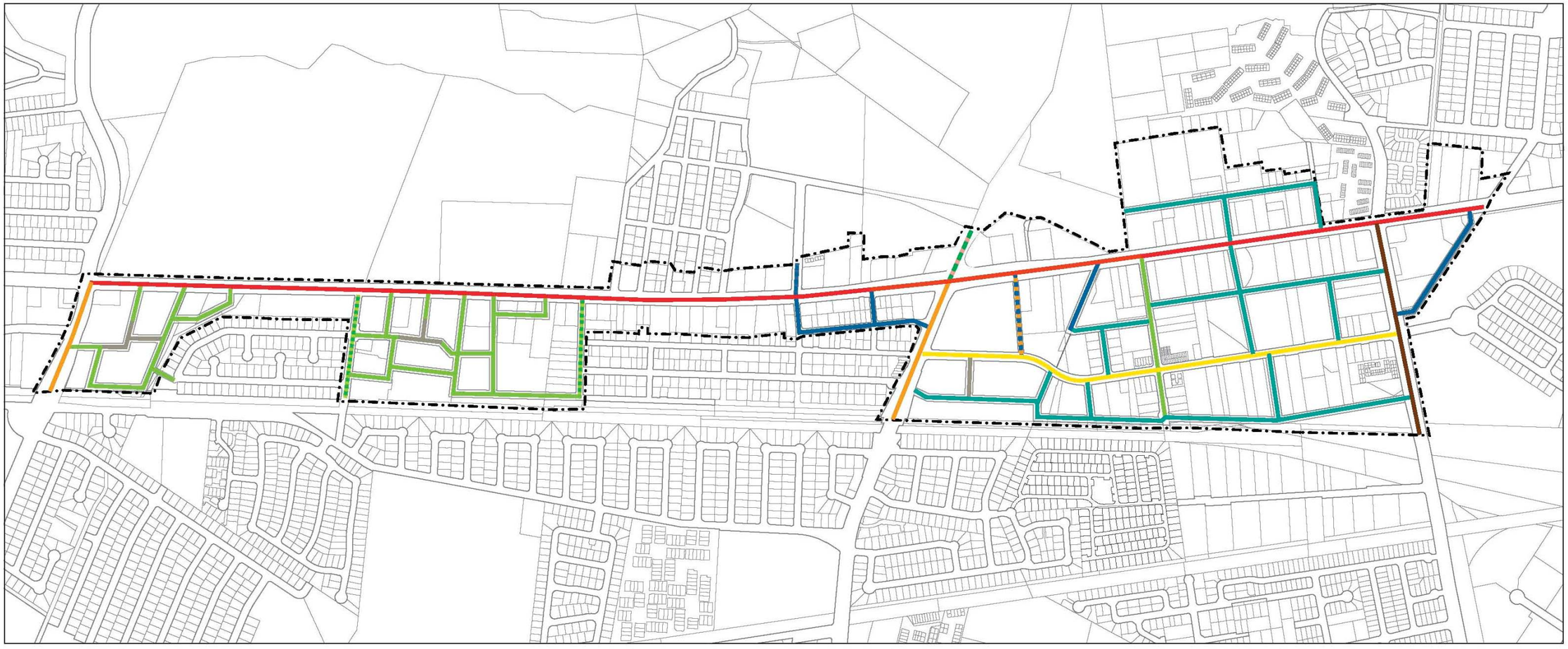

Figure 3-10: Thoroughfare Plan

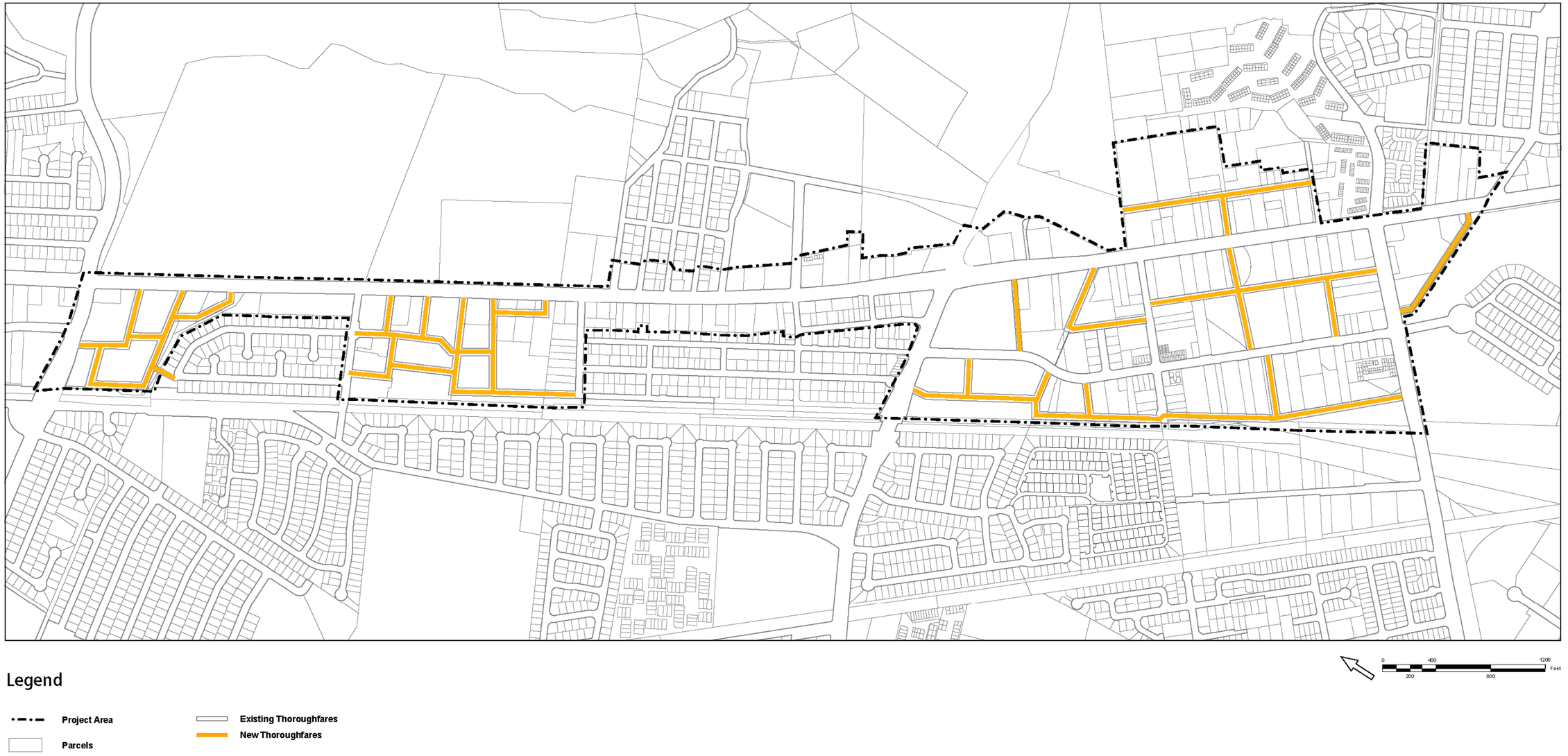

Figure 3-11: Proposed New Thoroughfares

4

AESTHETICS

INTRODUCTION

The Initial Study prepared for this Draft SEIR determined the current Project would result in either: (a) no new impacts from those identified in the Previous CEQA Documents; or (b) less than significant impact with implementation of mitigation measures identified in the Initial Study for the following checklist criteria:

- Substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or locally designated scenic highway;
- Substantial degradation to the existing visual character or quality of the site and its surroundings; or
- Creation of a significant new source of substantial light or glare which would adversely affect day or nighttime views in the area.

In accordance with CEQA Guidelines §15163(b), this SEIR does not further address these criteria since the Initial Study provided sufficient information, including measures proposed under the current Project, to make the Previous CEQA Documents adequate.

However, this Draft Supplemental Program EIR does address the potential for an increased severity of impacts to scenic vistas, as discussed below.

SETTING

PHYSICAL ENVIRONMENT

The Project area generally straddles Mission Boulevard at its southern extent in the City of Hayward (See **Figure 3-2**). Residential neighborhoods and hillsides generally flank the eastern and western portions of the Project area. The topography of the Project area is generally flat, with a gradual downward slope to the west towards San Francisco Bay, which is located approximately 5.5 miles to the west. To the east, the Hayward Hills are adjacent to the Project area.

No highly visible and unique natural features such as rock outcroppings or natural vegetation are present in the Project area. There are no tall or prominently visible manmade structures located within the Project area. Mature trees, either in public streets or on private property, are prevalent in the Project area; sometimes as tall as existing one to two story residential and commercial structures.

Scenic Vistas

Within the Project area, scenic vistas of the Hayward Hills can be seen generally from east/west streets and across properties which are presently vacant. Valle Vista Park also provides scenic vistas of the Hayward Hills.

Project Area

The proceeding Project Area setting description will summarize the land use and development in relation to thoroughfare intersections with Mission Boulevard; starting in the north and continuing to the south.

Harder Road to Sorenson Road

The southwest corner of Harder Road and Mission Boulevard consists of a large commercial building with an expansive surface parking lot occupied by Kmart. Continuing in a southerly direction, a number of smaller commercial buildings containing retail, service and restaurants front onto Mission Boulevard. To the east of Mission Boulevard, outside of the Project area, the entire frontage consists of the Holy Sepulchre Cemetery.

Sorenson Road to Jefferson Street

Bowman Elementary School and the Mission Plaza Shopping Center are the predominant land uses in this segment. An assortment of commercial land uses (e.g., retail, automobile service, restaurant) front Mission Boulevard. Remaining land uses within this segment consists of single-family and multiple-family homes (along Sorenson Road and Jefferson Street) adjacent to the BART tracks. Moreau Catholic High School is located across Mission Boulevard, outside of the Project area.

Jefferson Street to Tennyson Road

This segment of the Project area consists of multiple vacant properties fronting Mission Boulevard and a variety of commercial land uses (e.g., automobile service, automobile sales, retail, restaurant, gasoline sales) in single-story structures generally fronted by parking lots. Adjoining properties, outside the Project area, include single-family and multiple-family homes either leading up the Hayward Hills to the east or toward the BART tracks to the west.

Tennyson Road to Industrial Parkway

This segment is dominating by the South Hayward BART station and broad expanses of vacant and underutilized land interspersed between multiple-family residential structures. The western Project boundary is coterminous with the BART tracks. A few commercial land uses (e.g., office, retail, restaurants, self-storage) occur along Mission Boulevard. The topography of the Hayward Hills becomes more pronounced to the east of the Project area as slopes steepen in the Hayward Hills.

Synoptic Survey

The visual quality of the Project area is comprehensively documented in the September 24, 2009 "Synoptic Survey for the South Hayward BART/Mission Boulevard Form-Based Code."[1]

REGULATORY SETTING

General Plan

The City of Hayward General Plan Land Use Element contains the following land use polices and strategies relevant to the Project and issue of aesthetics:

- Seek to integrate greater intensity of development and enhance the surrounding neighborhood within 1/2-mile of the South Hayward BART Station. (Policy 6)
    - Develop a conceptual design plan for the South Hayward BART Station area to determine appropriate land use and infrastructure needs. (Strategy 1)
    - Create opportunities to integrate mixed-use development in the South Hayward BART Station vicinity to achieve a balance of land uses. (Strategy 2)
    - Provide park and recreational facilities to support existing and planned residential development. (Strategy 3)

The Hayward General Plan and Zoning Ordinance do not provide policy or regulations that ensure maintenance of existing views at private property.

Mission-Garin Neighborhood Plan

The Mission-Garin Neighborhood Plan expresses a community design to upgrade the appearance of its study area. The Mission-Garin Neighborhood Plan applies to most of the Project area, excluding that portion at the southwest corner of Mission Boulevard and Industrial Parkway. Recommended actions of this plan include upgrading design standards, maintenance standards, sign ordinances, landscape standards and improving enforcement. Programs to provide monetary and personal recognition are encouraged for both residential and commercial properties. More specifically, the following design and appearance standards are included in the Mission-Garin Neighborhood Plan:

- Explore the continuation and expansion of a program to encourage upgrading/rehabilitation of substandard residential units. (Strategy 45)
- Establish a street tree program which includes requiring the installation of street trees with new development consistent with the guidelines contained in the Landscape Beautification Plan. (Strategy 46)

[1] Copies are available for review at the City of Hayward Permit Center, 777 B Street or at www.ci.hayward.ca.us/forums/SHBARTFBC/shbartfbcforum.shtm

- Improve the appearance of the area to ensure high quality development by revising the undergrounding utilities master plan to include the following: undergrounding utilities along Mission Boulevard, moving Mission Boulevard higher on the undergrounding priority list and explore additional funding sources. (Strategy 45)

- Upgrading the appearance of Mission Boulevard by considering the following plans and programs: upgrade design standards for new development, adopt property maintenance standards, requiring upgraded landscaping and requiring deeper setbacks for uses requiring outdoor storage. (Strategy 52)

Fairway Park Neighborhood Plan

The Fairway Park Neighborhood Plan applies only a small portion of the Project area at the southwest corner of Mission Boulevard and Industrial Parkway. Concerning the topic of aesthetics, the Fairway Park Neighborhood Plan contains the following goal relating to neighborhood character and appearance:

- Improve the quality of life while enhancing the positive perception of the neighborhood.

South Hayward BART/Mission Boulevard Concept Design Plan

The Concept Design Plan provides design guidelines that are intended to supplement applicable city-wide guidelines and which address varying topics such as building height, bulk, and setbacks, as well the façade design, building entrances, building signage, open space and other design characteristics of development. These topics are organized within the Concept Design Plan according to the following categories: (a) street frontage character; (b) site access and parking; and (c) building character.

Zoning Regulations

Most development projects proposed in locations within the Project area presently require Site Plan Review (Zoning Ordinance §10-1.3000). In order to authorize Site Plan Review approval, the City decision-making authority must make all the following findings:

- The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;

- The development takes into consideration physical and environmental constraints;

- The development complies with the intent of City development policies and regulations; and

- The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

Under the Project, Site Plan Review would be required for all new proposed development, including additions to existing development.

City-wide Design Guidelines

The City of Hayward has adopted Design Guidelines that establish standards for site planning, circulation, architectural design and landscape design for all development. However, as explained in Chapter 3 (Project Description), the Project would cause these Design Guidelines to be no longer applicable to the Project area and be replaced with design standards of the Form-Based Code.

IMPACT ANALYSIS

THRESHOLD OF SIGNIFICANCE

Implementation of the Project would have a significant effect on the environment if it were to:

- Have a substantial adverse effect on a scenic vista.

The Initial Study prepared for this Draft SEIR has previously concluded that the Project would either result in no new impact or a less than significant impact (with revised mitigation) pertaining to all other aesthetic issues.

VIEWS AND VISTAS

Impact Aes-1: The Project would increase building heights at locations that may, depending upon the vantage point, impact scenic vistas of the Hayward Hills. However, the Project would require Site Plan Review for all proposed new developments and additions or alterations to existing development and, therefore, result in a ***less than significant impact***.

Previous CEQA Document Impacts

The prior Concept Design Plan Program EIR determined that, "Approval of any of the proposed land use concept alternatives in areas near Station Area Residential uses (5 to 7 stories) and Mission Boulevard Residential uses (3 to 5 stories) would impact some of the views of the Hayward hills from residences, as well as for motorists, pedestrians and bicyclists using roadways within the project area. Views of the Hayward hills from roadways, parks and other areas west of the project site could also be affected (Impact 4.1-2)."

That impact was found particular to the area in and around the South Hayward Bart Station. Potential view impacts from two vantage points, west of the BART Station looking east toward the Hayward Hills, were addressed by the prior Concept Design Plan Program EIR in two photo composites (see **Figures 4-1** and **4-2** below).

Figure 4-1: View from intersection of Barbara Court and Pacific Street looking north towards South Hayward BART Station.

Figure 4-2: View from intersection of Oharron Drive and Tennyson Road looking north towards South Hayward BART Station.

In response to that impact, the prior Concept Design Plan EIR imposed the following mitigation measure to the Project area:

Mitigation 4.1-2: (Views and Vistas) Development projects submitted to the City of Hayward within the project area shall be subject to design review to ensure that impacts on views towards the Hayward hills are reduced to a level of insignificance. Design features may include, but is not limited to preservation of view corridors between buildings, stepping down of buildings near existing development, use of corner cut-offs, establishment of view corridors to nearby hills and similar design elements.

Subsequent to certification of the Concept Design Plan Program EIR, on March 17, 2009, the City of Hayward approved the South Hayward BART Mixed-Use Transit-Oriented Development Project, which is located at the South Hayward BART Station and on adjacent properties to the east of Dixon Street. That development will include seven (7) separate four (4) story structures containing residential units and commercial space above subsurface parking lots. It would also include a new seven (7) level parking garage structure near the BART tracks and flanking the BART station.

Current Project

Urban Infill Context

The heights, locations, designs, and other information regarding future buildings that may be developed pursuant to the Project cannot be precisely known. This point is also acknowledged and germane to the projects evaluated in the Previous CEQA Documents. The current Project would put in place, like the projects evaluated in the Previous CEQA Documents, implementing regulations for use in evaluating development proposals over time, as they are presented to the City for consideration.

As is typical to an urban infill context, it is not anticipated that the Project would result in wholesale redevelopment of the Project area. Some properties may remain in their present condition far into the future. Other existing developed properties may have buildings proposed for additions or alterations. Still other properties may be wholly redeveloped with entirely new structures and open spaces. Lastly, it is anticipated and desired by the City that presently vacant properties will contain new structures and open spaces.

Building Heights

The Project would enable the future construction of buildings that are between one (1) and two (2) stories taller than those possible on certain properties under current Zoning District designations. More specifically, the Project would establish building height limits within Transect Zones, as follows:

- T4 Zone (General Urban) - Two (2) stories minimum; four (4) stories maximum.
- T5 Zone (Urban Center) - Three (3) stories minimum; six (6) stories maximum.

The Project would limit building story heights to fourteen (14) feet maximum except for the first floor of buildings containing a commercial function. In those circumstances, the first floor must be a minimum of eleven (11) feet to maximum of twenty-five (25) feet. Thus, the maximum building height within the T4 Zone would be sixty-seven (67) feet (assuming ground floor commercial), and the maximum building height within the T5 Zone would be ninety-five (95) feet (assuming ground floor commercial).

The Project would generally increase maximum allowable buildings heights. Since the Project would consolidate many existing zoning designations into either a T4 Zone (General Urban) or T5 Zone (Urban Center), **Tables 4-1** and **4-2** below illustrate how specific maximum building heights would change within each existing zone.

Project Renderings

In conjunction with the public charrette (September 29 to October 4, 2009) carried out in advance of the drafting of the Form-Based Code, illustrative renderings were drafted to reflects public input received. Those renderings were then utilized to calibrate the Code's development standards such that they would align with the community's vision and establish objective-based criteria to evaluate future development proposals. These renderings are provided in **Figures 4-3** and **4-4** below.

Figure 4-3: View at Valle Vista Street east of Dixon Street looking east

As evidenced by the renderings in **Figures 4-3** and **4-4**, the Project would generally enable alteration of existing view-sheds through construction of new structures at vacant properties and planting of new street trees.

Conclusion

Future construction of larger and taller buildings within the Project area could serve to impact views of the Hayward Hills from residents and motorists and pedestrians using local streets. This potential impact would be most evident at east/west streets within and outside of the Project area. However, as **Figure 4-3** (at Valle Vista, an east/west street) demonstrates, the Project would enable both new development and the retention of scenic views of the Hayward Hills.

The prior Concept Design Plan Program EIR determined that view-shed impacts particular to the vicinity of the South Hayward BART Station could occur. In response, that EIR established a mitigation measure necessitating design review for development projects within the Concept Design Plan Area (i.e., current Project Area). That design review requirement (i.e., Concept Design Plan Program EIR Mitigation Measure 4.1-2) has been carried out by the City through the Site Plan Review provisions of Zoning Ordinance §10-1.3000. The current Project incorporates the requirement for Site Plan Review for all proposed new development, including additions to existing development throughout the Project Area. The Project incorporates the previous mitigation measure into the South Hayward BART/Mission Boulevard Form-Based Code.

Under the Form-Based Code, the City of Hayward will continue to evaluate the potential impacts of new development upon scenic vistas through the Site Plan Review process. In doing so, potential impacts resulting from the Project would be considered ***less than significant***.

Figure 4-4: View at Dixon Street south of Valle Vista Street looking north

Table 4-1: Existing Zoning Designations versus T-4 Zone Comparison

	EXISTING							PROPOSED	
	RS Single Family Residential	RM Medium Density Residential	RH High Density Residential	MBR Mission Blvd Residential	CN Neighborhood Commercial	CN-R Neigh/Comm Residential	CG General Commercial	T4 General Urban	
LOT									
Area	5000 sq.ft. min (inter) 5914 sq.ft. min (crnr) 35 ft. min front	5000 sq.ft. min 35 ft. min front	7500 sq.ft. min 35 ft. min front	20,000 sq.ft. min 100 ft. min front	6000 sq.ft. min 60 ft. min front	20,000 sq.ft. min 100 ft. min front	No min. area 35 ft. min front	18 ft. min (width) 120 ft. max (width)	DISPOSITION
Density[1]	4.3 du/ac	8.7 - 17.4 du/ac	17.4 - 34.8 du/ac	34.8 - 55.0 du/ac	8.7 - 34.8 du/ac	17.4 - 25 du/ac	8.7 - 34.8 du/ac	17.5 - 35 du/ac	
Lot Coverage	40% max	40% max	65% max	90% max	90% max	90% max	90% max	80% max	
SETBACK									
Front	20 ft. min	20 ft. min	20 ft. min	44 ft. min (Mission) 20 ft. min (Others)	10 ft. min	10 ft. min	0 ft. or 10 ft. min	6 ft. min, 24 ft. max	
Side	5 to 10 ft. min	5 to 10 ft. min	5 to 10 ft. min	10 ft. min	0 ft. (inter lot) 10 ft. (crnr lot)	No min	0 ft. (inter), 10 ft. (corn)	0 ft. min	
Rear	20 ft. min	20 ft. min	20 ft. min	10 ft. min	No min.	20 ft. min	0 ft.[1]	3 ft. min	
Frontage Buildout	-	-	-	-	-	-	-	60% min	
BUILDING TYPE									CONFIGURATION
Edgeyard	-	-	-	-	-	-	-	permitted	
Sideyard	-	-	-	-	-	-	-	permitted	
Rearyard	-	-	-	-	-	-	-	permitted	
Courtyard	-	-	-	-	-	-	-	permitted	
FRONTAGE TYPE									
Porch & Fence	-	-	-	-	-	-	-	permitted	
Terrace or Lightwell	-	-	-	-	-	-	-	permitted	
Forecourt	-	-	-	-	-	-	-	permitted	
Stoop	-	-	-	-	-	-	-	permitted	
Shopfront	-	-	-	-	-	-	-	permitted	
Gallery	-	-	-	-	-	-	-	permitted	
Arcade	-	-	-	-	-	-	-	permitted	
HEIGHT									
Principal Building	30 ft. max	40 ft. max	40 ft. max	55 ft. max	40 ft. max	60 ft. max	No limit	67 ft. max[3]	
Outbuilding	14 ft. / 1 story	14 ft. / 1 story	14 ft. / 1 story	14 ft. / 1 story	14 ft. / 1 story	14 ft. / 1 story	14 ft. / 1 story	2 stories max	
BUILDING FUNCTION									FUNCTION
Residential	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted	
Lodging	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	permitted	permitted	
Office	not permitted	not permitted	not permitted	not permitted	permitted	permitted	permitted	permitted	
Retail	not permitted	not permitted	not permitted	not permitted	permitted	permitted	permitted	permitted	
Industry	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	
Auto Sales	not permitted	not permitted	not permitted	not permitted	permitted	not permitted	permitted	not permitted	

[1] Depending upon lot dimensions.
[2] If abutting CG Zone, otherwise the same as the required rear yard of the abutting Zone.
[3] Assuming ground floor commercial; 4 stories max, 2 min.

Table 4-2: Existing Zoning Designations versus T-5 Zone Comparison

	EXISTING[1]							PROPOSED	
	PD Planned Development	RH High Density Residential	MBR Mission Blvd Residential	CN Neighborhood Commercial	CN-R Neigh/Comm Residential	CG General Commercial	OS Open Space	T5 Urban Center	
LOT									
Area	Varies by Project	7500 sq.ft. min 35 ft. min front	20,000 sq.ft. min 100 ft. min front	6000 sq.ft. min 60 ft. min front	20,000 sq.ft. min 100 ft. min front	No min. area 35 ft. min front	No min. area 35 ft. min front No max	18 ft. min (width) 250 ft. max (width)	DISPOSITION
Density[2]	Varies by Project	17.4 - 34.8 du/ac	34.8 - 55.0 du/ac	8.7 - 34.8 du/ac	17.4 - 25 du/ac	8.7 - 34.8 du/ac	-	35 - 55 du/ac	
Lot Coverage	Varies by Project	65% max	90% max	90% max	90% max	90% max	-	90% max	
SETBACK									
Front	Varies by Project	20 ft. min	44 ft. min (Mission) 20 ft. min (Dixon)	10 ft. min	10 ft. min	0 ft. or 10 ft. min	30 ft. min	2 ft. min, 12 ft. max	
Side	Varies by Project	5 to 10 ft. min	10 ft. min	0 ft. (inter lot) 10 ft. (crnr lot)	No min	0 ft. (inter), 10 ft. (corn)	30 ft. min	0 ft. min, 24 ft. max	
Rear	Varies by Project	20 ft. min	10 ft. min	No min.	20 ft. min	0 ft.[2]	30 ft. min	3 ft. min	
Frontage Buildout	-	-	-	-	-	-	-	80% min	
BUILDING TYPE									
Edgeyard	-	-	-	-	-	-	-	not permitted	CONFIGURATION
Sideyard	-	-	-	-	-	-	-	permitted	
Rearyard	-	-	-	-	-	-	-	permitted	
Courtyard	-	-	-	-	-	-	-	permitted	
FRONTAGE TYPE									
Porch & Fence	-	-	-	-	-	-	-	not permitted	
Terrace or Lightwell	-	-	-	-	-	-	-	permitted	
Forecourt	-	-	-	-	-	-	-	permitted	
Stoop	-	-	-	-	-	-	-	permitted	
Shopfront	-	-	-	-	-	-	-	permitted	
Gallery	-	-	-	-	-	-	-	permitted	
Arcade	-	-	-	-	-	-	-	permitted	
HEIGHT									
Principal Building	Varies by Project	40 ft. max	40 ft. max	55 ft. max	40 ft. max	60 ft. max	40 ft. max	95 ft. max[3]	
Outbuilding	Varies by Project	14 ft. / 1 story	14 ft. / 1 story	14 ft. / 1 story	14 ft. / 1 story	14 ft. / 1 story	26 ft.	2 stories max	
BUILDING FUNCTION									
Residential	permitted	permitted	permitted	permitted	permitted	permitted	not permitted	permitted	FUNCTION
Lodging	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	permitted	
Office	not permitted	not permitted	not permitted	not permitted	permitted	permitted	not permitted	permitted	
Retail	not permitted	not permitted	not permitted	not permitted	permitted	permitted	not permitted	permitted	
Industry	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	permitted	
Auto Sales	not permitted	not permitted	not permitted	not permitted	permitted	not permitted	not permitted	not permitted	

[1] Station Area Residential (SAR) Zone is not included on the current Zoning Map.
[2] If abutting CG Zone, otherwise the same as the required rear yard of the abutting Zone.
[3] Assuming ground floor commercial; 6 stories max, 3 min;

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AIR QUALITY

INTRODUCTION

This introduction provides an explanation as to why, for the topic of Air Quality, the Project warrants additional analysis within the context of a Supplemental EIR.

NEW INFORMATION

The Project area is located within the City of Hayward in Alameda County and within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) administers air quality regulations applicable to this Air Basin. Recent air quality monitoring data collected in Alameda County shows air quality in the County periodically exceeds State and federal air quality standards for ozone and fine particulate matter ($PM_{2.5}$) and State particulate matter standards for both fine and respirable (PM_{10}) particulate matter. The San Francisco Bay Area Air Basin has been designated as being a nonattainment area for the State ozone, PM_{10} and $PM_{2.5}$ standards, and nonattainment for the federal ozone and 24-hour $PM_{2.5}$ standards.[1]

On June 2, 2010, the BAAQMD approved a new set of CEQA Guidelines for consideration by lead agencies. The California Environmental Quality Act: Air Quality Guidelines ("BAAQMD CEQA Guidelines") provide guidance for consideration by lead agencies, consultants, and other parties evaluating air quality impacts conducted pursuant to the California Environmental Quality Act (CEQA). This includes guidance on evaluating air quality impacts of development projects and local plans, determining whether an impact is significant, and mitigating significant air quality impacts.

The June, 2010 BAAQMD CEQA Guidelines include new thresholds of significance for Greenhouse Gas (GHG) emissions and revised thresholds for criteria air pollutants and precursors and health risks. Those new thresholds became effective immediately, except for the project-specific risk and hazard thresholds for the siting of sensitive receptors, which are currently scheduled to go into effect May 1, 2011. As an analysis of a revision to the General Plan, these criteria would not be directly applied to this analysis anyway, but have been included in the discussion of an overlay zone adjacent to Mission Boulevard under the Exposure of Sensitive Receptors to Toxic Air Contaminants section below.

The June, 2010 BAAQMD CEQA Guidelines constitute new information which became available after certification of the Previous CEQA Documents.

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[1] BAAQMD, Air Quality Standards and Attainment Status, http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm , accessed March 28, 2011.

INTIAL STUDY DETERMINATION

The Initial Study prepared for this Draft SEIR (see Appendix B) determined the Project would result in no new impact under the following checklist criterion:

- Create objectionable odors affecting a substantial number of people.

In accordance with CEQA Guidelines §15163(b), this Draft SEIR does not further address the aforementioned criteria, including measures proposed under the current Project, to make the Previous CEQA Documents adequate.

However, this Draft SEIR does address the potential for an increased severity of impacts to all remaining checklist criteria, as discussed below.

SETTING

REGULATORY SETTING

The City of Hayward is located within the nine county San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) monitors air quality in the basin through a regional network of air pollution monitoring stations to determine if the national and State standards for criteria air pollutants and emission limits of toxic air contaminants are being achieved.

The Federal and California Clean Air Acts have established ambient air quality standards for different pollutants. The national ambient air quality standards (NAAQS) were established by the Federal Clean Air Act of 1970 (amended in 1977 and 1990) for six (6) "criteria" pollutants. These criteria pollutants now include carbon monoxide (CO), ozone (O_3), nitrogen dioxide (NO_2), particulate matter with a diameter less than 10 microns (PM_{10}), sulfur dioxide (SO_2), and lead (Pb). In 1997, EPA added fine particulate matter or $PM_{2.5}$ as a criteria pollutant. The air pollutants that standards have been established for are considered the most prevalent air pollutants that are known to be hazardous to human health.

Federal Regulations

At the federal level, the United States Environmental Protection Agency (U.S. EPA) administers and enforces air quality regulations. Federal air quality regulations were developed primarily from implementation of the Federal Clean Air Act. If an area does not meet NAAQS over a set period (three years), EPA designates it as a "nonattainment" area for that particular pollutant. EPA requires states that have areas that do not comply with the national standards to prepare and submit air quality plans showing how the standards would be met. If the states cannot show how the standards would be met, then they must show progress toward meeting the standards. These plans are referred to as the State Implementation Plan (SIP). Under severe cases, EPA may impose a federal plan to make progress in meeting the federal standards.

EPA also has programs for identifying and regulating hazardous air pollutants. The Clean Air Act requires EPA to set standards for these pollutants and sharply reduce emissions of controlled

chemicals. Industries were classified as major sources if they emitted certain amounts of hazardous air pollutants.

The San Francisco Bay Area Air Basin is subject to air quality planning programs required by the federal Clean Air Act (CAA) (1977, last amended in 1990, 42 United States Code [USC] 7401 et seq.) to address ozone air pollution. The CAA requires that regional planning and air pollution control agencies prepare a regional Air Quality Plan to outline the measures by which both stationary and mobile sources of pollutants can be controlled in order to achieve all standards within the deadlines specified in the Clean Air Act.

State Regulations

The California Clean Air Act of 1988, amended in 1992, outlines a program for areas in the State to attain the California Ambient Air Quality Standards (CAAQS) by the earliest practical date. The California Air Resources Board (CARB) is the state air pollution control agency and is a part of the California Environmental Protection Agency. The California Clean Air Act set more stringent air quality standards for all of the pollutants covered under national standards, and additionally regulates levels of vinyl chloride, hydrogen sulfide, sulfates, and visibility-reducing particulates. If an area does not meet CAAQS, CARB designates the area as a nonattainment area. The San Francisco Bay Area Air Basin currently does not meet the CAAQS for ozone, PM_{10} and $PM_{2.5}$.[2] CARB requires regions that do not meet CAAQS for ozone to submit Clean Air Plans that describe measures to attain the standard or show progress toward attainment.

CARB regulates the amount of air pollutants that can be emitted by new motor vehicles sold in California. Motor vehicle emissions standards in California have always been more stringent than federal standards since they were first imposed in 1961. CARB has also developed Inspection and Maintenance (I/M) and "Smog Check" programs with the California Bureau of Automotive Repair. Inspection programs for trucks and buses have also been implemented. CARB also has authority to set standards for fuel sold in California.

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) is primarily responsible for assuring that the National and State ambient air quality standards are attained and maintained in the Bay Area. BAAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, as well as many other activities. BAAQMD has jurisdiction over much of the nine-county Bay Area counties, including the City of Hayward, in which the Project is located.

[2] BAAQMD, Air Quality Standards and Attainment Status, http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm , accessed March 28, 2011.

City of Hayward

The Conservation and Environmental Protection Element of Hayward's General Plan addresses issues of air quality (see Pages 7-25 to 7-26) and provides the following policies and strategies:

- Incorporate measures to improve air quality in the siting and design of new development (Policy 10).
    - Provide adequate buffers between sources of toxic air contaminants or odors and existing or potential sensitive receptors (Strategy 1).
    - Evaluate hazardous air pollutant emissions in review of proposed land uses that may handle, store or transport hazardous materials (Strategy 2).
    - Consider measures, including a local ordinance, which would reduce PM_{10} emissions from fireplaces and wood stoves (Strategy 3).
- Maintain improved air quality by creating efficient relationships between transportation and land use (Policy 11).
    - Guide development into patterns that reduce dependency on automobile usage (Strategy 1).
    - Require pedestrian, bicycle, and transit-oriented features in new development projects (Strategy 2).
    - Encourage compact development featuring a mix of uses that locates residences near jobs and services (Strategy 3).
    - Facilitate the development of higher-density housing and employment centers near existing and proposed transit stations and along major transit corridors (Strategy 4).
- Support implementation of Transportation Control Measures adopted by the Bay Area Air Quality Management District (Policy 12).
    - Work with regional and local organizations to promote ridesharing opportunities (Strategy 1).
    - Review and evaluate the Bicycle Facilities Master Plan to determine if revisions are necessary to promote bicycle usage (Strategy 2).
    - Encourage employers and developers to provide bicycle access and facilities (Strategy 3).
    - Continue ongoing local signal timing programs (Strategy 4).
    - Incorporate subdivision, zoning and site design measures that reduce the number and length of single-occupant automobile trips (Strategy 5).

- Promote demonstration projects to develop new strategies to reduce motor vehicle emissions, such as projects that include Low Emission Vehicle (LEV) fleets and refueling infrastructure (Strategy 6).

- Emphasize pedestrian travel through establishment of pedestrian-friendly design standards and inclusion of pedestrian improvements in capital improvement programs (Strategy 7).

- Consider traffic calming strategies in capital improvement programs (Strategy 8).

CRITERIA AIR POLLUTANTS AND PRECURSORS

Ambient air quality standards have been established by state and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation. The criteria air pollutants emitted by development, traffic and other activities anticipated under the proposed development include ozone (O_3), ozone precursors oxides of nitrogen and reactive organic gases (NO_X and ROG), carbon monoxide (CO), nitrogen dioxide (NO_2), and suspended particulate matter (PM_{10} and $PM_{2.5}$). Other criteria pollutants, such as lead (Pb) and sulfur dioxide (SO_2), would not be substantially emitted by the proposed development or traffic, and air quality standards for them are being met throughout the Bay Area.

Ozone (O_3)

While O_3 serves a beneficial purpose in the upper atmosphere (stratosphere) by reducing ultraviolet radiation potentially harmful to humans, when it reaches elevated concentrations in the lower atmosphere it can be harmful to the human respiratory system and to sensitive species of plants. O_3 concentrations build to peak levels during periods of light winds, bright sunshine, and high temperatures. Short-term O_3 exposure can reduce lung function in children, make persons susceptible to respiratory infection, and produce symptoms that cause people to seek medical treatment for respiratory distress.

Long-term exposure can impair lung defense mechanisms and lead to emphysema and chronic bronchitis. Sensitivity to O_3 varies among individuals, but about 20 percent of the population is sensitive to O_3, with exercising children being particularly vulnerable. O_3 is formed in the atmosphere by a complex series of photochemical reactions that involve “ozone precursors” that are two families of pollutants: oxides of nitrogen (NO_X) and reactive organic gases (ROG). NOx and ROG are emitted from a variety of stationary and mobile sources. While NO_2, an oxide of nitrogen, is another criteria pollutant itself, ROGs are not in that category, but are included in this discussion as O_3 precursors.

Carbon Monoxide (CO)

Exposure to high concentrations of CO reduces the oxygen-carrying capacity of the blood and can cause dizziness and fatigue, impair central nervous system function, and induce angina in persons with serious heart disease. Primary sources of CO in ambient air are passenger cars, light-duty trucks, and residential wood burning. Emission controls placed on automobiles and the

reformulation of vehicle fuels have resulted in a sharp decline in CO levels, especially since 1991.

Nitrogen Dioxide (NO_2)

The major health effect from exposure to high levels of NO_2 is the risk of acute and chronic respiratory disease. NO_2 is a combustion by-product, but it can also form in the atmosphere by chemical reaction. NO_2 is a reddish-brown colored gas often observed during the same conditions that produce high levels of O_3 and can affect regional visibility. NO_2 is one compound in a group of compounds consisting of oxides of nitrogen (NOx). As described above, NOx is an O_3 precursor compound.

Particulate Matter (PM)

Respirable particulate matter (i.e., particulate matter that you breathe), PM_{10}, and fine particulate matter, $PM_{2.5}$, consist of particulate matter that is ten (10) microns or less in diameter and 2.5 microns or less in diameter, respectively. PM_{10} and $PM_{2.5}$ represent fractions of particulate matter that can be inhaled and cause adverse health effects. PM_{10} and $PM_{2.5}$ are a health concern, particularly at levels above the Federal and State ambient air quality standards.

$PM_{2.5}$ (including diesel exhaust particles) is thought to have greater effects on health because minute particles are able to penetrate to the deepest parts of the lungs. Scientific studies have suggested links between fine particulate matter and numerous health problems including asthma, bronchitis, and acute and chronic respiratory symptoms such as shortness of breath and painful breathing. Children are more susceptible to the health risks of $PM_{2.5}$ because their immune and respiratory systems are still developing. Very small particles of certain substances (e.g., sulfates and nitrates) can also directly cause lung damage or can contain absorbed gases (e.g., chlorides or ammonium) that may be injurious to health.

Particulate matter in the atmosphere results from many kinds of dust and fume-producing industrial and agricultural operations, fuel combustion, and atmospheric photochemical reactions. Some sources of particulate matter, such as mining and demolition and construction activities, are more local in nature, while others, such as vehicular traffic, have a more regional effect. In addition to health effects, particulates also can damage materials and reduce visibility. Dust comprised of large particles (diameter greater than 10 microns) settles out rapidly and is more easily filtered by human breathing passages. This type of dust is considered more of a soiling nuisance rather than a health hazard.

In 1983, CARB replaced the standard for “suspended particulate matter” with a standard for suspended PM_{10} or “respirable particulate matter.” This standard was set at 50 µg/m3 for a 24-hour average and 30 µg/m3 for an annual average. CARB revised the annual PM_{10} standard in 2002, pursuant to the Children's Environmental Health Protection Act. The revised PM_{10} standard is 20 µg/m3 for an annual average. $PM_{2.5}$ standards were first promulgated by the EPA in 1997, and were recently revised to lower the 24-hour $PM_{2.5}$ standard to 35 µg/m3 for 24-hour exposures. The EPA revoked the annual PM_{10} standard due to lack of scientific evidence correlating long-term exposures of ambient PM_{10} with health effects. CARB has adopted an annual average $PM_{2.5}$ standard, which is set at 12 µg/m3, which is more stringent than the

Federal standard of 15 µg/m3.

TOXIC AIR CONTAMINANTS

Besides the "criteria" air pollutants, there is another group of substances found in ambient air referred to as Hazardous Air Pollutants (HAPs) under the Federal Clean Air Act and Toxic Air Contaminants (TACs) under the California Clean Air Act. These contaminants tend to be localized and are found in relatively low concentrations in ambient air. However, they can result in adverse chronic health effects if exposure to low concentrations occurs for long periods. They are regulated at the local, state, and federal level.

TACs are a broad class of compounds known to cause morbidity or mortality (cancer risk), and include, but are not limited to, the criteria air pollutants listed above. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., benzene near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air, and is estimated to represent about two-thirds of the cancer risk from TACs (based on the statewide average). According to CARB, diesel exhaust is a complex mixture of gases, vapors and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by ARB, and are listed as carcinogens either under State Proposition 65 or under the Federal Hazardous Air Pollutants programs.

CARB reports that recent air pollution studies have shown an association that diesel exhaust and other cancer-causing toxic air contaminants emitted from vehicles are responsible for much of the overall cancer risk from TACs in California. Particulate matter emitted from diesel-fueled engines (diesel particulate matter [DPM]) was found to comprise much of that risk. In August, 1998, CARB formally identified DPM as a TAC. Diesel particulate matter is of particular concern, since it can be distributed over large regions, thus leading to widespread public exposure. The particles emitted by diesel engines are coated with chemicals, many of which have been identified by EPA as hazardous air pollutants, and by CARB as TACs.

Diesel engines emit particulate matter at a rate about twenty (20) times greater than comparable gasoline engines. The vast majority of diesel exhaust particles (over 90 percent) consist of $PM_{2.5}$, which are the particles that can be inhaled deep into the lungs. Like other particles of this size, a portion will eventually become trapped within the lung, possibly leading to adverse health effects. While the gaseous portion of diesel exhaust also contains TACs, CARB's 1998 action was specific to DPM, which accounts for much of the cancer-causing potential from diesel exhaust. California has adopted a comprehensive diesel risk reduction program to reduce DPM emissions 85 percent by 2020. The U.S. EPA and CARB adopted low sulfur diesel fuel standards in 2006 that reduced diesel particulate matter substantially.

In cooler weather, smoke from residential wood combustion can be a source of TACs. Localized high TAC concentrations can result when cold stagnant air traps smoke near the ground and,

with no wind, the pollution can persist for many hours, especially in sheltered valleys during winter. Wood smoke also contains a significant amount of PM_{10} and $PM_{2.5}$. Wood smoke is an irritant, and is implicated in worsening asthma and other chronic lung problems. However, conventional wood burning fireplaces have been prohibited in new construction in the area since July 2008 (BAAQMD Regulation 6, Rule 3), so will not be included in future development in the Project area.

NATIONAL AND STATE AMBIENT AIR QUALITY STANDARDS

The CAA and CCAA promulgate, respectively, national and state ambient air quality standards for carbon monoxide (CO), ozone (O_3), nitrogen dioxide (NO_2), particulate matter 10 microns or less in diameter (PM_{10}), and particulate matter 2.5 microns or less in diameter ($PM_{2.5}$). Ambient standards specify the concentration of pollutants to which the public may be exposed without adverse health effects. Individuals vary widely in their sensitivity to air pollutants, and standards are set to protect more pollution-sensitive populations (e.g., children and the elderly). National and state standards are reviewed and updated periodically based on new health studies. California ambient standards tend to be at least as protective as national ambient standards, and are often more stringent. National and California ambient air quality standards are shown in **Table 5-1** below.

TABLE 5-1: HEALTH-BASED AMBIENT AIR QUALITY STANDARDS

Pollutant	Averaging Time	California Standard	National Standard
Ozone	1 Hour	0.09 ppm	--
	8 Hour	0.070 ppm	0.075 ppm
Carbon Dioxide	1 Hour	20 ppm	35 ppm
	8 Hour	9.0 ppm	9 ppm
Nitrogen Dioxide	1 Hour	0.18 ppm	0.100 ppm
	Annual	0.030 ppm	0.053 ppm
Sulfur Dioxide	24 Hour	0.04 ppm	0.14 ppm
	Annual	--	0.030 ppm
Particulates <10 microns	24 Hour	50 ug/m3	15 ug/m3
	Annual	20 ug/m3	--
Particulates <2.5 microns	24 Hour	--	35 ug/m3
	Annual	12 ug/m3	15 ug/m3

Concentrations: ppm = parts per million; ug/m3 = micrograms per cubic meter.

Source: Bay Area Air Quality Management District, Bay Area Pollution Summary - 2010.

For planning purposes, regions like the San Francisco Bay Area Air Basin are given an air quality status designation by the federal and state regulatory agencies. Areas with monitored pollutant concentrations that are lower than ambient air quality standards are designated "attainment" on a pollutant-by-pollutant basis. When monitored concentrations exceed ambient standards within an air basin, it is designated "nonattainment" for that pollutant. U.S. EPA designates areas as "unclassified" when insufficient data are available to determine the attainment status; however, these areas are typically considered to be in attainment of the standard.

EXISTING AIR QUALITY

Air quality in the region is controlled by the rate of pollutant emissions and meteorological conditions, which may affect the atmosphere's ability to mix and disperse pollutants. Long-term variations in air quality typically result from changes in air pollutant emissions, while frequent, short-term variations result from changes in atmospheric conditions. The San Francisco Bay Area is considered to be one of the cleanest metropolitan areas in the country with respect to air quality.

The BAAQMD monitors air quality conditions at twenty-eight (28) locations throughout the Bay Area. There is an Ozone monitoring station in Hayward (the Hayward-La Mesa station), and a station in Fremont monitors for other criteria pollutants. Monitoring station measurements indicate that air quality in the vicinity of Hayward performs well against State standards for criteria air pollutants. **Table 5-2** summarizes exceedances of the state and federal standards at the Hayward and Fremont monitoring sites and Bay Area-wide. **Table 5-2** also shows that air quality as a result of exceedances of O_3, $PM_{2.5}$ and PM_{10} standards are problematic in the San Francisco Bay Area. In recent years, the State O_3 standards have been exceeded at least somewhere in the Bay Area on 4 to 20 days per year, including exceedances up to four (4) days in a year at the Hayward monitoring station.

The Bay Area has exceeded the $PM_{2.5}$ standard on eleven (11) to fourteen (14) sampling days per year. The Hayward monitoring site logged zero to 2 exceedances per year from 2007 to 2009 (the most recent years available). PM_{10} is no longer monitored at the nearby stations, though the Bay Area showed no exceedances of the Federal standard from 2007-2009 and exceedances of the State standard on one (1) to five (5) days over that period. Standards for CO and NO_2, or any other criteria air pollutant, are not exceeded anywhere in the Bay Area.[3]

[3] BAAQMD, Air Pollution Summaries, http://www.baaqmd.gov/Divisions/Communications-and-Outreach/Air-Quality-in-the-Bay-Area/Air-Quality-Summaries.aspx , accessed March 28, 2011.

TABLE 5-2: SUMMARY OF CRITERIA AIR POLLUTION MONITORING DATA

Pollutant	Standard	Monitoring Site	Days Standard Exceeded		
			2007	2008	2009
Ozone	State 1-Hour	Hayward	0	1	4
		Fremont	0	1	4
		SF Bay Area Air	4	9	11
Ozone	Federal 8-Hour	Hayward	0	1	3
		Fremont	0	1	0
		SF Bay Area Air	1	12	8
Ozone	State 8-Hour	Hayward	0	3	4
		Fremont	0	3	2
		SF Bay Area Air	9	20	13
PM_{10}	Federal 24-Hour	Fremont	0	*	*
		SF Bay Area Air	0	0	0
PM_{10}	State 24-Hour	Fremont	1	*	*
		SF Bay Area Air	4	5	1
$PM_{2.5}$	Federal 24-Hour	Fremont	2	0	1
		SF Bay Area Air	14	12	11
Carbon Monoxide	State/Federal 8-Hour	Fremont	0	0	0
		SF Bay Area Air	0	0	0
Nitrogen Dioxide	State 1-Hour	Fremont	0	0	0
		SF Bay Area Air	0	0	0

Notes: PM_{10} and $PM_{2.5}$ are measured every sixth day in San Francisco and other Bay Area sites, so the number of days exceeding the standard is estimated.

PM_{10} monitoring was discontinued at the Fremont monitoring station on June 30, 2008

In 2006, the $PM_{2.5}$ standard was changed from 65 µg/m3 to 35 µg/m3

Source: Bay Area Air Quality Management District Air Pollution Summaries (http://www.baaqmd.gov/Divisions/Communications-and-Outreach/Air-Quality-in-the-Bay-Area/Air-Quality-Summaries.aspx). 2009 is the most recent year available.

ATTAINMENT STATUS

Areas that do not violate ambient air quality standards are considered to have attained the standard. Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The attainment status for the Bay Area is summarized in **Table 5-3**, below. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and $PM_{2.5}$ and State standards for PM_{10}.

TABLE 5-3: REGIONAL ATTAINMENT STATUS

Pollutant	Federal Status	State Status
Ozone (O_3): 1-hour Standard	No Designation	Serious Nonattainment
Ozone (O^3): 8-hour Standard	Marginal Nonattainment	Nonattainment
Respirable Particulate Matter (PM_{10})	Unclassified	Nonattainment
Fine Particulate Matter ($PM_{2.5}$)	Nonattainment	Nonattainment
Carbon Monoxide (CO)	Attainment/Unclassified	Attainment
Nitrogen Dioxide (NO_2)	Unclassified	Attainment
Sulfur Dioxide (SO_2)	Attainment	Attainment
Sulfates	No Designation	Attainment
Lead	No Designation	Attainment
Hydrogen Sulfide	No Designation	Unclassified
Visibility Reducing Particles	No Designation	Unclassified

Source: Bay Area Air Quality Management District and California Air Resource Board, http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm.

Under the Federal CAA, the U.S. EPA has classified the region as marginally nonattainment for the 1997 8-hour ozone standard. U.S. EPA required the region to attain the standard by 2007. The U.S. EPA determined that the Bay Area has met this standard, but a formal re-designation request and maintenance plan would have to be submitted before formal re-designation could be made.

In May 2008, U.S. EPA lowered the 8-hour ozone standard from 0.08 to 0.075 ppm. The USEPA was poised to promulgate nonattainment designations under the 2008 ozone NAAQS in December 2009, which would have included the Bay Area. These nonattainment designations would have become effective by March 12, 2010. However, in January, 2010, the USEPA announced delay of the final designations for the 2008 NAAQS until March 12, 2011, to allow adequate time for reconsideration and possible revision of the 2008 NAAQS. Therefore, there is currently no change to the Bay Area's existing designation of Marginal Nonattainment for the

federal 8-hour standard.

The range of standards under consideration would be a significant change, which would undoubtedly result in a nonattainment designation for the Bay Area and much of California. The Bay Area has met the CO standards for over a decade, and is classified attainment maintenance by the U.S. EPA. The U.S. EPA grades the region unclassified for all other air pollutants, which include PM_{10} and $PM_{2.5}$. In December 2008, U.S. EPA designated the entire Bay Area as nonattainment for the federal 24-hour $PM_{2.5}$ standard. $PM_{2.5}$ monitoring data showed violations at the Vallejo and San Jose monitoring stations. The Bay Area will have until 2015 to attain the standards, although U.S. EPA could grant extensions to 2020.

At the State level, the region is considered serious non-attainment for ground level O3 and non-attainment for PM_{10} and $PM_{2.5}$.

California ambient air quality standards are more stringent than the national ambient air quality standards. The region is required to adopt plans on a triennial basis that show progress towards meeting the State O_3 standard. The area is considered attainment or unclassified for all other pollutants.

REGIONAL AIR QUALITY PLANS

The BAAQMD and other agencies prepare Clean Air Plans in response to the State and federal Clean Air Acts. The City of Hayward also includes General Plan policies, as enumerated above, that encourage development that reduces air quality impacts. In addition, the BAAQMD has developed CEQA Guidelines to assist local agencies in evaluating and mitigating air quality impacts.

2001 Ozone Attainment Plan Addressing the National Standards

The BAAQMD, the Metropolitan Transportation Commission (MTC), and the Association of Bay Area Governments (ABAG) prepared the Bay Area 2001 Ozone Attainment Plan. This plan is a proposed revision to the Bay Area's part of the State Implementation Plan (SIP) to achieve the NAAQS for the 1-hour ozone standard. The plan was prepared in response to U.S. EPA's partial approval and partial disapproval of the Bay Area's 1999 Ozone Attainment Plan. Although U.S. EPA revoked the 1-hour NAAQS, commitments made in that plan along with emissions budgets remain valid until the region develops an attainment demonstration/ maintenance plan for the 8-hour NAAQS for ozone.

The U.S. EPA has already determined that the region met the 1997 8-hour ozone standard. However, the region will be required to submit a maintenance plan and demonstration of attainment with a request for re-designation to U.S. EPA prior to be formally re-designated. BAAQMD will likely not act on this submittal for a few years. In addition, the U.S. EPA's new, slightly more stringent, 8-hour standard was recently established. The U.S. EPA will be making new attainment designations based on that standard in about three years and eventually revoking the older standard.

1991 Clean Air Plan and Subsequent Updates Addressing the State Standards

In 1991, the BAAQMD, MTC and ABAG prepared the Bay Area 1991 Clean Air Plan or CAP. This air quality plan addresses the California Clean Air Act. Updates are developed approximately every three years. The plans were meant to demonstrate progress toward meeting the more stringent 1-hour ozone CAAQS. The latest update to the plan, which was adopted in September 2010, is called the Bay Area 2010 Clean Air Plan. The plan includes the following:

- Updates the recent Bay Area 2005 Ozone Strategy in accordance with the requirements of the California Clean Air Act to implement "all feasible measures" to reduce ozone;
- Provide a control strategy to reduce ozone, particulate matter (PM), TACs, and greenhouse gases in a single, integrated plan;
- Review progress in improving air quality in recent years; and
- Establish emission control measures to be adopted or implemented in the 2010-2012 timeframe.

PM_{10} and $PM_{2.5}$ Plans

BAAQMD has found that the primary constituents of elevated $PM_{2.5}$ and PM_{10} are secondary ammonium nitrate and wood smoke. Secondary ammonium nitrate forms in the atmosphere as a result primarily of fossil fuel combustion (e.g., motor vehicles). The clean air planning efforts for ozone will also reduce PM_{10} and $PM_{2.5}$, since a substantial amount of this air pollutant comes from combustion emissions such as vehicle exhaust.

BAAQMD adopts and enforces rules to reduce particulate matter emissions and develops public outreach programs to educate the public to reduce PM_{10} and $PM_{2.5}$ emissions (e.g., Spare the Air Program). SB 656 requires further action by CARB and air districts to reduce public exposure to PM_{10} and $PM_{2.5}$. Efforts identified by BAAQMD in response to SB 656 are primarily targeting reductions in wood smoke emissions and adoption of new rules to further reduce NOx and particulate matter from internal combustion engines and reduce particulate matter from commercial charbroiling activities.

BAAQMD recently adopted a rule addressing residential wood burning. The rule restricts operation of any indoor or outdoor fireplace, fire pit, wood or pellet stove, masonry heater or fireplace insert on specific days during the winter when air quality conditions are forecasted to exceed the NAAQS for $PM_{2.5}$. The rule also limits excess visible emissions from wood burning devices and requires clean burning technology for wood burning devices sold (or resold) or installed in the Bay Area. Controls on ozone precursor emissions that include NOx and ROG would reduce particulate matter concentrations in winter. NOx emissions contribute to ammonium nitrate formation that resides in the atmosphere as particulate matter. The Bay Area experiences the highest PM_{10} and $PM_{2.5}$ in winter, when wood smoke and ammonium nitrate contributions to particulate matter are highest.

Because U.S. EPA designated the Bay Area nonattainment for the 24-hour $PM_{2.5}$ standard, CARB and BAAQMD will have to develop a plan for meeting the standard by December 2014.

The plan must be submitted to U.S. EPA by December 2012. Statewide, CARB has taken recent actions at reducing $PM_{2.5}$ from diesel trucks and construction equipment.

On June 2, 2010, the Air District adopted updated thresholds and the BAAQMD CEQA Guidelines in support of the new Clean Air Plan including revised significance thresholds, assessment methodologies, and mitigation strategies for criteria pollutants, air toxics, odors, and greenhouse gas emissions.

SENSITIVE RECEPTORS

"Sensitive receptors" are defined as facilities where sensitive population groups, such as children, the elderly, the acutely ill and the chronically ill, are likely to be located. These land uses include residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals and medical clinics.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

Implementation of the Project would have a significant effect on the environment if it were to:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- Expose sensitive receptors to substantial pollutant concentrations

The CEQA Guidelines state that, where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the above determinations. Therefore, the June 2010 BAAQMD thresholds and CEQA Guidelines are utilized to evaluate the Project's potential significant impacts, as discussed in detail under each topic below.

CRITERIA AIR POLLUTANTS AND PRECURSOR EMISSIONS

Impact Air-1: **Conflict with Clean Air Plan.** Development anticipated as a result of the Project would increase development intensity beyond that assumed in the CAP, but would support the goals of the CAP, including applicable control measures. This would be a ***less-than-significant impact***.

BAAQMD has determined that for a plan (such as the current Project) to result in a significant

conflict with the Clean Air Plan, it must be inconsistent with the current CAP control measures and/or result in an increase in vehicle use (measured by either vehicle miles traveled (VMT) or trips) that is proportionally greater than its increase in population. The following discussion is based on BAAQMD's recommended procedure for determining consistency:

1. Does the project support the primary goals of the Air Quality Plan?

   The primary goals of the 2010 Bay Area CAP are:

   - Improving air quality;
   - Protecting public health; and
   - Protecting our climate (discussed in the Chapter 6 of this Draft SEIR).

   The Project area includes the South Hayward BART Station and surrounding vicinity. Consistent with the Hayward General Plan, one Project objective is to provide for intensified land uses in close proximity to the BART Station. This transit friendly, smart-growth goal is also consistent with regional planning objectives.[4] The Project will facilitate increased use of transit and provide a mix of land uses to encourage walking. This would equate to decreased vehicle trips and reduced vehicle emissions and, thereby, help to support the CAP goals of improving air quality and protecting public health.

2. Does the project include applicable control measures from the 2010 CAP?

   The majority of CAP control measures fall into categories not applicable to the Project (e.g., development of regional or local governmental rules and regulations and stationary source control). Control measures applicable to the Project fall into two main categories: Transportation Control Measures (TCMs) intended to reduce vehicle emissions, and Energy and Climate Measures (ECMs). **Table 5-4** lists those TCMs applicable to the Project and includes a description of how the Project includes or incorporates those measures. Energy and Climate measures are discussed separately in Chapter 6 (Greenhouse Gas Emissions).

3. Does the project disrupt or hinder implementation of any 2010 CAP control measures?

   a) Projected VMT or vehicle trips increase is less than or equal to its projected population increase.

   The proposed Project would encourage urban infill mixed use development with access to local and regional transit options in the form of multiple bus lines and the South Hayward BART station. The amount of vehicle trips generated by such a project would be anticipated to be substantially reduced through pedestrian, bicycle and transit usage and internal trip capture as multiple uses will be located conveniently near each other.

[4] The Association of Bay Area Governments has designated the Project area as a "Priority Development Area." (See www.bayareavison.org)

> Mixed-use, transit-oriented growth, such as the Project, would generate less trips than growth elsewhere without these characteristics thereby supporting the goal to balance trip growth with population growth.

As discussed above, the Project supports the goals of the CAP, includes applicable control measures, and does not disrupt or hinder implementation of any CAP control measures. The impact is ***less than significant***.

TABLE 5-4: BAAQMD ECM / TCM MEASURES AND PROJECT APPLICABILITY

ECM or TCM#	Name/Source Category	Description	Project Applicability
TCM-3	Improve Local and Area wide Bus Service	These measures focus on sustaining and improving existing services, such as through replacement of worn-out assets, extension of BART lines, and implementation of express routes and transit priority measures (bus lanes, signal priority, bulb-outs, etc.)	These measures are generally funded and implemented on a regional level. However, the Project would indirectly improve transit services by placing homes and businesses within walking distance of an existing BART Station and, therefore, increase ridership.
TMC B-2	Improve System Efficiency	These measures include operational improvements to freeway and arterial systems, continued operation of 511 Transit and full implementation of Clipper, implementation of a regional Express Lane Network and consideration of congestion toll pricing, investing in trade corridors for goods movement and incentive funding for cleaner-than-required equipment.	These TCMs are not directly applicable to the Project.
TCM C-1	Support Voluntary Employer-Based Trip Reduction Program	These measures include supporting voluntary efforts by employers to encourage alternative commute modes, encouraging safe routes to schools and transit, promoting ridesharing services, and conducting public outreach and education to encourage alternative transit modes and discouraging high speed driving, which is higher polluting,	The Project would locate homes and businesses within close proximity to existing mass transit. Also, the Project includes new thoroughfares which would shorten walking and biking distances to multiple destination choices.
TCM D-3	Support Local Land Use Strategies	These measures include expanding bicycle facilities and improving bicycle access to transit, improving pedestrian facilities and encouraging walking, promoting higher density mixed-use, residential and employment development near transit.	Implementation under the Project would fulfill all of these measures.
TCM E-2	Implement Pricing Strategies	This measure includes managing travel demand during congested conditions using value pricing, changing parking policies to reduce motor vehicle travel, and reform transportation	The Project would reduce parking requirements and, therefore, apply this measure.
ECM-2	Renewable Energy	Promote distributed renewable energy generation (solar, micro wind turbines, cogeneration, etc.) on commercial and residential buildings, and at industrial facilities.	The Project includes standards for wind and solar power generation at private properties, thereby, promoting their installation.

EXPOSURE OF SENSITIVE RECEPTORS TO TOXIC AIR CONTAMINANTS (TACS)

Impact Air-2: **Siting of Sensitive Receptors Near Highway Emissions and Related Risks.** Development anticipated under the Project would bring additional sensitive uses (which could include residences, schools, day care centers, playgrounds, and medical facilities) to sites exposed to increased health risks from vehicle emissions from Mission Boulevard (Highway 238). Such exposure would represent a ***potentially significant impact***.

BAAQMD's Thresholds of Significance for plans with regard to community risk and hazard impacts are:

1. The land use diagram must identify:

    a. Special overlay zones around existing and planned sources of TACs;

    b. Special overlay zones of at least 500 feet (or Air District-approved modeled distance) on each side of all freeways and high-volume roadways.

2. The plan must also identify goals, policies, and objectives to minimize potential impacts and create overlay zones for sources of TACs and receptors.

Existing and Planned Stationary Sources of TACS

According to BAAQMD's Stationary Source Risk & Hazard Analysis Tool[5], there are 12 permitted stationary sources of toxic air contaminants within the Project area or within 1000 feet of it. These are listed in detail in Appendix C. These sources include gas stations and auto body shops along Mission Boulevard as well as a crematorium on the Holy Sepulcher Cemetery to the east of the Project site, and the Rainbow Cleaners (drycleaners) to the south of the Project site. Emissions from each specific source would be compared against the threshold of 10 in a million for cancer, a non-cancer hazard risk of 1 and $PM_{2.5}$ concentrations of 0.3 ug/m3.These sources can largely be classified as low-risk sources, with risks generally below one (1) in a million for cancer, non-cancer hazard indexes below 0.02 and $PM_{2.5}$ concentrations below 0.01 ug/m3. The only exception is a drycleaner with an excess cancer risk of 7.51 in a million, which is still below the single-source threshold of 10 in a million.

The total risks from all listed and quantified permitted stationary sources within a 1,000 feet of the Project site is increased cancer risk of 9.52 in a million, increased non-cancer risk at a Hazard Index of 0.058 and $PM_{2.5}$ levels of 0.002 ug/m3. These totals are still below the single-source thresholds presented above and well below cumulative thresholds discussed under the Mission Boulevard heading below.

Because these on-site and nearby stationary sources are generally low-risk and risk levels are

[5] BAAQMD, January 2011, Stationary Source Risk $ Hazard Analysis Tool, a Google Earth tool, available at: http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx .

well below threshold levels, overlays around these uses are not required for the Project. No new stationary source is specifically proposed in the Project area and any new stationary source proposed within or near the Project area will be required to undergo the BAAQMD permitting process.

Mission Boulevard

Mission Boulevard, which runs through the Project area, is the primary source of toxic air contaminants potentially affecting existing and new sensitive receptors. BAAQMD has published the October 2010 version of Surface Streets Screening Tables and the related Risk Hazard Screening Analysis Process. Per BAAQMD recommended methodology, the screening values from their tables have been scaled based upon the average annual daily traffic (AADT) near the Project site. The AADT volume on Mission Boulevard is approximately 68,000 vehicles near the Project site.[6] The resultant screening levels are shown in **Table 5-5** below.

TABLE 5-5: ROADWAY RISK AND HAZARD VALUES - MISSION BOULEVARD

Risk Type	Units	Single-Source Threshold	Cumulative Threshold	Stationary Sources[2]	Maximum Risk for New Receptors from Mission Boulevard Emissions				
Distance from Mission					100	200	500	700	1000
Increased Cancer Risk	In a million	10	100 [1]	9.52	65	23	9	6	5
Increased Non-Cancer Risk	Hazard Index	1	10 [1]	0.058	0.09	0.00	0.00	0.00	0.00
$PM_{2.5}$	ug/m3	0.3 [1]	0.8 [1]	0.002	0.78	0.32	0.16	0.12	0.08

1 Note that the single-source $PM_{2.5}$ threshold and all the cumulative thresholds for siting of new receptors are not currently considered effective by BAAQMD at the time this report was written, so would not strictly apply.

2 Stationary Sources are discussed under the "Existing and Planned Stationary Sources of TACs" subheader above. Total risk from stationary sources is shown in this table and would be added to the risk from Mission Boulevard for comparison to the threshold.

Full calculations can be found in Appendix D

For impacts on future development projects evaluated under the Project, risk from stationary sources would be added to the risk from traffic along Mission Boulevard and compared against the cumulative thresholds of 100 in a million for cancer, a non-cancer hazard risk of 10 and $PM_{2.5}$ concentrations of 0.8 ug/m3. Roadway emissions are substantially greater than other stationary sources, so the roadway emissions would be compared against the single-source emissions thresholds of 10 in a million for cancer, a non-cancer hazard risk of 1 and $PM_{2.5}$ concentrations of 0.3 ug/m3. Note that these standards are not all currently in effect as of the

[6] 68,000 AADT at post mile 11.201 near Hayward and Harder Road from Caltrans 2009 All Traffic Volumes on CSHS.

writing of this report. The currently effective standards are 10 in a million for cancer, a non-cancer hazard risk of 1, with no $PM_{2.5}$ thresholds in effect.

According to **Table 5-5**, health risks would be below cumulative threshold levels at all modeled distances from Mission Boulevard as close at 100 feet away, though the PM2.5 level is approaching the threshold level at 100 feet. However, these new BAAQMD thresholds for siting of new sensitive uses do not take effect until May 1, 2011, so would not strictly apply to this project. If compared against the current thresholds, the health risks are below the hazard index threshold of 1 at all modeled distances and approach the increased cancer risk threshold of 10 in one million at a distance between 200 and 500 feet.

The California Air Resources Board's (CARB's) Air Quality and Land Use Handbook: A Community Health Perspective (April 2005) provides additional insight on this topic. CARB has developed guidelines to be considered in the siting of new sensitive land uses (including residences, schools, day care centers, playgrounds, and medical facilities) to protect vulnerable populations from the adverse health impacts of traffic-related emissions. The guidelines are not regulatory, nor are they binding on local agencies. Specifically, the CARB's advisory recommendation for sensitive land uses proposed near freeways and high-traffic roads is to "[a]void siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles per day." As an urban roadway (i.e., Mission Boulevard) with an AADT level of 68,000 vehicles/day, the Project would be below the traffic levels for this CARB recommendation and, therefore, recommended siting restrictions would not be applicable.

The CARB Air Quality Land Use Handbook also recognizes that there is no "one size fits all" solution to land use planning, and that in addressing housing and transportation needs, the benefits of urban infill, community economic development priorities and other quality of life issues are also important, and these must be considered and weighed by local decision-makers when siting development projects.

Because BAAQMD has requested overlay zones for plans proposing receptors near high-volume roadways and to recognize the potential for adverse effects even without adopted BAAQMD thresholds, Mitigation Measure Air-2 should be implemented.

Mitigation Measure Air-2:

Highway Overlay Zone. The Project shall include an overlay zone extending 500 feet from Mission Boulevard or a reduced distance if coordinated with BAAQMD. This overlay zone shall include the following considerations and mitigation:

<u>Indoor Air Quality:</u>

In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an

acceptable interior air quality level for sensitive receptors. The appropriate measures shall include one of the following methods:

(a). Development project applicants shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Development Services Department for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.

i. For sensitive uses (residences, schools, day care centers, playgrounds, and medical facilities) sited within the overlay zone from Mission Boulevard, the applicant shall install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used.

Project applicants shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the CC&Rs for residential projects and/or distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters.

(b) Alternative to (a) above, a project applicant proposing siting of sensitive uses (residences, schools, day care centers, playgrounds, and medical facilities) within the overlay zone around Mission Boulevard shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air polluters prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Development Services Department for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air

quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.

Exterior Air Quality:

(c) To the maximum extent practicable, individual and common exterior open space proposed as a part of developments in the Project area, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.

(d) Alternative to (c) above, an HRA could be prepared and implemented to take into account the risk specifics of the site, as more fully described in item (b) above.

The potential for increased health risks for sensitive receptors located near Mission Boulevard has been recognized by Impact Air-2. Based upon screening analysis summarized in Table 5-5, it is anticipated that risk levels could exceed the BAAQMD thresholds within 500 feet of Mission Boulevard. BAAQMD requests an overlay zone of 500 feet (or a reduced distance if coordinated with BAAQMD, which would require refined modeling). This impact would be reduced to ***less-than-significant levels*** through implementation of Mitigation Measure Air-2, which requires implementation of appropriate mitigating features.

Cumulative Impacts

Additional analysis to determine cumulative impacts of the Project is not necessary. In developing thresholds of significance, BAAQMD considered the levels at which individual impacts would be cumulatively considerable.

6

GREENHOUSE GAS EMISSIONS

INTRODUCTION

At the time the Previous CEQA Documents were prepared and certified, CEQA and the CEQA Guidelines did not contain provisions for the evaluation of potential impacts resulting from greenhouse gas emissions. Similarly, the Bay Area Air Quality Management District (BAAQMD) Air Quality CEQA Guidelines also did not contain provisions addressed greenhouse gas emissions. The recently revised BAAQMD CEQA Guidelines, and new CEQA provisions addressing greenhouse gas emissions, constitute new information which became available after certification of the Previous CEQA Documents. Therefore, the purpose of this chapter is to address this new information as it pertains to the current modified Project.

SETTING

There is a general scientific consensus that global climate change is occurring, caused in whole or in part by increased emissions of greenhouse gases (GHGs) that keep the Earth's surface warm by trapping heat in the Earth's atmosphere[1], in much the same way as glass traps heat in a greenhouse. While many studies show evidence of warming over the last century and predict future global warming, the precise causes of such warming and its potential effects are far less certain.[2] In its "natural" condition, the greenhouse effect is responsible for maintaining a habitable climate on Earth, but human activity has caused increased concentrations of these gases in the atmosphere, thereby contributing to an increase in global temperatures.

The U.S. EPA has recently concluded that scientists know with virtual certainty that:

- "Human activities are changing the composition of Earth's atmosphere. Increasing levels of greenhouse gases like CO_2 in the atmosphere since pre-industrial times are well documented and understood.

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1 U.S. Environmental Protection Agency (U.S. EPA), Global Warming – Climate: Uncertainties (web page), January 2000, http://yosemite.epa.gov/oar/globalwarming.nsf/content/ClimateUncertainties.html#likely , accessed July 24, 2007.

2 "Global climate change" is a broad term used to describe any worldwide, long-term change in the earth's climate.

"Global warming" is more specific and refers to a general increase in temperatures across the earth, although it can cause other climatic changes, such as a shift in the frequency and intensity of weather events and even cooler temperatures in certain areas, even though the world, on average, is warmer.

- The atmospheric buildup of CO_2 and other greenhouse gases is largely the result of human activities such as the burning of fossil fuels.

- A warming trend of approximately 0.7 to 1.5°F occurred during the 20th century. Warming occurred in both the northern and southern hemispheres, and over the oceans.

- The major greenhouse gases emitted by human activities remain in the atmosphere for periods ranging from decades to centuries. It is, therefore, virtually certain that atmospheric concentrations of greenhouse gases will continue to rise over the next few decades. Increasing greenhouse gas concentrations tend to warm the planet."[3] At the same time, there is much uncertainty concerning the magnitude and rate of the warming. Specifically, the U.S. EPA notes that "important scientific questions remain about how much warming will occur; how fast it will occur; and how the warming will affect the rest of the climate system, including precipitation patterns and storms. Answering these questions will require advances in scientific knowledge in a number of areas:

- Improving understanding of natural climatic variations, changes in the sun's energy, land-use changes, the warming or cooling effects of pollutant aerosols, and the impacts of changing humidity and cloud cover.

- Determining the relative contribution to climate change of human activities and natural causes.

- Projecting future greenhouse emissions and how the climate system will respond within a narrow range.

- Improving understanding of the potential for rapid or abrupt climate change."[4]

GREENHOUSE GASES

Carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), ozone (O_3), and water vapor (H_2O) are the principal GHGs, and when concentrations of these gases exceed the natural concentrations in the atmosphere, the greenhouse effect may be enhanced. Without these GHGs, Earth's temperature would be too cold for life to exist. CO_2, CH_4, and N_2O occur naturally, as well as through human activity. Of these gases, CO_2 and CH4 are emitted in the greatest quantities from human activities. Emissions of CO_2 are largely byproducts of fossil fuel combustion, whereas CH_4 results from off gassing associated with agricultural practices and landfills. Man-made GHGs – with much greater heat-absorption potential than CO_2 – include fluorinated gases, such as hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and sulfur hexafluoride (SF_6), which are byproducts of certain industrial processes.[5]

3 U.S. EPA, 2000, op. cit.

4 U.S. EPA, 2000, op. cit

5 CalEPA, 2006b. Final 2006 Climate Action Team Report to the Governor and Legislature. Sacramento, CA. April 3.

POTENTIAL EFFECTS OF HUMAN ACTIVITY ON GHG EMISSIONS

As mentioned above, the primary GHG generated by human activity is CO_2. Fossil fuel combustion, especially for the generation of electricity and powering of motor vehicles, has led to substantial increases in CO_2 emissions (and thus substantial increases in atmospheric concentrations). In 1994, atmospheric CO_2 concentrations were found to have increased by nearly 30 percent above pre-industrial (c.1860) concentrations.

The effect each GHG has on climate change is measured as a combination of the volume of its emissions, and its global warming potential (GWP),[6] and is expressed as a function of how much warming would be caused by the same mass of CO_2. Thus, GHG emissions are typically measured in terms of tons of CO_2 equivalents (CO_2e).

Global Emissions

Worldwide emissions of GHGs in 2004 were 30 billion tons of CO_2 e per year[7] (including both ongoing emissions from industrial and agricultural sources, but excluding emissions from land-use changes).

U.S. Emissions

In 2004, the United States emitted about 8 billion tons of CO_2e or about 25 tons/year/person. Of the four major sectors nationwide - residential, commercial, industrial and transportation - transportation accounts for the highest fraction of GHG emissions (approximately 35 to 40 percent); these emissions are entirely generated from direct fossil fuel combustion.[8]

State of California Emissions

In 2004, California emitted approximately 550 million tons of CO_2e, or about 6 percent of the U.S. emissions. This large number is due primarily to the sheer size of California compared to other states. By contrast, California has one of the lowest per capita GHG emission rates in the country, due to the success of its energy-efficiency and renewable energy programs and commitments that have lowered the State's GHG emissions rate of growth by more than half of what it would have been otherwise.[9] Another factor that has reduced California's fuel use and GHG emissions is its mild climate compared to that of many other states.

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6 The potential of a gas or aerosol to trap heat in the atmosphere.

7 United Nations Framework Convention on Climate Change (UNFCCC), Sum of Annex I and Non-Annex I Countries Without Counting Land-Use, Land-Use Change and Forestry (LULUCF). Predefined Queries: GHG total without LULUCF (Annex I Parties). Bonn, Germany, http://unfccc.int/ghg_emissions_data/predefined_queries/items/3814.php, accessed May 2, 2007.

8 U.S. EPA, 2000, op. cit.

9 California Energy Commission (CEC), Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004 - Final Staff Report, publication # CEC-600-2006-013-SF, Sacramento, CA, December 22, 2006; and January 23, 2007 update to that report.

The California EPA Climate Action Team stated in its March, 2006, report that the composition of gross climate change pollutant emissions in California in 2002 (expressed in terms of CO_2 equivalence) were as follows:

- Carbon dioxide (CO_2) accounted for 83.3 percent;
- Methane (CH_4) accounted for 6.4 percent;
- Nitrous oxide (N2O) accounted for 6.8 percent; and
- Fluorinated gases (HFCs, PFC, and SF6) accounted for 3.5 percent.[10]

The California Energy Commission found that transportation is the source of approximately 41 percent of the State's GHG emissions, followed by electricity generation (both in-state and out of- state) at 23 percent, and industrial sources at 20 percent. Agriculture and forestry is the source of approximately 8.3 percent, as is the source categorized as "other," which includes residential and commercial activities.[11]

Bay Area Emissions

In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of the Bay Area's GHG emissions, accounting for just over half of the Bay Area's 85 million tons of GHG emissions in 2002. Industrial and commercial sources were the second largest contributors of GHG emissions with about 25 percent of total emissions. Domestic sources (e.g., home water heaters, furnaces, etc.) account for about 11 percent of the Bay Area's GHG emissions, followed by power plants at 7 percent. Oil refining currently accounts for approximately 6 percent of the total Bay Area GHG emissions.[12]

BAAQMD updated the GHG emission inventory in 2008 to reflect the base year inventory for 2007[13]. This updated inventory includes additional sources of GHG emissions such as those from electricity generation outside of the Bay Area, use of ozone depleting substances (e.g., refrigerants), additional sources from oil refining, and ship emissions extended out to 100 miles (the 2002 inventory only looked at emissions 3 miles out). The new inventory also reflects year 2007 activity. As a result, the 2007 Bay Area region-wide inventory was estimated at 102.7 MMCO2e. Much of the difference between the 2002 and the 2007 inventories is attributable to the methodology of the computations. About 53.5 percent of the Alameda County inventory is attributable to on-road vehicles.

10 CalEPA, 2006b, op. cit.

11 California Energy Commission (CEC), 2007, op. cit.

12 BAAQMD, 2006. Source Inventory of Bay Area Greenhouse Gas Emissions. November.

13 BAAQMD, 2008. Source Inventory of Bay Area Greenhouse Gas Emissions. December.

City of Hayward Emissions

The City of Hayward and its citizens recognize that climate change poses a potential threat to the community and to the larger environment. Hayward made this intention clear in 2005, when the Mayor of Hayward signed the U.S. Conference of Mayors Climate Protection Agreement. In June 2006, the City joined ten (10) other local governments in Alameda County participating in the Alameda County Climate Protection Project (ACCPP). By joining ACCPP, Hayward embarked on an ongoing coordinated effort to reduce the emission of gasses that cause global warming.

In June 2009, Hayward adopted a Climate Action Plan (Hayward CAP) which provides a roadmap for achieving a measurable reduction in GHG emissions. The Hayward CAP includes GHG emissions reduction targets that align with those of the State of California. The Hayward CAP also presents a number of strategies that will make it possible for the City to meet the recommended targets. The Hayward CAP also suggests best practices for implementing the Plan and makes recommendations for measuring progress.

Hayward's CAP documents a GHG emission inventory including a base year of 2005. At that base year, the City of Hayward emitted 1,183,274 metric tons CO_2e. The transportation sector is the single largest source of emissions, contributing 62 percent of total emissions. Energy in the form of natural gas and electricity accounted for 33.5 percent, and landfill-related emissions accounted for 4.4 percent of total year 2005 emissions.

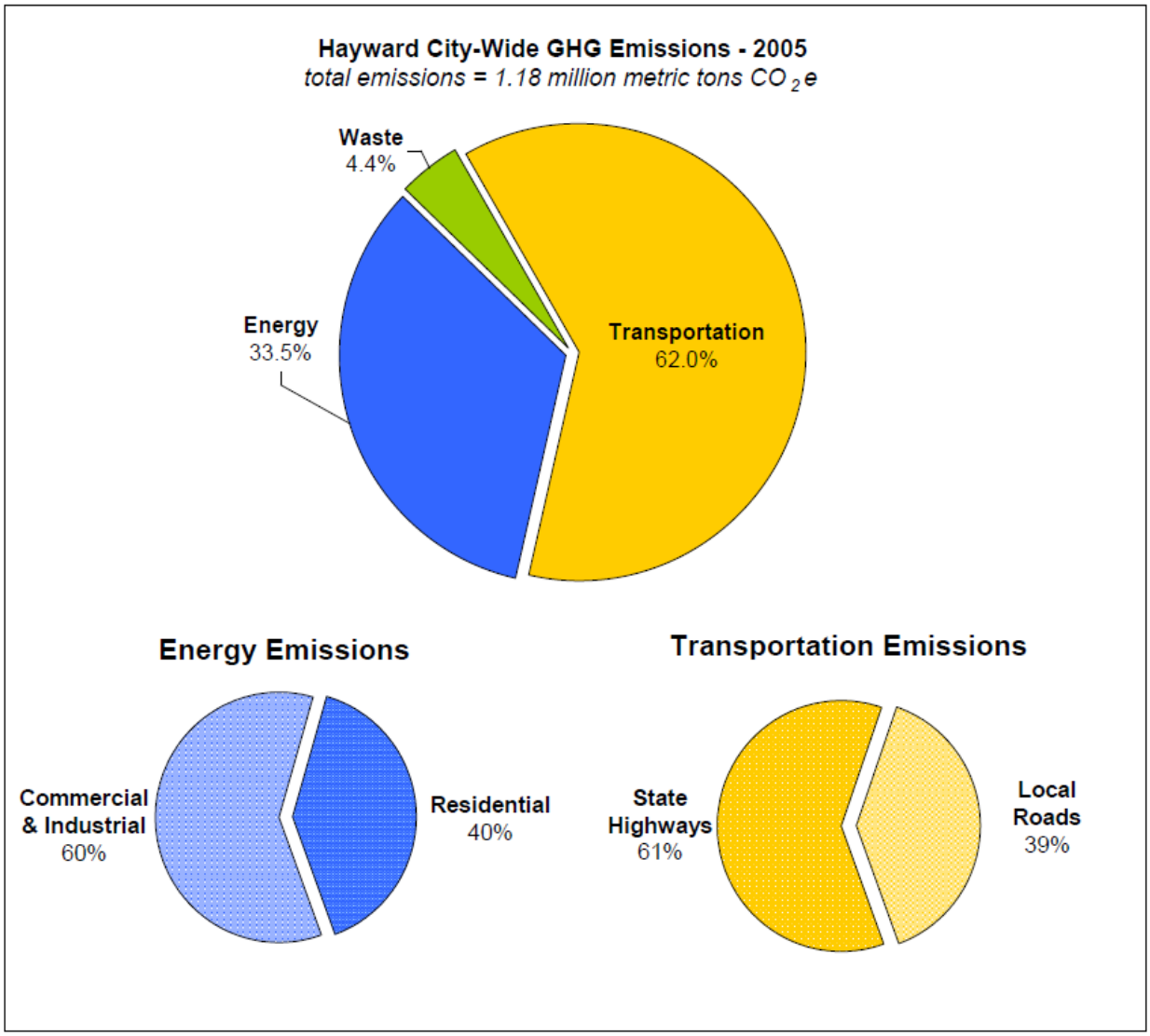

Figure 6-1: Hayward City-wide Emissions in 2005
Source: Hayward CAP

POTENTIAL EFFECTS OF HUMAN ACTIVITY ON GLOBAL CLIMATE CHANGE

Globally, climate change has the potential to impact numerous environmental resources through potential, though uncertain, impacts related to future air temperatures and precipitation patterns. Scientific modeling predicts that continued GHG at or above current rates would induce more extreme climate changes during the 21st century than were observed during the 20th century. A warming of about 0.2°C (0.36°F) per decade is projected, and there are identifiable signs that global warming is taking place, including substantial ice loss in the Arctic.[14]

14 International Panel on Climate Change (IPCC) Special Report on Emissions Scenarios, 2000, www.grida.no/climate/ipcc/emission/002.htm , accessed July 24, 2007.

However, the understanding of GHG emissions, particulate matter, and aerosols on global climate trends remains uncertain. In addition to uncertainties about the extent to which human activity rather than solar or volcanic activity is responsible for increasing warming, there is also evidence that some human activity has cooling, rather than warming, effects, as discussed in detail in numerous publications by the International Panel on Climate Change (IPCC), namely "Climate Change 2001, The Scientific Basis" (2001).[15]

Acknowledging uncertainties regarding the rate at which anthropogenic greenhouse gas emissions (i.e., those related to human activities) would continue to increase (based upon various factors under human control, such as future population growth and the locations of that growth; the amount, type, and locations of economic development; the amount, type, and locations of technological advancement; adoption of alternative energy sources; legislative and public initiatives to curb emissions; and public awareness and acceptance of methods for reducing emissions), and the impact of such emissions on climate change, the IPCC devised a set of six "emission scenarios" which utilize various assumptions about the rates of economic development, population growth, and technological advancement over the course of the next century.[16] These emission scenarios are paired with various climate sensitivity models to attempt to account for the range of uncertainties that affect climate change projections. The wide range of temperature, precipitation, and similar projections yielded by these scenarios and models reveal the magnitude of uncertainty presently limiting climate scientists' ability to project long-range climate change (as previously discussed).

The projected effects of global warming on weather and climate are likely to vary regionally, but are expected to include the following direct effects, according to the IPCC.[17]

- Snow cover is projected to contract, with permafrost areas sustaining thawing.
- Sea ice is projected to shrink in both the Arctic and Antarctic.
- Hot extremes, heat waves, and heavy precipitation events are likely to increase in frequency.
- Future tropical cyclones (typhoons and hurricanes) will likely become more intense.
- Non-tropical storm tracks are projected to move poleward, with consequent changes in wind, precipitation, and temperature patterns. Increases in the amount of precipitation are very likely in high-latitudes, while decreases are likely in most subtropical regions.

15 The IPCC was established in 1988 by the World Meteorological Organization and the United Nations Environment Program to assess scientific, technical and socio-economic information relevant for the understanding of climate change, its potential impacts and options for adoption and mitigation.

16 IPCC, 2000, op. cit.

17 Ibid.

- Warming is expected to be greatest over land and at most high northern latitudes, and least over the Southern Ocean and parts of the North Atlantic Ocean.

Potential secondary effects from global warming include global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

POTENTIAL EFFECTS OF HUMAN ACTIVITY ON STATE OF CALIFORNIA

According to CARB, some of the potential impacts in California of global warming may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.[18] Several recent studies have attempted to explore the possible negative consequences that climate change, left unchecked, could have in California. These reports acknowledge that climate scientists' understanding of the complex global climate system, and the interplay of the various internal and external factors that affect climate change, remains too limited to yield scientifically valid conclusions on such a localized scale. Substantial work has been done at the international and national level to evaluate climatic impacts, but far less information is available on regional and local impacts. In addition, projecting regional impacts of climate change and variability relies on large-scale scenarios of changing climate parameters, using information that is typically at too general a scale to make accurate regional assessments.[19]

Below is a summary of some of the potential effects reported in an array of studies that could be experienced in California as a result of global warming and climate change:

- Air Quality – Higher temperatures, conducive to air pollution formation, could worsen air quality in California. Climate change may increase the concentration of ground-level ozone, but the magnitude of the effect, and therefore its indirect effects, are uncertain. For other pollutants, the effects of climate change and/or weather are less well studied, and even less well understood.[20] If higher temperatures are accompanied by drier conditions, the potential for large wildfires could increase, which, in turn, would further worsen air quality. However, if higher temperatures are accompanied by wetter, rather than drier conditions, the rains would tend to temporarily clear the air of particulate pollution and reduce the incidence of large wildfires, thus ameliorating the pollution associated with wildfires. Additionally, severe heat accompanied by drier conditions and poor air quality could increase the number of heat related deaths, illnesses, and asthma attacks throughout the State.[21]

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[18] California Air Resources Board (CARB), 2006c. *Public Workshop to Discuss Establishing the 1990 Emissions Level and the California 2020 Limit and Developing Regulations to Require Reporting of Greenhouse Gas Emissions*, Sacramento, CA. December 1.

[19] Kiparsky, M. and P.H. Gleick, 2003. *Climate Change and California Water Resources: A Survey and Summary of the Literature*. Oakland, CA: Pacific Institute for Studies in Development. July.

[20] U.S. EPA, 2007, op. cit.

[21] California Climate Change Center (CCCC), 2006. *Our Changing Climate: Assessing the Risks to California,*

- Water Supply – Uncertainty remains with respect to the overall impact of global climate change on future water supplies in California. For example, models that predict drier conditions (i.e., parallel climate model [PCM]) suggest decreased reservoir inflows and storage and decreased river flows, relative to current conditions. By comparison, models that predict wetter conditions (i.e., HadCM2) project increased reservoir inflows and storage, and increased river flows.[22]

A July 2006, technical report prepared by the California Department of Water Resources (DWR) addresses the State Water Project (SWP), the Central Valley Project, and the Sacramento-San Joaquin Delta. Although the report projects that "climate change will likely have a significant effect on California's future water resources and future water demand," it also reports that "much uncertainty about future water demand remains, especially for those aspects of future demand that will be directly affected by climate change and warming. While climate change is expected to continue through at least the end of this century, the magnitude and, in some cases, the nature of future changes is uncertain. This uncertainty serves to complicate the analysis of future water demand, especially where the relationship between climate change and its potential effect on water demand is not well understood."[23] DWR adds "it is unlikely that this level of uncertainty will diminish significantly in the foreseeable future."[24]

Still, changes in water supply are expected to occur, and many regional studies have shown that large changes in the reliability of water yields from reservoirs could result from only small changes in inflows.[25] Water purveyors, such as the City of Hayward and the East Bay Municipal Utilities District (EBMUD), are required by state law to prepare Urban Water Management Plans (UWMPs) (discussed below, under *Regulatory Context for Greenhouse Gas Emissions and Climate Change*) that consider climatic variations and corresponding impacts on long-term water supplies.[26] DWR has published a 2005 SWP Delivery Reliability Report, which presents information from computer simulations of the SWP operations based on historical data over a 73-year period (1922–1994). The DWR notes that the results of those model studies "represent the best available assessment of the delivery capability of the SWP." In addition, the DWR is continuing to update its studies and analysis of water supplies.

Water purveyors, such as the City of Hayward, are required by State law to prepare every five years an Urban Water Management Plans (UWMP), which includes a water supply reliability

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CEC- 500-2006-077, Sacramento, CA. July.

22 Brekke, L.D., et afl, 2004. "Climate Change Impacts Uncertainty for Water Resources in the San Joaquin River Basin, California." *Journal of the American Water Resources Association*. 40(2): 149–164. Malden, MA, Blackwell Synergy for AWRA.

23 California Department of Water Resources (DWR), 2006. Progress on Incorporating Climate Change into Management of California Water Resources, Sacramento, CA. July.

24 Ibid.

25 Kiparsky 2003, op. cit; DWR, 2005, op. cit.; Cayan, D., et al, 2006. Scenarios of Climate Change in California: An Overview (White Paper, CEC-500-2005-203-SF), Sacramento, CA. February.

26 California Water Code, Section 10631(c).

assessment. Climate change has been identified as having the potential to impact water supplies, and at the agency's option, a discussion of climate change may be incorporated into the UWMP. The City of Hayward is currently preparing its 2010 UWMP, in part based on a water supply reliability evaluation from its wholesale water supplier, San Francisco Public Utilities Commission (SFPUC). SFPUC has provided an initial assessment of climate change, indicating that there may be some seasonal variation in the amount of runoff into the reservoirs, but that sufficient water would be available. As discussed above, climate change could potentially affect the amount of snowfall, rainfall and snow pack; the intensity and frequency of storms; flood hydrographs (flash floods, rain or snow events, coincidental high tide and high runoff events); sea level rise and coastal flooding; coastal erosion; and the potential for salt water intrusion. Sea level rise can be a product of global warming through two main processes: expansion of seawater as the oceans warm, and melting of ice over land. A rise in sea levels could result in coastal flooding and erosion and could also jeopardize California's water supply. In particular, saltwater intrusion would threaten the quality and reliability of the state's major fresh water supply that is pumped from the southern portion of the Sacramento/San Joaquin River Delta. Increased storm intensity and frequency could affect the ability of flood-control facilities (including levees) to handle storm events.

- Agriculture. California has a $30 billion agricultural industry that produces half the country's fruits and vegetables. The California Climate Change Center (CCCC) notes that higher CO_2 levels can stimulate plant production and increase plant water-use efficiency. However, if temperatures rise and drier conditions prevail, water demand could increase; crop-yield could be threatened by a less reliable water supply; and greater ozone pollution could render plants more susceptible to pest and disease outbreaks. In addition, temperature increases could change the time of year that certain crops, such as wine grapes, bloom or ripen, and thus affect their quality.[27]

- Ecosystems and Wildlife. Increases in global temperatures and the potential resulting changes in weather patterns could have ecological effects on a global and local scale. In 2004, the Pew Center on Global Climate Change released a report examining the possible impacts of climate change on ecosystems and wildlife.[28] The report outlines four major ways in which it is thought that climate change could affect plants and animals: (1) timing of ecological events; (2) geographic range; (3) species' composition within communities; and (4) ecosystem processes such as carbon cycling and storage.

27 California Climate Change Center (CCCC), 2006, op. cit.

28 Parmesan, C. and H. Galbraith, Observed Impacts of Global Climate Change in the U.S., Arlington, VA: Pew Center on Global Climate Change, November 2004.

REGULATORY CONTEXT FOR GHG EMISSIONS AND CLIMATE CHANGE

International and Federal

Kyoto Protocol

The United States participates in the United Nations Framework Convention on Climate Change (UNFCCC) (signed on March 21, 1994). The Kyoto Protocol is a treaty made under the UNFCCC and was the first international agreement to regulate GHG emissions. It has been estimated that if the commitments outlined in the Kyoto Protocol are met, global GHG emissions could be reduced by an estimated 5 percent from 1990 levels during the first commitment period of 2008–2012. It should be noted that although the United States is a signatory to the Kyoto Protocol, Congress has not ratified the Protocol and the United States is not bound by the Protocol's commitments.

Climate Change Technology Program

The United States has opted for a voluntary and incentive-based approach toward emissions reductions in lieu of the Kyoto Protocol's mandatory framework. The Climate Change Technology Program (CCTP) is a multi-agency research and development coordination effort (which is led by the Secretaries of Energy and Commerce) that is charged with carrying out the President's National Climate Change Technology Initiative.[29]

U.S. Environmental Protection Agency (U.S. EPA)

To date, the U.S. EPA has not regulated GHGs under the Clean Air Act (discussed above) based on its assertion in Massachusetts et al. v. EPA et al[30] that the "Clean Air Act does not authorize it to issue mandatory regulations to address global climate change and that it would be unwise to regulate GHG emissions because a causal link between GHGs and the increase in global surface air temperatures has not been unequivocally established." However, in the same case (Massachusetts v. EPA), the U.S. Supreme Court held that the U.S. EPA can, and should, consider regulating motor-vehicle GHG emissions.

State of California

Assembly Bill (AB) 1493

On July 1, 2002, the California Assembly passed Assembly Bill (AB) 1493 (signed into law on July 22, 2002), requiring the CARB to "adopt regulations that achieve the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles." The regulations were to be adopted by January 1, 2005, and apply to 2009 and later model-year vehicles. In September

29 Climate Change Technology Program (CCTP), About the U.S. Climate Change Technology Program (web page), Washington, D.C., last updated April 2006, http://www.climatetechnology.gov/about/index.htm, accessed July 24, 2007.

30 U.S. Supreme Court, Massachusetts et. al. v. EPA et. al (No. 05-1120, 415F 3d 50), April 2, 2007.

2004, CARB responded by adopting "CO_2-equivalent fleet average emission" standards. The standards will be phased in from 2009 to 2016, reducing emissions by 22 percent in the "near term" (2009–2012) and 30 percent in the "mid term" (2013– 2016), as compared to 2002 fleets.

Executive Order (EO) S-3-05

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order (EO) S-3-05, establishing statewide GHG emissions reduction targets. This EO provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent of 1990 levels. The Secretary of the California Environmental Protection Agency (CalEPA) is charged with coordinating oversight of efforts to meet these targets and formed the Climate Action Team (CAT) to carry out the EO. Several of the programs developed by the CAT to meet the emission targets are relevant to residential construction and are outlined in a March 2006 report.[31] These include prohibition of idling of certain classes of construction vehicles; provision of recycling facilities within residential buildings and communities; compliance with the Energy Commission's building and appliance energy efficiency standards; compliance with California's Green Buildings and Solar initiatives; and implementation of water-saving technologies and features.

California Assembly Bill 32 (AB 32).

On August 31, 2006, the California Assembly passed Bill 32 (AB 32) (signed into law on September 27, 2006), the California Global Warming Solutions Act of 2006. AB 32 commits California to reduce GHG emissions to 1990 levels and establishes a multi-year regulatory process under the jurisdiction of the CARB to establish regulations to achieve these goals. CARB must adopt such regulations by January 1, 2008. The regulations shall require monitoring and annual reporting of GHG emissions from selected sectors or categories of emitters of GHGs. By January 1, 2008, CARB was also required to adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions levels in 1990, which must be achieved by 2020. By January 1, 2011, CARB is required to adopt rules and regulations, which shall become operative January 1, 2012) to achieve the maximum technologically feasible and cost-effective GHG emission reductions.

On April 20, 2007, CARB published Proposed Early Actions to Mitigate Climate Change in California.[32] This publication indicated that the issue of GHG emissions in CEQA and General Plans was being deferred for later action, so the publication did not discuss any early action measures generally related to CEQA or to land use decisions. As noted in that report: "AB 32 requires that all GHG reduction measures adopted and implemented by the Air Resources Board be technologically feasible and cost effective."[33] The law permits the use of market-based

31 California Environmental Protection Agency (CalEPA), 2006a. Climate Action Team, Executive Summary. Climate Action Team Report to Governor Schwarzenegger and the California Legislature. Sacramento, CA, March.

32 CalEPA, Air Resources Board (CARB), Proposed Early Actions to Mitigate Climate Change in California. Sacramento, CA, April 20, 2007.

33 Ibid.

compliance mechanisms to achieve those reductions and also requires that GHG measures have neither negative impacts on conventional pollutant controls nor any disproportionate socioeconomic effects (among other criteria).

On October 24, 2008, CARB released a "Preliminary Draft Staff Proposal," "Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gas under the California Environmental Quality Act". AB 32 also requires CARB to monitor compliance with and enforcement of any rule, regulation, order, emission limitation, emissions reduction measure, or market-based compliance mechanism that it adopts.

California Senate Bill 97 (SB 97)

Governor Schwarzenegger signed SB 97 (Chapter 185, Statutes 2007) into law on August 24, 2007. The legislation provides partial guidance on how greenhouse gases should be addressed in certain CEQA documents. Pursuant to Senate Bill 97, the Natural Resources Agency reviewed and adopted the amendments to the CEQA Guidelines on December 30, 2010, prepared and forwarded by the Governor's Office of Planning and Research (OPR), including guidelines addressing GHGs. The Amendments became effective on March 18, 2010. OPR recommends that each agency develop an approach to addressing GHG emissions that is based on best available information. The approach includes three basic steps: (1) identify and quantify emissions; (2) assess the significance of the emissions; and (3) if emissions are significant, identify mitigation measures or alternatives that will reduce the impact to a less-than-significant level.

California Urban Water Management Act

The California Urban Water Management Planning Act requires various water purveyors throughout the State of California (such as City of Hayward and EBMUD) to prepare UWMPs, which assess the purveyor's water supplies and demands over a 20-year horizon (California Water Code, Section 10631 et seq.). As required by that statute, UWMPs are updated by the purveyors every five years. As discussed above, this is relevant to global climate change, which may affect future water supplies in California, as conditions may become drier or wetter, affecting reservoir inflows and storage and increased river flows.[34]

Senate Bill 375

Senate Bill 375, signed into law in October, 2008, requires CARB to establish regional targets for reduction of GHG emissions due to transportation and land use, requires metropolitan planning organizations (Association of Bay Area Governments in the Bay Area) to prepare regional sustainable land use plans to reach these targets, and directs regional transportation agencies (Metropolitan Transportation Commission in the Bay Area) to ensure that regional transportation plans are consistent with and support the regional sustainability plans. Many infill development projects consistent with these plans will be exempt from CEQA. The process of establishing targets and plans is expected to take several years, based on timelines in SB 375.

34 Brekke, 2004, op. cit.

However, the Association of Bay Area Governments (ABAG) has already begun preparing revised Policy-Based Projections for its 2009 land use projections, and has estimated GHG impacts as part of its initial assessment of alternative projection scenarios. Overall, the Bay Area is expected to grow by approximately 2,000,000 people by 2035. DRAFT Projections 2009 and an Initial Vision Scenario related to developing a regional Sustainable Communities Strategy per SB 375 have been released for jurisdictional staff review. In order to accommodate the increased population and meet the mandates of AB 32, the draft projections and Initial Vision Scenario document have a significantly increased focus on higher intensity transit-oriented development as a key strategy.

Regional and Local

Bay Area 2010 Clean Air Plan (CAP)

BAAQMD, MTC and ABAG jointly prepare the Bay Area Clean Air Plan updates approximately every three years. While originally intended as an ozone plan to meet requirements of the California Clean Air Act for a nonattainment area, the Bay Area 2010 CAP also addressed climate change and GHGs.

Bay Area Air Quality Management District Climate Protection Program

BAAQMD established a climate protection program to reduce pollutants that contribute to global climate change and affect air quality in the San Francisco Bay Area Air Basin (SFBAAB). The climate protection program includes measures, for example, that promote energy efficiency, reduce vehicle miles traveled, and develop alternative sources of energy, all of which assist in reducing emissions of GHGs and in reducing air pollutants that affect the health of residents. BAAQMD also seeks to support current climate protection programs in the region and to stimulate additional efforts through public education and outreach, technical assistance to local governments and other interested parties, and promotion of collaborative efforts among stakeholders.

BAAQMD CEQA Air Quality Guidelines

In June 2010, BAAQMD approved an update to the CEQA Air Quality Guidelines that establishes quantitative GHG emissions thresholds of significance. The BAAQMD CEQA Air Quality Guidelines include separate thresholds of significance for project and plan-level GHG analyses. The Project is considered a project under BAAQMD's GHG emissions significance thresholds since the City of Hayward June 2009 Climate Action Plan does not constitute a "Qualified" GHG Reduction Strategy conforming to BAAQMD criteria.

Project-level analyses can be evaluated using two quantitative thresholds based on the project's annual GHG emissions (i.e., MT CO2e/year) or the project's GHG efficiency (i.e., MT CO2e/yr/service population [SP]). The service population of a project is defined by the number of employees and residents.

FOCUS Program and Priority Development Areas

The Association of Bay Area Governments (ABAG), MTC, Bay Conservation and Development

Commission (BCDC), and BAAQMD have partnered to develop the FOCUS Program. The activities associated with the FOCUS Program will be important for reducing regional GHG emissions, as well as promoting a more compact land use pattern, multi-modal mobility, conservation of natural resources, and community development throughout the Bay Area. The FOCUS program provides incentives for development of Priority Development Areas (PDAs), which are infill development opportunity areas near transit. PDAs are generally areas of at least 100 acres where there is local commitment to developing more housing along with amenities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment served by transit. To be eligible to become a PDA, an area had to be within an existing community, near existing or planned fixed transit or served by comparable bus service, and planned for more housing. The entire Project area is located within a planned PDA.[35] (See also pervious discussion regarding the Initial Vision Scenario and regional Sustainable Communities Strategy.)

Hayward Climate Action Plan

In June 2009, Hayward approved a Climate Action Plan (Hayward CAP) that provides a roadmap for achieving a measurable reduction in GHG emissions. The Hayward CAP includes GHG emissions reduction targets that align with those of the State of California. The Hayward CAP also presents a number of strategies that will make it possible for the City to meet the recommended targets and suggests best practices for implementing the Plan and makes recommendations for measuring progress.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines (Environmental Checklist) contains a list of GHG effects that may be considered significant. Implementation of the Project would have a significant effect on the environment if it were to:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases

The significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the above determinations. Thus, according to the BAAQMD, the Project would be considered to have a significant greenhouse gas impact it would:

- Conflict with a Qualified GHG Reduction Strategy; or

35 ABAG website (http://www.bayareavision.org/initiatives/prioritydevelopmentareas.html).

- The GHG efficiency would be greater than 6.6 MT CO2e/yr per service population (service population, SP = population + employment)

GHG EMISSIONS

Impact GHG-1: Generation of Long-Term Operational GHG Emissions. The Project would generate long-term operational GHG emissions over its lifetime. However, the Project's GHG efficiency, which accounts for the population and employment of the Project area, would be below the BAAQMD's GHG efficiency-based threshold. Therefore, the Project would not generate a level of GHG emissions that would have a significant impact on global climate change. As a result, this impact would be less than cumulatively considerable and ***less than significant***.

Methodology

BAAQMD developed a GHG model referred to as the BAAQMD GHG Model or BGM. BGM is an Excel workbook tool that uses the URBEMIS2007 file to provide GHG emissions in the form of equivalent CO_2 emissions (CO_2e) in metric tons per year. Model defaults for the San Francisco Bay Area were used for this analysis.

An URBEMIS2007 modeling file providing estimated emissions resulting from build-out of new land use and development pursuant to implementation of the Project was used as an input to the BGM model. BGM provides emissions for transportation, areas sources, electricity consumption, natural gas combustion, electricity usage associated with water usage and wastewater discharge, and solid waste land filling and transport. The resulting annual emissions of greenhouse gases (expressed as CO2e equivalents) resulting from build-out of the Project in term of metric tons per year are shown in **Table 6-1**.

TABLE 6-1: ANNUAL OPERATIONAL GHG EMISSIONS ATTRIBUTABLE TO THE PROJECT BUILD-OUT

Emissions Soure	Net Increase Without Project in CO_2e (metric tons/year)	Net Increase With Project in CO_2e (metric tons/year)
Transportation	19,325.34	12,156.34
Area Source	7.35	5.77
Electricity	3,759.79	2,762.49
Natural Gas	2,083.77	1,513.59
Water & Wastewater	199.16	123.77
Solid Waste	2,035.79	1,538.77
Total	27,411.20	18,100.73

Source: Lamphier-Gregory results from BAAQMD's Greenhouse Gas Calculator v. 1.1.9 Beta available at http://www.urbemis.com/software/download.html.

Model Year

The modeling year 2012 was used to present a conservative analysis. Due to anticipated improvements related to energy efficiency and vehicle emissions, the models assume lower emissions levels for years farther in the future. While build-out under the Project would not occur by 2012, using this model year provides a conservatively high emissions level for comparison to thresholds.

Traffic

Trip generation rates developed for the traffic study were used along with the default trip lengths in URBEMIS2007.

Projected Service Population

The BAAQMD CEQA Guidelines identify an efficiency-based threshold to evaluate emissions associated with projects and plans. This metric is based on the "service population," which is a combination of projected population and employment associated with the growth projections assumed.

The Project would result in an increase of 405 jobs and 771 households over the amount of growth and development as analyzed under the Previous CEQA Documents. The average persons per household in Hayward in 2012 is estimated to be 3.155.[36] This would result in 2,433 new residents, and a total service population (residents and employees) of 2,838.

Conclusion

The annual net increase in emissions attributable to build-out of the Project is 18,101 MT CO_2e (see **Table 6-1**). Dividing these emissions by the service population of 2,838 results in an average of 6.38 MT CO2e/SP/yr. Therefore, the Project's impact related to GHG emissions would not exceed this efficiency-based threshold and would be ***less than significant***.

This conclusion was reached using model defaults without taking into account the mitigating factors of a transit-accessible site, or regulations that would reduce energy usage and reduce waste, both of which would further reduce GHG emissions.

The Project is located within a Priority Development Area as discussed under the FOCUS Program. Priority Development Areas (PDAs) are infill development opportunity sites near transit. PDAs are generally areas of at least 100 acres where there is local commitment to developing more housing along with amenities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment served by transit.

Developing PDAs will help the region to place an increased amount of housing and jobs in GHG-efficient locations. With the Project's transit orientation, mix and density of land uses, and

[36] State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State, 2001-2010, with 2000 Benchmark. Sacramento, California, May 2010.

provision of bicycle and pedestrian facilities, and other strategies, the City of Hayward has endeavored to capture vehicle trips internally, reduce vehicle trip lengths, and provide practical opportunities for non-automobile trips for future residents and employees within the Project area. Given the predominance of vehicle trips in most projects' GHG emission profile, these land use and transportation planning strategies would substantially further reduce the estimation of GHG emissions and GHG efficiency of the Project.

The City of Hayward also has a variety of other policies, programs and actions to address global climate change that will apply to the Project area. These include:

- Construction Waste. Any project built in Hayward must comply with the City's Construction and Demolition Debris Waste Reduction and Recycling Ordinance, of which requires the submittal, review and approval of a plan for compliance. As a result, construction-related truck traffic (which primarily relies on diesel-fueled engines) would be reduced since some demolition debris hauled off site would be reused on site. In addition, reuse of concrete, asphalt, and other debris will reduce the amount of material introduced to area landfills.

- City Standards. Any development project is also subject to all the regulatory requirements including the City's standard conditions of approval, which would reduce GHG emissions of the project. These include conditions to address adherence to best management construction practices and equipment use. It must also minimize post construction stormwater runoff that could affect the ability to accommodate potentially increased storms and flooding within existing floodplains and infrastructure systems.

- Build-it Green Program. Hayward's Private Development Green Building Ordinance applies to new construction, additions or remodels over 500 square feet for residential projects, or new construction, additions or remodels entailing 1,000 square feet or more for commercial space. Compliance with this program, as summarized below, helps to improve energy efficiency, indoor air quality, resource conservation and water conservation.

  Prior to obtaining a certificate of occupancy, single-family and multiple-family developers must submit documentation demonstrating the building(s) has been GreenPoint Rated as well as all required documentation to demonstrate full compliance with the California Building Energy Efficiency Standard (Title 24, part 6) at the time of permitting.

  Covered additions or alterations to existing commercial projects must meet the following requirements: (1) The lighting load for such fixtures shall be reduced by at least 15% below the requirements of the 2008 Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code, or (2) Comply with the requirements of Title 24, Part 6 and meet the California Green Building Standards Section A5.211.1 requirements by providing at least 1% or 1kw (whichever is greater) of the electrical power from a renewable source, or (3) Demonstrate an overall energy budget reduction of at least 5% below the requirements of Title 24, Part 6 using the performance method.

All newly constructed commercial covered projects are required to exceed the 2008 Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code requirements by at least 15% using the performance method.

BAAQMD does not require separate analysis of construction-period GHG emissions for assessment of plans.

GHG REDUCTION PLAN CONSISTENCY

Impact GHG-2: GHG reductions are addressed statewide by the AB 32 Scoping Plan, regionally by the Bay Area 2010 CAP, and locally through the Hayward Climate Action Plan (CAP)[37]. The proposed Project is consistent with the reduction strategies presented in these documents and therefore would result in ***no impact*** related to GHG reduction plan consistency.

The amended State CEQA Guidelines Appendix G and BAAQMD Guidelines recommend that a GHG analysis evaluate a project's consistency with applicable plans, policies, or regulations adopted for the purposes of reducing GHG emissions.

AB 32 Scoping Plan

The AB 32 Scoping Plan was developed to guide California to achieve the GHG emission reduction goal established by AB 32 (i.e., reduce state-wide GHG emissions to 1990 levels by 2020). With respect to land use development projects, the AB 32 Scoping Plan cites mixed-use and transit-oriented developments as a method to reduce GHG emissions. The Scoping Plan states, "Buildings that are sited close to public transportation or near mixed-use areas can work in tandem with transportation-related strategies to decrease GHG emissions that result from that sector. Growing more sustainably has the potential to provide additional GHG and energy savings by encouraging more compact, mixed-use development resulting in reduced demand for electricity and heating and cooling energy."

In addition, the Scoping Plan aims to achieve the goals of AB 32 without impeding the economic conditions of California. The Scoping Plan states that "Enhanced public transit service combined with incentives for land use development that provides a better market for public transit will play an important role in helping to reach regional [GHG] target."

The Project would enable the development new residential buildings with a range of densities, with higher-density development occurring closer to the South Hayward BART Station. Providing these land uses within proximity of the BART station provides opportunities for reduced vehicle trips and reduced VMT in the region associated with commute, shopping, and recreational activities. The Project would also accommodate office, retail, commercial services, parks, trails, and other destination land uses in proximity of residential development. Additionally, the Project accommodates bicycle, pedestrian, and transit throughout the Project area. Lastly, the Project is located within a planned PDA. Developing PDAs will help the region

[37] The City of Hayward Climate Action Plan does not constitute a "Qualified GHG Reduction Strategy" since no CEQA Document was prepared prior to its adoption.

to place an increased amount of housing and jobs in GHG-efficient locations.

The Project is consistent with planning principles (i.e., mixed-use, high density, transit-oriented) identified in the AB 32 Scoping Plan needed to achieve the state's GHG emissions target.

Bay Area 2010 Climate Action Plan

The Bay Area 2010 CAP includes four Energy and Climate Measures (ECMs) intended to reduce GHG emissions beyond the level of emissions that would already result from implementation of other strategies including Transportation Control Measures (TCMs) as discussed in the Air Quality chapter. **Table 6-2** lists these ECMs and includes a description of how the Project is consistent with their measures.

TABLE 6-2: BAAQMD ECMS AND PROJECT APPLICABILITY

ECM or TCM#	Name/Source Category	Description	Project Applicability
ECM-1	Energy Efficiency	This control measure consists of three components: 1) provide education and outreach to increase energy efficiency in residential and commercial buildings and industrial facilities, 2) provide technical assistance to local governments to adopt and enforce energy efficiency building codes, and 3) provide incentives for increasing energy efficiency at schools.	The City of Hayward website provides links to educational resources concerning energy efficiency. Also, the City has an adopted green building ordinance applicable to residential and commercial projects.
ECM-2	Renewable Energy	Promote distributed renewable energy generation (solar, micro wind turbines, cogeneration, etc.) on commercial and residential buildings, and at industrial facilities.	The Project includes standards for wind and solar power generation at private properties, thereby, promoting their installation.
ECM-3	Urban Heat Island Mitigation	This control measure includes regulatory and educational approaches to reduce the "urban heat island" phenomenon by increasing the application of "cool roofing" and "cool paving" technologies.	While the Project does not include specific urban heat island measures, it does include a number of civic spaces that would generally exclude buildings and large pavement areas.
ECM-4	Shade Tree Planting	The control measure includes voluntary approaches to reduce the "urban heat island" phenomenon by increasing shading in urban and suburban communities through planting of (low VOC - emitting) trees and preservation of natural vegetation and ground cover.	The Project includes standards for landscaping both within private properties and within existing and new thoroughfares.

Hayward Climate Action Plan

The Hayward CAP includes "Actions" to implement strategies for GHG reduction. Many of these Actions involve developing and implementing future City-wide regulations and/or programs and, thus, would not be directly applicable to the Project. However, the Project is consistent with the goals and actions of the Hayward CAP which are applicable to plans and policies regarding new land use and development. The Actions most applicable to the Project include Actions under the header, "Utilize Zoning & Land-use Mechanisms to Minimize Need for Auto Transportation" as listed below.

> Action 1.9: In order to encourage non-automotive modes of travel, continue to implement and update the General Plan Circulation and Land Use Elements pertaining to smart growth principles that support higher-density, mixed-use, and well-designed development in areas within ½ mile of transit stations and ¼ mile of major bus routes. Amend the Municipal Code Zoning, Subdivision, and Off-Street Parking Standards to incorporate smart growth principles, policies, and development standards consistent with recommendations provided in the Appendix H and I of the CAP.
>
> The Project is an update to the General Plan promoting the Smart Growth principles supporting higher density in mixed-use and well-designed development immediately adjacent to the South Hayward BART Station. The Project also amends the existing zoning standards to incorporate Smart Growth principles consistent with the recommendations provided in Appendix H of the Hayward CAP, including:
>
> (1) In order to allow a wider range of housing, permit narrow lots for single-family detached homes that are alley-loaded, including reduced lot size widths of 30 feet for detached housing and 18 feet for vertically attached housing. Attached town homes or condos are allowed to have narrow lots (no min. specified in Code).
>
> (3) In order to reduce the amount of impervious and low albedo surfaces, limit driveway widths to 18 feet for impervious paving, with exceptions for greater width only for pervious paving materials approved by the City Building Official, aesthetics notwithstanding.
>
> (6) Provide incentives for alley-loaded lots in order to reduce the predominance of front-loaded lots with driveways that constrain the placement of trees and the consistency and safety of the sidewalk.
>
> (7) Require or provide incentives for pervious paving materials with low albedo surfaces, as substitutes for standard asphaltic or Portland Cement concrete.
>
> (8) Continue to allow mixed-use development such as allowing office buildings with first floor commercial in commercially zoned areas with permitted heights scaled to surrounding, desired conditions.
>
> (10) Locate light manufacturing and research and development uses in commercial/mixed use areas.
>
> (17) Reduce Parking Requirements Downtown: As downtown Hayward becomes a mixed-

use, walkable district which has a lower parking generation rate than the single use suburban land use environment that dominates parking generation rates prescribed in the ITE Parking Generation Handbook, consider parking demand at ranges from 1.6 to 1.9 spaces per 1,000 square feet of non-residential built space, or one- third to one-half of that typically required for conventional suburban development.

(18) Consider Parking Requirements Strategies: Adopt a single―blended parking requirement, for example 1.7 spaces per 1,000 square feet. This simplifies changes of use, for example from offices to restaurants.

(19) Allow on-street parking along the property's frontage to count towards satisfying parking requirements.

(21) Parking Maximums: Set parking maximums instead of parking minimums. With parking maximums, developers have a cap on the amount of parking that they may build on site.

(24) Permit and encourage the use of alleys in both new and existing development where feasible, in order to improve the quality of sidewalks and landscape along the street.

(25) Reduce the maximum length of blocks to 600 feet in new development, and encourage the installation of mid-block pedestrian walkways in longer, existing blocks to increase the degree of 'walkability' by making destinations more convenient.

Action 1.10: Explore the development of zoning and development standards that consider both the land uses and the urban design and form of buildings and public space, where the new standards will result in reduced GHG emissions. The Project represents development of zoning and development standards that specifically achieve this objective.

Action 1.11: Explore potential strategies related to the creation of additional affordable housing to sell to buyers employed in Hayward, but who currently reside in other areas and commute to work in Hayward. For example, consider implementing a community land trust to purchase and resell foreclosed properties. The program could potentially be coordinated with local businesses. The Project represents an opportunity to increase the supply of affordable housing within the City, based on the density of development encourage by the Project, although no specific affordable housing project is currently proposed as a part of the Project.

Action 1.12: Develop an incentive plan to maximize the number of residents that work within the City, and encourage filling local jobs first with local residents, to eliminate commutes. The Project represents a plan to increase both the number of residents and the number of jobs within the Project area over existing conditions, with new job sites located in close proximity to housing.

The Project is consistent with the AB 32 Scoping Plan, Bay Area 2010 CAP and Hayward CAP. There would be ***no impact*** related to conflict with a GHG reduction strategy.

7

TRANSPORTATION

INTRODUCTION

CHANGES IN CIRCUMSTANCE

Subsequent to certification of the Previous CEQA Documents, the Route 238 Corridor Improvement Project started construction (on August 16, 2010) and is anticipated to be completed in December 2012. Within the current Project area, the Route 238 Corridor Improvement Project will:

- Modify Mission Boulevard (from Jackson/Foothill to Carlos Bee) from two (2) to three (3) travel lanes in each direction including parking/peak hour travel lanes. New curb and gutter with a 7-foot sidewalk will be constructed on both sides of Mission Boulevard.

- Construct a spot widening of the Mission Boulevard/Carlos Bee Boulevard intersection to provide for dual left-turn lanes from southbound Mission to eastbound Carlos Bee Boulevard, dual left turn lanes from westbound Carlos Bee to southbound Mission Boulevard, and dual left-turn lanes, a thru lane, and a right/thru lane from eastbound Orchard Avenue.

- Extend 10-foot wide sidewalks along Mission Boulevard on both sides of the street to fill in missing gaps to Industrial Parkway.

- Improve bicycle access along Mission Boulevard by providing 14-foot outside lanes along the proposed curbs.

- Underground overhead utilities, install extensive median landscaping, install energy efficient LED street and pedestrian-scaled lights, and modify traffic signal system with Adaptive Timing Control along Mission & Foothill Boulevards.

- Install a traffic signal and a dedicated left turn lane at Moreau High School entrance to improve access for southbound Mission Boulevard traffic.

- Provide a new signalized intersection at Berry Avenue and Mission Boulevard.

This Draft SEIR addresses this changed circumstance by incorporating the Route 238 Corridor Improvement Project's resulting roadway changes into the traffic analysis herein.

NEW INFORMATION

Since certification of the Previous CEQA Documents, the CEQA Guidelines were amended to remove parking from the Environmental Checklist (Appendix G of the CEQA Guidelines) as an

environmental factor to be considered under CEQA. Therefore, while the Project's potential environmental effects with regard to parking is not addressed within this Draft SEIR and nor is it required by CEQA, additional discussion on this topic is provided below for information purposes only.

INITIAL STUDY DETERMINATION

The Initial Study prepared for this Draft SEIR (see Appendix B) determined the Project would result in no new impacts for the following checklist criteria:

- 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.
- Result in inadequate emergency access.
- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

In accordance with CEQA Guidelines §15163(b), this Supplemental EIR does not further address the aforementioned criteria since the Initial Study provided sufficient information necessary to make the Previous CEQA Documents adequate, as revised by the current Project. Additionally, the proposed form-based code will promote pedestrian and bicycle movement with recommended new thoroughfares (streets) and enhanced building frontages.

However, the Initial Study prepared for this Supplemental Program EIR determined the current Project may result in new significant impacts or an increased severity in previously determined significant impacts under the following checklist criteria:

- Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.
- Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.
- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

The development potential under the current Project would result in additional traffic above that which was studied in the Previous CEQA Documents. Those additional trips would occur through intersections the Previous CEQA Documents identified as having significant impacts related to Hayward General Plan LOS criteria.

Additionally, the additional traffic generated by the current Project would be conveyed to roadways covered by the Alameda County Congestion Management program and which were

determined by the Previous CEQA Documents to have a significant and unavoidable impact relative to cumulative traffic impacts.

SETTING

PROJECT STUDY AREA

The Project consists of an approximate 240-acre irregular linear shaped area centered upon the South Hayward BART station and Mission Boulevard. Intersection Level of Services (LOS) were analyzed for the following ten (10) intersections in the vicinity of the Project during the weekday AM (7:00 AM to 9:00 AM) and PM (4:00 PM to 6:00 PM) peak hours. These intersections, shown on **Figure 7-1**, were selected in coordination with and under the direction of City of Hayward staff and are inclusive of all locations that could be significantly affected by the Project traffic (based on existing intersection operations, the amount of traffic anticipated to be generated by the Project during peak hours, and the effect of that traffic on the surrounding street and intersection network).

1. Mission Boulevard at Harder Road
2. Mission Boulevard at Sorenson Road
3. Mission Boulevard at Calhoun Street
4. Mission Boulevard at Hancock Street
5. Mission Boulevard at Tennyson Road
6. Mission Boulevard at Valle Vista Avenue
7. Mission Boulevard at Industrial Parkway West
8. Dixon Street at Industrial Parkway West
9. Dixon Street at Valle Vista Avenue
10. Dixon Street-E 12th Street at Tennyson Road

EXISTING ROADWAY NETWORK

Regional Roadways

Regional vehicular access to the Project area is provided primarily by two interstate freeways and two state routes that traverse the City of Hayward, as described below.

Interstate 880

Interstate 880 (I-880), a north-south freeway, is located about 1.75-miles west of the Project area and may be accessed by Tennyson Road and Industrial Parkway West. I-880 spans roughly 50

miles from Oakland to San Jose, CA. The northern terminus of I-880 is in Oakland at the junction with I-80 and Interstate 580 (I-580) (known as the MacArthur Maze), near the eastern approach of the Bay Bridge. The southern terminus of I-880 is at the Interstate 280 (I-280) and State Route 17 (SR-17) interchange in San Jose. I-880 is a major regional commuter route, providing connections between San Francisco, Contra Costa, Alameda, Santa Clara and San Mateo counties. Average traffic volumes on I-880 exceed 200,000 vehicles per day with 10 percent truck traffic. Combined northbound and southbound volumes exceed 12,000 vehicles in both morning and evening peak hours.[1]

Interstate 580

Interstate 580 (I-580), an east-west freeway, is located about 3.5-miles north of the Project area, and may be accessed by Foothill Boulevard. I-580 connects the Bay Area and the Central Valley. I-580 also serves as a major transportation corridor serving the commute between the growing Central Valley (Tracy, Stockton, I-5 Corridor and the Bay Area. More than 200,000 vehicles, including 12,000 trucks carrying people and goods to and from the Central Valley, use I-580 every day.[2]

[1] California Department of Transportation, I880 Corridor Project website (http://www.i880corridor.com/).

[2] California Department of Transportation, I5800 Corridor Improvements Project website (http://www.i580.info/).

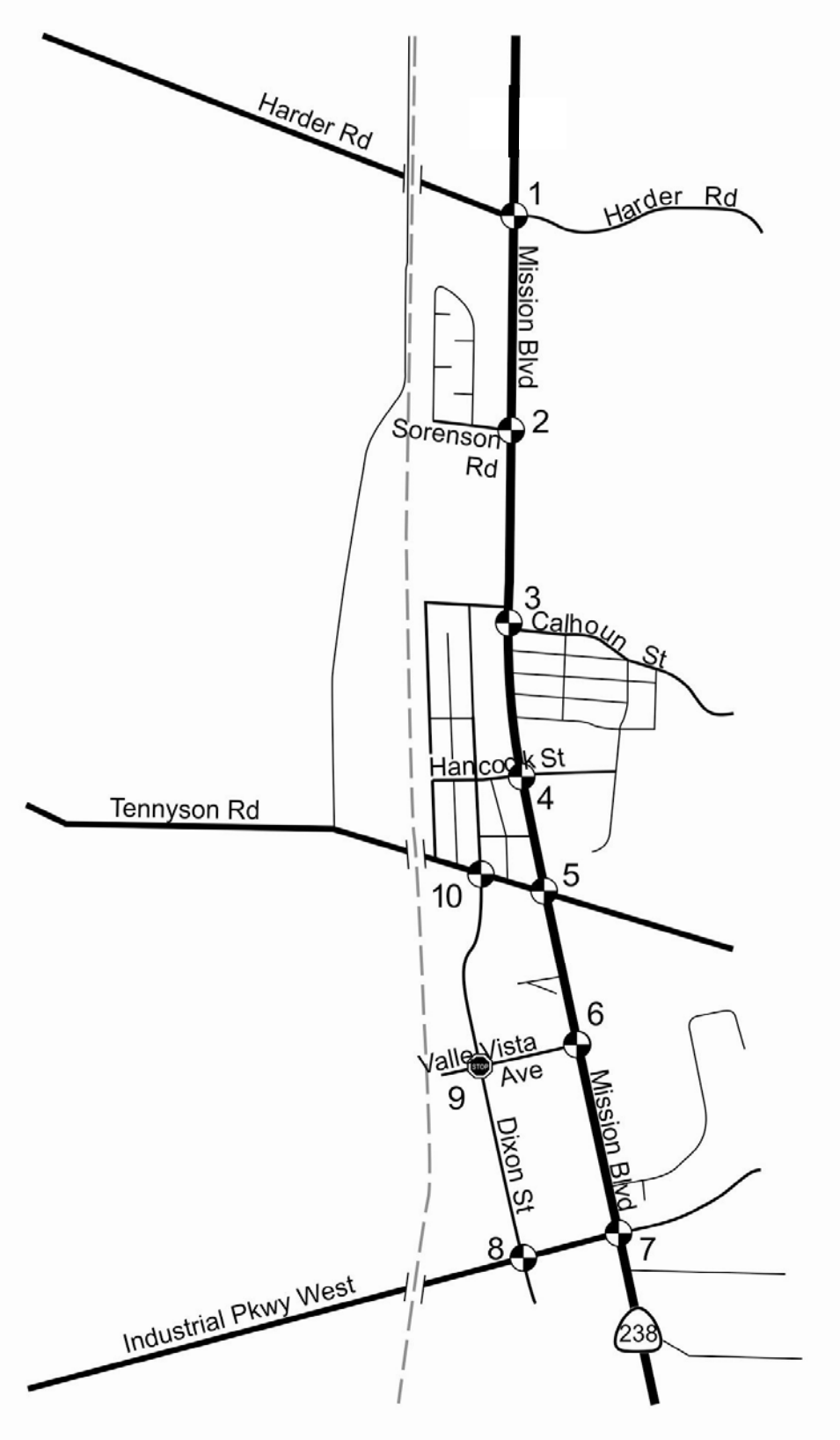

Figure 7-1: Study Intersections in Project Area

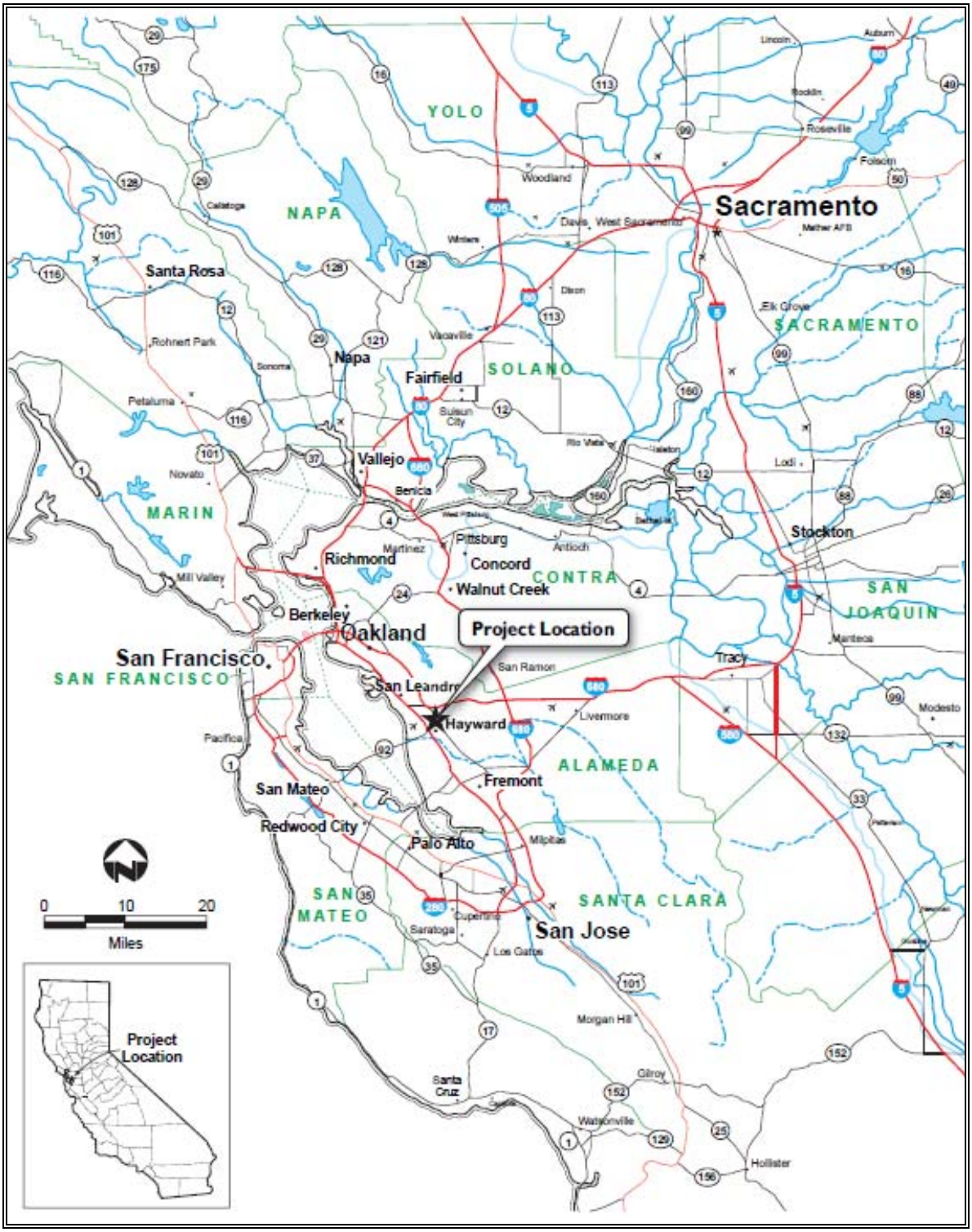

Figure 7-2: Roadway Network.

Mission Boulevard

Mission Boulevard is a north-south regional roadway facility that bisects the Project area. Mission Boulevard connects Interstate 580 in Castro Valley and Interstate 680 in Fremont. South of Industrial Parkway, Mission Boulevard is designated as State Route 238. North of A Street, Mission Boulevard is designated as Route 185.

There is a raised median that runs the length of the corridor with the exception of the short segment between Jefferson Street and Calhoun Street, which has no median. Posted speeds along Mission Boulevard vary from 35 mph to 40 mph along the section from Jefferson Street/Calhoun Street to Industrial Parkway. Current land uses along Mission Boulevard include commercial and institutional, including car dealerships, auto body and repair shops, retail stores, religious facilities, schools, bars, and gas stations. Several lots are vacant and/or abandoned. Mission Boulevard is on the Alameda County Congestion Management Program (CMP) network.

Foothill Boulevard

Foothill Boulevard is a north-south city street than runs from the junction of Mission Boulevard and Jackson Street to Mattox Road. Between the I-580 on ramps and Mattox Road, Foothill Boulevard retains its former designation as SR 238 and is under Caltrans control.

State Route 92

State Route 92 (SR-92), known as Jackson Street within the City of Hayward, is an east-west facility located 1.5 miles north of the site. Access to SR-92 is provided via Mission Boulevard. SR-92 connects Half Moon Bay near the coast (and State Route 1) and downtown Hayward at its junction with State Route 238 and State Route 185. Between Watkins Street and the Mission-Foothill-Jackson intersection, Jackson Street is no longer designated as Route 92.

Local Roadways

Dixon Street

Dixon Street is a two-lane, north-south roadway that runs from Tennyson Road to Industrial Parkway. The street is primarily residential with a mix of single-family and multi-family residences. North of Tennyson Road, Dixon Street becomes East 12th Street. South of Industrial Parkway, it becomes Arrowhead Way as it enters the Twin Bridges Development. Dixon Street provides sole access to parking lots associated with the South Hayward BART Station. The posted speed limit is 25 mph.

Tennyson Road

Tennyson Road is a four-lane, east-west arterial that traverses the City of Hayward, terminating at Mission Boulevard to the east and Industrial Boulevard to the west. In the Project area from Pacific Street to Mission Boulevard, the roadway is divided by a raised, landscaped median and passes under the BART train tracks. Land use along Tennyson Road is mixed commercial and residential. The speed limit is 35 miles per hour. The Hayward General Plan's Circulation Element depicts the future extension of this roadway (east of Mission Boulevard) in order to

serve new development. The roadway's intersections at Dixon Street/East 12th Street and Mission Boulevard are signalized. Tennyson Road is part of the Alameda County Congestion Management Program system.

Valle Vista Avenue

Valle Vista Avenue is a two-lane, east-west residential street that is 0.25 miles long. It terminates at Mission Boulevard to the east, with a stop-control on Valle Vista Avenue, and at the BART train tracks to the west. The intersection with Dixon Street is all-way stop-controlled. As part of the Route 238 Corridor Improvement Project, the intersection with Mission Boulevard is planned to be signalized.

Industrial Parkway

Industrial Parkway is a four-lane, east-west arterial. To the east, Industrial Parkway becomes Alquire Parkway at Mission Boulevard. In the Project area between Dixon Street and Mission Boulevard, it is divided by a raised, landscaped median and has residential, commercial, and recreational uses. The intersections of Mission Boulevard and Dixon Street are both signalized and contain left turn pockets.

Harder Road

Harder Road is a four-lane, east-west collector roadway with a raised median. It is curvilinear and contains gentle grades. It provides direct access to the California State University at East Bay (CSUEB) campus. Its intersection with Mission Boulevard is signalized. Planned roadway changes, according to the Route 238 Corridor Improvement Project, include dual left-turn lanes on Harder Road in both directions at the Mission Boulevard intersection.

PROPOSED ROADWAY NETWORK

Thoroughfare Plan

The current Project includes a complement to the Regulating Plan consisting of a Thoroughfare Plan. The Thoroughfare Plan intends to implement the Hayward General Plan's direction to pursue opportunities for infill development and redevelopment to accommodate alternate street patterns, including shorter block lengths, interconnected streets, alleys, and cul-de-sac avoidance. This would be accomplished through the future construction of new thoroughfares either in conjunction with future, new redevelopment projects, or the City of Hayward Redevelopment Agency may (over time) acquire and construct particular thoroughfare segments.

While the Thoroughfare Plan depicts the anticipated general location of new thoroughfares, the current Project would provide for deviations when, for example, immovable objects prevent or render infeasible a particular segment. Also, in order to adequately determine the feasibility of extending anticipated thoroughfare segments and, amongst other reasons, examine the safety of specific new thoroughfare segments, the Project would require the processing of a Precise Plan Line application in conformance with Municipal Code Chapter 10, Article 4.

EXISTING TRAFFIC VOLUMES

This Draft SEIR utilizes existing traffic volumes derived from two sources.[3] Traffic volume counts for Mission Boulevard intersections (i.e., study intersections 1 through 5, and 7) were derived from the Route 238 Corridor Improvement Project EIR and were taken on January 22, 2004. Traffic volume counts for the following four (4) study intersections are from the Concept Design Plan Program EIR and were taken at the beginning of November 2005:

6. Mission Boulevard at Valle Vista Avenue

8. Dixon Street at Industrial Parkway

9. Dixon Street at Valle Vista Avenue

10. Dixon Street at Tennyson Road

All existing condition traffic volumes are for counts during the AM (7:00 to 9:00AM) and PM (and 4:00 to 6:00PM) commuter periods.

Though the traffic counts cited above were taken some time ago, the City of Hayward determined them to be reflective of, and conservatively higher than current traffic volumes. This is due, in part, to a reduction in Project-area generated traffic attributable to the closure of a number of local businesses. Additionally, according to traffic counts from Caltrans, regional pass-through traffic along Mission Boulevard (i.e., State Route 238) has seen substantial decreases in traffic volumes since certification of the Previous CEQA Documents (see **Table 7-1**).

Since the earliest traffic volume counts were taken in 2004, a number of significant traffic generating land uses (i.e., commercial businesses) in the Project area have ceased operating. These include, but are not limited to, the following closed businesses:

- Automax of Hayward (i.e., automobile sales) at 29000 Mission Boulevard (approximate 16,000 square foot building);
- Frazee Paints (i.e., commercial retail sales) at 28700 Mission Boulevard (approximate 7,500 square foot building);
- Buso Glass Company (i.e., commercial retail sales) and Perry and Key Body Shop (i.e., automobile repair) at 28953 Mission Boulevard (approximate 20,000 square foot building); and
- Autos Unlimited (i.e., automobile repair) at 29294 Mission Boulevard (approximate 20,000 square foot building (now demolished)).

This equates to an approximate floor area of 63,500 square feet of commercial businesses which

[3] Study intersections utilized in the Concept Design Plan EIR and the current Project are identical.

have closed after traffic volume counts were taken in support the Previous CEQA Documents, but whose trips are still accounted for in this Draft SEIR. Also, aside from these observed reductions in commercial floor area (i.e., traffic generating land uses) within the Project area, there have been no substantial additions of either commercial space or residential dwelling units. Two (2) mixed development projects (i.e., South Hayward BART Mixed Use Project, Mission Paradise Project) were approved after certification of the Previous CEQA Documents but neither has filed for buildings permits or initiated construction. Thus, given the above information, it can be deduced that traffic levels within the Project area have been reduced subsequent to completion of traffic counts used in the Concept Design Plan Program EIR.

The closure of existing businesses and delay in construction of approved mixed-use developments is likely a symptom of the economic recession which is generally believed to have begun in 2007. Additionally, a series of subsequent financial-related incidents (e.g., collapse of large financial institutions, the bailout of banks by national governments, downturns in stock markets around the world, failure of key businesses, declines in consumer wealth, substantial financial commitments incurred by governments, and a significant decline in economic activity) are believed to still be adversely and indirectly impacting land use and development activities in Hayward and the broader Bay Area. In summary, current economic conditions have led to a reduction in both intra city and in interregional traffic.

Concerning traffic volumes from trips originating outside of the Project area, Mission Boulevard is the regional roadway that conveys a substantial number of vehicle trips both outside of the Project area and City of Hayward. A decline of traffic volumes along Mission Boulevard would, therefore, indicate a reduction of regional pass-through trips originating outside of the Project area. Since certification of the Previous CEQA Documents, there has been a steady decline in both peak hour and average daily trips along Mission Boulevard, as illustrated in **Table 7-1**.

TABLE 7-1: MISSION BOULEVARD (ROUTE 238) TRAFFIC VOLUMES YEAR 2007 TO 2009[1]

Intersection	Year	Back - Average Annual Daily Trips[2]	Ahead - Average Annual Daily Trips
Mission Boulevard at Harder Road	2007	41,000	38,500
	2008	40,500	38,000
	2009	37,000	31,000
Mission Boulevard at Tennyson Road	2007	34,000	43,000
	2008	33,500	42,500
	2009	26,000	33,500

[1] http://traffic-counts.dot.ca.gov/

[2] "Back AADT" is the term Caltrans uses to reference traffic South or West of the count location. "Ahead AADT" is the term Caltrans uses to reference traffic North or East of the count location.

For the reasons explained above, the City of Hayward determined the prior traffic counts to be conservatively in excessive of current conditions. Traffic volumes established by those counts are defined for purposes of this Draft SEIR as the Existing Baseline, as shown in **Figure 7-3**, and the corresponding existing AM and PM peak-hour Level of Service (LOS) conditions at study intersections are shown in **Table 7-2**.

TABLE 7-2: EXISTING CONDITIONS BASELINE - INTERSECTION LEVEL OF SERVICE

	Intersection	Traffic Control	Peak-Hour	LOS	Delay
1	Mission Boulevard at Harder Road	Signal	AM	D	28.9
			PM	D	32.1
2	Mission Boulevard at Sorenson Road	Signal	AM	B	6.3
			PM	C	15.1
3	Mission Boulevard at Calhoun Street	Signal	AM	D	25.1
			PM	B	13.4
4	Mission Boulevard at Hancock Street	Signal	AM	A	4.2
			PM	B	5.6
5	Mission Boulevard at Tennyson Road	Signal	AM	C	20.0
			PM	C	20.6
6	Mission Boulevard at Valle Vista Avenue[1]	Signal	AM	D	29.0
			PM	C	20.0
7	Mission Boulevard at Industrial Parkway West	Signal	AM	C	24.9
			PM	D	27.4
8	Dixon Street at Industrial Parkway West	Signal	AM	B	12.3
			PM	B	10.5
9	Dixon Street at Valle Vista Avenue	All Way Stop	AM	B	10.5
			PM	B	10.6
10	Dixon Street at Tennyson Road[2]	Signal	AM	C	15.4
			PM	C	15.3

LOS = Level of Service; Delay = Weighted average delay for vehicles in seconds

Source: South Hayward BART/Mission Boulevard Concept Design Plan FEIR

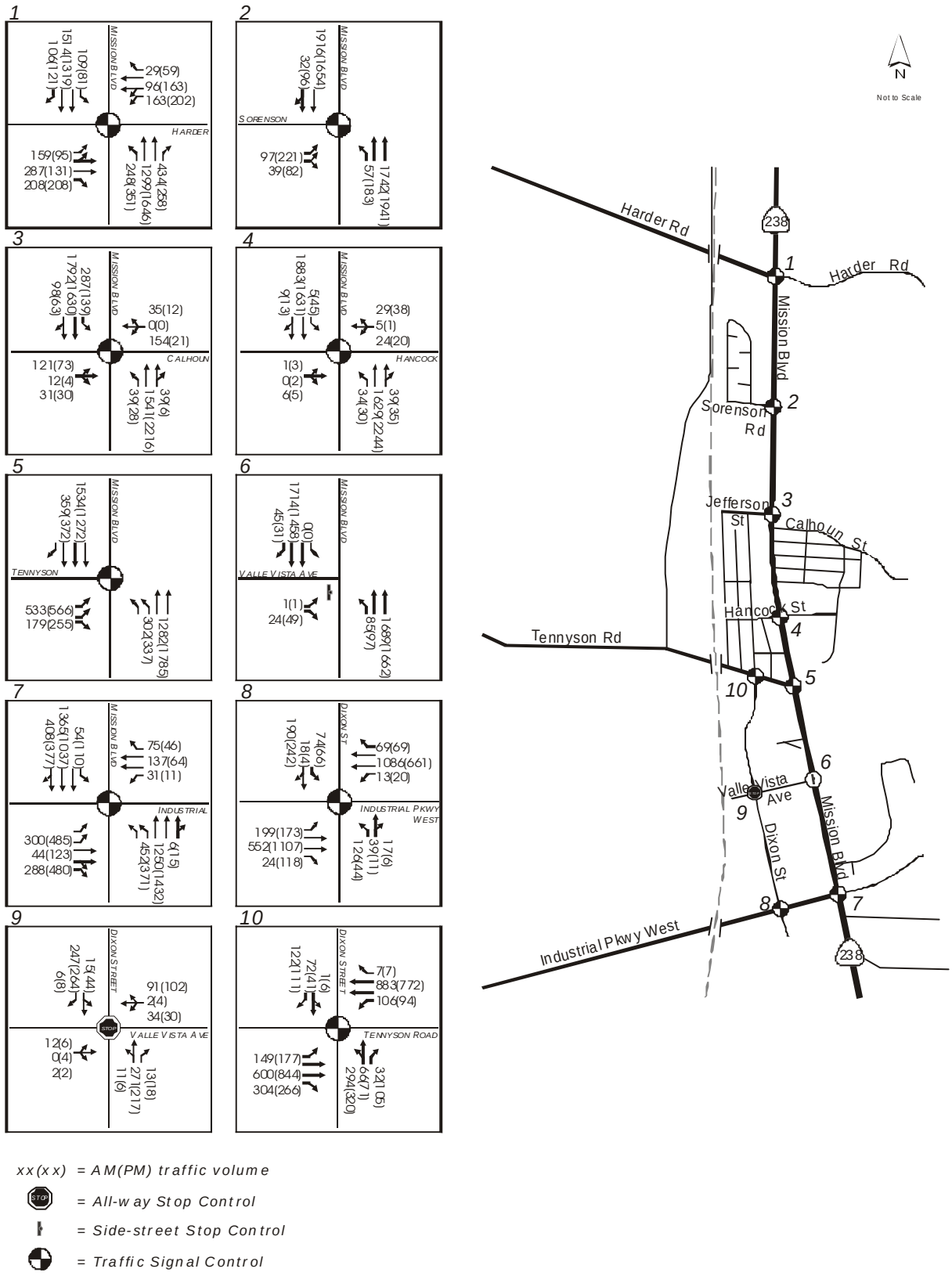

Figure 7-3: Existing Conditions Baseline - Traffic Volumes

ANALYSIS METHODOLOGY

The traffic forecasting methodology used for this Draft SEIR includes use of the following models: (1) City of Hayward Travel Demand Model for predicting intersection volumes; and (2) Alameda Countywide Congestion Management Agency's (ACCMA) travel demand model for Congestion Management Program (CMP) roadway volumes. These models were also utilized for the prior Concept Design Plan Program EIR.[4]

Intersection turning volumes were incorporated into TRAFFIX© software to determine Levels of Service (LOS) using the Highway Capacity Manual methods. The City of Hayward Travel Demand Model was refined, in consultation with and under the direction of the City of Hayward, to accurately reflect existing and future vehicle intersection volumes in the Project's study area. The roadway link volumes from the ACCMA model were incorporated into a Highway Capacity Manual (HCM) analysis spreadsheet to evaluate level of service conditions on CMP roadways.

Travel Demand Model Assumptions

The City of Hayward Travel Demand Model is based on the ACCMA travel demand model and utilizes it to forecast its travel demand. The City of Hayward Travel Demand Model is implemented using the EMME/2 software and is based on network assumptions from the Bay Area Metropolitan Transportation Commission's 2003 Regional Transportation Plan (RTP), the Countywide Transportation Plan, regional land use data from the Association of Bay Area Government's (ABAG) Projections 2003, and City of Hayward General Plan land use designations.

The City of Hayward Travel Demand Model forecasts AM and PM peak-hour link and intersection volumes based on an industry standard four-step method. It also includes a comprehensive post-processing procedure prior to inputting results and analyzing the intersection LOS into TRAFFIX©. Lastly, the model was recalibrated to year 2002 conditions based on updated land use and network assumptions, under the direction and supervision of the City of Hayward.

For Cumulative 2025 Conditions, the land uses for the Traffic Analysis Zones (TAZs) located within the Project area were obtained from ABAG Projections 2003 demographics, and are consistent with the City's existing General Plan; including all General Plan Amendments adopted prior to the Concept Design Plan Program EIR. Planned roadway changes incorporated into the model for this future year are detailed in the cumulative scenarios and generally consist of improvements to I-238 and to the SR 238 (Mission Boulevard) Corridor in Hayward.

The traffic analysis methodology employed for the current Project tiers off work done for Previous CEQA Documents in order to ensure consistency between the them and the current South Hayward BART/Mission Boulevard Form-Based Code (i.e., current Project). Traffic volume changes between the Previous CEQA Documents and current Project were identified and then applied to a "Baseline 2025" scenario, either "with" or "without" the current Project, to

[4] See Appendix E - South Hayward BART SEIR Traffic Study - Final Report by Dowling Associates, February 9, 2011.

obtain the current Project condition. The "Baseline 2025 Without Project" scenario assumes retention of the projects associated with Previous CEQA Documents, unchanged.

LOS Methodology

Level of service (LOS) is a qualitative indication of the level of delay and congestion experienced by motorists using an intersection. LOS levels are designated by the letters A through F, with A having the best operating conditions and F the worst (high delay and congestion). The City of Hayward General Plan identifies the following LOS goal: "Seek a minimum Level of Service D at intersections during the peak commute periods except when LOS E may be acceptable due to costs of mitigation or when there would be other unacceptable impacts."[5]

This chapter utilizes a Level of Service (LOS) evaluation of traffic conditions at the aforementioned ten (10) study intersections using of the most current TRAFFIX© software (version 8.0). The 1994 Highway Capacity Manual methodology was used to analyze signalized intersections, and the 2000 Highway Capacity Manual was used to analyze unsignalized intersections. The criteria used for signalized and unsignalized intersections are summarized in **Table 7-3**. LOS at signalized intersections and all-way stop-controlled intersections is based on the weighted average delay for all intersection legs.

[5] Page 3-26, 2002 Hayward General Plan Circulation Element.

TABLE 7-3: SIGNALIZED AND UNSIGNALIZED INTERSECTION LEVELS OF SERVICE

Level of Service	Vehicle Delay (seconds/vehicle)		Description
	Signalized Intersections	Unsignalized Intersections	
A	Delay ≤ 10.0	Delay ≤ 10.0	Free Flow/Insignificant Delays: No approach phase is fully utilized and no vehicle waits longer than one red indication.
B	10 < Delay ≤ 20.0	10.0 < Delay ≤ 15.0	Stable Operation/Minimal Delays: An occasional approach phase is fully utilized. Many drivers design to feel somewhat restricted within platoon of vehicles.
C	20.0 < Delay ≤ 35.0	15.0 < Delay ≤ 25.0	Stable Operation/Acceptable Delays: Major approach phases fully utilized. Most drivers feel somewhat restricted.
D	25.0 < Delay ≤ 40.0	25.0 < Delay ≤ 35.0	Approaching Unstable/Tolerable Delays: Drivers may have to wait through more than one red signal indication. Queues may develop but dissipate rapidly, without excessive delays.
E	40.0 < Delay ≤ 60.0	35.0 < Delay ≤ 50.0	Unstable Operation/Significant Delays: Volumes at or near capacity. Vehicles may wait through several signal cycles. Long queues from upstream from intersection.
F	Delay > 60.0	Delay > 50.0	Forced flow/Excessive Delays: Represents jammed conditions. Intersection operates below capacity with low volumes. Queues may block upstream intersections.

Year 2025 Baseline Without Project Scenario

Since one purpose of this analysis is to address any new significant impacts or substantial increases in the severity of previously examined significant impacts, the traffic study prepared for the current Project utilizes a "2025 Scenario Baseline." The "2025 Scenario Baseline" consists of the continuance of the projects evaluated in the Previous CEQA Documents, without change (by the current Project). This is considered the baseline scenario for this traffic analysis.

Intersection turning movement volumes and lane geometries for the 2025 Baseline Without Project Scenario are displayed in **Figure 7-4**. A summary of vehicle LOS for the 2025 Baseline scenario is shown in **Table 7-4**. Detailed intersection LOS calculations are available for review at the City of Hayward Permit Center located at 777 B Street between the weekday hours of 8AM to 5PM.

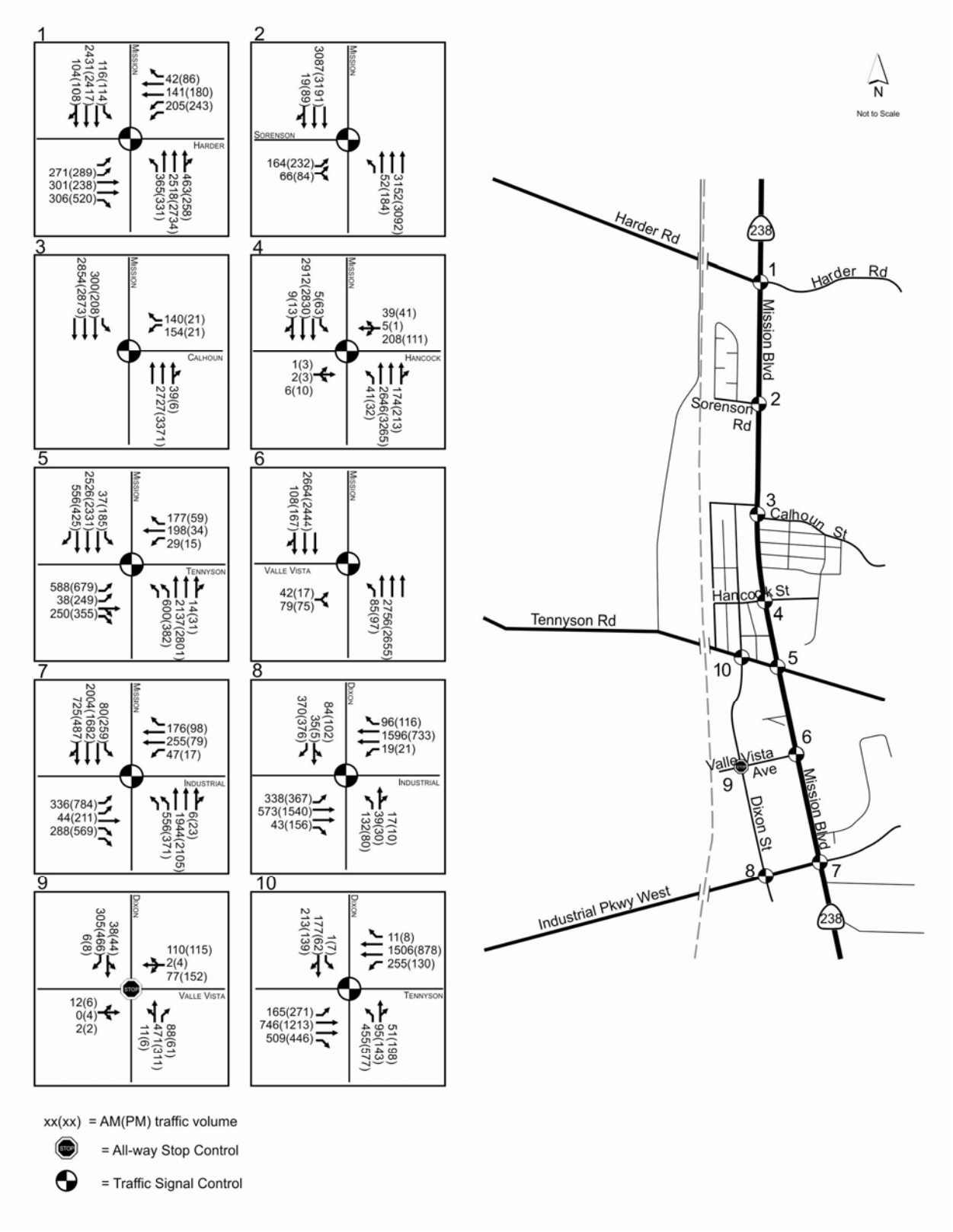

Figure 7-4: Year 2025 Baseline Without Current Project Traffic Volumes

TABLE 7-4: YEAR 2025 BASELINE (WITHOUT CURRENT PROJECT) - INTERSECTION LEVEL OF SERVICE

	Intersection	Traffic Control	Peak-Hour	LOS	Delay
1	Mission Boulevard at Harder Road	Signal	AM	D	30
			PM	D	40
2	Mission Boulevard at Sorenson Road	Signal	AM	B	8
			PM	B	15
3	Mission Boulevard at Calhoun Street	Signal	AM	B	14
			PM	B	8
4	Mission Boulevard at Hancock Street	Signal	AM	B	12
			PM	B	10
5	Mission Boulevard at Tennyson Road	Signal	AM	D	39
			PM	D	29
6	Mission Boulevard at Valle Vista Avenue[1]	Signal	AM	A	3
			PM	A	3
7	Mission Boulevard at Industrial Parkway West	Signal	AM	D	39
			PM	D	37
8	Dixon Street at Industrial Parkway West	Signal	AM	C	18
			PM	B	14
9	Dixon Street at Valle Vista Avenue	All Way Stop	AM	C	17
			PM	C	22
10	Dixon Street at Tennyson Road[2]	Signal	AM	D	32
			PM	C	23

[1] The intersection of Mission Boulevard-Valle Vista Avenue is currently stop-controlled but will be signalized by 2025.

[2] The intersection of Dixon Street - Tennyson Avenue shows the LOS with recommended mitigations from the DEIR

LOS = Level of Service; Delay = Weighted average delay for vehicles in seconds

Source: South Hayward BART/Mission Boulevard Concept Design Plan FEIR

REGULATORY SETTING

Alameda County Transportation Commission (ACTC)

The Alameda County Transportation Commission (ACTC) prepares the Congestion Management Program (CMP), a plan mandated by California law to describe the strategies to address congestion problems on the CMP network, which includes state highways and principal arterials. The CMP uses LOS standards as a mean to measure congestion and has established LOS standards to determine how local governments meet the standards of the CMP. CMP roadways applicable to the current Project include: I-880, I-580, Foothill Boulevard, Mission Boulevard, Harder Road, Tennyson Road, Industrial Parkway and Whipple Road.

General Plan

The Circulation Element of the Hayward General Plan contains policies and strategies relating to regional traffic, promoting alternative transportation modes and improving local access and circulation.

- Reduce the amount of Regional Through Traffic in the Hayward Area. (Policy 1)
    - Support transportation plans that incorporate alternatives to automobile use. (Strategy 2)
    - Coordinate transportation planning with regional agencies and adjoining jurisdictions. (Strategy 4)
- Improve Mobility to Foster Economic Vitality. (Policy 4)
    - Provide a safe and efficient transportation system for the movement of people, goods and services through and within Hayward. (Strategy 1)
- Improve Coordination among Public Agencies and Transit Providers. (Policy 5)
    - Consider needs of transit riders, pedestrians, people in wheelchairs, cyclists and others in long-range planning and review of development proposals. (Strategy 1)
    - Promote effective intermodal connections at transit stations. (Strategy 5)
- Encourage Land Use Patterns that Promote Transit usage. (Policy 10)
    - Encourage transit-oriented development, where appropriate, encourage intensive new residential and commercial development within 1/2 mile of transit stations or 1/4 mile of major bus routes. (Strategy 1)
    - Encourage mixed-use residential and commercial development to reduce the need for multi-destinational trips. (Strategy 2)

- Promote high density new residential development, including residential above commercial uses, near transit facilities, activity generators and along major arterials. (Strategy 3)

- Encourage alternatives to automobile transportation through development policies and provision of transit, bike and pedestrian amenities. (Strategy 4)

- Encourage design of development that facilitates use of transit. (Strategy 6)

Mission-Garin Neighborhood Plan

The following circulation policies and strategies are included in the Mission-Garin Neighborhood Plan:

- Require phasing of development that is coordinated with transportation system management. (Strategy 20)

- Reduce local traffic by such means as requiring large residential developments to provide shuttle serve to BART and encourage other alternative transportation measures such as bus route changes, construction of bike trails and provision of other pedestrian amenities. (Strategy 22)

Fairway Park Neighborhood Plan

The Fairway Park Neighborhood Plan, which includes the triangular area at the south end of the project area, contains the following goal relating to neighborhood character and appearance:

- Enhance the safety and efficiency of the circulation pattern and encourage alternative modes of transportation. (goal)

Previous CEQA Documents: Revised Analysis

During preparation of this Draft SEIR, it was discovered that three (3) signalized intersections were missing loss time that should have been reflected in the Concept Design Plan Program EIR. Additionally, the geometry and corresponding volumes of the intersection of Mission Boulevard and Tennyson Road were found to be inaccurate. This section summarizes the errors discovered during preparation of this Draft SEIR, including how they have been addressed within the context of the current Project.

Loss time is typically incorporated at each signalized intersection to account for seconds lost (for yellow and all-red signal indications) as a result of switching each phase of the traffic signal over its complete cycle. The Concept Design Plan Program EIR inaccurately assessed loss time at the following intersections:

6. Mission Boulevard at Valle Vista Avenue

8. Dixon Street at Industrial Parkway West

10. Dixon Street-E 12th Street at Tennyson Road

Generally, the loss time is about three (3) seconds for each phase in a traffic signal's cycle. For example, a traffic signal with a cycle of ninety (90) seconds and only (2) two phases (one phase for eastbound-westbound travel through an intersection, the other for northbound-southbound) would incorporate a total of six (6) seconds of loss time, for an effective green time of eighty-four (84) seconds per cycle. Traffic signals with protected turn phases require more loss time to be incorporated in the analysis, but usually no more than twelve (12) seconds in the City of Hayward. The aforementioned study intersections were lacking loss time in the Previous CEQA Documents, but such loss time has been accounted for in the traffic study prepared for the current Project.

Additionally, while it was discovered that the corrected delay for the intersection of Mission Boulevard at Harder Road is slightly less compared to that reported in the Concept Design Plan Program EIR, the LOS remains the same under the current Project (as shown in **Table 7-4**). Finally, the intersection geometry[6] and minor turning movement volumes[7] for Mission Boulevard at Tennyson Road were discovered to be incorrect in the Concept Design Plan Program EIR. **Table 7-4** displays the revised and corrected LOS and delay for these five (5) intersections compared to the original reported in the South Hayward BART/Mission Boulevard Concept Design Plan EIR for the Year 2025 Baseline.

As a result of discovering the aforementioned errors and analysis in preparation of this Draft SEIR, it was revealed the intersection of Dixon Street at Tennyson Road and the intersection of Mission Boulevard at Tennyson Road are projected to operate at LOS E in the AM peak-hour for the 2025 Baseline condition. The other intersections are, however, projected to continue operating at LOS D or better for the 2025 Baseline condition. The corrected LOS and delay are used for the 2025 Baseline analysis when compared to Project conditions.

2025 Baseline With Current Project Conditions

Intersection turning movement volumes and lane geometries for Baseline 2025 With Current Project condition are displayed in **Figure 7-5**. A summary of vehicle LOS for the baseline plus Project scenario is shown in **Table 7-5**.

[6] Lane geometries at the Mission Boulevard-Tennyson Street intersection for the South Hayward BART/ Mission Boulevard Concept Design Plan EIR had one shared southbound through-right turn lane and three southbound through lanes. The lane geometries for this study have been revised as shown in Figure 7-2

[7] Volumes at Mission Boulevard-Tennyson Street intersection for the South Hayward BART/ Mission Boulevard Concept Design Plan EIR were mostly zero for the northbound right and westbound left in the AM and PM peak-hour. Volumes for this study have been revised as shown in Figure 7-2

TABLE 7-5: YEAR 2025 BASELINE (WITHOUT CURRENT PROJECT) INTERSECTION LEVEL OF SERVICE - ORIGINAL TO REVISED

	Intersection	Traffic Control	Peak-Hour	Original		Revised	
				LOS	Delay	LOS	Delay
1	Mission Boulevard at Harder Road [1]	Signal	AM	D	30	D	28.9
			PM	D	40	D	36.7
5	Mission Boulevard at Tennyson Road[2]	Signal	AM	D	39	E	43.5
			PM	D	29	D	30.6
6	Mission Boulevard at Valle Vista Avenue[3]	Signal	AM	A	3	B	5.4
			PM	A	3	A	4.6
8	Dixon Street at Industrial Parkway West[3]	Signal	AM	C	18	C	24.8
			PM	B	14	C	16.3
10	Dixon Street at Tennyson Road[3]	Signal	AM	D	32	E	51.9
			PM	C	23	D	29.2

Original LOS and delay as reported in the South Hayward BART/Mission Boulevard Concept Design Plan FEIR

[1] Change in seconds of delay only, LOS remains the same

[2] Change in LOS and delay due to change of intersection lane geometries and revised volumes

[3] Change in LOS and delay due to addition of loss time

Source: Dowling Associates, Inc., using TRAFFIX 8.0

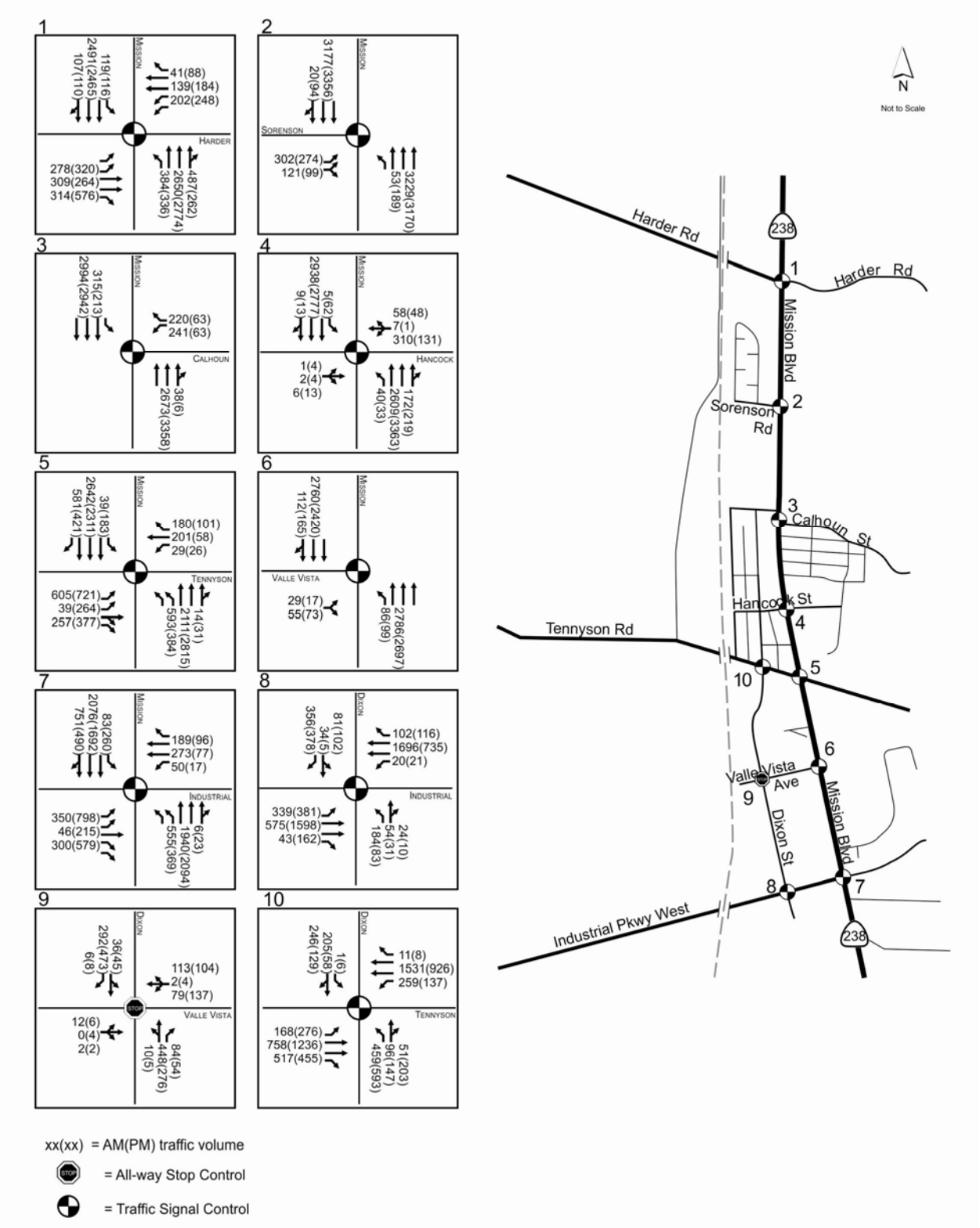

Figure 7-5: Year 2025 Baseline with Current Project - Traffic Volumes

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

Implementation of the Project would have a significant effect on the environment if it were to:

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

- Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

PLAN, ORDINANCE OR POLICY CONFLICT

Impact Traf-1: The Project would contribute additional traffic to intersections, which the Previous CEQA Documents determined significant but mitigable impacts. However, while the Project would result in new and more severe environmental effects concerning LOS levels at certain intersections, feasible mitigation measures would reduce those effects to a ***less than significant*** level.

Applicable Plan & Policy

For the purpose of this Draft SEIR, the applicable plan and policy consists of the City of Hayward 2002 General Plan. There are no ordinance provisions within the Hayward Municipal Code which are relevant to the performance of the subject circulation system.

Consistent with the Hayward General Plan, a traffic impact could be deemed significant if it results in a level of service (LOS) that exceeds, either individually or cumulatively, an LOS of D. Additionally, the Hayward General Plan states that a, "LOS E may be acceptable due to costs of mitigation or when there would be other unacceptable impacts."

Previous CEQA Documents versus Current Project

Build-out of the current Project would add 771 net new residential dwellings and 218,613 square feet of commercial floor area above the amount of development studied in the Previous CEQA Documents. This new development would add additional vehicle trips that, as illustrated in **Table 7-6** below, reduce the LOS of certain intersections below that determined in the Previous CEQA Documents and below acceptable levels. More specifically, the Project will cause two (2) intersections to operate at an unacceptable LOS of E in the 2025 Baseline plus Project condition, and will increase average delay at two (2) other intersections that are projected to operate at LOS

E under baseline conditions thereby causing one (1) of the intersections to operate at LOS F.

For clarity, the mitigations that follow assume the Route 238 Corridor Improvement Project is completed as presently designed. Thus, the mitigation measures are indicated as changes from the built condition after completion of the Route 238 Corridor Improvement Project presently under construction.

TABLE 7-6: YEAR 2025 BASELINE (WITH CURRENT PROJECT) - INTERSECTION LEVEL OF SERVICE

	Intersection	Traffic Control	Peak-Hour	2025 Baseline[1]		With Project	
				LOS	Delay	LOS	Delay
1	Mission Boulevard at Harder Road	Signal	AM	D	28.9	D	31.6
			PM	D	36.7	**E**	**47.3**
2	Mission Boulevard at Sorenson Road	Signal	AM	B	7.6	B	13.7
			PM	B	14.7	C	20.4
3	Mission Boulevard at Calhoun Street	Signal	AM	B	14.2	C	19.0
			PM	B	7.7	B	9.8
4	Mission Boulevard at Hancock Street	Signal	AM	B	11.8	C	18.4
			PM	B	9.5	B	11.7
5	Mission Boulevard at Tennyson Road	Signal	AM	**E**	**43.5**	**E**	**49.9**
			PM	D	30.6	D	34.8
6	Mission Boulevard at Valle Vista Avenue[2]	Signal	AM	B	5.4	A	4.3
			PM	A	4.6	A	4.6
7	Mission Boulevard at Industrial Parkway West[8]	Signal	AM	D	39.3	**E**	**46.7**
			PM	D	36.9	D	37.3
8	Dixon Street at Industrial Parkway West	Signal	AM	C	24.8	D	26.8
			PM	C	16.3	C	16.4
9	Dixon Street at Valle Vista Avenue	All Way Stop	AM	C	16.8	C	15.6
			PM	C	21.6	C	20.6
10	Dixon Street at Tennyson Road	Signal	AM	**E**	**51.9**	**F**	**66.8**
			PM	D	29.2	D	30.6

[1] Year 2025 Baseline LOS and delay based on the Revised Analysis contained in Table 7-4.

[2] The intersection of Mission Boulevard/Valle Vista Avenue is currently stop-controlled but will be signalized by 2025.

LOS = Level of Service; Delay = Weighted average delay for vehicles in seconds.

Source: Dowling Associates, Inc. using TRAFFIX 8.0.

[8] Under the Previous CEQA Documents, this intersection was presumed to operate at LOS E or D by the year 2025, depending upon whether the analysis was for the "Urban" or "Blended" scenario. The final approved Concept Design Plan was a combination of both of those scenarios. Although LOS D is presented in this table, LOS E was presumed and mitigation measures at this intersection ultimately adopted.

DIXON STREET/TENNYSON ROAD

The Previous CEQA Documents determined that the proposed land use and densities under the Concept Design Plan would result in LOS E at the Dixon Street/Tennyson Road intersection in the AM peak period. Mitigation was recommended in the Previous CEQA Documents to provide northbound and southbound left turn lanes, and to modify the traffic signal at Dixon Street/Tennyson Road to provide for protected-permissive northbound left turns and permissive southbound left turns. This mitigation would have improved the LOS to D in the AM peak period.

Impact Traf-1: **(Dixon Street-East 12th Street at Tennyson Road)** Adding Project-generated traffic to the 2025 Baseline would cause this intersection to operate at LOS F in the AM peak-hour condition. This would be a ***potentially significant impact***.

While the Previous CEQA Documents recommended mitigation measures capable of reducing the impact to less than significant, the City of Hayward now desires to modify that mitigation, as stated in Mitigation Measure Traf-1 below.

Mitigation Measures

Traf-1: **(LOS at Dixon Street/Tennyson Road)** Create an exclusive right turn pocket and a shared through-left turn lane in the southbound direction (on the East 12th Street approach).

Lane geometries in the northbound direction would include an exclusive left-turn pocket and a shared through-right turn lane.

Signal phasing would be changed to split phasing in the northbound and southbound directions, with a southbound right-turn overlap during eastbound and westbound protected left turn phases.

U-turns in the eastbound direction would be prohibited to minimize conflicts with southbound right-turning vehicles.

Implementation of these mitigation measures would result in LOS D in the AM peak-hour and, thus, reduce the impact to a ***less than significant*** level.

MISSION BOULEVARD/INDUSTRIAL PARKWAY

The Previous CEQA Documents determined that land use densities along the Mission Boulevard corridor contemplated under the Concept Design Plan could result in LOS E in the 2025 AM peak period at the Mission Boulevard/Industrial Parkway intersection. Mitigation was recommended to modify traffic signal phasing to provide eastbound and westbound right turn overlap phases, and prohibit both northbound and southbound U-turns. This mitigation would have improved the LOS to D in the AM peak period.

Impact Traf-2 **(LOS at Mission Boulevard/Industrial Parkway)** Adding Project-generated traffic to the 2025 Baseline would cause this intersection to operate at LOS E in the AM peak-hour. This would be a ***potentially significant impact***.

While the Previous CEQA Documents recommended mitigation measures capable of reducing the impact to less than significant, the City of Hayward now desires to modify that mitigation, as stated in Mitigation Measure Traf-2 below.

Mitigation Measure

Traf-2: **(LOS at Mission Boulevard/Industrial Parkway)** For the westbound right turn lane, provide an overlapping signal with the southbound left protected phase.

Implementation of mitigation measure Traf-2 would require the prohibition of southbound U-turns, but will allow more right turning volumes in the westbound direction to improve overall intersection delay. This would result in an improved intersection operation to LOS D in the AM peak-hour. The resulting significance after implementation of Mitigation Measure Traf-2a is considered ***less than significant***.

MISSION BOULEVARD/TENNYSON ROAD

The Previous CEQA Documents did not identify the Mission Boulevard/Tennyson Road intersection as having a potentially significant impact requiring mitigation..

Impact Traf-3: **(LOS at Mission Boulevard/Tennyson Road)** Mission Boulevard at Tennyson Road is projected to operate at LOS E in the AM peak-hour under the current Project. This is considered a ***potentially significant impact.***

Mitigation Measure

Traf-3: **(LOS at Mission Boulevard/Tennyson Road)** Split phasing signal timing in the eastbound and westbound directions is already being constructed as part of the Route 238 Corridor Improvement Project. However, in addition to the split phasing, the following would need to be accomplished: (a) convert the eastbound through lane to an eastbound shared through-left lane, and (b) stripe the westbound approach to a shared left-through lane and an exclusive right turn lane, and (c) provide overlap phasing for westbound and eastbound right turns; and (d) prohibit northbound and southbound U-turns to avoid conflicts with the right turn overlap phasing .

While there is currently no eastbound leg at the Mission Boulevard/Tennyson Road intersection, the Previous CEQA Documents assumed its presence and extension to a new north/south arterial

when analyzing the potential effects of each respective project. The extension of this eastbound leg of Tennyson Road is shown in the Hayward General Plan[9] and is included in the approved La Vista development project[10]. It is also been accommodated in the Route 238 Corridor Improvement project presently under construction.

Implementation of Mitigation Measure Traf-3 would result in LOS D conditions at this intersection in the AM peak-hour. The resulting significance after implementation of Mitigation Measures Traf-3 is considered ***less than significant***.

MISSION BOULEVARD/HARDER ROAD

The Previous CEQA Documents concluded that the Mission Boulevard/Harder Road intersection would not be significantly affected by traffic generated under the Concept Design Plan by the year 2025, thus no mitigation at this intersection was recommended. Therefore, for the current Project, this is considered a new ***potentially significant impact***.

Impact Traf-4 **(LOS at Mission Boulevard/Harder Road)** Adding Project-generated traffic to the Year 2025 Baseline would cause the Mission Boulevard/Harder Road intersection to operate at LOS E in the PM peak-hour. This would be considered a ***potentially significant impact***.

Mitigation Measures

Traf-4: **(LOS at Mission Boulevard/Harder Road)** Convert the signal phasing of this intersection to split phasing with right-turn overlap phasing in the eastbound and westbound directions during the northbound and southbound protected left-turn phase. In conjunction with the signal phasing changes, accomplish the following: (a) convert one eastbound exclusive left turn lane into a shared left and through; (b) convert one eastbound through lane into an exclusive right; and (c) provide overlap phasing for the westbound right turns and for the eastbound right turns, and (d) prohibit northbound and southbound U-turns to avoid conflicts with the right turn overlap phasing

Implementation of mitigation measure Traf-4 would result in LOS D conditions at this intersection in the PM peak-hour. The resulting significance after implementation of Mitigation Measure Traf-4 is considered ***less than significant***.

Table 7-7 below summarizes the LOS for each impacted intersection with and without the mitigation measures recommended above.

9 Figure 3-2, Hayward General Plan Circulation Element

10 Vesting Tentative Tract Map 7620.

TABLE 7-7: IMPACTED INTERSECTION LOS WITH AND WITHOUT MITIGATION

	Intersection	Traffic Control	Peak-Hour	Without Mitigation			With Mitigation	
				LOS	Delay		LOS	Delay
1	Mission Boulevard at Harder Road	Signal	AM	D	31.6		D	36.8
			PM	E	47.6		D	34.6
5	Mission Boulevard at Tennyson Road	Signal	AM	E	49.9		D	35.4
			PM	D	34.8		D	32.8
7	Mission Boulevard at Industrial Parkway West	Signal	AM	E	46.7		D	37.4
			PM	D	37.3		D	33.5
10	Dixon Street at Tennyson Road	Signal	AM	F	66.8		D	37.4
			PM	D	30.6		D	27.0

LOS = Level of Service; Delay = Weighted average delay for vehicles in seconds.

Source: Dowling Associates, Inc. using TRAFFIX 8.0.

CONGESTION MANAGEMENT PROGRAM CONFLICT

The Alameda County Transportation Commission (ACTC) requires an analysis of the potential impacts of the Project on the metropolitan transportation system. The routes studied in the Previous CEQA Documents include I-880, Foothill Boulevard, Mission Boulevard, Harder Road, Tennyson Road, Industrial Parkway and Whipple Road, as well as BART and AC Transit.

The methodology used in the traffic study for the Project builds upon that used in the Previous CEQA Documents, including use of the same travel demand model (i.e., ACCMA Countywide model). Land use inputs into the model were used to identify the change in traffic resulting from the Project compared to traffic levels analyzed in the Previous CEQA Documents. The additional increment of Project-generated traffic was added to the results from the previous CMP analysis. Current project volumes were then compared to the 2025 Baseline condition in order to identify any new impacts.

Threshold of Significance

According to the Alameda County Congestion Management Agency 2007 Congestion Management Program (CMP), the LOS standard for Metropolitan Transportation System (MTS) roadways, which include the CMP roadway network, is LOS E, except for those locations already at LOS F in 1991. Therefore, for purposes of this Draft SEIR, the Project would result in significant traffic impacts on MTS roadways if it causes:

- The operations on MTS roadways to deteriorate from LOS E or better to LOS F; or
- The volume-to-capacity (V/C) ratio to increase by more than five (5%) percent on an MTS roadway that is already operating at LOS F. Based on professional judgment and in

consultation with the local agency, this is considered a reasonable threshold given the fluctuations in the travel demand model and the long-range estimates for land use and traffic in Year 2025.

Previous CEQA Documents

The Previous CEQA Documents concluded that certain roadways in the Hayward area will continue to operate at less than acceptable levels. These roadways include:

- I-880 north of "A" Street
- I-880 north of Tennyson Road
- I-880 north of Whipple Road
- I-580 east of Grove
- Foothill north of "A" Street
- Mission Boulevard north of Harder Road
- Mission Boulevard north of Tennyson Road; and
- Mission Boulevard north of Industrial Parkway West.

Implementation of the General Plan policies and strategies, such as implementation of “smart growth” policies, will reduce the City’s contribution to traffic growth on these regional roadways. However, due to physical constraints, funding limitations and regional growth patterns, cumulative traffic impacts on these regional roadways was found to be significant and unavoidable.

2025 Baseline With Project Conditions - Traffic Volumes

Year 2025 Baseline traffic volumes are shown in **Table 7-8**, and the 2025 Baseline plus Project volumes are shown in **Table 7-9**. **Table 7-10** and **Table 7-11** compare the results between the 2025 Baseline and Project by direction for all CMP links, summarizes the volumes, level of service, and the percent change in volume-to-capacity ratio (V/C).

When traffic generated by the Project is added to the Year 2025 Baseline, there are increases in PM peak hour volumes at most link locations. However, this increased traffic due to the Project does not result in new significant impacts or substantial increases in the severity of a previously identified significant impact. Therefore, the Project would result in a ***less than significant impact*** relative to Congestion Management Plan conflicts.

Table 7-8: Year 2025 Baseline Conditions

Link Location	Northbound/ Eastbound					Southbound/ Westbound					Facility Type
	Volume	Capacity	V/C	Lanes	LOS	Volume	Capacity	V/C	Lanes	LOS	
Interstate/State Highways											
I-880 North of "A" St	9,017	8,400	1.07	4	F	8,939	8,400	1.06	4	F	Freeway
I-880 North of Tennyson Rd	7,142	6,300	1.13	3	F	6,676	6,300	1.06	3	F	Freeway
I-880 North of Whipple Rd	7,016	6,300	1.11	3	F	7,556	6,300	1.20	3	F	Freeway
I-238 East of I-880	3,609	6,300	0.57	3	C	5,805	6,300	0.92	3	E	Freeway
I-580 East of I-238	5,457	10,500	0.52	5	B	9,804	10,500	0.93	5	E	Freeway
I-580 East of Grove Wy	5,913	8,400	0.70	4	C	10,308	8,400	1.23	4	F	Freeway
Foothill Blvd (SR-238) North of "A" St	4,236	3,481	1.22	4	F	2,719	3,481	0.78	4	B	Class 1A
Foothill Blvd (SR-238) South of "A" St	4,563	4,121	1.11	5	F	3,673	4,121	0.89	5	C	Class 1A
Mission Blvd (SR-238) North of Harder Rd	2,870	2,841	1.01	3	F	2,253	2,841	0.79	3	B	Class 1A
Mission Blvd (SR-238) North of Tennyson Rd	3,042	2,841	1.07	3	F	2,398	2,841	0.84	3	C	Class 1A
Mission Blvd (SR-238) North of Industrial Pkwy	2,974	2,841	1.05	3	F	2,304	2,841	0.81	3	C	Class 1A
Arterials											
Harder Rd West of Mission Blvd	1,274	1,800	0.71	2	D	729	1,800	0.41	2	C	Class 1B
Tennyson Rd West of Mission Blvd	1,515	1,800	0.84	2	D	973	1,800	0.54	2	C	Class 1B
Industrial Pkwy West of Dixon Rd	1,343	1,800	0.75	2	D	650	1,800	0.36	2	C	Class 1B
Whipple Rd West of Mission Blvd	737	840	0.88	1	E	665	840	0.79	1	E	Class 2
Sum	***60,708***					***65,452***					

V/C = Volume-to-capacity ratio

Dowling Associates, Inc. October 2010

Table 7-9: Year 2025 Baseline Plus Project Conditions.

Link Location	Northbound/ Eastbound					Southbound/ Westbound					Facility Type
	Volume	Capacity	V/C	Lanes	LOS	Volume	Capacity	V/C	Lanes	LOS	
Interstate/State Highways											
I-880 North of "A" St	9,007	8,400	1.07	4	F	8,928	8,400	1.06	4	F	Freeway
I-880 North of Tennyson Rd	7,203	6,300	1.14	3	F	6,714	6,300	1.07	3	F	Freeway
I-880 North of Whipple Rd	7,059	6,300	1.12	3	F	7,644	6,300	1.21	3	F	Freeway
I-238 East of I-880	3,662	6,300	0.58	3	C	5,950	6,300	0.94	3	E	Freeway
I-580 East of I-238	5,490	10,500	0.52	5	B	9,834	10,500	0.94	5	E	Freeway
I-580 East of Grove Wy	5,967	8,400	0.71	4	C	10,277	8,400	1.22	4	F	Freeway
Foothill Blvd (SR-238) North of "A" St	4,248	3,481	1.22	4	F	2,804	3,481	0.81	4	B	Class 1A
Foothill Blvd (SR-238) South of "A" St	4,588	4,121	1.11	5	F	3,584	4,121	0.87	5	C	Class 1A
Mission Blvd (SR-238) North of Harder Rd	2,812	2,841	0.99	3	D	2,421	2,841	0.85	3	C	Class 1A
Mission Blvd (SR-238) North of Tennyson Rd	3,184	2,841	1.12	3	F	2,449	2,841	0.86	3	C	Class 1A
Mission Blvd (SR-238) North of Industrial Pkwy	2,938	2,841	1.03	3	F	2,315	2,841	0.81	3	C	Class 1A
Arterials											
Harder Rd West of Mission Blvd	1,485	1,800	0.83	2	D	805	1,800	0.45	2	C	Class 1B
Tennyson Rd West of Mission Blvd	1,722	1,800	0.96	2	E	1,073	1,800	0.60	2	D	Class 1B
Industrial Pkwy West of Dixon Rd	1,475	1,800	0.82	2	D	713	1,800	0.40	2	C	Class 1B
Whipple Rd West of Mission Blvd	741	840	0.88	1	E	674	840	0.80	1	E	Class 2
Sum	***61,581***					***66,185***					

V/C = Volume-to-capacity ratio

Dowling Associates, Inc. October 2010

TABLE 7-10: SEGMENT EVALUATION: 2025 PEAK HOUR - NORTHBOUND/EASTBOUND

Link Location	Volume		Difference		LOS		Change to LOS F?	Change in V/C +5%?
	2025 Baseline	Plus Project	%	Volume	2025 Baseline	Plus Project		
Interstate/State Highways								
I880 North of A St	9,017	9,007	-0.1%	-10	F	F	Already F	No
I880 North of Tennyson Rd	7,142	7,203	0.8%	61	F	F	Already F	No
I880 North of Whipple	7,016	7,059	0.6%	43	F	F	Already F	No
I-238 East of I-880	3,609	3,662	1.4%	53	C	C	No	N/A
I-580 East of I-238	5,457	5,490	0.6%	33	B	B	No	N/A
I-580 East of Grove Wy	5,913	5,967	0.9%	54	C	C	No	N/A
Foothill Blvd (SR-238) North of A St	4,236	4,248	0.3%	12	F	F	Already F	No
Foothill Blvd (SR-238) South of A St	4,563	4,588	0.5%	25	F	F	Already F	No
Mission Blvd (SR-238) North of Harder Rd	2,870	2,812	-2.1%	-58	F	D	No	N/A
Mission Blvd (SR-238) North of Tennyson Rd	3,042	3,184	4.5%	142	F	F	Already F	No
Mission Blvd (SR-238) North of Industrial Pkwy	2,974	2,938	-1.2%	-36	F	F	Already F	No
Arterials								
Harder Rd West of Mission Blvd	1,274	1,485	14.2%	211	D	D	No	N/A
Tennyson Rd West of Mission Blvd	1,515	1,722	12.0%	207	D	E	No	N/A
Industrial Pkwy West of Dixon Rd	1,343	1,475	8.9%	132	D	D	No	N/A
Whipple Rd West of Mission Blvd	737	741	0.5%	4	E	E	No	N/A
	60,708	***61,581***	***1.4%***	***873***				

V/C = Volume-to-capacity; Impacted locations are highlighted.

Dowling Associates, Inc. October 2010.

TABLE 7-11: SEGMENT EVALUATION: 2025 PEAK HOUR - SOUTHBOUND/WESTBOUND

Link Location	Volume		Difference		LOS		Change to LOS F?	Change in V/C +5%?
	2025 Baseline	Plus Project	%	Volume	2025 Baseline	Plus Project		
Interstate/State Highways								
I880 North of A St	8,939	8,928	-0.1%	-11	F	F	Already F	No
I880 North of Tennyson Rd	6,676	6,714	0.6%	38	F	F	Already F	No
I880 North of Whipple	7,556	7,644	1.2%	88	F	F	Already F	No
I-238 East of I-880	5,805	5,950	2.4%	145	E	E	No	N/A
I-580 East of I-238	9,804	9,834	0.3%	30	E	E	No	N/A
I-580 East of Grove Wy	10,308	10,277	-0.3%	-31	F	F	Already F	No
Foothill Blvd (SR-238) North of A St	2,719	2,804	3.0%	85	B	B	No	N/A
Foothill Blvd (SR-238) South of A St	3,673	3,584	-2.5%	-89	C	C	No	N/A
Mission Blvd (SR-238) North of Harder Rd	2,253	2,421	6.9%	168	B	C	No	N/A
Mission Blvd (SR-238) North of Tennyson Rd	2,398	2,449	2.1%	51	C	C	No	N/A
Mission Blvd (SR-238) North of Industrial Pkwy	2,304	2,315	0.5%	11	C	C	No	N/A
Arterials								
Harder Rd West of Mission Blvd	729	805	9.4%	76	C	C	No	N/A
Tennyson Rd West of Mission Blvd	973	1,073	9.3%	100	C	C	No	N/A
Industrial Pkwy West of Dixon Rd	650	713	8.8%	63	C	C	No	N/A
Whipple Rd West of Mission Blvd	665	674	1.3%	9	E	E	No	N/A
	65,452	***66,185***	***1.1%***	***733***				

V/C = Volume-to-capacity; Impacted locations are highlighted.

Dowling Associates, Inc. October 2010.

DESIGN FEATURE HAZARD

Impact Traf-5: **(Design Feature Hazard)** The Project includes planned new thoroughfares connecting to existing thoroughfares. Detailed engineering safety studies of each planned new thoroughfare, including their intersection with existing thoroughfares, has not been accomplished to date. However, the Project would require a detailed examination of new thoroughfares through an existing "Precise Plan Lines for Streets" review process. Implementation of this review process would ensure that the design of these new roads does not result in a roadway design hazard. Thus, a ***less than significant*** would result under this criterion.

The current Project includes a complement to the Regulating Plan consisting of a Thoroughfare Plan. The Thoroughfare Plan intends to implement the Hayward General Plan's direction to pursue opportunities for infill development and redevelopment to accommodate alternate street patterns, including shorter block lengths, interconnected streets, alleys, and cul-de-sac avoidance. This would be accomplished through the future construction of new thoroughfares either in conjunction with new private development projects or by the City of Hayward (over time) through acquisition and construction of particular thoroughfare segments.

While the Thoroughfare Plan depicts the anticipated general location of new thoroughfares, the Project would provide for deviations when, for example, immovable objects prevent or render infeasible a particular segment. Also, in order to adequately determine the feasibility of extending anticipated thoroughfare segments and, amongst other reasons, examine the safety of specific new thoroughfare segments, the Project would require the processing of a Precise Plan Lines for Streets application in conformance with Municipal Code Chapter 10, Article 4. Specific safety issues that should be addressed during any such Precise Plan Lines for Streets review process include the following:

- Traffic Control Devices. Planned new thoroughfares will require an analysis of the need for traffic control at all new intersections. These will likely be stop-controlled or all-way controlled intersections. Signage would need to be provided to alert traffic to these intersections and controls. .

- Pedestrian and Bicyclist Safety. New thoroughfares and their intersections with existing thoroughfares should be evaluated for pedestrian and bicyclist safety issues. When evaluating such issues, the Project directs that design features shall prioritize accommodating non-vehicular modes of travel. Design features that should be investigated include the use of pedestrian crossings at intersections and bikeway signage indicating right of use.

- Restricted Turn Movements. New thoroughfares intersecting with Mission Boulevard or Tennyson Road should be restricted to right-in and right-out traffic movements only. This restriction exists today at select driveways onto Mission Boulevard, and is enforced via clear signage for right-turn only and a central median on the main roadway. Also, the

Route 238 Corridor Improvement Project would extend a median throughout the Project area and, thereby, expressly not provide for left-in and left-out turn movements.

PLANNING-RELATED NON-CEQA ISSUES

PARKING

New Information

Since certification of the Previous CEQA Documents, the CEQA Guidelines were amended to remove parking from the Environmental Checklist (Appendix G of the CEQA Guidelines) as an environmental factor to be considered under CEQA. Therefore, while the Project's potential environmental effects with regard to parking is not addressed within this Supplemental Program EIR and nor is it required by CEQA, additional discussion is on this topic is provided here for information purposes only.

Current On-Street Parking Setting

The majority of on-street parking within the Project area is currently free and unrestricted. There are only a few no-parking zones within the Project area, notably the blocks fronting Harder Road, both sides of Tennyson Road, and Mission Boulevard between Tennyson Road and Industrial Parkway. In addition, there is a two-hour time-limited parking zone on Mission Boulevard between Hancock Street and Monticello Street.

The City of Hayward Municipal Code allows for the establishment of metered parking on city streets, though no parking meters are currently in place.

There are currently two (2) residential permit parking zones in Hayward, both of which were established to protect residents from spillover parking problems, in the vicinity of the following major destinations: Chabot College and Post Office and County Courthouse. On neighborhood streets within these zones, parking permits are issued to qualified residents in return for a nominal annual fee.

Previous CEQA Documents

The Concept Design Plan EIR conservatively estimated that land use densities in the project area, as well as potential for reduced BART replacement parking and reduced parking ratios for residential development projects could result in potentially significant impacts related to parking resources available to other users of on street parking or access to businesses.

The Concept Design Plan EIR explains the rationale for determining that impact, as follows: "Although the project would result in enhanced transit use via transit-oriented development that may lead to enhanced transit services, impacts on parking in the project area may be impacted due to additional demands for parking related to increased densities and reduced parking ratios typical of transit-oriented developments. Residents and visitors to the project area may park on local streets adjacent to the project area. Also, BART is considering a reduction in BART replacement parking associated with future redevelopment of its property around the station, which may result in increased on-street parking during weekdays."

The Previous CEQA Documents recommended that detailed parking studies be required of future developments in the project area to ensure impacts of development on parking resources will be less than significant. If determined to be necessary as a result of such studies, mitigation measures will be required to be implemented. Examples of such measures could include parking charges and separate parking space rentals.

Current and Proposed Off-Street Parking Requirements

The Project would consolidate existing zoning districts (intended for private development) into essentially two Transect Zones (i.e., T-4, Urban General Zone and T-5, Urban Center Zone). Existing off-street parking ratios are allocated to individual zoning districts. The Project would assign off-street parking ratios by zone and, in doing so, provide consolidated and simplified requirements that, overall, result in a reduction in the number of required off-street parking spaces.

Existing Off-Street Parking Requirements

Existing zoning regulations require off-street parking spaces at differing ratios, including both minimum and maximum ratios depending upon which zone a property is located in, as well as whether or not spaces may be covered or open to the sky. Existing off-street parking ratios are summarized as follows:

Single-Family Residential (RS) Zoning District

2.0 spaces minimum per dwelling within a garage

Medium Density Residential (RM) Zoning District

1.0 space minimum covered plus 0.50 space minimum open per studio dwelling unit

1.0 space minimum covered plus 0.70 open per dwelling unit with one-bedroom

1.0 space minimum covered plus 1.10 open per dwelling unit with two or more bedrooms

10% of the total number of spaces are for visitor parking

High Density Residential (RH) Zoning District

1.0 space minimum covered plus 0.50 space minimum open per studio dwelling unit

1.0 space minimum covered plus 0.70 open per dwelling unit with one-bedroom

1.0 space minimum covered plus 1.10 open per dwelling unit with two or more bedrooms

10% of the total number of spaces are for visitor parking

Neighborhood Commercial (CN) Zoning District

1.5 spaces maximum per studio or one-bedroom unit

2.0 spaces maximum per dwelling units with two or more bedrooms

1.0 space for each 315 square feet of non-residential gross floor area

Neighborhood Commercial/Residential (CN-R) Zoning District

1.5 spaces maximum per studio or one-bedroom unit

2.0 spaces maximum per dwelling units with two or more bedrooms

1.0 space for each 315 square feet of non-residential gross floor area

Commercial General (CG) Zone

1.0 space minimum covered plus 0.50 space minimum open per studio dwelling unit

1.0 space minimum covered plus 0.70 open per dwelling unit with one-bedroom

1.0 space minimum covered plus 1.10 open per dwelling unit with two or more bedrooms

10% of the total number of spaces are for visitor parking

Commercial parking requirements varying by individual use classification

Station Area Residential (SAR) Zoning District

1.0 space maximum per studio or one-bedroom unit

1.3 spaces maximum per dwelling units with two or more bedrooms

1.0 space for each 315 square feet of non-residential gross floor area

Mission Boulevard Residential (MBR) Zoning District

1.3 spaces maximum per studio or one-bedroom unit

1.5 spaces maximum per dwelling units with two or more bedrooms

Proposed Off-Street Parking Requirements

The Project would establish the following off-street parking space requirements, as applicable to each Transect Zone:

T-4 (General Urban Zone)

0.0 spaces for non-residential functions

1.75 spaces maximum per rental dwelling unit

2.0 spaces maximum per condominium

T-4 (General Urban Zone)

0.0 spaces for non-residential functions

1.5 spaces maximum per rental dwelling unit

1.8 spaces maximum per condominium

Proposed Parking and Transportation Demand Strategy

A Parking and Transportation Demand Strategy has been prepared for the Project area.[11] The Parking and Transportation Demand Strategy includes the following recommendations for the City of Hayward to consider implementing:

- Create a Commercial Benefit Parking District
- Invest Meter Revenues in Transportation Demand Management Programs
- Provide Universal Transit Passes
- Require Parking Cash Out
- Create Residential Parking Benefit Districts
- "Unbundle" Parking Costs
- Encourage Carsharing Programs
- Remove Minimum Parking Requirements

The Parking and Transportation Demand Strategy will lay the framework for developing ordinance provisions and implementing strategies, which City staff anticipates will be completed within the next two years.

[11] South Hayward BART/Mission Boulevard Form-Based Code: Parking and Transportation Demand Strategy, January 2010.

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ALTERNATIVES

PURPOSE

The CEQA Guidelines require analysis of a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the project's basic objectives and avoid or substantially lessen any of the significant effects of the Project. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. This Draft SEIR has described the Project and analyzed it in comparison to the analysis contained in the Previous CEQA Documents with an emphasis on identifying any new or substantially more severe significant impacts and recommended mitigation measures to avoid and/or reduce those impacts.

PROJECT OBJECTIVES

The objectives of the Project are an important part of the context for evaluating alternatives. As described in Chapter 3 (Project Description), the City of Hayward's objectives for the Project are as follows:

- Provide certainty in the land use entitlement process through the elimination of duplicative and contradictory evaluation standards and guidelines.
- Increase opportunities for pedestrian activity, including shorter walking distances to commercial services and public transit destinations, through construction of new thoroughfares.
- Enhance the built environment through construction of new buildings and renovations to existing buildings throughout the Project area and, in particular, along prominent corridors such as Mission Boulevard.
- Utilize streamlined and clear land use entitlement processing to attract economic activity in the Project area through construction and establishment of new businesses.

All of the original objectives of the Concept Design Plan remain applicable to the current Project, as do the original objectives of the 238 Route Land Use Study with the exception of the following which pertain to issues on properties outside of the Project area:

4. To ensure that any future development within the more visible hillside areas is implemented in an environmentally sensitive manner.
7. To provide locations for new public facilities, including a future school site.

DESCRIPTION OF ALTERNATIVES

The Previous CEQA Documents each analyzed three (3) alternatives to a "Preferred Project." Each alternative included different quantities of residential and non-residential development and was eventually considered by the City Council but rejected as infeasible. Each previously considered alternative (not re-evaluated in this Draft SEIR) is summarized as follows:

CONCEPT DESIGN PLAN ALTERNATIVES

Urban Concept

This alternative included the densest development of the three (3) alternatives analyzed. This alternative would have allowed 3,707 net new dwelling units at the mid-point of applicable density ranges. This alternative would have also allowed 520,106 square feet of retail, office and other non-residential land use at the mid-point of applicable intensity ranges, which would have resulted in an increase of approximately 67,789 square feet over then-existing land use conditions. This alternative promoted the transit village concept and transit-oriented development around the South Hayward BART station.

Blended Concept

This alternative included a mix of higher density residential, commercial and mixed uses that would have allowed development greater than the Suburban Concept Alternative but less than the Urban Concept. The Blended Concept would have allowed a net increase of 2,427 residential units at the midpoint of density ranges. Non-residential floor space would have included an estimated 386,922 square feet at the midpoint of applicable intensity ranges. This would have constituted a decrease of approximately 50,347 square feet of non-residential use within the C Concept Design Plan area under this alternative as compared to then-existing, as lands containing non-residential uses are transitioned to higher density residential uses.

Suburban Concept

Overall, the density and intensity of this Alternative was the lowest of the three (3) alternatives analyzed. Generally, this alternative consisted of commercial land use designations at the north and south ends of the study area, with a mix of residential (34.8 to 75.0 dwellings per acre) and commercial/residential uses along major portions of the Mission Boulevard frontage. Property to the south of the BART station on BART property would have been designated as Station Area Residential (75.0 to 100.0 dwellings per acre), with a multi-level parking garage would be constructed on the northern portion of the BART parking lot. The Suburban Concept would have allowed a net increase of 1,886 new residential units at a midpoint of the density range and 362,746 (a net decrease of approximately 51,533) square feet of non-residential uses.

ROUTE 238 BYPASS LAND USE STUDY ALTERNATIVES

Alternative "A"

Alternative "A" represented the highest intensity land use of the three (3) alternatives considered.

It included a mix of medium and higher density housing on flatter properties adjacent to or near Foothill Boulevard, E Street, Second Street, Carlos Bee Boulevard, Tennyson Avenue and along Mission Boulevard. It located General Commercial (CG) zoned properties along other portions of Foothill and Mission Boulevards, with lower density residential and parks and open space uses assigned to steeper properties more remote from major access roads. Also, this alternative included a new Sustainable Mixed Use General Plan designation that requires residential densities of 27-55 units per net acre.

Alternative "B"

Alternative "B" was based upon neighborhood input and included the lowest land use intensity of the three (3) alternatives considered in the EIR. Land uses included lower overall density, primarily Limited Medium Density Residential (8.7-12.0 units per net acre) and more parks and open space on steeper properties. Land uses near the South Hayward BART Station included higher density residential development, commercial development and parks. Also, it included a new "Preservation Park" General Plan designation is for lands to the northeast of the A and Fourth Streets intersection, and designed to accommodate the relocation of historic structures that would be removed as part of other developments.

Alternative "C"

Alternative "C" was based on input from local and State regulatory agencies, including Alameda County, and existing City of Hayward General Plan and applicable Neighborhood Plan policies. This Alternative maximized land use density and intensity on the properties within its planning area and included General Commercial and Medium Density Residential (8.7-17.4 units per net acre) designations along Foothill Boulevard, Medium Density Residential (8.7-12.0 units per net acre) designations along A Street, B Street, Carlos Bee Boulevard, Tennyson Road and adjacent to Mission Boulevard near the South Hayward BART station. Properties interior from major roads and located on steeper properties would be designed for Low and Limited Medium Density Residential (up to 12.0 units per net acre) designations, and Parks and Open Space designations. Unlike the Alternatives "A" and "B," Alternative "C" included designations for unincorporated lands that reflect recommendations of the County's Eden Area and Castro Valley Draft General Plans.

ANALYSIS OF ALTERNATIVES

Among the alternatives previously considered and summarized above, all remain feasible. Therefore, because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment, the central question concerning the current Project is the degree to which any of these alternatives would or would not avoid or substantially lessen the environmental effects of the Project.

The Initial Study prepared for this Draft SEIR concluded the Project would result in no new significant impacts or no significant increase in the severity of previously identified significant impacts for all environmental topics with the exception of Aesthetics, Air Quality, Greenhouse Gas Emissions and Traffic.

"No Project" Alternative

For purposes of this Draft SEIR, the "No Project" consists of the continuance of the plans evaluated within the Previous CEQA Documents and which were ultimately approved by the City of Hayward (i.e., the Concept Design Plan and the Route 238 Bypass Land Use Study).

As indicated in this Draft SEIR, the Project would not introduce any new significant impacts or substantially increase the severity of previously identified significant impacts that cannot be mitigated to a level of less than significant. As compared to the conclusions of the Previous CEQA Documents, the current Project would result in the following two (2) new adverse environmental effects related to intersection levels of service (LOS):

- LOS "E" at Mission Boulevard/Tennyson Road
- LOS "E" at Mission Boulevard/Harder Road

However, this Draft SEIR documents that the Concept Design Plan Program EIR incorrectly analyzed the Mission Boulevard/Tennyson Road intersection and should have identified a potentially significant impact at that time. While this Draft SEIR identifies this impact as "new," it also corrects the Previous CEQA Documents by recommending a mitigation measure that, if implemented, would reduce the impact to a less than significant level. Lastly, while the Project would result in a new significant impact at the intersection of Mission Boulevard/Harder Road, a cost-effective mitigation measure consisting of signal-timing and lane re-striping is recommended and, if implemented, would reduce it to a less than significant level.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

As noted in the Initial Study prepared for the Draft SEIR, the impacts of the Project would be similar or slightly less than those identified in the Previous CEQA Documents for many topics. The Project is similar in many respects to the plans evaluated in those Previous CEQA Documents. The overall impacts of the currently approved plans and the Project are similar.

The "No Project" alternative is considered the environmentally superior alternative in the strict sense that it would avoid the single new significant (but mitigable) impact presented by the current Project. However, a decision to pursue the "No Project" condition would come at the expense of the current Project's objectives, which would not be achieved.

In cases where the "No Project" alternative is identified as the environmentally superior alternative, CEQA requires that the second most environmentally superior alternative be identified. Comparison of the environmental impacts associated with each alternative indicates that each of the other alternatives (i.e., six (6) alternatives within the Previous CEQA Documents) would lead to a complex mix of impacts that would be greater and/or lesser than the current Project, depending on the topic.

As noted in the preceding discussion, the current Project would generally represent the next-best alternative in terms of the fewest impacts and it would meet the City’s objectives to the same extent as the projects evaluated in the Previous CEQA Document. There are no alternative

locations to consider since the Project concerns the adoption of land use and development regulations which would not result in parcel-specific impacts.

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MANDATORY CEQA TOPICS

As required by CEQA, this chapter discusses the following types of impacts that could result from development under the current Project, as compared to that evaluated in the Previous CEQA Documents: growth-inducing impacts; significant irreversible changes; cumulative impacts; effects found not to be significant; and significant unavoidable effects.

GROWTH INDUCEMENT

A project is considered growth-inducing if it would directly or indirectly foster economic or population growth or the construction of additional housing, if it would remove obstacles to population growth or tax community service facilities to the extent that the construction of new facilities would be necessary, or if it would encourage or facilitate other activities that cause significant environmental effects.

The Project site is located within the City of Hayward and would not result in an expansion of urban services or the pressure to expand beyond the City's existing incorporated limits or Sphere of Influence. Construction within the Project area would not open additional undeveloped land to future growth or provide expanded utility capacity that would be available to serve future development. Instead, it would facilitate the anticipated development of vacant properties and redevelopment of underutilized land in an existing urban setting that is conveniently served by transit facilities and services. The Project would facilitate population and employment growth, but the environmental effects of such growth have already been addressed in the Previous CEQA Documents and/or re-examined in this Draft SEIR.

In addition, the Project would encourage transit and pedestrian-oriented redevelopment activity and associated growth in the vicinity of the South Hayward BART Station. This would benefit the region by promoting the redevelopment and revitalization of the area with infill development. In addition to benefiting the South Hayward BART Station area, the Project would benefit the City as a whole by better connecting the South Hayward area to the major transit center and by expanding housing choices and business activities within the City.

SIGNIFICANT IRREVERSIBLE CHANGES

An EIR must identify any significant irreversible environmental changes that would be caused by the proposed project being analyzed. Irreversible environmental changes may include current or future commitments to the use of non-renewable resources, or secondary or growth-inducing impacts that commit future generations to similar uses. Irreversible commitments of resources should be evaluated to assure that such current consumption is justified. The CEQA Guidelines describe three categories of significant irreversible changes that should be considered, as further detailed below.

Changes in Land Use Which Would Commit Future Generations

As described throughout the Previous CEQA Documents, each of the previously approved plans would allow for the redevelopment and intensification of land uses in an area that is already underutilized. Land use changes would occur as infill development on urbanized parcels that have been developed since the early 1900s. In the same manner that the current uses and structures are being considered for redevelopment after years of usefulness, so too could development projects authorized under the Project undergo renovation or change after another 50 to 100 years. In this way, the Project, like those plans studied in the Previous CEQA Documents, would commit two to three generations to this land use change. Such a commitment would not constitute a significant adverse effect.

Consumption of Nonrenewable Resources

Consumption of nonrenewable resources includes increased energy consumption, conversion of agricultural lands to urban uses, and lost access to mineral reserves. No agricultural lands would be converted and no access to mining reserves would be lost with construction under the Project. The Project would facilitate redevelopment of underutilized parcels and construct new civic spaces (e.g., linear park, park). While this would require additional energy of several types for construction and for on-going use, it would not require the construction of major new lines to deliver energy, and service providers anticipate being able to provide the capacity to serve these levels of development. Furthermore, to the extent that growth throughout Hayward is partly an expression of regional demand, redevelopment of existing neighborhoods represents a more efficient allocation of non-renewable resources than would suburban expansion into undeveloped "greenfields" in other jurisdictions or locations.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

The Previous CEQA Documents identified significant and unavoidable impacts under the following topics:

- Inconsistencies with regional air quality plans[1]
- Cumulative air quality impacts[2]
- Cumulative traffic impacts[3]

The current Project would not result in any new significant and unavoidable impacts, nor result in a substantial increase the severity of the aforementioned significant and unavoidable impacts. Should the Hayward City Council decide to certify this SEIR, it would need to make findings which acknowledge the continued presence of previously determined significant and unavoidable impacts and, in compliance with CEQA Guidelines §15093, re-adopt the previous statements of

[1] Concept Design Plan EIR (Impact 4.2-1).

[2] Concept Design Plan EIR (Impact 4.2-2).

[3] Concept Design Plan EIR (Impact 4.7-4), Route 238 Bypass Land Use Study EIR (Impact 4.11-1).

overriding considerations for those previously determined significant and unavoidable impacts which would remain under the current Project, as revised from those projects analyzed in the Previous CEQA Documents.

CUMULATIVE IMPACTS

Cumulative impacts are those which taken individually may be minor but, when combined with similar impacts associated with existing development, proposed development projects and planned but not built projects, have the potential to generate more substantial impacts. CEQA requires that cumulative impacts be evaluated when they are significant and that the discussion describe the severity of the impacts and the estimated likelihood of their occurrence. CEQA also states that the discussion of cumulative impacts contained in an EIR need not be as detailed as that provided for the project alone. CEQA Guidelines §15130(b)(1) provides that cumulative impacts may be addressed using one of two methods:

- A listing of past, present and reasonable anticipated future and probable projects, within or adjacent to the community containing the project site, which could produce related or cumulative impacts; or

- A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projects may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.

For purposes of this Draft SEIR the latter approach has been chosen to address cumulative impacts. Cumulative impacts identified in the certified City of Hayward 2002 General Plan Update EIR were used as the basis of cumulative impacts in this DEIR.

Additionally, cumulative impacts related to traffic and transportation impacts and air quality impacts are addressed within the body of this Draft SEIR. The traffic analysis of this Draft SEIR utilizes a year 2025 Baseline condition to analyze the Project's potential effects. Also, the air quality analysis identifies whether the Project's contribution is cumulatively considerable.

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REFERENCES

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Oakland, CA 94606

(Transportation and Circulation)
Dowling Associates
Damian Stefanakis, Principal

REFERENCES

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Appendix A

Notice of Preparation (NOP) & Comments

Notice of Preparation

To: State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814
(Address)

From: City of Hayward
777 B Street
Hayward, CA 94541-5007
(Address)

Subject: Notice of Preparation of a Draft Environmental Impact Report

The City of Hayward will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (☒ is ☐ is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to David Rizk, AICP at the address shown above. We will need the name for a contact person in your agency.

Project Title: South Hayward BART/Mission Blvd. Form-Based Code

Project Applicant, if any: City of Hayward

Date December 24, 2010

Signature David Rizk

Title Development Services Department Director

Telephone 510-583-4004

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Cathleen Cox
Acting Director

Notice of Preparation

December 22, 2010

To: Reviewing Agencies

Re: South Hayward BART/Mission Boulevard Concept Plan
SCH# 2005092093

Attached for your review and comment is the Notice of Preparation (NOP) for the South Hayward BART/Mission Boulevard Concept Plan draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

David Rizk
City of Hayward
777 B Street
Hayward, CA 94541

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2005092093
Project Title South Hayward BART/Mission Boulevard Concept Plan
Lead Agency Hayward, City of

Type NOP Notice of Preparation

Description (1) General Plan Land Use Map and Text Amendment to revise all existing designations in the Project area to the Sustainable Mixed Use, Parks and Recreation and Public Quasi designations, with a text Amendment to General Plan Appendix C to allow densities with a Sustainable Mixed Use designation up to 100.0 dwelling units per acre, versus the currently allowed range of 25.0 to 55.0 units per acres; 2) Zoning Regulations amendment to include the South Haywayd BART/ Mission Boulevard Form-Based Code as a new Article 24 to Chapter 10 of the Hayward Municipal Code; (3) Zoning Map Amendment to revise all existing designations in the Project area to those shown on the Regulating Plan; and (4) Repeal the South Hayward BART/Mission Boulevard Special Design Overlay District and 2006 South Hayward BART/Mission Boulevard Concept Design Plan.

Lead Agency Contact

Name David Rizk
Agency City of Hayward
Phone (510) 583-4004 **Fax**
email
Address 777 B Street
City Hayward **State** CA **Zip** 94541

Project Location

County Alameda
City
Region
Cross Streets Mission Boulevard, between Harder Road & Industrial
Lat / Long
Parcel No. Numerous
Township **Range** **Section** **Base**

Proximity to:

Highways Route 238, I-880
Airports
Railways BART
Waterways San Francisco Bay
Schools Bowman Elem
Land Use Various

Project Issues Aesthetic/Visual; Air Quality; Traffic/Circulation; Other Issues

Reviewing Agencies Resources Agency; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Fish and Game, Region 3; Native American Heritage Commission; Public Utilities Commission; Caltrans, District 4; California Highway Patrol; Caltrans, Division of Aeronautics; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2

Date Received 12/22/2010 **Start of Review** 12/22/2010 **End of Review** 01/20/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

NOP Distribution List

County: Alameda

SCH# 2005092093

Resources Agency

- [■] **Resources Agency**
  Nadell Gayou
- [ ] **Dept. of Boating & Waterways**
  Mike Sotelo
- [ ] **California Coastal Commission**
  Elizabeth A. Fuchs
- [ ] **Colorado River Board**
  Gerald R. Zimmerman
- [ ] **Dept. of Conservation**
  Rebecca Salazar
- [ ] **California Energy Commission**
  Eric Knight
- [ ] **Cal Fire**
  Allen Robertson
- [ ] **Central Valley Flood Protection Board**
  James Herota
- [ ] **Office of Historic Preservation**
  Ron Parsons
- [■] **Dept of Parks & Recreation**
  Environmental Stewardship Section
- [ ] **California Department of Resources, Recycling & Recovery**
  Sue O'Leary
- [■] **S.F. Bay Conservation & Dev't. Comm.**
  Steve McAdam
- [ ] **Dept. of Water Resources**
  Resources Agency
  Nadell Gayou
- [ ] _____
  Conservancy

Fish and Game

- [ ] **Depart. of Fish & Game**
  Scott Flint
  Environmental Services Division
- [ ] **Fish & Game Region 1**
  Donald Koch
- [ ] **Fish & Game Region 1E**
  Laurie Harnsberger
- [ ] **Fish & Game Region 2**
  Jeff Drongesen
- [■] **Fish & Game Region 3**
  Charles Armor
- [ ] **Fish & Game Region 4**
  Julie Vance
- [ ] **Fish & Game Region 5**
  Don Chadwick
  Habitat Conservation Program
- [ ] **Fish & Game Region 6**
  Gabrina Gatchel
  Habitat Conservation Program
- [ ] **Fish & Game Region 6 I/M**
  Brad Henderson
  Inyo/Mono, Habitat Conservation Program
- [ ] **Dept. of Fish & Game M**
  George Isaac
  Marine Region

Other Departments

- [ ] **Food & Agriculture**
  Steve Shaffer
  Dept. of Food and Agriculture
- [ ] **Depart. of General Services**
  Public School Construction
- [ ] **Dept. of General Services**
  Anna Garbeff
  Environmental Services Section
- [ ] **Dept. of Public Health**
  Bridgette Binning
  Dept. of Health/Drinking Water

Independent Commissions,Boards

- [ ] **Delta Protection Commission**
  Linda Flack
- [ ] **Cal EMA (Emergency Management Agency)**
  Dennis Castrillo
- [ ] **Governor's Office of Planning & Research**
  State Clearinghouse
- [■] **Native American Heritage Comm.**
  Debbie Treadway
- [■] **Public Utilities Commission**
  Leo Wong
- [ ] **Santa Monica Bay Restoration**
  Guangyu Wang
- [ ] **State Lands Commission**
  Marina Brand
- [ ] **Tahoe Regional Planning Agency (TRPA)**
  Cherry Jacques

Business, Trans & Housing

- [■] **Caltrans - Division of Aeronautics**
  Sandy Hesnard
- [ ] **Caltrans - Planning**
  Terri Pencovic
- [■] **California Highway Patrol**
  Scott Loetscher
  Office of Special Projects
- [ ] **Housing & Community Development**
  CEQA Coordinator
  Housing Policy Division

Dept. of Transportation

- [ ] **Caltrans, District 1**
  Rex Jackman
- [ ] **Caltrans, District 2**
  Marcelino Gonzalez
- [ ] **Caltrans, District 3**
  Bruce de Terra
- [■] **Caltrans, District 4**
  Lisa Carboni
- [ ] **Caltrans, District 5**
  David Murray
- [ ] **Caltrans, District 6**
  Michael Navarro
- [ ] **Caltrans, District 7**
  Elmer Alvarez
- [ ] **Caltrans, District 8**
  Dan Kopulsky
- [ ] **Caltrans, District 9**
  Gayle Rosander
- [ ] **Caltrans, District 10**
  Tom Dumas
- [ ] **Caltrans, District 11**
  Jacob Armstrong
- [ ] **Caltrans, District 12**
  Chris Herre

Cal EPA

Air Resources Board

- [ ] Airport Projects
  Jim Lerner
  - [ ] Transportation Projects
    Douglas Ito
  - [ ] Industrial Projects
    Mike Tollstrup
- [ ] **State Water Resources Control Board**
  Regional Programs Unit
  Division of Financial Assistance
- [ ] **State Water Resources Control Board**
  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- [ ] **State Water Resouces Control Board**
  Steven Herrera
  Division of Water Rights
- [■] **Dept. of Toxic Substances Control**
  CEQA Tracking Center
- [ ] **Department of Pesticide Regulation**
  CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- [ ] **RWQCB 1**
  Cathleen Hudson
  North Coast Region (1)
- [■] **RWQCB 2**
  Environmental Document Coordinator
  San Francisco Bay Region (2)
- [ ] **RWQCB 3**
  Central Coast Region (3)
- [ ] **RWQCB 4**
  Teresa Rodgers
  Los Angeles Region (4)
- [ ] **RWQCB 5S**
  Central Valley Region (5)
  - [ ] **RWQCB 5F**
    Central Valley Region (5)
    Fresno Branch Office
  - [ ] **RWQCB 5R**
    Central Valley Region (5)
    Redding Branch Office
- [ ] **RWQCB 6**
  Lahontan Region (6)
  - [ ] **RWQCB 6V**
    Lahontan Region (6)
    Victorville Branch Office
- [ ] **RWQCB 7**
  Colorado River Basin Region (7)
- [ ] **RWQCB 8**
  Santa Ana Region (8)
- [ ] **RWQCB 9**
  San Diego Region (9)

- [ ] **Other** _____

Last Updated on 07/12/10

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5536
FAX (510) 286-5559
TTY 711

Flex your power!
Be energy efficient!

January 20, 2011

ALA238302
ALA-238-9.94
SCH#2005092093

Mr. David Rizk
City of Hayward
777 B Street
Hayward, CA 94541

Dear Mr. Rizk:

South Hayward BART/Mission Boulevard Concept Plan – Notice of Preparation

Thank you for including the California Department of Transportation (Department) in the environmental review process for the South Hayward BART/Mission Boulevard Concept Plan. The following comments are based on the Notice of Preparation. As lead agency, the City of Hayward is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures and the project's traffic mitigation fees should be specifically identified in the environmental document. Any required roadway improvements should be completed prior to issuance of project occupancy permits. An encroachment permit is required when the project involves work in the State's right of way (ROW). The Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's CEQA concerns prior to submittal of the encroachment permit application; see the end of this letter for more information regarding the encroachment permit process.

Comments to Previous Environmental Document
On page 77, Mitigation Traf-1 did not adequately address our previous comment regarding the queue on westbound Tennyson Road. The queue is longer than the section length from Tennyson Road/Dixon Street to Tennyson Road/Mission Boulevard. Please provide additional mitigation measures in the Supplemental Environmental Impact Report.

Community Planning
The Department encourages the City of Hayward to locate any needed housing, jobs and neighborhood services near major mass transit nodes, and connect these nodes with streets configured to facilitate walking and biking, as a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the state highways.

Please consider developing and applying pedestrian, bicycling and transit performance or level/quality of service measures and modeling pedestrian, bicycle and transit trips that your

project will generate. Mitigation measures resulting from the analysis could improve pedestrian and bicycle access to transit facilities, thereby reducing traffic impacts on state highways.

In addition, please analyze secondary impacts on pedestrians and bicyclists that may result from any traffic impact mitigation measures. Describe any pedestrian and bicycle mitigation measures that would in turn be needed as a means of maintaining and improving access to transit facilities and reducing traffic impacts on state highways.

The proposed project will add 771 new residential dwellings and 218,613 square feet of commercial area in addition to the previous approved project. Given the large scale of the proposed project, the traffic generated will have significant regional impact to the already congested state highway system. The Department encourages the City of Hayward to develop a regional transportation fee program to mitigate and plan for the impact of future growth on the regional transportation system. The fees would be used to help fund regional transportation programs that add capacity increasing improvements to the transportation system to lessen future traffic congestion.

Reducing delays on State facilities will not only benefit the region, but also reduce any queuing on local roadways. The purpose of the regional impact fee program would be to improve mobility by reducing time delays and maintaining reliability on major roadways throughout the region.

Traffic Impact Study (TIS)

The environmental document should include an analysis of the impacts of the proposed project on State highway facilities in the vicinity of the project site. Please ensure that a Traffic Impact Study (TIS) is prepared providing the information detailed below:

1. Information on the plan's traffic impacts in terms of trip generation, distribution, and assignment. The assumptions and methodologies used in compiling this information should be addressed. The study should clearly show the percentage of project trips assigned to State facilities.

2. Current Average Daily Traffic (ADT) and AM and PM peak hour volumes on all significantly affected streets, highway segments and intersections.

3. Schematic illustration and level of service (LOS) analysis for the following scenarios: 1) existing, 2) existing plus project, 3) cumulative and 4) cumulative plus project for the roadways and intersections in the project area.

4. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the State highway facilities being evaluated.

5. The procedures contained in the 2000 update of the Highway Capacity Manual should be used as a guide for the analysis. We also recommend using the Department's *"Guide for the Preparation of Traffic Impact Studies"*; it is available at the following web site: http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf .

6. Mitigation measures should be identified where plan implementation is expected to have a significant impact. Mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

We encourage the City of Hayward to coordinate preparation of the study with our office. We look forward to reviewing the scope of work, TIS including Technical Appendices, and environmental document for this project. Please send two copies to the address at the top of this letterhead, marked ATTN: Yatman Kwan, Mail Stop #10D.

Encroachment Permit

Any work or traffic control within the State Right-of-Way (ROW) requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: http://www.dot.ca.gov/hq/traffops/developserv/permits/

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,

Becky Frank

BECKY FRANK
District Branch Chief
Federal Grants / Rail Coordination

c: State Clearinghouse

-----Original Message-----
From: Sherman Lewis [mailto:sherman.lewisiii@gmail.com] On Behalf Of Sherman
Sent: Saturday, January 22, 2011 11:11 PM
To: David Rizk
Subject: Comment on Notice of Preparation of Supplemental EIR on South Hayward Form Based Code

Greetings David, this sure is a sleeper, but should have at least one comment from a vigilant citizen.

http://www.hayward-ca.gov/forums/SHBARTFBC/pdf/2010/SHBARTFBC-SEIR_Initial%20Study-NOP.pdf

Concerning p, 77 pdf 83 on parking and traffic impacts "Mitigation Traf-3: (Parking Resource Impacts) Detailed parking studies will be required of future developments in the project area to ensure impacts of development on parking resources will be less than significant. If determined to be necessary as a result of such studies, mitigation measures will be required to be implemented.
(Concept Design Plan EIR Mitigation Measure 4.7-3) Mitigation Traf-4: (Cumulative Traffic Impacts) As noted in the City of Hayward's adopted General Plan and related certified EIR, implementation of the General Plan policies and strategies, such as implementation of "smart growth" policies, will reduce the City's contribution to traffic growth to a less-than significant level. However, due to physical constraints, funding limitations and regional growth patterns, cumulative traffic impacts anticipated by the South Hayward BART project are expected to be significant and unavoidable.
(Concept Design Plan EIR Mitigation Measure 4.7-4)"

I understand these mitigations have been adopted and not implemented.

On p. 4 pdf 10, the Transportation/Traffic box is checked as needing evaluation in the SEIR, and implying that the adopted Traf-3 and Traf-4 measure might be further developed.

I support such development. The adopted mitigations are too vague to be meaningful, and need to be more specific about what the studies will look at. I also believe that better mitigation would eliminate significant unavoidable impact from traffic if the mitigations are strong enough.

The ideas contained in the attached PowerPoint should be studied at what Nelson Nygaard calls the "micro-analysis" level in order to overcome the severe inadequacies of large-area computer models that are not sensitive to data on unbundling rates, short-distance access times, costs, and elasticities, and the role of advanced parking charge technologies. I have

already done the micro-analysis, and it shows that a combination of integrated and self-balancing policies could not only reduce traffic short run, but be expanded to reduce traffic long run even with more housing development. I apologize for how tedious the PowerPoint becomes at the end; I haven't time to make it shorter.

--
Sherman Lewis
Professor Emeritus, CSU Hayward
President, Hayward Area Planning Association www.quarryvillage.org
510-538-3692 sherman@csuhayward.us
2787 Hillcrest Ave. Hayward CA 94542

Appendix B

Initial Study Determination

Notice of Preparation of a Supplemental Environmental Impact Report

To: All Interested Persons and Agencies
From: The City of Hayward, Development Services Department
Date: December 24, 2010

Project Title: South Hayward BART/Mission Boulevard Form-Based Code

Subject: The City of Hayward, acting as the Lead Agency under the California Environmental Quality Act (CEQA), publicly announces its intent to initiate the preparation of a Supplemental Environmental Impact Report (Supplemental EIR) for the South Hayward BART/Mission Boulevard Form-Based Code ("Project").

The Supplemental EIR tiers from two (2) prior certified Final Environmental Impact Reports ("Previous CEQA Documents") prepared for the Project area. These include the: (1) South Hayward BART/Mission Boulevard Concept Design Plan EIR which was certified on June 27, 2006 (State Clearinghouse No. 2005092093); and (2) the 238 Land Use Study EIR which was certified on June 30, 2009 (State Clearinghouse No. 2008072066).

The Supplemental EIR will contain only the information necessary to make the changes as revised in the proposed Project. This focus meets the requirements for supplemental analysis under Section 15163 of the CEQA Guidelines, which requires that only changes to the Project that may result in significant impacts and that were not evaluated and not previously disclosed in the Previous CEQA Documents be included in this Supplemental EIR.

Purpose of NOP: The Lead Agency has prepared this Notice of Preparation (NOP) for the Supplemental EIR to initiate early consultation and provide opportunity for comment from public agencies, stakeholders, organizations, and interested individuals on the scope of the environmental analysis addressing the potential effects of the proposed project. In accordance with the CEQA Guidelines, 14 CCR Section 15000 et seq., the Lead Agency is requesting written comments from public agencies, stakeholders, organizations and interested individuals on the scope and content of the environmental information that should be addressed in the Supplemental EIR. Responsible Agencies, as defined by CEQA Guidelines, Section 15381, if any, will need to use the Supplemental EIR when considering permits or other approvals for the proposed project.

Areas of Project Impact: An Initial Study was prepared for this Project and a copy may be viewed at the following locations: (1) Hayward Permit Center, 777 B Street, Hayward; (2)

Hayward Public Library, 835 C Street, Hayward; (3) Weekes Branch Library, 27300 Patrick Avenue, Hayward; or (4) www.ci.hayward.ca.us/forums/SHBARTFBC/shbartfbcforum.shtm.

The Initial Study identifies potentially significant environmental effects, to be addressed in the Supplemental EIR, in the following categories: Aesthetics, Air Quality, Greenhouse Gas Emissions, and Transportation and Traffic.

The SEIR will seek to identify and analyze the significant impacts of the proposed Project and recommend possible mitigation measures, when necessary, to eliminate or substantially reduce any identified significant impacts.

How to Comment: When submitting a comment, please include the name of a contact person in your agency or organization. Comments regarding the scope of the environmental analysis to be conducted for the proposed project may be submitted by mail, e-mail, or fax to the address below:

David Rizk, AICP, Director
Development Services Department
City of Hayward
777 B Street
Hayward, CA 94541-5007
E-mail: David.Rizk@hayward-ca.gov

No public scoping meeting has been scheduled for this Notice of Preparation. Please send comments at the earliest possible date. All comments must be received by **January 28, 2011** for consideration.

SOUTH HAYWARD BART/MISSION BOULEVARD FORM-BASED CODE INTIAL STUDY DETERMINATION

Prepared for:

City of Hayward

Development Services Department

777 B Street

Hayward, Ca 94541

Prepared by:

Lamphier-Gregory

1944 Embarcadero

Oakland, Ca 94606

December 23, 2010

Table of Contents

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INITIAL STUDY DETERMINATION

The purpose of this evaluation is to determine whether a Subsequent or Supplemental Environmental Impact Report (EIR) is needed to fully assess and evaluate the impacts of the South Hayward BART/Mission Boulevard Form-Based Code ("Project"). As will be addressed in the Introduction below, portions of the South Hayward BART/Mission Boulevard Form-Based Code area has been addressed in three (3) prior EIRs. Thus, this Initial Study Determination will be used to determine the extent to which further analysis may be necessary to address any substantial changes which may be currently proposed under the Project, any substantial changes in circumstances which may have occurred under which the Project will be undertaken, or whether any new information now known may result in new or substantially more severe effects than what was identified in those prior EIRS.

1. Project Title: South Hayward BART/Mission Blvd Form-Based Code

2. Lead Agency Name and Address:
City of Hayward
Development Services Department
777 B Street
Hayward, CA 94541

3. Contact Person and Phone Number:
David Rizk, Development Services Director
(510) 583-4004
david.rizk@hayward-ca.gov

4. Project Location:
(*see map, Figure 1 and 2)*
South of Harder Road, east of the Bay Area Rapid Transit (BART) tracks, straddling portions of Mission Boulevard and generally north of Industrial Parkway (see Figures 1, 2 and 3).

5. Project Sponsor's Name and Address:
City of Hayward Redevelopment Agency
Maret Bartlett, Redevelopment Director
777 B Street
Hayward, CA 94541

6. Existing General Plan Land Use Designations:
(*see map, Figure 6*)
General Commercial
Retail & Office Commercial
Commercial/High Density Residential
Station Area Residential
Mission Blvd Residential
High Density Residential
Medium Density Residential
Low Density Residential
Limited Open Space

Public & Quasi-Public
Parks & Recreation

7. Existing Zoning:

(*see map, Figure 7)*

General Commercial
Neighborhood Commercial
Neighborhood Commercial/Residential
Mission Boulevard Residential
High Density Residential
Medium Density Residential
Single Family Residential
Planned Development
Public Facilities
Open Space/Parks and Recreation
South Hayward BART/Mission Boulevard Special Design District (SD-6)
Hayward Foothills Trail Special Design District (SD-7)

8. Description of Project:

The purpose of the South Hayward BART/Mission Boulevard Form-Based Code ("Project") is to supplant existing General Plan Land Use Designations, Zoning Regulations/Designations, and Design Guidelines applicable to the Project area with a single tool for implementation of the Hayward General Plan, as explained in detail below.

9. Surrounding Land Uses and Setting:

Setting

Figure 1 (Regional Location) shows the Project area in relation to the Bay Area region including surrounding communities and other major geographic features. **Figure 2 (Project Setting)** depicts the Project area in relationship to major local community features, streets and transportation corridors. The South Hayward BART station is located approximately midpoint within the Project area at Tennyson Road and Dixon Street by the BART tracks. Topography of the Project area is generally flat, with a gradual downward slope to the west, towards San Francisco Bay.

The linear shape, shown in **Figure 3 (Project Boundary)**, of the Project site is attributable to its general alignment with Mission Boulevard, which lies in this portion of Hayward at the base of the Hayward Hills. Within the Project area, Mission Boulevard primarily accommodates commercial land uses with occasional vacant land and residential land uses. Residential neighborhoods generally border the Mission Boulevard corridor.

Surrounding Land Uses

The land uses surrounding the Project area include single-family residential neighborhoods and a small industrial area to the west across the BART tracks, Mission Boulevard Auto Row to the north, Mission Hills of Hayward Golf Course and the Twin Bridges neighborhood to the south, and a variety of land uses to the east bordering the foothills (California State University East Bay at Hayward, Holy Sepulchre Cemetery, private schools (Moreau Catholic High School and St. Clement School), former rock quarries, multifamily complexes, and single-family subdivisions).

10. Other Public Agency Approvals Required:

None.

11. Requested Actions and Required Approvals:

This Initial Study Determination addresses all steps necessary to implement the South Hayward BART/Mission Boulevard Form-Based Code through the following local actions:

- General Plan Land Use Map and Text Amendment to revise all existing designations in the Project area to the *Sustainable Mixed Use*, *Parks and Recreation* and Public and Quasi-Public designations, with a Text Amendment to General Plan Appendix C to allow densities with a *Sustainable Mixed Use* designation up to 100.0 dwelling units per acre, versus the currently allowed range of 25.0 to 55.0 units per acre;
- Zoning Regulations Amendment to include the South Hayward BART/Mission Boulevard Form-Based Code as a new Article 24 to Chapter 10 of the Hayward Municipal Code;[1]
- Zoning Map Amendment to revise all existing designations in the Project area to those shown on the Regulating Plan (**Figure 8** and Figure 1-1 of the South Hayward BART/Mission Boulevard Form-Based Code);
- Repeal the South Hayward BART/Mission Boulevard Special Design Overlay District (SD-6) (Section 10-1.2635 of the Hayward Municipal Code); and
- Repeal the 2006 South Hayward BART/Mission Boulevard Concept Design Plan.

[1] See (http://www.ci.hayward.ca.us/forums/SHBARTFBC/shbartfbcforum.shtm) for current draft.

Environmental Factors Potentially Affected

Environmental factors which may be affected by the Project are listed alphabetically below. Factors marked with a filled in block (√) have been determined to be potentially affected by the Project, involving at least one impact that has been identified as a "Potentially Significant Impact", as indicated in the attached CEQA Evaluation and related discussion that follows.

Unmarked factors (□) were determined to be either not significantly affected by the Project, adequately examined under the Previous CEQA Documents, or fully mitigated through implementation of standard conditions of approval or (revised) mitigation measures adopted by the City of Hayward as both lead agency and project sponsor.

√ Aesthetics	□ Agricultural Resources	√ Air Quality
□ Biological Resources	□ Cultural Resources	□ Geology/Soils
√ Greenhouse Gases	□ Hazards	□ Hydrology/Water Quality
□ Land Use/Planning	□ Mineral Resources	□ Noise
□ Population/Housing	□ Public Services	□ Recreation
√ Transportation/Traffic	□ Utilities/Service Systems	□ Mandatory Findings of Significance

Determination:

On the basis of this initial evaluation:

I find that changes are proposed as part of the current Project that would involve revisions to the Previous CEQA Documents, that changes have occurred with respect to circumstances under which the current Project is being undertaken, that there is new information not previously available at the time of preparing the Previous CEQA Documents, and that those environmental factors identified as "√" above may involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Thus, a Supplemental EIR to the Previous CEQA Documents is necessary, and this document adequately demonstrates that environmental factors identified as "☐" above do not involve any new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, they do not warrant being addressed in the Supplemental EIR.

David Rizk

Signature

December 23, 2010

Date

David Rizk, AICP, Development Services Director
City of Hayward

Introduction

Initial Study Determination Purpose

The purpose of this evaluation is to determine, pursuant to Public Resources Code §21090 and 21166 and California Environmental Quality Act (CEQA) Guidelines §15180, 15162 and 15163, whether a Subsequent or Supplemental Environmental Impact Report (EIR) is needed to fully assess and evaluate the Project or whether the City can rely on the Previous CEQA Documents (described below).

CEQA provides that when an EIR has been certified, no Subsequent or Supplemental EIR shall be prepared unless the Lead Agency determines, on the basis of substantial evidence, one or more of the following:

- Substantial changes are proposed as part of the Project that would involve major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects,

- Substantial changes have occurred with respect to circumstances under which the Project is undertaken (i.e., a significant change in the existing or future condition) that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and/or

- New information of substantial importance indicates that the Project may have a new significant environmental effect or a substantial increase in the severity of previously identified significant effects.

If some changes or additions to the original EIRs are necessary, but none of the changes would warrant preparation of a Subsequent or Supplemental EIR or Negative Declaration, the City may prepare an Addendum to the Previous CEQA Documents, pursuant to CEQA Guidelines Section 15164. Alternatively, if new significant environmental effects or a substantial increase in the severity of previously identified significant effects would occur, then a Subsequent or Supplemental EIR or Negative Declaration would be required.

Previous CEQA Documents

Portions of the South Hayward BART/Mission Boulevard Form-Based Code ("Project") area have been addressed in three (3) prior EIRs ("Previous CEQA Documents"). These Previous CEQA Documents include the following:

- South Hayward BART/Mission Boulevard Concept Design Plan Program EIR (June 2006);

- Route 238 Bypass Land Use Study Program EIR (May 2009); and

- Route 238 Corridor Improvement Project EIR (November 2007).

The South Hayward BART/Mission Boulevard Concept Design Plan Program EIR (Concept Design Plan EIR) studied an area coterminous with the current Project. However, that Previous CEQA Document changed only a portion of the General Plan Land Use and Zoning designations for parcels within its study

area, as illustrated in **Figure 4 (Previous CEQA Documents).** The Route 238 Bypass Land Use Study Program EIR studied General Plan and Zoning designations changes at many parcels through a broad area of Hayward. Designation changes associated with that Previous CEQA Document and within the current Project area are also shown in **Figure 4**. Each of those prior Program EIRs studied the potential environmental effects of land use policy and zoning changes in a context similar to the current Project, as discussed in greater detail below.

The prior Route 238 Corridor Improvement Project EIR is not illustrated in Figure 4 since its geographical scope (within the current Project area) was limited to the potential environmental effects of proposed changes to the configuration of Mission Boulevard (i.e., right-of-way), as described in greater detail below. That prior EIR constituted a Project EIR. Because the analytic scope and context of the prior Route 238 Corridor Improvement Project EIR differs from the current Project, this Initial Study Determination utilizes it for informational purposes rather than for those purposes of Public Resources Code §21090 and 21166 and California Environmental Quality Act (CEQA) Guidelines §15180, 15162 and 15163 to determine whether a Subsequent or Supplemental Environmental Impact Report (EIR) is needed.

South Hayward BART/Mission Blvd Concept Design Plan

The South Hayward BART/Mission Boulevard Concept Design Plan ("Concept Design Plan") resulted in land use policy and regulation changes similar in subject matter to those included in the current Project. These land use policy and regulatory changes were analyzed in a Program EIR certified by the City of Hayward on June 27, 2006.

Plan Description

The Concept Design Plan accomplished various General Plan Land Use Map and Zoning Map changes including assignment of different land use designations to particular parcels as well as the application of two new land use designations to certain properties. The new General Plan Land Use Map designations included a Station Area Residential (75.0-100 dwellings per acre) and Mission Boulevard Residential (34.8 to 55.0 dwellings per acre) designation. Two new corresponding Zoning Map designations of Station Area Residential and Mission Boulevard Residential were also adopted and applied. Additionally, a new Special Design District (Municipal Code §10-1.2635) was applied to the entire Concept Design Plan area.

The Concept Design Plan also included the adoption of Design Guidelines for street frontages, site access and parking, building character, open space and lighting, signage, and building service elements (see Concept Design Plan pages 57- 80). Those guidelines are intended for application in conjunction with the review requirements of the aforementioned Special Design District. Finally, the Concept Design Plan includes a set of circulation improvement recommendations to improve connectivity at certain locations (see Concept Design Plan Pages 81-87). Circulation improvements pertain to pedestrians, bicyclists and vehicles (passenger automobiles and buses).

Program EIR Description

While the Concept Design Plan's defined boundary is coterminous with that of the current Project, the Concept Design Plan did not modify the General Plan Land Use Map and Zoning Map designations for all properties within said boundary. Parcels highlighted as "South Hayward BART/Mission Boulevard Concept Design Plan (June 2006)" in **Figure 4 (Previous CEQA Documents)** had their General Plan Land Use Map and Zoning Map designations changed in June 2006. Those not highlighted retained their existing General Plan Land Use Map and Zoning Map designations.

The Concept Design Plan's Program EIR analyzed three land use alternatives of differing development intensities at an equal level of detail. Environmental areas analyzed included: Aesthetics and Light and Glare, Air Quality, Hazards and Hazardous Materials, Hydrology, Drainage and Water Quality, Noise, Population and Housing, Transportation and Circulation, Utilities and Public Services, and Schools and Parks. The Concept Design Plan Program EIR identified significant and unavoidable impacts for the following:

- Air Quality – Inconsistency with Air Quality Plan (Impact 4.2-1)
- Air Quality – Cumulative Air Quality Impacts (Impact 4.2-2)
- Traffic – Cumulative Traffic Impacts (Impact 4.7-4)

A summary of the assumptions for land use alternatives addressed in the Concept Design Plan Program EIR is shown in the following **Table 1 (Concept Design Plan Comparison of Land Use Alternatives)**.

Table 1 – Concept Design Plan Comparison of Land Use Alternatives.

	Net Dwelling Unit Range	Net Commercial Floor Area
Concept Design Plan - Land Use Alternatives		
Suburban Concept Alternative	1,165 to 2,607	-51,533 sq.ft.
Blended Concept Alternative	1,635 to 3,219	-50,347 sq.ft.
Urban Concept Alternative	2,375 to 5,039	67,789 sq.ft.

Ultimately, the Hayward City Council adopted a variation of the Blended Concept Alternative as enumerated in their June 27, 2006 staff report providing for a development potential of 2,814 net new residential dwelling units and -4,822 net new commercial building floor area. Copies of both the Concept Design Plan and its accompanying Program EIR are available for review at the City of Hayward Permit Center, 777 B Street, Hayward, CA between the hours of 8AM and 5PM, and also available at the following link: http://www.hayward-ca.gov/forums/SHBART/shbartforum.shtm .

Route 238 Bypass Land Use Study

The Route 238 Bypass Land Use Study ("238 Land Use Study"), like the Concept Design Plan, also

resulted in land use policy and regulation changes similar in subject matter to those included in the current Project. These land use policy and regulatory changes were analyzed in a Program EIR certified by the City of Hayward on June 30, 2009.

Study Description

The 238 Land Use Study was initiated as a result of the California Department of Transportation's (Caltrans) decision to not pursue construction of a 238 Bypass Freeway through Hayward. Originally, in anticipation of constructing the 238 Bypass Freeway, Caltrans acquired a number of vacant and developed properties within a planned right-of-way. Some, but not all, of the Caltrans properties are contiguous to each other. As a response to Caltrans decision to not construct the 238 Bypass Freeway, the City of Hayward prepared the 238 Land Use Study to assess and ultimately adopt General Plan Land Use Map and Zoning Map changes for those Caltrans-owned parcels.

Like the previously discussed Concept Design Plan, the Land Use Study also accomplished various General Plan Land Use Map and Zoning Map changes. For the current Project area, this included assignment of different existing designations to particular parcels, as shown in **Figure 3**. A new General Plan Land Use Map and Zoning Map designation of Sustainable Mixed Use was also adopted, though it was not assigned to properties within the current Project area. The 238 Land Use Study also resulted in the adoption of a new Special Design District (Municipal Code §10-1.2640), whose purpose is to ensure the implementation of a Hayward Foothills Trail and which would occur within and extend out of the current Project area.

Program EIR Description

Unlike the Concept Design Plan, only a small number of parcels addressed in the 238 Land Use Study are located in the current Project area. Parcels highlighted as "238 Land Use Study Program EIR (May 2009)" in **Figure 4 (Previous CEQA Documents)** had their General Plan Land Use Map and Zoning Map designations changed in May 2009. Those not highlighted retained their existing General Plan Land Use Map and Zoning Map designations.

The 238 Land Use Study Program EIR analyzed three land use alternatives - Market Potential, Community Meetings, and Existing Policies and Public Agencies - of differing land uses and development intensities at an equal level of detail. Environmental areas analyzed included: Aesthetics and Light and Glare, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology, Drainage and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services and Utilities, Transportation and Circulation, and Parks and Schools. The Route 238 Bypass Land Use Study Program EIR identified significant and unavoidable impacts for the following:

- Traffic – Cumulative Traffic Impacts (Impact 4.11-1)

Within the current Project area, the 238 Land Use Study Program EIR's alternatives consisted of variations in the allocation of General Plan Land Use Map and Zoning Map designations, which differed both in land use and densities (See Figures 3.1-3, 3.1-4 and 3.1-5 in the EIR). Ultimately, the Hayward City Council adopted a variation of the three alternatives addressed in the Program EIR, as enumerated in

their June 30, 2009 staff report, which increased the number of parcels designated *Mission Boulevard Residential* and *Parks and Recreation*. Copies of both the 238 Land Use Study and its accompanying Program EIR are available for review at the City of Hayward Permit Center, 777 B Street, Hayward, CA between the hours of 8AM and 5PM, and also available at the following link: http://www.hayward-ca.gov/forums/rte-238blus/238blus.shtm .

Changes in the Project

This Initial Study will assess the extent to which changes that are proposed as part of the South Hayward BART/Mission Boulevard Form-Based Code ("Project") may result in new or significantly increased effects beyond those identified and discussed in the Previous CEQA Documents. The environmental review now necessary for the Project is only required to address substantial changes to the Previous CEQA Documents necessary to adequately address new or different information specific to the current Project, its circumstances or new information. The new or different aspects of the current Project include the following:

- *Increased and New General Plan and Zoning Designation Changes* – As shown in **Figure 4 (Previous CEQA Documents)**, the current Project includes General Plan Land Use Map and Zoning Map changes for properties not addressed in the prior Concept Design Plan and 238 Land Use Study Program EIRs. Properties which experienced or are proposed by the current Project to have such designation changes are described herein as the "Project Area." It is important to note, however, that both the current Project and Concept Design Plan EIR analyzed the same "Study Area" which, relative to the Concept Design Plan, included properties that did not experience designation changes.

- *Mixed-Use Zoning Throughout* – As will be described below, the current Project would apply General Plan Land Use Map and Zoning Map designations that permit both residential and commercial land uses at certain properties that presently permit only commercial or residential land uses. A small number of parcels would be designated as a Civic Space Zone where current or future public property would generally accommodate uses beneficial and in support of the broader community.

- *Increased Residential Densities* - The current Project would increase the maximum permitted residential density above that depicted in the Recommended Scenario of the Concept Design Plan Program EIR at those properties identified in **Figure 5 (Up-Zoned Parcels)**. The net difference resulting from increased residential density is a new maximum increase of 771 dwellings.

- *Increased Commercial Space* – The current Project would increase the maximum permitted commercial floor area above that presently allowed throughout the Project area. The net difference resulting from increased commercial floor area is a new maximum of 218,613 square feet.

- *Modified and New Planned Streets* – The current Project modifies a number of planned circulation changes identified in the Concept Design Plan. Also, the current Project includes a number of new planned public streets (see **Figure 9 and 10**). For all proposed new streets, a set of dimensional standards (e.g., sidewalk width, planter width, etc.) are proposed. However, the Project accommodates flexibility in ultimate street location and alignment.

Changes in Circumstances

Certain circumstances have changed since certification of the South Hayward BART/Mission Boulevard Concept Design Plan Program EIR (June 2006) and Route 238 Bypass Land Use Study Program EIR (May 2009) (i.e., a change in the existing or future condition), including:

- The Route 238 Corridor Improvement Project started construction on August 16, 2010 and is anticipated to be complete in December 2012. Within the current Project area, the Route 238 Corridor Improvement Project will:

    1. Modify Mission Boulevard (from Jackson/Foothill to Carlos Bee) from two (2) to three (3) travel lanes in each direction including parking/peak hour travel lanes. New curb and gutter with a 7-foot sidewalk will be constructed on both sides of Mission Boulevard.

    2. Construct a spot widening of the Mission Boulevard/Carlos Bee Boulevard intersection to provide for dual left-turn lanes from southbound Mission to eastbound Carlos Bee, dual left turn lanes from westbound Carlos Bee to southbound Mission, and dual left-turn lanes, a thru lane, a right/thru lane from eastbound Orchard Avenue.

    3. Extend 10’ wide sidewalks along Mission Boulevard on both sides of the street to fill in missing gaps to Industrial Parkway.

    4. Improve bicycle access along Mission Boulevard by providing 14-foot lane along the proposed outside curbs.

    5. Underground over head utilities, install extensive median landscaping, install energy efficient LED street and pedestrian-scaled lights, and modify traffic signal system with Adaptive Timing Control along Mission & Foothill Boulevards.

    6. Install a traffic signal and a dedicated left turn lane at Moreau High School entrance to improve access for southbound Mission traffic.

    7. Provide a new signalized intersection at Berry Avenue and Mission Boulevard.

- The South Hayward Mixed Use development project (also known locally as the Wittek-Montana Project) was approved in March 2009 and has not filed a building permit application. This project is located at the South Hayward BART Station and neighboring parcels across and east of Dixon Street. This project includes 788 dwellings, 64,680 square feet of commercial floor area and 910 parking spaces.

- The Mission Paradise Project was approved in June 2007, but has not filed a building permit application. This project is located at a parcel fronting Mission Boulevard (between Webster and Hancock Streets) and includes 82 dwellings and 13,804 square feet of commercial floor area.

For the most part, these changed circumstances would not have implications on the environmental consequences associated with the current Project. Both the South Hayward Mixed Use and Mission Paradise projects were approved in conformance with the Hayward General Plan and applicable Zoning Map designations, as contemplated by the Concept Design Plan and 238 Land Use Study Program EIRs.

The goal of the Route 238 Corridor Improvement Project is to, amongst other things, "improve traffic conditions along Foothill Boulevard and Mission Boulevard between Interstate 580 (I-580) and Industrial Parkway."[2] More specifically, these improvements are intended to satisfy forecasted traffic volumes (both local and regional) for the year 2025. These traffic volumes and forecast year are consistent with those contemplated in the Concept Design Plan and 238 Land Use Study Program EIRs. Therefore, there is no component of the Route 238 Corridor Improvement Project EIR that would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects when combined with the current Project.

New Information

This Initial Study Determination will assess whether new information, not known at the time of preparation of the Previous CEQA Documents, may indicate a new or significantly increased environmental effect. New information particular to the current Project includes:

- On March 18, 2010, new California Environmental Quality Act (CEQA) Guidelines amendments addressing greenhouse gas emissions and global climate change (which were not addressed in the previous EIRs) became effective.

- On June 2, 2010, new thresholds for air quality impacts and guidelines for assessing impacts were approved by the Bay Area Air Quality Management District (BAAQMD). The risk and hazards thresholds for new receptors are effective January 1, 2011.

- On June 15, 2010, the City of Hayward adopted a revised Historic Preservation Ordinance (Municipal Code Chapter 10, Article 11), as well as a broader Historic Preservation Program, including a Historical Resources Survey and Inventory, a Historic Context Statement, Goals and Objectives for Historic Preservation, and Incentive Programs.

This new information is included in this Initial Study Determination, along with an assessment of whether this new information indicates that the Project may have a new significant environmental effect or a substantial increase in the severity of previously identified significant effect.

[2] Route 238 Corridor Improvement Project Draft EIR, Pages ES-1 to 2, March 2007 (SCH# 2005112116).

Figure 1 – Regional Location.

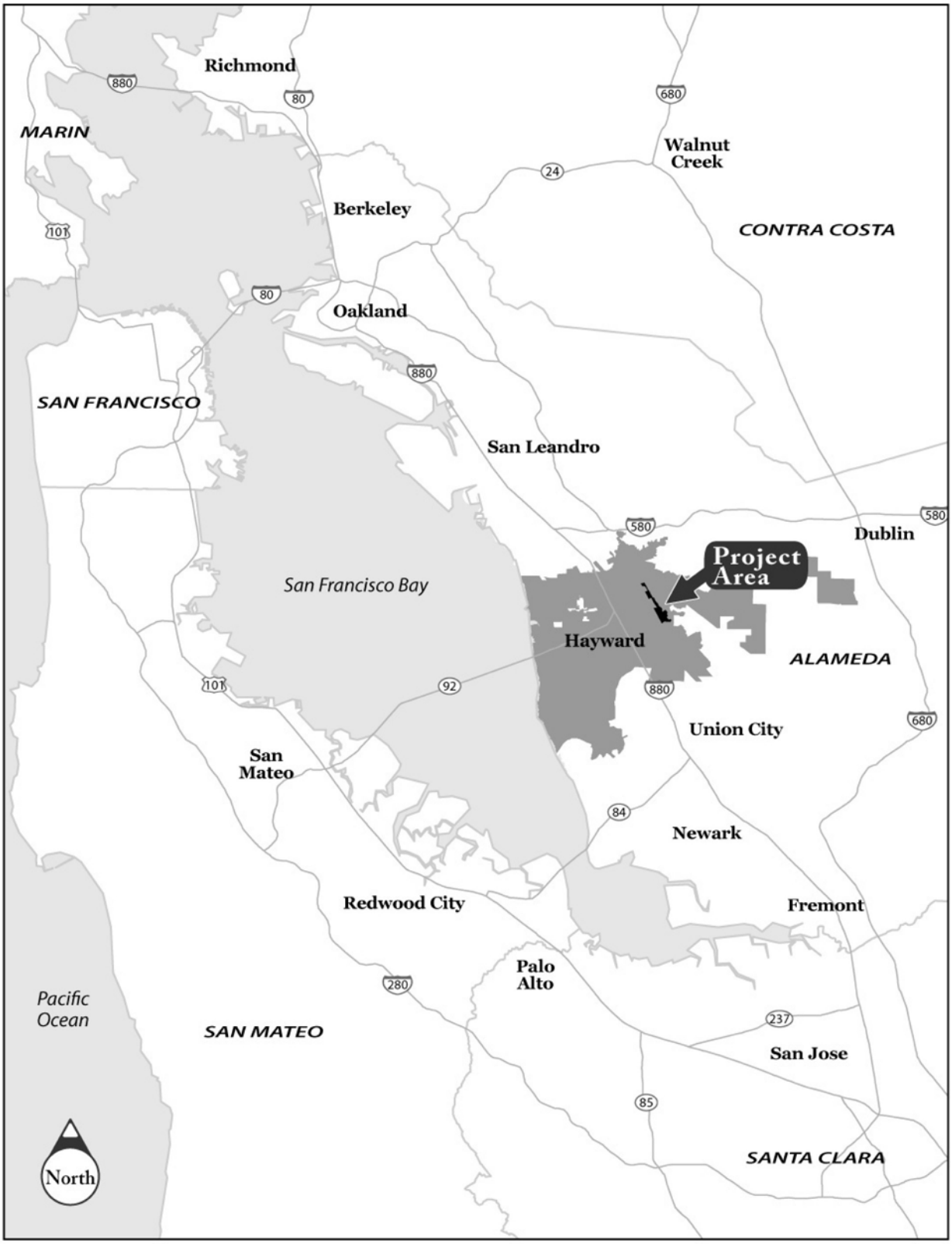


Figure 2 – Project Setting.

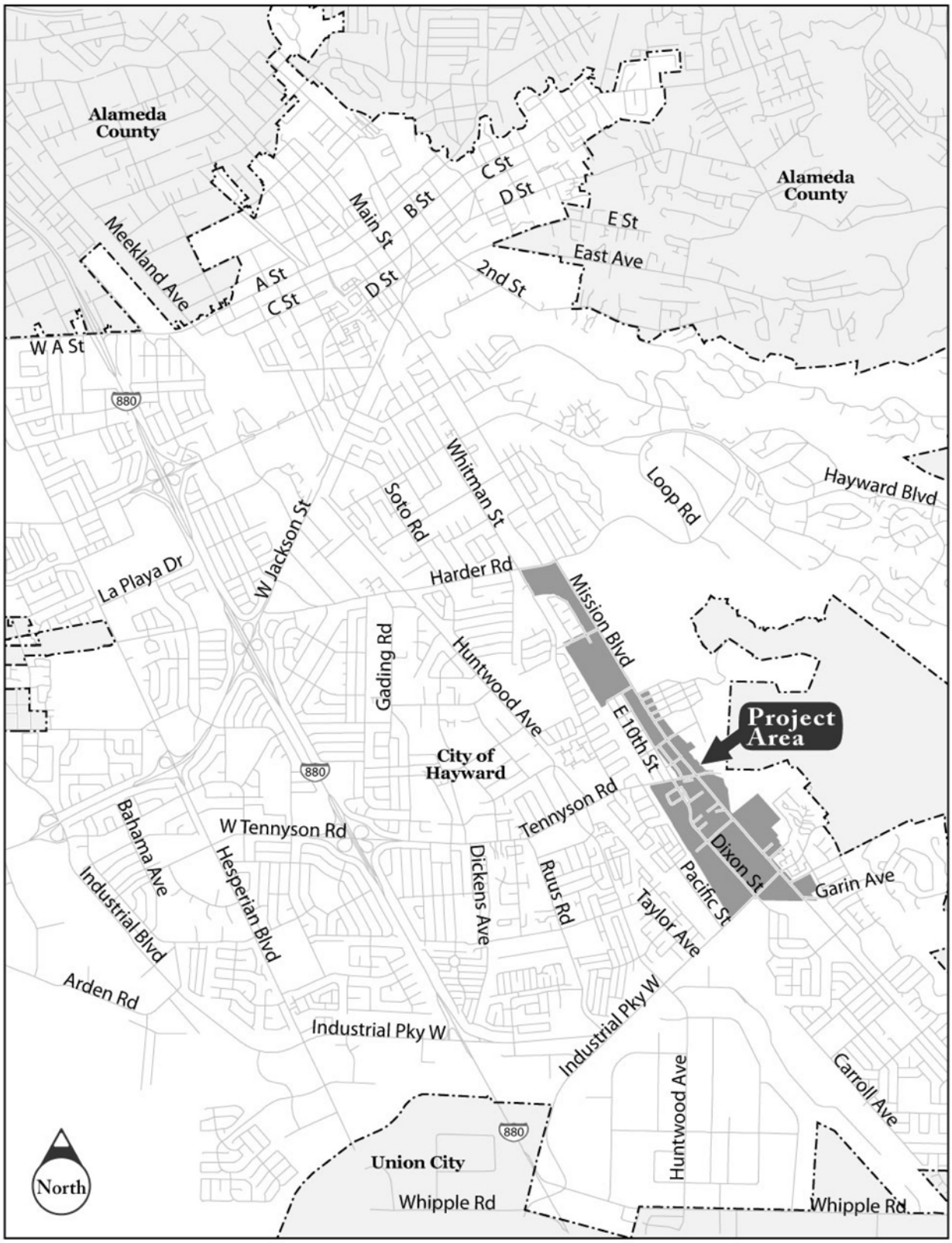


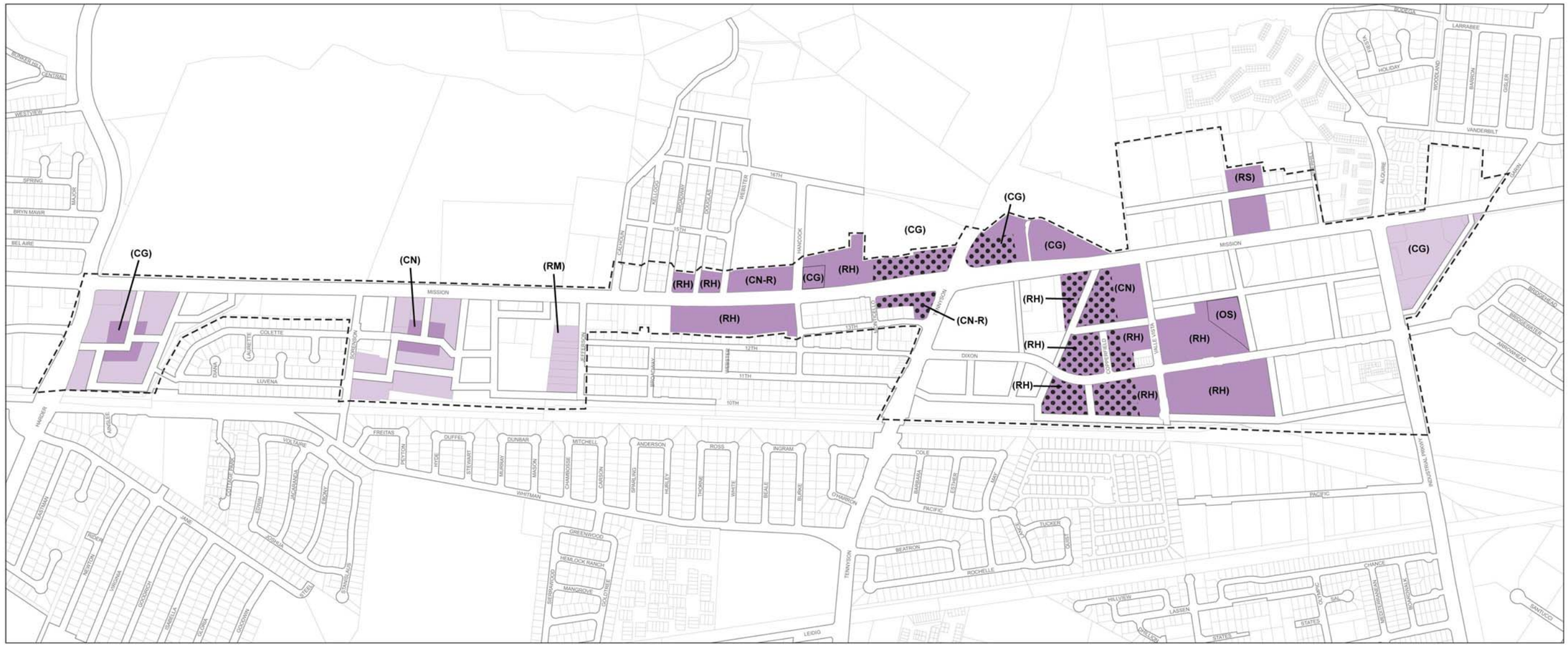
Figure 3 (Project Boundary) is depicted in

SEIR Figures 3-3, 3-4, 3-5, 3-6, 3-7, 3-10 and 3-11

Figure 4 (Previous CEQA Documents) is identical to

SEIR Figure 3-5

Figure 5 – Up-Zoned Parcels.



Legend

Project Area

Parcels

Proposed Zoning Designations

- T4 Urban General Zone (17.5 - 35 du/ac)
- T5 Urban Center Zone (35 - 55 du/ac)
- TOD Density Overlay 2 (40 - 65 du/ac)

Existing Zoning Designations

- (RS) Single Family Residential (4.3 du/ac)
- (RM) Medium Density Residential (8.7 - 17.4 du/ac)
- (RH) High Density Residential (17.4 - 34.8 du/ac)
- (CN) Neighborhood Commercial (8.7 - 34.8 du/ac)
- (CN-R) Neighborhood Commercial-Residential (17.4 - 25 du/ac)
- (CG) General Commercial (8.7 - 34.8 du/ac)
- (OS) Open Space

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Figure 6 (Existing General Plan Designations) is identical to

SEIR Figure 3-3

Figure 7 (Existing Zoning Designations) is identical to

SEIR Figure 3-4

Detailed Project Description

The South Hayward BART/Mission Boulevard Form-Based Code ("Project") will essentially replace the majority of existing Zoning Regulation provisions applicable to the Project area. Other regulatory actions are proposed in conjunction with this, as described in detail below.

General Plan Amendment

The Project would change the General Plan Land Use Map designations for most parcels within the Project Boundary illustrated in **Figure 6 (Existing General Plan Designations)** to *Sustainable Mixed Use. Existing and/or planned public schools, parks or mass-transit facilities would receive either the Parks and Recreation or Public/Quasi-Public designations*. The existing General Plan describes the Sustainable Mixed Use designation as follows:

> *Mixed Use Developments may include residential with retail and/or office/commercial uses, or educational and cultural facilities with public open space. Residential densities range from 25.0 – 55.0 dwelling units per net acre for mixed use projects that include a residential component. This land use designation is located along major transit corridors, near transit stations or in close proximity to public higher educational facilities or large employment centers. To facilitate transit-oriented development in these areas, developments will have reduced parking requirements. Neighborhood serving retail uses are highly recommended for residential component mixed use projects to reduce car trips.*

The current Project would modify the above policy statement to increase the permitted residential density up to 100.0 dwelling units per net acre. Additionally, Appendix D (General Plan and Zoning Consistency Matrix) would be amended to indicate the Project's zoning designations are "consistent" with the General Plan Land Use Map designations of *Sustainable Mixed Use*.

Municipal Code Amendment

Planning, Zoning and Subdivision Regulations Text Amendment

The Project would become a new Article 24 in Chapter 10 (Planning, Zoning and Subdivision Regulations) of the Hayward Municipal Code. In doing so, the Project would supplant many existing development standards applicable to the Project area and as primarily expressed through existing, mapped Zoning Districts. However, other existing development standards exclusive of those particular to Zoning Districts would remain applicable to the Project area, except for those provisions specifically defined by South Hayward BART/Mission Boulevard Form-Based Code §10-24.140(c).

A copy of the South Hayward BART/Mission Boulevard Form-Based Code may be downloaded from the City's website at the following location:

> http://www.ci.hayward.ca.us/forums/SHBARTFBC/shbartfbcforum.shtm

Zoning Map Amendment

The Project would revise all existing Zoning Map designations to those identified in **Figure 8**

(Regulating Plan). Proposed new Zoning Districts include: T4 (Urban General Zone) (17.5 dwelling unit per acre (du/ac) minimum; 35 du/ac maximum), T5 (Urban Center Zone) (35 du/ac minimum; 55 du/ac maximum), TOD Density Overlay 1 (75.0 du/ac minimum; 100.0 du/ac maximum), TOD Density Overlay 2 (40.0 du/ac minimum; 65.0 du/ac maximum), and CS (Civic Space Zone). The proposed T4 (Urban General) and T5 (Urban Center) Zones provide for mixed land uses; all permissible land uses for all zones are described in Table 9 (Specific Function & Use) of the South Hayward BART/Mission Boulevard Form-Based Code.[3]

While the South Hayward BART/Mission Boulevard Form-Based Code includes proposed standards for new Zoning Districts, it also includes new standards that would apply throughout the Project area. These include new standards (§10-24.245 through 10-24.290) under the following topics: Parking, Architectural, Fence and Wall, Landscape, Visitability, Sustainability, Subdivision, Sign and Telecommunication Facility.

The Project would also include a complement to the **Figure 8 (Regulating Plan)** consisting of **Figure 9 (Thoroughfare Plan)**. The Thoroughfare Plan intends to implement the Hayward General Plan's direction to pursue opportunities for infill development and redevelopment to accommodate alternate street patterns, including shorter block lengths, interconnected streets, alleys, and cul-de-sac avoidance. New thoroughfares indicated on the Thoroughfare Plan would be constructed over time in conjunction with private development projects on abutting property (see **Figure 10 – Proposed New Thoroughfares**). Any such projects which construct these planned new thoroughfares would be eligible to receive a density bonus corresponding to the length of street dedication (see §10-24.275(h)). In the absence of private development projects, the City of Hayward Redevelopment Agency may (over time) also acquire and construct thoroughfare segments identified in the Thoroughfare Plan.

Concept Design Plan Repeal

The current Project provides replacement standards for those related to the Concept Design Plan. Similarly, the Concept Design Plan's design guidelines would be in conflict with standards proposed by the Project. Therefore, to address the replacement of standards and to remove conflicts, the current Project would result in the repeal of the Concept Design Plan, in whole.

In conjunction with the original Concept Design Plan approval, a new "South Hayward BART/Mission Boulevard Special Design District (SD-6)" was also approved (Zoning Ordinance §10-1.2635). The provisions of this Special Design District (SD-6) would also conflict with standards proposed by the Project. Therefore, for the same reasons related to the Concept Design Plan, the current Project would result in the repeal of Zoning Ordinance §10-1.2635.

[3] See (http://www.ci.hayward.ca.us/forums/SHBARTFBC/shbartfbcforum.shtm) for current draft.

Figure 7 (Proposed Regulating Plan) is identical to

SEIR Figure 3-7

Figure 9 (Thoroughfare Plan) is identical to

SEIR Figure 3-10

Figure 10 (Proposed New Thoroughfares) is identical to

SEIR Figure 3-11

Evaluation of Environmental Impacts

Pursuant to CEQA Guidelines Section 15063, the following sections provide an evaluation of whether the Project will have any new significant effects on the environment.

- If an environmental issue would not be affected by the Project or its impact would be less than significant, it is identified in the following evaluation as "***No Impact***" or "***Less than Significant***".
- If an environmental issue may cause a significant effect on the environment, this evaluation also determines whether this effect was adequately examined in the Previous CEQA documents. If the environmental issue was adequately examined in the previous document, it is identified in the following evaluation as "***No New Impact from those identified in Previous CEQA Documents***". To the extent that mitigation measures were adopted pursuant to the Previous CEQA Documents and these measures are applicable to the Project, these measures are specifically identified in the following discussion.
- If an environmental issue may cause a significant effect on the environment that was examined in the Previous CEQA Documents, but revised mitigation measures are necessary, it is identified in the following evaluation as "***Less than Significant with Revised Mitigation***" and these revised measures are specifically identified. Where designated in this document, this evaluation outcome also indicates the revised mitigation is the result of expand the applicability of prior mitigation measures to additional properties not studied in the Previous CEQA Documents.
- If there is a new potentially significant environmental effect or a substantial increase in the severity of a previously identified significant effect, it is identified in the following evaluation as "***New Potentially Significant Impact***" and will be analyzed in a later Supplemental or Subsequent EIR.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
I. Aesthetics -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☑	☐	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or locally designated scenic highway?	☐	☐	☑	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☑	☐	☐
d) Create significant new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☑	☐	☐

Criteria a): Scenic Vista

Impact

The current Project would not result in new potentially significant effects on a scenic vista, but it may substantially increase impacts on a scenic vista disclosed in the Previous CEQA Documents. (***New Potentially Significant Impact***)

The Project would enable the future construction of buildings which, in certain locations, are between one (1) and two (2) stories taller than those possible under current Zoning District designations. These taller buildings could serve to impact views of the Hayward hills from motorists and pedestrians using local streets in or near the Project area.

Mitigation Measure

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and would address this potential impact:

Mitigation 4.1-2: *(Views and Vistas) Development projects submitted to the City of Hayward within the project area shall be subject to design review to ensure that impacts on views towards the Hayward hills are reduced to a level of insignificance. Design features may include, but are not limited to, preservation of view corridors between buildings, stepping down of buildings near existing development, use of corner cut-offs, establishment of view corridors to nearby hills and similar design elements.*

Resulting Level of Significance

Since the precise locations, designs, heights and other information regarding future buildings is not known, precise impacts of the current Project cannot be determined at this time. However, for purposes of

this Initial Study Determination, it is assumed that views of the Hayward hills could be impacted for passers-by that may result in a *substantial increase* to impacts identified in the prior Concept Design Plan and 238 Land Use Study Program EIRs and, therefore, may result in ***New Potentially Significant Impacts***. Therefore, this issue will be studied in the forthcoming Supplemental EIR.

Criteria b): Damage to Scenic Resources

Impact

> The current Project, like those projects addressed in the Previous CEQA Documents, would not result in removal of historic buildings or other scenic resources, not occur in proximity to a locally designated scenic route, not concern a portion of the State scenic highway system. (***No New Impact***)

The certified EIR for the General Plan Update identifies known historical and archaeological resources and sites in and around the City of Hayward, along with sources consulted in researching such information. No sites that contain historical or archaeological resources were identified within the Project area. No locally designated scenic route or State scenic highway is located in the Project area.

There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects to scenic resources and there are no previous impacts to scenic resources that the current Project may increase in severity. Therefore, ***No New Impact*** would result.

Criteria c): Visual Character and Quality

Impact

> The current Project would not substantially increase the severity of previously identified impacts related to the degradation of visual character of the Project area with implementation of revised mitigation measures. (***Less Than Significant with Revised Mitigation***)

Like the projects analyzed in the Previous CEQA Documents, it is anticipated that redevelopment of vacant and underutilized properties within the Project area would have a generally beneficial impact on surrounding properties and the visual character of the study area. However, the current Project would, as noted above, allow taller buildings in certain locations. The prior Concept Design Plan EIR included design guidelines intended to help mitigate impacts to visual character. Those guidelines would be replaced by new design standards which are less subjective in nature and, thus, more likely to yield predictable outcomes aimed at improving visual character.

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation Aes-1: *(Visual Character) Development projects submitted to the City of Hayward within the project area shall be subject to design review to ensure that privacy impacts on surrounding properties and effects of shade and shadow are reduced to a less-than-significant impact. Design of future buildings shall include "stepping down" of taller buildings, appropriate siting of windows and*

balconies to maximize privacy and establishment of view corridors to nearby hills.

(Mitigation Measure 4.1-1 in Concept Design Plan EIR).

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Aes-2: (Views, Scenic Resources, Landforms and Visual Character) Development projects submitted to the City of Hayward within the Project area shall be subject to design review to ensure:

a) Adherence to General Plan policies, Design Guidelines, Hillside Design Guidelines and applicable Neighborhood Plans to minimize the grading, appropriate siting of new roads and structures and planting of replacement vegetation to ensure that hillside development integrates into the existing appearance of hillside properties.

b) Appropriate use of building material and colors to minimize reflection of windows and roofs to the community to the west.

c) Design of future buildings within flatter portions of the Project area to include "stepping down" of taller buildings, appropriate siting of windows and balconies to maximize privacy and establishment of view corridors to nearby hills.

(Mitigation Measure 4.1-1 in 238 Land Use Study EIR).

Resulting Level of Significance

Continued implementation of Mitigation Measures Aes-1 and Aes-2 and expansion of their applicability to the entire current Project area ensures the current Project would not result in a substantial increase in previously identified impacts to visual character and, thus, impacts would be ***Less Than Significant with Revised Mitigation***. The current Project provides improved design standards with greater dimensional precision. The repeal of Concept Design Plan design guidelines would reduce subjectivity in evaluating development applications and, therefore, provide more consistent results in improving visual character over time. There are no additional changes in the Project, change in circumstances, or new information that would result in new significant environmental effects to visual character or a substantial increase in the severity of previously identified visual character impact.

Criteria d): Light and Glare

Impact

The current Project would expand the area subject to new sources of light or glare above those identified in the Previous CEQA Documents. However, the current Project would not substantially increase the severity of previously identified impacts related to new sources of light or glare with implementation of revised mitigation measures. (***Less Than Significant with Revised Mitigation***)

The Project area is significantly developed and has several major sources of light and glare, including, but not limited to, street lights, parking lot lights and building lights. Lighting associated with new development under the current Project would occur at no greater intensity than that addressed in the Previous CEQA Documents. However, the proposed land use designation changes within the current

Project area are greater than that studied in the Previous CEQA Documents.

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Aes-3: (Light and Glare Impacts) Lighting Plans shall be submitted as part of all future development projects. Lighting Plans shall include lighting fixtures to be employed and specific measures to be taken to ensure that lighting is directed downward so that light and glare will be minimized.

(Mitigation Measure 4.1-3 in Concept Design Plan EIR).

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Aes-4 (Light and Glare Impacts) Lighting Plans shall be submitted to the City of Hayward Development Services Department as part of all future development projects. Lighting Plans shall include specific measures to reduce future lighting to a less-than-significant level, including but not limited to limiting the number of intensity of lighting fixtures to the minimum required for safety Route 238 Bypass Land Use Study DEIR Page 28 City of Hayward February 2009 and security purposes, directing lighting fixtures downward so that light and glare will be minimized, turning off unneeded lights and similar features [4]

(Mitigation Measure 4.1-2 in 238 Land Use Study EIR).

Resulting Level of Significance

Continued implementation of Mitigation Measures Aes-3 and Aes-4 and expansion of their applicability to the entire, current Project area would reduce impacts related to the current Project to a ***Less Than Significant Level with Revised Mitigation***. There are no additional changes in the Project, change in circumstances, or new information that would result in new significant environmental effects to light or glare impact or a substantial increase in the severity of previously identified light or glare impact.

[4] Language pertaining to the Alameda County Planning Department within this mitigation measure applies to property within the boundary of the 238 Land Use Study EIR but outside of the Concept Design Plan EIR and current Project area.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
II. AGRICULTURAL RESOURCES -- Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency, to non- agricultural use?	☐	☐	☐	☑
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☑
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☑

Criteria a, b and c): Agricultural Resources

The Project would not convert any types of farmland to non-agricultural use, would not conflict with agricultural zoning or a Williamson Act contract, and would not involve any changes in the existing environment which could result in conversion of farmland to non-agricultural use. The proposed Project would not result in a significant new impact on agricultural resources, nor would it substantially increase any impacts on agricultural resources other than those disclosed in the Previous CEQA Documents. (***No Impact***)

The Hayward General Plan EIR and Previous CEQA Documents have found that the Project Area has already been developed for urbanized uses. There are no agricultural resources in the area and there is no potential impact to agricultural resources from the proposed Project. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects on agricultural resources, or a substantial increase in the severity of previously identified environmental effect on agricultural resources. Therefore, ***No Impact*** would result.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
III. AIR QUALITY -- Would the project:				
a) Criteria air pollutants and precursors. Is the Project: (1) consistent with the current air quality plan control measures; and (2) is the projected vehicle miles travelled (VMT) increase less than or equal to the projected population increase?	☑	☐	☐	☐
alb) Greenhouse Gas Emissions. Is the Project in compliance with a Qualified Greenhouse Gas Reduction Strategy or 6.6 MT CO2e/SP/yr (residents + employees)?	☑	☐	☐	☐
c) Risks and Hazards. Does the Project apply overlay zones around existing and planned sources of toxic air contaminants (TACs) (including adopted Risk Reduction Plan areas) and apply overlay zones at least 500 feet (or Air District-approved modeled distance) from all freeways and high volume roadways?	☑	☐	☐	☐
d) Does the General Plan identify locations of odor sources?	☐	☐	☑	☐

The Project area is located within the City of Haywardin Alameda County and within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) administers air quality regulations applicable to this Air Basin. Recent air quality monitoring data collected in Alameda County shows air quality in the County periodically exceeds State and national air quality standards for ozone and fine particulate matter (PM2.5) and State particulate matter standards for both fine and respirable (PM10) particulate matter. The San Francisco Bay Area Air Basin has been designated as being a nonattainment area for the State ozone, PM10 and PM2.5 standards, and nonattainment for the federal ozone and 24-hour PM2.5 standards.

On June 2, 2010, the BAAQMD approved a new set of CEQA Guidelines for consideration by lead agencies. The *California Environmental Quality Act: Air Quality Guidelines* ("BAAQMD CEQA Guidelines") provide guidance for consideration by lead agencies, consultants, and other parties evaluating air quality impacts conducted pursuant to the California Environmental Quality Act (CEQA). The document provides guidance on evaluating air quality impacts of development projects and local plans, determining whether an impact is significant, and mitigating significant air quality impacts.

These June 2010 BAAQMD CEQA Guidelines include new thresholds of significance for Greenhouse Gas (GHG) emissions. While they also include new mechanisms for evaluating risk and hazard thresholds for the siting of stationary sources and of sensitive receptors, those thresholds do not become effective until January 1, 2011. The June 2010 BAAQMD CEQA Guidelines also lower the threshold of significance for annual emissions of Reactive Organic Gases (ROG), Nitrogen Oxides (NO_X) and Particulate Matter Exhaust (PM_{10}) and set a standard for smaller particulates ($PM_{2.5}$) and fugitive dust. The June 2010 BAAQMD CEQA Guidelines constitute new information which became available after certification of the Previous CEQA Documents.

The Concept Design Plan EIR identified two (2) significant impacts related to air quality, including: (1) inconsistency with the Bay Area 2005 Ozone Strategy for exceeding populations projects; and (2) cumulative increase in ozone precursors.

Criteria a, b, c): Criteria Pollutant Emissions, Greenhouse Gas Emissions, Risks and Hazards

Impacts

The Project may conflict with or obstruct implementation of the applicable air quality plan and may substantially increase impacts related to an inconsistency with air quality plans identified in the Previous CEQA Documents. (***New Potentially Significant Impact***)

The Project may violate any air quality standard or contribute substantially to an existing or projected air quality violation and may result in a substantial increase in an existing or projected violation of air quality standards disclosed in the Previous CEQA Documents. (***New Potentially Significant Impact***)

The Project may result in a cumulatively considerable net increase of criteria pollutant for which the Bay Area is in non-attainment and may substantially increase regional emission impacts disclosed in the Previous CEQA Documents. (***New Potentially Significant Impact***)

On March 12, 2002, the Hayward City Council certified an EIR (SCH #: 2001-072069) and adopted a new City of Hayward General Plan. Hayward General Plan EIR Pages 8-12 to 8-16 state that development in accordance with the General Plan would create less than significant impacts regarding significance criterion "a" through "c" above. However, under the current Project, potential residential and commercial development would exceed the densities and intensity of development currently shown in the General Plan.

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation Air-1: *(Inconsistency with Air Quality Plan) Mitigation Measure 4.6.1 contained in Section 4.6, Population and Housing, directs the City of Hayward to consult with the Association of Bay Area Governments to include the build-out population for the approved concept plan alternative for this project. However, even with current General Plan goals and strategies and adherence to Mitigation Measure 4.6.1, the project would be inconsistent with the Clean Air Plan and would be a significant and unavoidable impact.*

(Concept Design Plan EIR Mitigation Measure 4.2-1)

Mitigation Air-2: *(Cumulative Air Quality Impacts) Implementation of Mitigation Measure 4.2.1 would assist in reducing this impact, but it would still remain as a significant and unavoidable impact.*

(Concept Design Plan EIR Mitigation Measure 4.2-2)

Resulting Level of Significance

Although South Hayward BART/Mission Boulevard Form-Based Code would promote transit-oriented development and notwithstanding mitigation measures Air-1 and Air-2 above, there may be potentially significant impacts resulting from this Project that would be expected to be greater than impacts associated with the General Plan. This may include an increase of impacts as a result of the new Bay Area Air Quality Management District (BAAQMD) emission thresholds for "Plan-Level" and cumulative conditions. Therefore, because the Project may result in *new potentially significant impacts* or substantially increase the severity of previously identified significant impacts, further program-level analysis will be conducted within a Supplemental EIR for the current Project.

Criteria d): Odors

Impact

> The Project will not create objectionable odors affecting a substantial number of people, nor would it substantially increase any odor-related impacts other than those impacts disclosed in the Previous CEQA Documents. (***No New Impact***)

The Hayward General Plan does not identify locations of odor sources. However, within the Project area, there are no known sources of odors. As mentioned, the Project area consists of vacant land and properties developed with residential and commercial land uses. The Hayward wastewater treatment plan, a potential source of objectionable odors, is located over 3.5 miles to the west. The Project would not provide for industrial land uses which may result in the generation of objectionable land uses.

There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects odor-related air quality impacts and there are no previous odor-related air quality impacts that the current Project may increase in severity. Therefore, ***No New Impact*** would result.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identifies as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☑	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☑	☐
c) Have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means?	☐	☑	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☑	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☑	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☑

Criteria a, b, and d): Sensitive Fish & Wildlife Species & Habitat

The current Project would not have a substantial adverse effect on a sensitive fish or wildlife species or on their habitat, nor would it substantially increase any impacts on a sensitive fish or wildlife species or on their habitat other than those impacts disclosed in the Previous CEQA Documents. (***No New Impact***)

The 238 Land Use Study EIR includes documentation related to biological resources showing that future development within the majority of the Project area would not interfere substantially with the movement of any native resident or migratory wildlife species as it is located in a urban area where such species are not commonly found and, where vacant property exists, such sites are disturbed and include ruderal vegetation. Though a small portion of coastal scrub community type is located within the Project area, it appears to be former ruderal or non-native grassland and is, therefore, not considered sensitive.

,There is one concrete lined creek (i.e., Zeile Creek) within the Project area. The current Project proposes to provide a: (a) Civic Space Zone designation to land adjacent to and including the Zeile Creek; and (2) new thoroughfare crossing Zeile Creek. While these aspects would retain Zeile Creek's current alignment, potential impacts related to the new crossing would be adequately addressed by Mitigation Measure Bio-1 below.

There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects to sensitive fish and wildlife species and habitat and there are no previous impacts to such resources that the current Project may increase in severity. Therefore, ***No New Impact*** would result.

Criteria c): Wetlands

The proposed Project would not result in a significant new impact on wetlands, nor would it substantially increase any impacts on wetlands with implementation of a revised mitigation measure. (***Less Than Significant with Revised Mitigation*****)**

Two man-made ditches, which are part of the Alameda Flood Control and Water Conservation District's drainage system, cross the southern end of the Project area. One is located between Valle Vista Avenue and Industrial Parkway, extending from Mission Boulevard to Dixon Street, where it then flows southwest in an underground culvert until it empties into the second canal paralleling the BART tracks and the Project area boundary. These ditches are largely vegetated with a freshwater marsh community, but are clearly man-made channels that carry stormwater.

The current Project would incorporate the aforementioned man-made ditches as a landscape feature abutting new public streets. However, it is possible that implementation of the Project, including in particular the Thoroughfare Plan (Figure 1-2, South Hayward BART/Mission Boulevard Form-Based Code), would result in encroachment upon and possible partial fill of these ditches. As described in the 238 Land Use Study EIR, a formal wetland delineation of these ditches has not been performed. Therefore, it is possible the current Project could result in *potentially significant impacts* to wetlands.

Mitigation Measures

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Bio-1: (Biological Resources/Impacts to Wetlands and Other Waters) The following steps shall be taken to protect wetlands and other waters of the U.S.

a) The amendment to the Hayward General Plan shall include a policy or policies requiring retention of appropriate riparian and wildlife corridors adjacent to major creeks that flow through the Project area. The width of corridors shall be based on site-specific biological assessments of each creek.).

b) In order to ensure that all jurisdictional wetlands and other waters are identified, formal jurisdictional delineations of wetlands and other waters shall be conducted on a project specific basis as part of the normal environmental review process for specific development projects. Jurisdictional delineations should follow the methodology set forth in the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and should be submitted to the Corps for verification prior to project development.

c) Future development proposals within the Project area should avoid development on and impacts on identified wetlands and other waters.

d) If avoidance of wetlands or other waters is not possible, then impacts should be minimized to the maximum extent that is practicable. If impacts to wetlands or other waters cannot be minimized and are unavoidable, these impacts should be compensated for by developing and implementing a comprehensive mitigation plan, acceptable to the Corps, CDFG, and RWQCB to offset these losses. It is recommended that mitigation be conducted within the Project area. If this is not possible, then an off-site mitigation area should be selected that is as close to the Project area as possible and acceptable to the resource agencies. Necessary state and federal permits shall be obtained prior to any work within or in close proximity to wetlands or other waters of the U.S.

(238 Land Use Study EIR Mitigation Measure 4.3-3)

Resulting Level of Significance

Implementation of Mitigation Measure Bio-1 and expansion of its applicability to the entire current Project area would not result in a substantial increase in previously identified impacts to wetlands and, thus, impacts would be ***Less Than Significant with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to the wetland impacts, or a substantial increase in the severity of previously identified environmental effect to wetlands.

Criteria e): Tree Preservation and Removal Ordinance Conflict

The proposed Project would not conflict with the City of Hayward Tree Preservation Ordinance (Hayward Municipal Code Chapter 10, Article 15), but could result in removal of certain protected trees as defined under that ordinance, including trees not included within the project areas subject to the Previous CEQA Documents. However, the severity of this previously identified impact would be less than significant with application of the previous mitigation measure to the entire, current Project area . (***Less Than Significant with Revised Mitigation***)

There are trees located within the Project area. It is possible that these trees could qualify as "Protected Trees," as defined by Hayward Municipal Code §10-15.13. To the extent that such trees will need to be removed in conjunction with implementation of the South Hayward BART/Mission Boulevard Form-Based Code, their removal would be in the same context that was fully discussed and disclosed in the Previous CEQA Documents.

Mitigation Measures

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Bio-2: (Biological Resources/Impacts to Tree Resources) Tree surveys shall be conducted by a certified arborist on all properties proposed for development and under the jurisdiction of the tree ordinances. Impacts to trees will require removal permits pursuant to the Hayward Tree

Preservation Ordinance[5] *or the Alameda County Tree Ordinance in County rights-of-way. Replacement trees shall be provided based on the replacement value of protected trees that are removed.*

(238 Land Use Study EIR Mitigation Measure 4.3-4)

Resulting Level of Significance

Continued implementation of Mitigation Measure Bio-2 and expansion of its applicability to the entire, current Project area would reduce impacts from tree removal to a ***Less Than Significant level with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to the City of Hayward Tree Preservation Ordinance, or a substantial increase in the severity of previously identified environmental effect to tree preservation and removal.

Criteria f): Habitat Conservation Plan

The proposed Project would not result in a significant impact on any applicable habitat conservation plan or natural community conservation plan, nor would it substantially increase any conflicts with applicable habitat conservation plan or natural community conservation plan other than those impacts disclosed in the Previous CEQA Documents. (***No Impact***)

No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan is currently applicable to the Project area. There are no changes in the Project, change in circumstances, or new information that would result in new significant conflict with an applicable habitat conservation plan or natural community conservation plan, or a substantial increase in the severity of previously identified conflict with an applicable habitat conservation plan or natural community conservation plan. Therefore, the Project would result in ***No Impact***.

[5] Language pertaining to the Alameda County within this mitigation measure applies to property within the boundary of the 238 Land Use Study EIR but outside of the Concept Design Plan EIR and current Project area.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
V. CULTURAL RESOURCES — Would the Project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☑	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☑	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☑	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☑	☐	☐

Criteria a - d): Historic Resources, Archaeological or Paleontological Resources and Human Remains

Impact:

The proposed Project would not cause, after implementation of mitigation measure Cult-1, a substantial adverse change in the significance of a historical resource. (***Less Than Significant with Revised Mitigation***)

Remediation, demolition, deconstruction and construction activities associated with future development projects approved under the South Hayward BART/Mission Boulevard Form-Based Code have the potential to encounter previously unknown subsurface cultural resources during ground-disturbing activities. This impact was fully discussed and disclosed in the Previous CEQA Documents. (***Less Than Significant with Revised Mitigation***)

The certified EIR for the Hayward General Plan identified known historical and archaeological resources and sites in and around the City of Hayward, along with sources consulted in researching such information. No sites that contained historical or archaeological resources were identified within the Project area. While the City of Hayward recently completed a historic resource survey, the Project area was not included within its' boundary. However, the City's recently adopted and expanded Historic Preservation Program is applicable to the Project area though no historic resources have been identified to date.

The City of Hayward utilizes standard conditions of approval for grading operations that would be followed during any development projects on undeveloped sites, which require that if any such remains or resources are discovered, grading operations are halted and the resources/remains are evaluated by a qualified professional and, if necessary, mitigation plans are formulated and implemented. These standard measures would be applied to individual development projects approved under the South Hayward

BART/Mission Boulevard Form-Based Code.

Mitigation Measures

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Cult-1: *(Cultural Resources/Impacts to Historic Resources) a) Specific development proposals that involve any structure older than 45 years shall be reviewed by the Hayward Planning Division to ensure consistency with the City's Historic Preservation Program and applicable CEQA Guideline provisions. If substantial changes to a historic resource is proposed, modifications may be required in the design of such project to ensure consistency with the Historic Preservation Program. b) Future construction adjacent to any identified historic structure shall be complementary to the historic structure in terms of providing appropriate setbacks, consistent design and use of colors, as determined by the Hayward Planning Division.*

(238 Land Use Study EIR Mitigation Measure 4.4-1)

Resulting Level of Significance

Continued implementation of Mitigation Measure Cult-1, expansion of its applicability to the entire, current Project area, and the aforementioned standard condition of approval would reduce potential impacts to unknown subsurface cultural resources that may be discovered during ground-disturbing activities to ***Less Than Significant with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant environmental effects to archaeological or paleontological resources or human remains, or a substantial increase in the severity of previously identified environmental effects to archaeological or paleontological resources or human remains.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to substantial risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or Seismic Hazards Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publications 42 and 117 and PRC δ2690 et. Seq.)?	☐	☑	☐	☐
ii) Strong seismic ground shaking?	☐	☑	☐	☐
iii) Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse?	☐	☑	☐	☐
iv) Landslides?	☐	☑	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☑	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☑	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☑	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☑

Criteria a, b and c): Geologic Hazards & Erosion

Impact

The proposed Project is located in a region of high seismic activity and could result in moderate soil erosion, but potential for landslides at a portion of the Project Area. This impact was fully discussed and disclosed in the Previous CEQA Documents. (***Less Than Significant with Revised Mitigation***)

The active Hayward earthquake fault is located to the east of the Project area and poses a significant hazard to the City. The fault is one of the principal seismogenic sources in the eastern San Francisco Bay area, and poses both a surface rupture and strong ground-shaking hazard. Considerable geological and geotechnical work has been conducted along the Hayward fault throughout Hayward over the past several decades, leading to more accurate plotting of the location of the main fault trace and knowledge of its

characteristics, as well as information associated with additional active traces of the Hayward fault. No portion of the study area lies within the State Earthquake Fault Zone. There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects to fault rupture, or a substantial increase in the severity of previously identified environmental effects from fault rupture. No additional geologic fault investigations are required for the current Project, and no further analysis is needed to address the current Project and because the topic has been adequately addressed in the Previous CEQA Documents.

The severity of ground shaking at a particular site is controlled by several factors, including the distance from the earthquake source, the earthquake magnitude, and the type, thickness and condition of underlying geologic materials. Areas underlain by unconsolidated, recent alluvium and/or man-made fill have been shown to amplify the effects of strong seismic ground shaking. The presence of such deposits and the fact that the active Hayward fault is located just to the east of the study area increase the chances that severe ground shaking will likely occur during a major seismic event, which could result in loss of life and/or property associated with the project. However, impacts related to future developments under the Project would be reduced to less than significant levels by Hayward's project development review and construction oversight which incorporates the recommendations of a registered geotechnical engineer in accordance with the California Building Code and standard geotechnical practices. Therefore, there are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects resulting from ground shaking, or a substantial increase in the severity of previously identified environmental effects from ground shaking.

Hayward General Plan, Appendix L reflects the State Seismic Hazard Zone Map (Hayward Quadrangle) and depicts portions of the Project area as located in a liquefaction hazard area. Most of the high and very high hazard areas are located in western Hayward toward the bay lands. However, due to the proximity of the Hayward fault, there may be the potential in the Project area for liquefaction and other types of ground failures resulting from seismic events that warrant further evaluation. However, through design and location of future developments, such impacts will be reduced to less than significant levels in accordance with Hayward's development review and construction oversight which incorporates the recommendations of a registered geotechnical engineer in accordance with the California Building Code and standard geotechnical practices. Therefore, there are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects resulting from ground failure, including liquefaction, lateral spreading, subsidence, collapse, or a substantial increase in the severity of previously identified environmental effects from ground failure, including liquefaction, lateral spreading, subsidence, collapse.

As noted in the Previous CEQA Documents, the Project area is located on relatively flat terrain and there is little or no potential for landslides in portions of the Project area west of Mission Boulevard. For portions of a few properties east of Mission Boulevard, slopes can range upwards of 25%. However, these portions of the Project area are not located within a landslide hazard area, as shown on the State's Seismic Hazard Zone Map (Hayward Quadrangle)[6]. There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects resulting from landslides, or a substantial increase in the severity of previously identified environmental effects from landslides.

6 Seismic Hazard Zone Map, California Department of Conservation, dated July 1, 2003.

As noted in the Previous CEQA Documents, erosion control will be addressed through the established regulatory provisions of the City and regional agencies, including provisions in the City's Grading Ordinance (Municipal Code Chapter 10, Article 8), best management practices, etc., which would reduce impacts associated with erosion to a less than significant level. There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects resulting from erosion, or a substantial increase in the severity of previously identified environmental effects from erosion.

Mitigation Measures

Notwithstanding the above conclusions, the following 238 Land Use Study EIR mitigation measures are applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and also address potentially significant impacts related to geology and soils:

Mitigation Geo-1: *(Geology & Soils/Seismic Fault Rupture and Fault Creep) Site-specific geologic fault investigations shall be undertaken for all new individual development projects within the State-defined Earthquake Fault Zone. Each investigation shall include a confirmation that new habitable structures would not be placed on or within 50 feet of an active fault trace, as defined by state and local regulations. Additionally, all new dwellings, roads and utility lines shall be subject to site-specific geotechnical evaluations with a requirement that all future utility lines that cross faults be fitted with shut-off valves. Implementation of these evaluations shall be required to ensure consistency with the California Building Code and all other applicable seismic safety requirements.*

(238 Land Use Study EIR Mitigation Measure 4.5-1)

Mitigation Geo-2: *(Geology & Soils/Seismic Ground Shaking) Site-specific geotechnical investigations shall be required for each building or group of buildings (such as in a subdivision), roads and utility lines constructed in the Project area. Investigations shall be completed by a geotechnical engineer registered in California or equivalent as approved by the City. Design and construction of structures shall be in accordance with the recommendations contained in the reports. Generally, such recommendations will address compaction of foundation soils, construction types of foundations and similar items. Implementation of these evaluations shall be required to ensure consistency with the California Building Code and all other applicable seismic safety requirements.*

(238 Land Use Study EIR Mitigation Measure 4.5-2)

Mitigation Geo-3: *(Geology & Soils/Ground Failure and Landslides) Site-specific geotechnical investigations required as part of Mitigation Measure 4.5-2 shall also address the potential for landslides, including seismically induced landslides and include specific design and construction recommendations to reduce landslides and other seismic ground failure hazards to less-than-significant levels. Recommendations included within site-specific geotechnical investigations shall be incorporated into individual grading and building plans for future development.*

(238 Land Use Study EIR Mitigation Measure 4.5-3)

Resulting Level of Significance

Implementation of Mitigation Measure Geo-1, Geo-2 and Geo-3 and expansion of their applicability to

the entire, current Project area would result in impacts that are ***Less Than Significant with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant geologic hazard effects, or a substantial increase in the severity of previously identified geologic hazard effect.

Criteria d): Expansive Soils

Impact:

The Project area is located in a mapped area of expansive soils which, if not addressed, may lead to damage to structures and other improvements and utilities. However, this impact was fully discussed and disclosed in the Previous CEQA Documents. (***No New Impact*)**

Figure 9.3 of the Hayward General Plan EIR shows much of the Project area is mantled by clayey soils of the Clear Lake-Omni series, which are expansive soils that have a high shrink-swell potential. Such soils, when exposed to natural seasonal or man-made moisture content changes, can damage structures and other improvements and utilities. However, such impacts would be mitigated to less than significant levels in accordance with Hayward's development review and construction oversight which incorporates the recommendations of a registered geotechnical engineer in accordance with the California Building Code and standard geotechnical practices. There are no changes in the project, change in circumstances, or new information that would result in new significant impacts from expansive clays, or a substantial increase in the severity of previously identified impact from expansive soils. Therefore, the Project would result in ***No New Impact***.

Criteria f): Septic Systems

The proposed Project would not result in a significant new impact on septic systems, nor would it substantially increase any impacts on septic systems other than those impacts disclosed in the Previous CEQA Documents. (***No Impact***)

Properties within the Project area must connect to Hayward's municipal sewer system in accordance with Municipal Code §11-3.2001 (Duty to Connect to Municipal Sewer). ***No Impact*** would result from the Project.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☑	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☑	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☑	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	☐	☐	☑	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and would result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☑
f) Be located within the vicinity of a private airstrip, and would result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☑
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☑
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☑	☐

Criteria a, b, c, and d): Routine Use and Potential Accident Conditions, Hazards near Schools and Cortese List

Impact

The Project would not result in a significant impact related to the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, nor would it substantially increase any impacts related to the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment other than those impacts disclosed in the Previous CEQA Documents. (***No New Impact***)

The Project would not result in a significant impact related to hazards near schools, nor would it

substantially increase any impacts related to hazards near schools other than those impacts disclosed in the Previous CEQA Documents. (***No New Impact***)

Properties within and nearby the Project are identified on the Cortese List. Future development at these properties and others within yet unidentified hazardous materials may result in a hazard to public health. However, this impact was fully discussed and disclosed in the Previous CEQA Documents. (***No New Impact***)

Future construction associated with developments approved under the Project would result in potential impacts through the release of asbestos containing materials, lead based paints and other hazardous materials during demolition of existing structures, as older buildings and related improvements are removed to allow for new development.

The prior 238 Land Use Study EIR identifies one property within the Project area and one nearby property outside of the Project as being identified on the Cortese List (See Table 4.6-1). Similarly, the Route 238 Corridor Improvement Project EIR identifies a number of properties in the Project area as being affected by various contaminants (see Table 3.6-2 in that EIR).

One public school – Bowman Elementary School - is located within the Project area. Nearby schools within a quarter-mile radius include: Moreau Catholic High School (27170 Mission Boulevard), St. Clement School (790 Calhoun Street), Tennyson High School (27035 Whitman Street), Ceser Chavez Middle School (27845 Whitman Street), and Harder Elementary School (495 Wyeth Road).

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation Haz-1: *(Demolition and Hazardous Air Emissions) Prior to commencement of demolition or deconstruction activities within the project area, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire Department for required site clearances, necessary permits and facility closure with regard to demolition and deconstruction and removal of hazardous material from the site. All work shall be performed by licensed contractors in accord with State and Federal OSHA standards. Worker safety plans shall be included for all demolition or deconstruction plans.*

(Concept Design Plan EIR Mitigation Measure 4.3-1a)

Mitigation Haz-2: *(Demolition and Hazardous Air Emissions) Prior to commencement of grading activities within the project area, project developers shall conduct investigations by qualified hazardous material consultants to determine the presence or absence of asbestos containing material in the soil. If such material is identified that meets actionable levels from applicable regulatory agencies, remediation plans shall be prepared and implemented to remediate any hazards to acceptable levels and shall identify methods for removal and disposal of hazardous materials. Worker safety plans shall also be prepared and implemented. All required approvals and clearances shall be obtained from appropriate regulatory agencies, including but not limited to the Hayward Fire Department, California Department of Toxic and Substances Control and Bay Area Air Quality Management District.*

(Concept Design Plan EIR Mitigation Measure 4.3-1b)

Mitigation Haz-3: (Potential Soil and Groundwater Contamination) Prior to approval of building or demolition permits, project developer(s) shall prepare a Phase I environmental site analysis and, if warranted by such analysis as determined by the Hazardous Materials Office of the Hayward Fire Department or other regulatory agency, a Phase II environmental site analysis shall also be conducted. Recommendations included in the Phase II analysis for remediation of hazardous conditions shall be followed, including contact with appropriate regulatory agencies to obtain necessary permits and clearances. No construction (including grading) shall be allowed on a contaminated site until written clearances are obtained from appropriate regulatory agencies.

(Concept Design Plan EIR Mitigation Measure 4.3-2)

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Haz-4: (Hazards/Demolition and Hazardous Air Emissions) Prior to commencement of demolition or deconstruction activities within the project area, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire Department, for required site clearances, necessary permits and facility closure with regard to demolition and deconstruction and removal of hazardous material from the site. All work shall be performed by licensed contractors in accord with State and Federal OSHA standards. Worker safety plans shall be included for all demolition or deconstruction plans.

(238 Land Use Study EIR Mitigation Measure 4.6-1a)

Mitigation Haz-5: (Hazards/Demolition and Hazardous Air Emissions) Prior to commencement of grading activities within the project area, project developers shall conduct investigations by qualified hazardous material consultants to determine the presence or absence of asbestos containing material in the soil. If such material is identified that meets actionable levels from applicable regulatory agencies, a remediation plan shall be prepared to remediate any hazards to acceptable levels, including methods of removal and disposal of hazardous material, worker safety plans and obtaining necessary approvals and clearances from appropriate regulatory agencies, including but not limited to the Hayward Fire Department, Department of Toxic and Substances Control and Bay Area Air Quality Management District.

(238 Land Use Study EIR Mitigation Measure 4.6-1b)

Mitigation Haz-6: (Hazards/Potential Soil and Groundwater Contamination) Prior to approval of building or demolition permits, project developer(s) shall prepare a Phase I environmental site analysis and, if warranted by such analysis as determined by the Hazardous Materials section of the Hayward Fire Department or other regulatory agency, a Phase II environmental site analysis shall also be conducted. Recommendations included in the Phase II analysis for remediation of hazardous conditions shall be followed, including contact with appropriate regulatory agencies to obtain necessary permits and clearances. No construction (including grading) shall be allowed on a contaminated site until written clearances are obtained from appropriate regulatory agencies.

(238 Land Use Study EIR Mitigation Measure 4.6-2)

Resulting Level of Significance

Consistent with the conclusions of the Previous CEQA Documents, impacts related to the routine use of hazardous materials and/or reasonably foreseeable upset and accident conditions involving the release of hazardous materials would be ***No New Impact***. Continued implementation of Mitigation Measures Haz-1 through HAZ-6 and expansion of their applicability to the entire, current Project area would serve to further reduce and avoid potential impacts, consistent with current City of Hayward practice. There are no other changes in the Project, change in circumstances, or new information that would result in new significant effect related to hazardous materials, or a substantial increase in the severity of previously identified environmental effect related to hazardous materials.

Criteria e-f): Airport Hazards

> The proposed Project would not result in a significant new impact related to other potential hazards, nor would it substantially increase any impacts related to other potential hazards, other than those impacts disclosed in the Previous CEQA Documents. (***No Impact***)

The Project area is located at least two miles from Hayward Executive Airport. As such, there would not be a significant impact with regard to this topic. Also, there are no airstrips within or close to the Project area. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects related to airport hazards, or a substantial increase in the severity of previously identified environmental effects related to airport hazards. Though the Airport Land Use Plan for the Hayward Executive Airport was undergoing revisions at the time of drafting this Initial Study, it does not show the Project area located within the revised Airport Influence Area Map. Therefore, the Project would result in ***No Impact.***

Criteria g): Emergency Response/Evacuation Plans

> The proposed Project would not interfere with Hayward's "Emergency Communications and Operations Manual." Rather, implementation of the Project would result in a beneficial impact through its advancement of new public streets improving emergency response and evacuation by providing additional means of ingress and egress to properties. (***No Impact***)

The Project would improve access over time through implementation of its Thoroughfare Plan (Figure 1-2). There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to emergency response and evacuation, or a substantial increase in the severity of previously identified environmental effects related to emergency response and evacuation. Therefore, the Project would result in ***No Impact*** under this topic.

Criteria h): Wildland Fire Hazards

> The proposed Project would not result in a significant new impact related to other wildland fire hazards, nor would it substantially increase any impacts related to wildland fire hazards, other than those impacts disclosed in the Previous CEQA Documents. (***No Impact***)

Since certification of the Previous CEQA Documents, that portion of the Project area east of Mission Boulevard was placed within a "High Fire Hazard Zone."[7] Properties located west of Mission Boulevard are, however, designated "Urbanized/Developed Areas Outside of Hazard Zones." No portion of the Project area is located within a mapped "Very-High Fire Hazard Severity Zone." Development within the mapped High Fire Hazard Zone would be subject to risk of from wildland fires. However, compliance with the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines will ensure potential impacts associated with this risk are reduced to a less than significant level.

There are no other changes in the project, change in circumstances, or new information that would result in new significant environmental effects related to wildland fire hazards, or a substantial increase in the severity of previously identified environmental effects related to wildland fire hazards. Therefore, the Project would result in ***No New Impact***.

[7] Fire Hazard Severity Zoning, Alameda County, Department of Forest and Fire Protection, December 21, 2006.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
VIII. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☑	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☑	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which result in substantial erosion or siltation on- or off-site?	☐	☐	☑	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☑	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff??	☐	☑	☐	☐
f) Otherwise substantially degrade water quality?	☐	☐	☑	☐
g) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☑	☐	☐
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☑	☐	☐
i) Expose people or structures to a substantial risk of loss, injury or death involving flooding as a result of the failure of a levee or dam?	☐	☑	☐	☐
j) Inundation by seiche, tsunami, or mudflow?	☐	☑	☐	☐

Criteria a, f): Water Quality Standards

Impact:

The Project would not result in a violation of water quality standards. This impact was fully discussed and disclosed in the Previous CEQA Documents. (***No New Impact***)

New construction in the City of Hayward is subject to mandatory water quality requirements imposed as a condition of construction. These regulations implement regional water quality regulations imposed by the

San Francisco Bay Regional Water Quality Control Board and are consistent with the National Pollution Elimination Discharge System (NPDES) permit granted to all jurisdictions in Alameda County pursuant to the Alameda County Clean Water Program. New development projects are required to implement Best Management Practices for both construction and post-construction periods that limit periods during which grading occurs, filtration of stormwater prior to entering public drainage systems and similar requirements.

There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to water quality, or a substantial increase in the severity of previously identified environmental effects related to water quality. Therefore, the Project would result in ***No New Impact.***

Criteria b): Groundwater Supplies

Impact:

> The proposed Project would not result in a significant new impact on groundwater supplies, nor would it substantially increase any impacts on groundwater supplies other than those impacts disclosed in the Previous CEQA Documents. (***No New Impact***)

The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Within the Project area, the underlying groundwater basin is not utilized as a water supply and no pumping activities currently occur within the City of Hayward.

There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to groundwater, or a substantial increase in the severity of previously identified environmental effects related to ground. Therefore, the Project would result in ***No New Impact.***

Criteria c, d): Drainage Patterns

Impact:

> The proposed Project would not result in a significant new impact related to alteration of drainage patterns, nor would it substantially increase any impacts related to alteration of drainage patterns or result in substantial erosion or siltation or resulting in flooding on or off-site other than those impacts disclosed in the Previous CEQA Documents. (***No New Impact***)

The Project area is located both within and west of the Hayward hills. Several natural drainage channels convey stormwater from upper elevations, from and through the Project area and into larger, regional Alameda County Flood Control and Water Conservation District (ACFCWCD) engineered channels in western Hayward for ultimate discharge into San Francisco Bay. A number of regional drainage facilities exist in the Project area. In addition, since portions of the Project area as well as surrounding properties are urbanized, the City of Hayward maintains localized storm drain facilities within the Project area to collect stormwater for conveyance to regional ACFCWCD facilities.

There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to drainage patterns, or a substantial increase in the severity of previously identified environmental effects related to drainage patterns. Therefore, the Project would result in ***No New Impact***.

Criteria e): Stormwater System Capacity

Impact:

The current Project will result in an increase in impervious surface area. However, impacts related to stormwater system capacity would not be substantially greater with implementation of mitigation measures from the Previous CEQA Documents. (***Less Than Significant with Revised Mitigation***)

Approval of the Project would increase the amount of stormwater runoff generated from the Project area, although a substantial portion of the Project area is currently developed with buildings, paved parking areas, walkways and other impervious surfaces. It is anticipated that the Project could add to the amount of impervious surfaces that could increase both the rate and amount of stormwater leaving the Project area. The ability of downstream drainage facilities to safely accommodate increased flows, especially during intense storm events when the rate of stormwater flows would be the greatest, could be significantly impacted and would be a *potentially significant impact*.

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation Hyd-1: *(Drainage Impacts) Site-specific drainage plans shall be prepared for all future construction within the project area prior to project approval. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda Flood Control and Water Conservation District staff prior to approval of the proposed development project.*

(Concept Design Plan EIR Mitigation Measure 4.4-1)

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Hyd-2: *(Hydrology/Drainage Impacts) Site-specific drainage plans shall be prepared for all future construction within the Project area prior to approval of a grading permit, or a building permit in the event a grading permit is not required. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or*

improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda County Flood Control and Water Conservation District staff prior to approval of a grading or building permit.

(238 Land Use Study EIR Mitigation Measure 4.7-1)

Resulting Level of Significance

Continued implementation of Mitigation Measures Hyd-1 and Hyd-2 and expansion of their applicability to the entire, current Project area would reduce impacts related to the current Project to a ***Less Than Significant Level with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant impacts to the existing drainage system, or a substantial increase in the severity of previously identified drainage system effect.

Criteria g, h, i, and j): Flooding, Seiche, Tsunamis or Mudflow

Impact

The Project area would not be subject to inundation by seiche or tsunami, but new construction within an expanded Project area could result in changes in localized flooding. (***Less Than Significant Level with Revised Mitigation***)

Portions of the Project area lie within a 100-year flood zone, including several properties lying east of the BART tracks and along Dixon Street south of Valle Vista Avenue and north of Industrial Parkway. Some of those are identified as lying within Flood Zone A2, which is within a 100-year flood zone (Flood Insurance Rate Map-FIRM Panel Map No. 06001C0293G, effective August 3, 2009). The FIRM map also shows that the channelized creeks fall within the 100-year flood hazard area; however, none of the creeks are developed.

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation Hyd-3: (Flooding Impacts) Prior to construction within a 100-year flood plain area, project developers shall either:

a) Submit a hydrology and hydraulic study prepared by a California-registered civil engineer proposing to remove the site from the 100-year flood hazard area through increasing the topographic elevation of the site or similar steps to minimize flood hazards. The study shall demonstrate that flood waters would not be increased on any surrounding sites, to the satisfaction of City staff.

b) Comply with Section 9-4.110, General Construction Standards, of the Hayward Municipal Code, which establishes minimum health and safety standards for construction in a flood hazard area.

c) Apply to the City for a Conditional Letter of Map Revision (CLOMR) to remove the site

from the FEMA Flood Insurance Rate Map 100-year flood hazard area.

(Concept Design Plan EIR Mitigation Measure 4.4-2)

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Hyd-4: (Hydrology/Flooding Impacts) Prior to construction within a 100-year flood hazard area, developers of site-specific projects shall either:

a) Submit a hydrology and hydraulic study prepared by a California-registered civil engineer proposing to remove the site from the 100-year flood hazard area through increasing the topographic elevation of the site or similar steps to minimize flood hazards. The study shall demonstrate that flood waters would not be increased on any surrounding sites, to the satisfaction of City staff.

b) Comply with Section 9-4.110, General Construction Standards, of the Hayward Municipal Code, which establishes minimum health and safety standards for construction in a flood hazard area.

c) Apply to the City for a Conditional Letter of Map Revision (CLOMR) to remove the site from the FEMA Flood Insurance Rate Map 100-year flood hazard area.

(238 Land Use Study EIR Mitigation Measure (4.7-2)

Resulting Level of Significance

Continued implementation of Mitigation Measures Hyd-3 and Hyd-4 and expansion of their applicability to the entire, current Project area would reduce flood-related impacts to a ***Less Than Significant Level with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant flooding-related impacts, or a substantial increase in the severity of previously identified flooding-related impact.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
IX. LAND USE AND PLANNING -- Would the project:				
a) Physically divide an established community?	☐	☐	☐	☑
b) Conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☑
c) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☑

Criteria a): Divide Established Community

Impact:

The Project would not physically divide an established community. (***No Impact***)

The Project would be located within an existing urban environment and would not divide an existing community. In fact, components of the Project (e.g., Thoroughfare Plan, Figure 1-2) will help facilitate enhanced pedestrian and bike access in the area.

There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to land use, or a substantial increase in the severity of previously identified environmental effects related to land use. Therefore, the Project would result in ***No Impact.***

Criteria b): Land Use Conflict

Impact:

The Project would not result in a conflict with a land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (***No Impact***)

There are no Hayward General Plan EIR mitigation measures, related to land use policy or regulation, with which the Project would conflict. The Project would, in fact, serve to implement Hayward General Plan policy to, "Support higher-intensity and well-designed quality development in areas within ½ mile of transit stations and ¼ mile of major bus routes in order to encourage non-automotive modes of travel.

There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to land use, or a substantial increase in the severity of previously identified environmental effects related to land use. Therefore, the Project would result in ***No Impact.***

Criteria c): Conservation Plan Conflict

Impact:

The Project site is not subject to a Habitat Conservation Plan or Natural Community Conservation Plan. (***No Impact***)

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
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?	☐	☐	☐	☑
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?	☐	☐	☐	☑

Criteria a and b): Mineral Resources

Impact:

The Project would not result in the loss of availability of a known mineral resource. (***No Impact***)

The Prior CEQA Documents eliminated the presence of mineral resources as a focus of study. The current Project does not alter this conclusion. There are no mineral resources in the Project area. There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effect on mineral resources, or a substantial increase in the severity of previously identified environmental effect on mineral resources. Therefore, ***No Impact*** would result.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
XI. NOISE – Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☑	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☑	☐	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☑	☐	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☑	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☑
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?	☐	☐	☐	☑

Criteria a, b, c): Permanent Ambient Noise Increase, Vibration

Impact:

The Project could result in significant new exposure of persons to noise levels or groundborne vibration in excess of standards established in the local general plan or noise ordinance. The Project would not create a vibration which is perceptible without instruments by the average person at or beyond any lot line. Nor would the Project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. However, the current Project would increase residential density in areas not previously studied in the Previous CEQA Documents and which could be the source of or subject to noise. (***Less Than Significant with Revised Mitigation***)

The Project would result in increasing the number of dwelling units and vehicle trips within the project area above that studied in the Previous CEQA Documents. However, noise generated from stationary sources, such as automobile service operations would decrease. Long-term noise increases would include additional vehicles entering and leaving the Project area and noise from residential uses, including but not limited to mechanical noise from heating, ventilating and air conditioning units, use of lawn equipment and human conversation and similar activities.

There would be increased traffic activity along local and arterial roads from the development of various land uses associated with the Project and future growth in other portions of Hayward and the larger

region. According to Table 4.9-3 of the 238 Land Use Study EIR, a majority of the increase in noise due to traffic (up to 2.8 dBA) would occur as a result of future growth in other areas. The Project would be expected to contribute less than 0.2 dBA to the future traffic noise levels, assuming maximum development under the South Hayward BART/Mission Boulevard Form-Based Code. Such a small increase would not typically cause a significant impact since they would be less than the 3 dBA threshold of significance.

However, the Project would continue to provide, as addressed in the Previous CEQA Documents, for residential land uses in locations (e.g., Mission Boulevard) could be exposed to an Ldn of 70 dBA or greater which is considered "normally unacceptable" for residential development (see Table 4.9-1 of the 238 Land Use Study EIR). According to the City's General Plan "normally unacceptable" means that construction would generally be discouraged at these locations but may proceed with a detailed acoustical analysis including specific noise mitigation measures included in the design.

The Project does not specifically include a proposal to authorize construction which may result in groundborne noise or groundborne vibration.

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation Noise-1: (Permanent Noise Impacts) Site-specific acoustic reports shall be prepared for future residential projects within the project area. Each report shall include a summary of existing noise levels, an analysis of potential noise exposure levels, consistency with City of Hayward noise exposure levels and specific measures to reduce exposure levels to City of Hayward noise standards.

(Concept Design Plan EIR Mitigation Measure 4.5-2)

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Noise-2:(Noise/Land Use Noise Compatibility) A site-specific noise study shall be performed for future individual development proposals within the Project area adjacent to major roadways or other noise sources, as determined by the Development Services Director to determine compatibility with the existing and future noise environment and applicable noise regulations. If noise levels exceed applicable standards, then noise reduction measures shall be incorporated into the project design to ensure consistency with local and state noise standards. Noise reduction measures could include, but would not be limited to, noise barriers and site orientation for outdoor spaces and sound rated building constructions for indoor spaces. The analysis must consider the following criteria and guidelines:

a) General Plan Policies for Noise including Appendix N of the General Plan which contains Noise Guidelines for Review of New Development)

b) General Plan EIR Mitigation Measure 7.3: Project-Specific Noise Analysis/Abatement State Building Code, Chapter 1207 (insulation from exterior noise in new residential construction).

(238 Land Use Study EIR Mitigation Measure 4.9-1)

Mitigation Noise-3: (Noise/Traffic Noise Impacts) Consistent with Mitigation Measure 7.4 of the City of Hayward General Plan Update EIR, an acoustical study shall be performed for each development proposal within the Project area that has potential to significantly increase existing noise levels. If it is determined that a proposed development would result in a substantial increase in ambient noise levels along nearby roadways, the study shall identify and implement noise abatement measures which will reduce project-related noise effects to a level consistent with City and State standards. Such measures could include the installation of noise barriers such as berms or sound walls).

(238 Land Use Study EIR Mitigation Measure 4.9-2)

Mitigation Noise-4:(Noise/Operational Noise Impacts) Consistent with Mitigation Measure 7.2 of the City of Hayward General Plan Update EIR, the City of Hayward shall review individual projects using the City's General Plan as guidance to determine whether or not an operational noise source would generate significant noise impacts. Noise reduction measures including but not limited to setbacks, site plan revisions, operational constraints, buffering, and sound insulation shall be incorporated into final development plans to reduce operational noise to a less than significant level.

(238 Land Use Study EIR Mitigation Measure 4.9-3)

Resulting Level of Significance

Continued implementation of Mitigation Measures Noise-1 through Noise-4 and expansion of their applicability to the entire, current Project area would result in impacts which area ***Less Than Significant with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to airport noise, or a substantial increase in the severity of previously identified environmental effect related to airport noise.

Criteria d): Temporary or Periodic Ambient Noise Increase

Impact:

The Project would not result in any new substantial temporary or periodic increase in ambient noise levels, nor a substantial increase in such noise levels, in the project vicinity above levels existing without the Project. Impacts under this topic were discussed and disclosed in the Previous CEQA Documents, the current Project would not result in additional temporary or periodic noise. (***Less Than Significant with Revised Mitigation***)

Similar to the projects studied in the Previous CEQA Documents, the current Project would also facilitate the approval of development projects that would involve short-term, temporary increases in noise during their construction phases. Such noises would be related to demolition and deconstruction of existing buildings and improvements, construction of new structures, upgrading of roadways and related infrastructure facilities. Typical noise generated by demolition and construction activities include use of heavy equipment for demolition and earthmoving, truck traffic, back-up bells, air compressors, hammering and other mechanical equipment normally used during demolition and construction.

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation Noise-5:(Construction Noise Impacts) Construction Noise Management Plans shall be prepared for all development projects within the project area, including public and private projects. Each plan shall specify measures to be taken to minimize construction noise on surrounding developed properties. Noise Management Plans shall be approved by City staff prior to issuance of grading or building permits and shall contain, at minimum, a listing of hours of construction operations, a requirement for the use of mufflers on construction equipment, limitation on on-site speed limits, identification of haul routes to minimize travel through residential areas and identification of noise monitors. Specific noise management measures shall be included in appropriate contractor plans and specifications.

(Concept Design Plan EIR Mitigation Measure 4.5-1)

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Noise-6: (Noise/Construction Noise Impacts) The City shall require reasonable construction practices for individual development projects within the Project area, consistent with Mitigation Measure 7.1 of the City of Hayward General Plan Update EIR. Measures should include but are not limited to the following:

a) Requiring all equipment to have mufflers and be properly maintained;

b) Limiting the amount of time that equipment is allowed to stand idle with a running engine;

c) Shielding construction activity and equipment from nearby noise sensitive uses by appropriate construction phasing, using existing buildings and structures as noise shields, construction of temporary noise barriers and similar techniques; and

d) Providing advance notice to nearby residents of major noise activities.

(238 Land Use Study EIR Mitigation Measure 4.9-4)

Resulting Level of Significance

Continued implementation of Mitigation Measures Noise-4 and Noise-5 and their applicability to the entire, current Project area would result in ***Less Than Significant with Revised Mitigation*** from the that identified in the Previous CEQA Documents. There are no other changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to temporary noise, or a substantial increase in the severity of previously identified environmental effect related to temporary noise.

Criteria e and f): Airport Noise

The proposed Project is not located within an airport land use plan, nor is it located within the vicinity of a private airstrip. (***No Impact***)

The Project area is located further than two (2) miles from the nearest airport (i.e., Hayward Executive Airport). There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to airport noise, or a substantial increase in the severity of previously identified environmental effect related to airport noise. Therefore, ***No Impact*** would result.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
XII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☑	☐	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☑	☐	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☑	☐	☐

Criteria a, b and c): Population Growth and Displacement

Impact:

The Project would not, either directly or indirectly, induce substantial population growth nor would it displace substantial number of existing housing or people necessitating the construction of replacement housing elsewhere other than those impacts disclosed in the Previous CEQA Documents. (***Less Than Significant with Revised Mitigation***)

Approval of the Project requires amendment of Hayward General Plan to accommodate higher residential densities. Like the population projections in the Previous CEQA Documents, it is unlikely that the amount of population increase that could be realized by the current Project has been included in regional population projections undertaken by the Association of Bay Area Governments (ABAG), which are based on existing Hayward General Plan Land Use Map designations.

Although the potential increase in residential densities and population near a major public transit hub would be consistent with the Smart Growth principles set forth in the Hayward General Plan, the Bay Area Air Quality Management District's (BAAQMD) Clean Air Plan and other regional plans by promoting higher density, pedestrian-oriented housing near transit increase would represent a population increase above regional population projections prepared by ABAG and, without mitigation, would be considered a ***Potentially Significant Impact.***

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation Pop-1: (Population Increase) If the City approves either the Urban or Suburban Concept alternatives[8], the City of Hayward shall consult with ABAG to ensure build-out populations for the project area are included in future regional projections.

(Concept Design Plan EIR Mitigation Measure 4.6-1)

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Pop-2: (Population & Housing/Population Increase) The City of Hayward shall consult with ABAG to ensure that final build-out populations for the project area are included in future regional projections.

(238 Land Use Study EIR Mitigation Measure 4.10-1)

Resulting Level of Significance

Continued implementation of Mitigation Measures Pop-1 and Pop-2 and expansion of their applicability to the entire, current Project area would result in ***Less Than Significant with Revised Mitigation.*** Despite the increase in population resulting from the current Project above that assessed in the Previous CEQA Documents, those mitigation measures would have the same effect of reducing the same identified impact below the threshold of significance**.**. There are no other changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to population and housing, or a substantial increase in the severity of previously identified environmental effect related to population and housing.

8 The City Council approved a hybrid of the Urban and Suburban Alternatives and certified the Concept Design Plan EIR with Mitigation Measure 4.6-1.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
XIII. PUBLIC SERVICES –				
a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☑	☐	☐
ii) Police protection?	☐	☑	☐	☐
iii) Schools?	☐	☐	☑	☐
iv) Parks?	☐	☐	☐	☑
v) Other public facilities?	☐	☐	☐	☑

Criteria a.i and a.ii): Fire and Police Protection:

Impact:

The Project could result in a significant impact to the Hayward Fire Department, since the amount of future development, including both the number of dwellings and anticipated taller structures, could not be served by existing Department resources and facilities. Similarly, the Project could result in a significant impact to the Hayward Police Department, since the amount of future development and resulting calls for service may not be adequately served by existing Department resources and facilities. (***Less Than Significant with Revised Mitigation***)

The Previous CEQA Documents evaluated fire and police protection service capacity for the Project Area and concluded that construction of new residential development could increase the risk of fire to future residents and visitors by adding new dwelling units within the Project area. The number of calls for service for emergencies would also increase, based on a higher resident population. The current Project would increase the number of residents in the Project area above that studied in the Previous CEQA Documents and, consequently, result in a ***Potentially Significant Impact.***

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation PS-1: (Fire Services) If the City determines new or replacement equipment is needed, future developers shall:

a) *Pay a fair share contribution to the City of Hayward to finance the acquisition of equipment to serve proposed developments, including those associated with mid to high rise structures (3 to 7 stories); and*

b) *Pay a fair share contribution to the City of Hayward to finance the acquisition of traffic pre-emption devices along Mission Boulevard, as determined by the Hayward Fire Chief, to ensure emergency equipment can access new construction in the project area.*

(Concept Design Plan EIR Mitigation Measure 4.8-1)

Mitigation PS-2: *(Police Services) If the City determines new or replacement equipment is needed, future developers shall pay a fair share contribution to the City of Hayward to finance the acquisition of such equipment, including, but not limited to vehicles.*

(Concept Design Plan EIR Mitigation Measure 4.8-2)

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation PS-3: *(Public Services/Fire Services) The City of Hayward shall prepare and adopt a mechanism to finance public safety staffing and improvements within the Project area prior to the construction of the first dwelling unit within the Project area. Such a mechanism may include a Community Facilities District or equivalent mechanism that will provide for adequate funding to meet City and County staffing, facility and equipment standards, as determined by each respective jurisdiction.*

(238 Land Use Study EIR Mitigation Measure 4.12-1)

Mitigation PS-4: *(Public Services/Police Services) Approval of the proposed Project with any of the proposed Alternatives could represent a significant impact to the Hayward Police Department and Alameda County Sheriff Department, since the amount of future development and resulting calls for service may not be adequately served by existing department resources.*

(238 Land Use Study EIR Mitigation Measure 4.12-2)

Resulting Level of Significance

Continued implementation of Mitigation Measures PS-1 and PS-2 and expansion of their applicability to the entire, current Project area would result in impacts that are ***Less Than Significant with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant fire and police services environmental effects, or a substantial increase in the severity of previously identified fire and police services environmental effects.

Criteria a.iii): Schools:

Impact:

The Project would not result in a significant impact to schools. These impacts were fully discussed and disclosed in the Previous CEQA Documents. (***No New Impact***)

The Previous CEQA Documents determined the prior projects would result in less than significant impacts with regard to schools. As noted in the Concept Design Plan EIR, schools near the Project are currently operating below maximum capacity. The current Project would enable development that would potentially increase the demand upon schools through an increase in maximum residential dwellings. However, like the project studied in the Previous CEQA Documents, developments approved under the current Project would be required to pay school impact fees to off-set the impacts of additional student generation. There are no changes in circumstances or new information that would result in new significant environmental effects related to schools. The Project's increased demand is not considered to be a substantial increase in the severity of previously identified environmental effect related to schools since development projects approved under the Project would be required to pay school impact fees. The Project would, therefore, result in ***No New Impact*** under this topic.

Criteria a.iv): Parks:

Impact:

> The Project would not result in a significant impact to parks. These impacts were fully discussed and disclosed in the Previous CEQA Documents. (***No Impact***)

The Previous CEQA Documents determined the prior projects would result in less than significant impacts with regard to parks. The Project would increase the area dedicated to parks, above that identified in the Previous CEQA Documents, through Zoning Map changes of certain properties to Civic Space Zone.

At present, one property equaling one (1) acre – Valley Vista Park - is both designated and improved as a public park. 3.19 acres of additional land are presently zoned for public parkland. This equals a total of 4.19 acres of currently planned parkland in the Project area.

The Project would increase the amount of planned parkland through Zoning Map changes to fourteen (14) acres. The Project would also increase the amount of linear parkland (i.e., greenways) through Zoning Map changes to 8.4 acres. This equals a net increase of 18.21 acres of total planned public parkland resulting from the Project. This change proposed by the Project would further reduce impacts noted in the Previous CEQA Documents. Therefore, the current Project would result in ***No Impact*** on this topic.

Criteria a.v): Other Public Facilities:

Impact:

> There are no "other" public facilities upon which the Project would be reliant upon. The Previous CEQA Documents acknowledged this fact and identified ***No Impact*** on this topic.

		New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
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?	☐	☐	☐	☑
	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?	☐	☐	☐	☑

Criteria a and b): Recreation

Impact:

The Project would not result in a significant impact to neighborhood or regional parks. These impacts were fully discussed and disclosed in the Previous CEQA Documents. (***No Impact***)

The Previous CEQA Documents determined the prior projects would result in less than significant impacts with regard to parks. The Project would increase the area dedicated to parks, above that identified in the Previous CEQA Documents, through Zoning Map changes of certain properties to Civic Space Zone. This change proposed by the Project would further reduce impacts noted in the Previous CEQA Documents. Therefore, the current Project would result in ***No Impact*** on this topic.

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

Criteria a and b): Plan, Ordinance or Policy Conflict and Congestion Management Program Conflict

Impact:

The current Project may conflict with an applicable plan, ordinance or policy establishing measures for the effectiveness for the performance of the circulation system. Also, the current Project may conflict with Alameda County Transportation Commission (ACTC) Countywide Transportation Plan. The current Project may result in new or more severe impacts above those discussed and disclosed in the Previous CEQA Documents. (***New Potentially Significant Impact***)

The development potential under the current Project would result in additional new traffic above that which was studied in the Previous CEQA Documents. In particular, the current Project would contribute additional trips to Mission Boulevard, Tennyson Road, Industrial Parkway and other routes in the area. The Previous CEQA Documents identified potentially significant impacts related to Hayward General Plan level of service goal and provided mitigation measures for those impacts, as noted below.

The Alameda County Congestion Management Agency (CMA) requires a separate analysis of the

potential impacts of the project on the metropolitan transportation system. The routes studied in the Previous CEQA Documents include I-880, Foothill Boulevard, Mission Boulevard, Harder Road, Tennyson Road, Industrial Parkway and Whipple Road, as well as BART and AC Transit. The ACTC has an arterial level of service threshold of "F."

Mitigation Measures

The following Concept Design Plan EIR mitigation measures are applicable to the current Study Area and addresses this previously identified impact:

Mitigation Traf-1: *(Level of Service at Dixon Street/Tennyson Road) Provide northbound and southbound left turn lanes and modify the traffic signal at Dixon Street/Tennyson Road to provide for protected-permissive northbound left turns and permissive southbound left turns. This mitigation will improve the LOS to D in the AM peak under both the Blended and Urban scenarios.*

(Concept Design Plan EIR Mitigation Measure 4.7-1)

Mitigation Traf-2: *(Level of Service at Mission Boulevard/Industrial Parkway) Modify traffic signal phasing to provide eastbound and westbound right turn overlap phases. This will require prohibiting both northbound and southbound U-turns and will improve the LOS to D in the 2025 AM peak period at the Mission Boulevard/Industrial Parkway intersection.*

(Concept Design Plan EIR Mitigation Measure 4.7-2)

Mitigation Traf-3: *(Parking Resource Impacts) Detailed parking studies will be required of future developments in the project area to ensure impacts of development on parking resources will be less than significant. If determined to be necessary as a result of such studies, mitigation measures will be required to be implemented.*

(Concept Design Plan EIR Mitigation Measure 4.7-3)

Mitigation Traf-4: *(Cumulative Traffic Impacts) As noted in the City of Hayward's adopted General Plan and related certified EIR, implementation of the General Plan policies and strategies, such as implementation of "smart growth" policies, will reduce the City's contribution to traffic growth to a less-than significant level. However, due to physical constraints, funding limitations and regional growth patterns, cumulative traffic impacts anticipated by the South Hayward BART project are expected to be significant and unavoidable.*

(Concept Design Plan EIR Mitigation Measure 4.7-4)

Resulting Level of Significance

The current Project would add 771 net new residential dwellings and 218,613 square feet of commercial floor area above that studied in the Previous CEQA Documents. These additions would add additional vehicular trips which may result in new or greater traffic impacts. Therefore, for this topic, it is assumed the current Project may result in a ***Potentially Significant Impact*** which will be addressed in the forthcoming Supplemental EIR.

Criteria c): Air Traffic Patterns

Impact:

> The Project would not 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. (***No Impact***)

The Project is located over two (2) miles from the nearest airport, the Hayward Executive Airport. As such, the Project would result in ***No Impact*** under this topic.

Criteria d): Hazards

> While the Project may substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections), it would not result in hazards due to incompatible uses. This impact was not discussed and disclosed in the Previous CEQA Documents. (***Potentially Significant Impact***)

The Project would result, over time, in the construction of new public streets intersecting with existing public streets (see Thoroughfare Plan, Figure 1-2). These design features were not assessed in the Previous CEQA Documents. Therefore, for this topic, it is assumed the current Project may result in a ***Potentially Significant Impact*** which will be addressed in the forthcoming Supplemental EIR.

Criteria e): Emergency Access

> The Project would not result in inadequate emergency access. (***No New Impact***)

The Project's Thoroughfare Plan (Figure 1-2) would improve emergency access in the Project area through the construction, over time, of additional paths of ingress and egress that would meet City of Hayward standards. Therefore, the Project would result in ***No New Impact*** under this topic.

Criteria f): Public Transit, Bicycle and Pedestrian Facilities

> The Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities beyond that previously analyzed. (***No New Impact***)

The Project will have a positive effect on public transit by providing a type and form of development with an interconnected street system – all within walking distance of existing transit service stops. It is expected that, as a result, the current Project will encourage transit and therefore will have a ***No New Impact*** concerning public transit.

By 2025, the capacity of BART is expected to significantly increase with the implementation of the BART to San Jose line, as well as potentially other lines that are currently being planned but for which no funding or implementation timeframe has been identified. The implementation of the Project, similar to the projects studied in the Previous CEQA Documents, would have the potential to generate new BART riders, who could be accommodated by the existing and planned BART improvements. These riders could generate significant revenue for BART without increasing operating costs. Thus, the implementation of

the recommended project will have a positive impact on BART.

The Previous CEQA Documents describe how the South Hayward BART area generally includes low productivity routes for AC Transit and that ample capacity exists to add new riders. Since AC Transit's Service Deployment Plan relates service improvements, such as increased headways, to increases in densities, the implementation of the Project would, similar to the projects studied in the Previous CEQA Documents, provide greater opportunities to provide for additional AC Transit service that will be able to accommodate any new riders generated by the development. Thus, the implementation of the recommended project will have a positive impact on AC Transit.

Under the Project, a number of pedestrian and bicycle connections and enhancements are identified, above those included within the 2006 Concept Design Plan. Also, the Project retains the Concept Design Plan's encouragement of a future north-south pedestrian/bike connection over Tennyson Road along the BART tracks platform. Therefore, the current Project will be positive and have ***No New Impact*** on bicycle and pedestrian systems.

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

Criteria a and e): Wastewater Infrastructure:

Impact:

The proposed Project would not generate any permanent increase in wastewater collection, treatment or disposal. (***No New Impact***)

The Project would increase wastewater generation, primarily due to an increase in domestic water use, above that studied in the Previous CEQA Documents. The Concept Design Plan EIR documented a total maximum wastewater generation of 713,065 gallons per day for the "Urban" alternative. The current Project would add approximately 154,459 gallons/day to the "Urban" alternative analyzed in the Concept Design Plan EIR[9]. The City's wastewater treatment plant has a maximum dry weather operating capacity of 16.5 million gallons per day (mgd). Presently, the plant treats an average of 13.5 mgd. The anticipated increase of up to 867,524 mgd could be accommodated at the City's wastewater treatment plant with ***No New Impact***.

9 This total assumes all new residential dwellings resulting from the Project will be apartments or condominiums at a rate of 187 gallons/day, and 800 gallons per acre of non-residential square feet.

If the current Project is approved, individual development proposals will be reviewed by the City of Hayward to ensure that an adequate localized wastewater conveyance capacity is provided by future individual developments. Individual development proposals may be required to provide replacement or upgraded local wastewater systems, as determined by the City of Hayward, prior to construction and occupancy.

There is no new information that would result in new significant environmental effects related to wastewater treatment capacity. The Project's increased demand is not considered to be a substantial increase in the severity of previously identified environmental effect related to wastewater treatment capacity. The Project would, therefore, result in ***No New Impact*** under this topic.

Criteria b and c): Stormwater Infrastructure

> The ability of downstream drainage facilities to safely accommodate increased flows, especially during intense storm events when the rate of stormwater flows would be the greatest, could be significantly impacted. (***Less Than Significant with Revised Mitigation***)

Approval of the Project would increase the amount of stormwater runoff generated from the Project area, although a substantial portion of the Project area is currently developed with buildings, paved parking areas, walkways and other impervious surfaces. It is anticipated that the Project could add to the amount of impervious surfaces that could increase both the rate and amount of stormwater leaving the Project area.

If the current Project is approved, individual development proposals will be reviewed by the City of Hayward to ensure that an adequate stormwater conveyance capacity is provided by future individual developments. Individual development proposals may be required to provide replacement or upgraded local stormwater systems, as determined by the City of Hayward, prior to construction and occupancy.

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the Project area and addresses this previously identified impact:

Mitigation Hyd-1: *(Drainage Impacts) Site-specific drainage plans shall be prepared for all future construction within the project area prior to project approval. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda Flood Control and Water Conservation District staff prior to approval of the proposed development project.*

(Concept Design Plan EIR Mitigation Measure 4.4-1)

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Hyd-2: *(Hydrology/Drainage Impacts) Site-specific drainage plans shall be prepared for all future construction within the Project area prior to approval of a grading permit, or a building permit in the event a grading permit is not required. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda County Flood Control and Water Conservation District staff prior to approval of a grading or building permit.*

(238 Land Use Study EIR Mitigation Measure 4.7-1)

Resulting Level of Significance

Continued implementation of Mitigation Measures Hyd-1 and Hyd-2 and expansion of their applicability to the entire, current Project area would result in impacts that are ***Less Than Significant with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant impacts to the existing drainage system, or a substantial increase in the severity of previously identified drainage system effect.

Criteria d): Water Supply

Impact:

The proposed Project would not require any new or expanded water supply facilities. (***No New Impact***)

The Concept Design Plan EIR documents that Hayward's 2005 Urban Water Management Plan assumes water capacity to serve up to 5,000 dwellings in the Project area, which is greater than the number of dwellings that could be constructed under the Project. Therefore, the need for the City to provide sufficient water per day for implementation of the Project would result in *no new impact*, since such demand would be less than that anticipated in the City's Urban Water Management Plan for the Project area.

If the current Project is approved, individual development proposals will be reviewed by the City of Hayward to ensure that an adequate localized water conveyance, both quantity and pressure, is provided to future individual developments. Individual development proposals may be required to provide replacement or upgraded local water systems, as determined by the City of Hayward, prior to construction and occupancy.

There is no new information that would result in new significant environmental effects related to water supply. The Project's increased demand is not considered to be a substantial increase in the severity of previously identified environmental effect related to water supply. The Project would, therefore, result in ***No New Impact*** under this topic.

Criteria f and g): Solid Waste

Impact

The proposed Project would increase the quantity of solid waste and the demand for solid waste services. This impact was fully discussed and disclosed in a previously certified environmental document. (***No New Impact***)

Within the Project area, solid waste collection services are provided by Waste Management Inc. Solid waste is transferred first to the Davis Street Transfer Center in San Leandro and then to the Altamont Landfill in the eastern alameda County. Both the transfer center and landfill are owned and operated by Waste Management Inc., which serves the City under a franchise agreement. The landfill is permitted to accept a maximum of 11,150 tons of waste per day. According to the Hayward General Plan, it is estimated that the City is achieving the state mandated 50% diversion rate. The City is not, however, achieving the 75% solid waste diversion goal set to begin being achieved in 2010.[10]

Waste generation under the current Project would be similar to those studied in the Previous CEQA Documents. Furthermore, the developments ultimately approved under the Project would comply with Chapter 5, Article 10 of the Hayward Municipal Code, which requires the submission and approval of a Debris Recycling Statement prior to the commencement of construction. Increased solid waste resulting from the Project from the construction and occupancy of new dwellings and businesses can be accommodated by the existing disposal services and facilities. While the current 75% solid waste diversion goal is not being met, compliance is not mandatory.

There is no new information that would result in new significant environmental effects related to solid waste disposal capacity. The Project's increased demand is not considered to be a substantial increase in the severity of previously identified environmental effect related to solid waste disposal capacity. The Project would, therefore, result in ***No New Impact*** under this topic.

[10] Alameda County Integrated Waste Management Plan, Page V-5, adopted February 26, 2003.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
XVII. Mandatory Findings Of Significance				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☑	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☑	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☑	☐	☐	☐

Criteria a): Degrade the Quality of the Environment

As described under the Biological Resources and Cultural Resources sections above, the Project would not degrade the quality of the environment with respect to plant and animal habitats and cultural resources. Implementation of Mitigation Measures Bio-1 and Bio-2 would ensure biological resource impacts are reduced to *less than significant* levels. Similarly, implementation of Mitigation Measure Cult-1 would ensure cultural resource impacts are reduced to *less than significant* levels. Therefore, given the above, the Project would have ***No New Impact*** relative to this topic.

Criteria b): Cumulative Impacts

The Project would not have environmental effects that are individually limited but cumulatively considerable. Since certification of the Prior CEQA Documents, two development projects (mentioned in the Introduction) have been approved within the Project area. However, both projects were found to be consistent with the Hayward General Plan and Zoning Ordinance. Therefore, it can be assumed those projects were also consistent with the corresponding analysis of the Previous CEQA Documents. Therefore, the Project would be expected to result in ***No New Impact***, relative to cumulative impacts, when compared to the Previous CEQA Documents.

Criteria c) Substantially Adverse Effects

The Project may result in the emission of air quality pollutants that may contribute on a cumulative basis toward exceeding established air quality thresholds. The emission of these air quality pollutants could cause adverse effects on the health of nearby residents. While this impact was fully discussed and

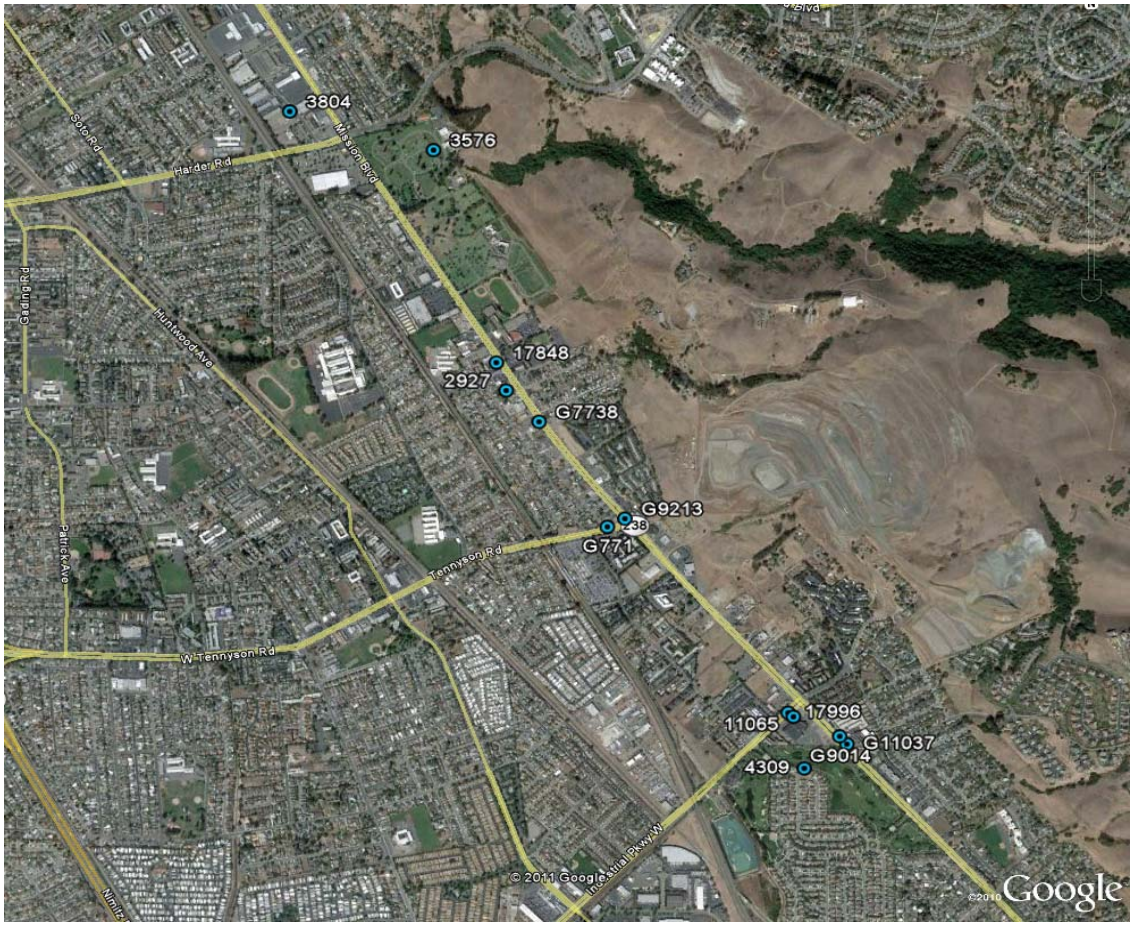
disclosed in a previously certified environmental document, the current Project would add additional residents and businesses which may increase the severity of health-related air quality impacts, traffic impacts and aesthetic impacts. Therefore, for this topic, it is assumed the current Project may result in a ***Potentially Significant Impact*** which will be addressed in the forthcoming Supplemental EIR.

Appendix C

Stationary Source Risk & Hazard Locations

BAAQMD's Stationary Source Risk & Hazard Analysis Tool, Google Earth
Sources within the South Hayward BART area or 1000 feet from it.

													Totals
Alameda_2010_schema:FID	2226	439	27	814	1043	1998	223	2150	1793	2072	1651	1671	
Alameda_2010_schema:PlantNo	3804	3576	17848	2927	G7738	G9213	G771	17996	11065	G9014	G11037	4309	
Alameda_2010_schema:Plant	Wilma's Collision Repair	Catholic Cremation Services	A & K Body Paint	Earl Scheib Auto Paint Shop	Hayward Rentals & Sales Inc	Tosco Northwest Company	ARCO Service Station	Verizon Wireless (Mission Tennyson)	Serra Corporation	Unocal #4199	Quick Gas N Shop	Rainbow Cleaners	
Alameda_2010_schema:Address	25571 DOLLAR STREET	1051 HARDER ROAD	27425 MISSION BLVD	27369 MISSION BLVD	27823 Mission Blvd	28590 Mission Blvd	650 Tennyson Road	275 INDUSTRIAL PKWY	20478 MISSION BLVD	29874 Mission Blvd	29900 Mission Blvd	427 INDUSTRIAL PKWY	
Alameda_2010_schema:City	Hayward	Hayward	Hayward	Hayward	Hayward	Hayward	Hayward	Hayward	Hayward	Hayward	Hayward	Hayward	
Alameda_2010_schema:UTM_East	582089.477	582652.7	582905	582944.1	583073	583412	583344	584057.98	584078	584259	584288	584124	
Alameda_2010_schema:UTM_North	4167623.046	4167460	4166572	4166454	4166323	4165917	4165882	4165103	4165086	4165006	4164973	4164867	
Alameda_2010_schema:Risk	0	Contact District Staff	0	0	Contact District Staff	0.25	0.98	Contact District Staff	0	0.27	0.51	7.51	9.52
Alameda_2010_schema:Hazard	0.006	Contact District Staff	0	0	Contact District Staff	0.004	0.016	Contact District Staff	0	0.004	0.008	0.02	0.058
Alameda_2010_schema:PM25	0	Contact District Staff	0	0	Contact District Staff	0	0.001	Contact District Staff	0	0	0.001	0	0.002



Appendix D

Roadway Risk & Hazard Values

Mission Blvd. (238) Health Risk Screening				Source		
68,000	Annual Average Daily Traffic			1		
East or West of Alameda County Higway 238				2		
	Distance (feet)					
AADT	100	200	500	700	1,000	
PM2.5 Concentration (ug/m3)					Threshold:	0.3
131,000	1.5	0.62	0.3	0.23	0.15	
68,000	0.78	0.32	0.16	0.12	0.08	
Lifetime Excess Cancer Risk (1 x 10^6)					Threshold:	10
131,000	125	45	18	12	9	
68,000	64.89	23.36	9.34	6.23	4.67	
Noncancer Chronic Hazard Index					Threshold:	1
131,000	0.17	0	0	0	0	
68,000	0.09	0	0	0	0	

Sources

1 Caltrans, 2010, Traffic and Vehicle Data Systems Unit, 2009 All Traffic Volumes on CSHS, accessed at http://traffic-counts.dot.ca.gov/2009all/2009TrafficVolumes.htm
AADT for highway 238 postmile 11.201, Hayward, Harder Road, sum of both directions.

2 BAAQMD, 12/29/2010, Risk and Hazard Screening Analysis Process.

Appendix E

Traffic Study

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Oakland, CA 94612
www.dowlinginc.com

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510.839.0871 fax
traffic@dowlinginc.com

Dowling Associates, Inc.

Date: April 01, 2011

Memorandum

To: David Rizk, Planning Director, City of Hayward

CC: Robert Bauman, Don Frascinella, City of Hayward, Kevin Colin, Lamphier-Gregory

From: Damian Stefanakis, Kamala Parks, Dowling Associates, Inc.

Reference #: P10020

Subject: South Hayward BART SEIR Traffic Study – Final Report

Dowling Associates has prepared this memorandum to outline the steps completed for the South Hayward BART Supplemental EIR Traffic Study. A glossary at the end of this document defines the acronyms. The detailed intersection level of service calculation sheets are included in the technical appendix.

Setting

A draft environmental impact report (DEIR) was published in April 2006 for the conceptual redevelopment of land around the South Hayward BART Station Area associated with the *South Hayward BART/ Mission Boulevard Concept Design Plan*. Three development alternatives were studied at a program level for the DEIR: High-density (Urban), Low-density (Suburban), and Medium-density (Blended). The traffic impacts of these three alternatives were analyzed in the Transportation and Circulation section of the DEIR. In addition, the impacts associated with a fourth alternative, known as the Draft Concept Design Plan Alternative (similar to the Blended Alternative), were analyzed in the Alternatives section of the DEIR. The final EIR (FEIR) was certified by City Council in June 2006. The land use plan in the adopted *South Hayward BART/ Mission Boulevard Concept Design Plan* most closely related to the Draft Concept Plan Alternative studied in the DEIR.

Building upon the *South Hayward BART/ Mission Boulevard Concept Design Plan EIR*, this memorandum details the traffic analysis for a new Project. This Project is the South Hayward BART/Mission Boulevard Form-Based Code, related General Plan and Zoning Changes, and related development potential. Traffic analysis was performed for the year 2025 for the Project (Form-Based Code) scenario and compared to year 2025 No Build (Draft Concept Plan Alternative from the *South Hayward BART/ Mission Boulevard*

Concept Design Plan EIR[1]) conditions. This traffic analysis primarily focused on updating the intersection level of service analysis and the CMP link level analysis.

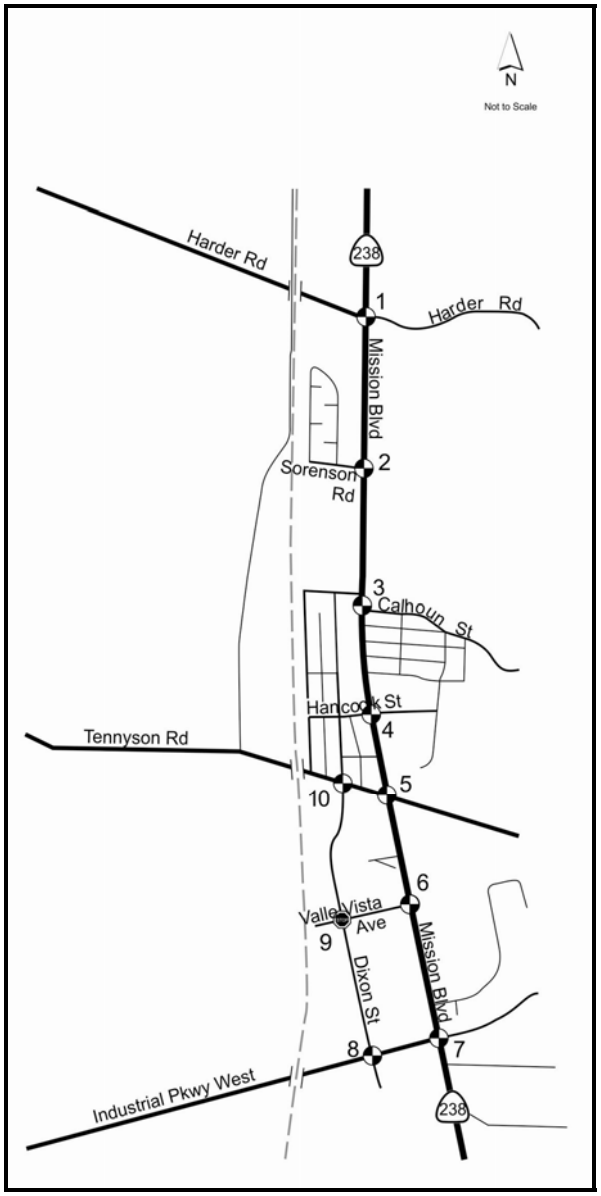
Study Area

The development area and study intersections are shown in Figure 1. The ten intersections that had been studied for the *South Hayward BART/ Mission Boulevard Concept Design Plan EIR* are also analyzed for Level of Service under Project conditions. They are as follows:

[1] The 2025 No Build assumes that traffic mitigations proposed to minimize Level of Service impacts in the *South Hayward BART/ Mission Boulevard Concept Design Plan EIR* would be implemented.

1. Mission Boulevard at Harder Road
2. Mission Boulevard at Sorenson Road
3. Mission Boulevard at Calhoun Street
4. Mission Boulevard at Hancock Street
5. Mission Boulevard at Tennyson Road
6. Mission Boulevard at Valle Vista Avenue
7. Mission Boulevard at Industrial Parkway West
8. Dixon Street at Industrial Parkway West
9. Dixon Street at Valle Vista Avenue
10. Dixon Street-E 12th Street at Tennyson Road

Figure 1: Study Area and Intersections



Description of Analysis

The traffic forecasting methodology used for the Supplemental EIR (SEIR) is based on a similar methodology developed for the previous *South Hayward BART/ Mission Boulevard Concept Design Plan EIR*. It relies on the use of two transportation modeling tools: The more detailed City of Hayward Travel Demand Model for predicting intersection volumes and the more regional Alameda Countywide Congestion Management Agency's (ACCMA) travel demand model for Congestion Management Program (CMP) roadway volumes. The intersection turning volumes are incorporated into TRAFFIX© software to determine levels of service using the Highway Capacity Manual methods. The Citywide travel demand model has been refined in the study to more accurately reflect existing and future vehicle intersection volumes in the local study area. The roadway link volumes from the ACCMA Countywide model were incorporated into the Highway Capacity Manual (HCM) analysis spreadsheet to evaluate level of service conditions on freeways and CMP arterials. These tools were selected to be consistent with the *South Hayward BART/ Mission Boulevard Concept Design Plan EIR*.

Travel Demand Model Assumptions

The City of Hayward has a model that is based on the ACCMA travel demand model to forecast its travel demand. The model is implemented using the EMME/2 software and is based on network assumptions from MTC's 2003 Regional Transportation Plan (RTP), the Countywide Transportation Plan and regional land use based on Association of Bay Area Government's (ABAG) *Projections* 2003, and City General Plan land use within Hayward. The model forecasts AM and PM peak-hour link and intersection volumes based on the industry standard four-step method. It includes a comprehensive post-processing procedure prior to inputting results and analyzing the intersection LOS into TRAFFIX©. The model was recalibrated to 2002 conditions based on updated land use and network assumptions.

For Cumulative 2025 Conditions, the land uses for the Traffic Analysis Zones (TAZs) located within the Project area were obtained from ABAG *Projections* 2003 demographics and are consistent with the City's Existing General Plan and account for all major revisions including any approved General Plan Amendments adopted prior to the South Hayward BART/ Mission Boulevard Concept Design Plan EIR. Planned roadway changes incorporated into the model for this future year are detailed in the cumulative scenarios and generally consist of improvements to I-238 and to the SR 238 Corridor in Hayward.

Although some of the assumptions used in the model may be considered out of date, it was important to use the same planning tools as the DEIR in order to quantify the "delta" or change associated with the new Project. Doing so tiers off work done for previous CEQA documents and ensures consistency between the *South Hayward BART/ Mission Boulevard Concept Design Plan EIR* and the Project (Form-Based Code) SEIR. This change in traffic volume was identified and then applied to the No Build (Draft Concept Plan

Alternative) to obtain the Project (Form-Based Code) condition. The model volumes for the No Build and Project together with the model difference are shown graphically in the technical appendix.

Intersection Level of Service (LOS)

An analysis of traffic conditions was conducted of the study intersections using the most current TRAFFIX © software (version 8.0). Intersection levels of service for vehicles in the project area were analyzed using the Transportation Research Board's *Highway Capacity Manual (HCM)*. Level of service (LOS) is a qualitative indication of the level of delay and congestion experienced by motorists using an intersection. Levels of service are designated by the letters A through F, with A having the best operating conditions and F the worst (high delay and congestion).

LOS Methodology

The 1994 *Highway Capacity Manual* methodology was used to analyze signalized intersections, per City of Hayward's traffic impact study requirements. However, the 2000 *Highway Capacity Manual* was used to analyze unsignalized intersections, based on significant methodological improvements over the 1994 method. The criteria used for signalized intersections are summarized in Table 1 and for unsignalized intersections in Table 2. LOS at signalized intersections and all-way stop-controlled intersections is based on the weighted average delay for all intersection legs.

Table 1: 1994 Highway Capacity Manual LOS Criteria – Signalized Intersections

Level of Service (LOS)	Average Delay (seconds/vehicle)	Description
A	≤ 5	Very Low Delay: This level of service occurs when progression is extremely favorable and most vehicles arrive during a green phase. Most vehicles do not stop at all. Short cycle lengths may also contribute to low delay.
B	> 5 and ≤ 15	Minimal Delays: This level of service generally occurs with good progression, short cycle lengths, or both. More vehicles stop than at LOS A, causing higher levels of average delay.
C	> 15 and ≤ 25	Acceptable Delay: Delay increases due to fair progression, longer cycle lengths, or both. Individual cycle failures may begin to appear at this level of service. The number of vehicles stopping is significant, though many still pass through the intersection without stopping.
D	> 25 and ≤ 40	Approaching Unstable Operation/Significant Delays: The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high volume / capacity ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.
E	> 40 and ≤ 60	Unstable Operation/Substantial Delays: These high delay values generally indicate poor progression, long cycle lengths, and high volume / capacity ratios. Individual cycle failures are frequent occurrences.
F	> 60	Excessive Delays: This level, considered unacceptable to most drivers, often occurs with oversaturation (that is, when arrival traffic volumes exceed the capacity of the intersection). It may also occur at high volume / capacity ratios below 1.0 with many individual cycle failures. Poor progression and long cycle lengths may also be major contributing causes to such delay levels.
Source: Transportation Research Board, *Highway Capacity Manual,* Washington, D.C., 1994, pages 9-6 and 9-7		
Dowling Associates, Inc.		

Table 2: 2000 Highway Capacity Manual LOS Criteria – Unsignalized Intersections

Level of Service (LOS)	Average Delay (seconds/vehicle)	Description
A	≤ 10	Very Low Delay
B	> 10 and ≤ 15	Minimal Delays
C	> 15 and ≤ 25	Acceptable Delay
D	> 25 and ≤ 35	Approaching Unstable Operation and/or Significant Delays
E	> 35 and ≤ 50	Unstable Operation and/or Substantial Delays
F	> 50	Excessive Delays
Source: *Highway Capacity Manual,* 2000, pages 17-2 and 17-32, Transportation Research Board, Washington, D.C.		
Dowling Associates, Inc.		

LOS Significance Criteria

The following specifies the significance criteria used to determine Project impacts for this traffic analysis.

Intersection

The City of Hayward's General Plan states that the City shall "seek a minimum Level of Service D at intersections during the peak commute periods except when LOS E may be acceptable due to costs of mitigation or when there would be other unacceptable impacts".[2] Additionally, for the purposes of this analysis, a significant impact will exist if the Project causes the delay per vehicle to increase by 4 seconds or more at an intersection operating at LOS F under No Build conditions. This is consistent with the *Route 238 Corridor Improvement Project* significance standards.

CMP Roadways

The Alameda County Congestion Management Agency (ACCMA) requires a separate analysis of the potential impacts of the project on the metropolitan transportation system (MTS). ACCMA's arterial level of service standard is LOS F. It does not have a separate standard to determine a threshold of significance for the level of service, and such a threshold is left to local jurisdictions' discretion. Based on the recommended significance

[2] Page 3-26 of Hayward's Circulation Element on Improving Local Access and Circulation 11-1

criteria, it is determined that a link already at LOS F is considered impacted if the project increases traffic by more than 5%.

Project Description

The Project analyzed in this report is a Form-Based Code, which entails regulation changes and associated potential development. The Project assumes higher residential densities and commercial development compared to the previous Draft Concept Plan Alternative from the *South Hayward BART/Mission Boulevard Concept Design Plan EIR*.

Table 3 shows land uses assumed for the No Build (Draft Concept Plan Alternative compared to the Project (Form-Based Code). Table 4 shows land uses by Traffic Analysis Zone (TAZ) as input into the traffic model. Because the traffic model uses jobs as an input for computing trip generation, the Project's commercial square footage was converted to number of jobs using factors consistent with the General Plan, as shown in Table 3. The approximate factor is 500 commercial square feet per job, which is consistent with the factor used on page 111 of the *South Hayward BART/Mission Boulevard Concept Design Plan DEIR*. Commercial land use splits for the Project (Form-Based Code) were assumed to be 5% Manufacturing, 30% Retail, 50% Service, and 15% Other, consistent with the splits assumed for the *South Hayward BART/ Mission Boulevard Concept Design Plan EIR*.

Table 3: Summary of Land Use

Scenario (Year 2025)	Households	Commercial Square Footage	=	Jobs (3)
No Build (1)	2,814	-69,500	=	-107
Project (2)	3,585	149,113	=	298
Net Change	**771**	**218,613**	**=**	**405**

(1) No Build scenario is the Draft Concept Plan from the *South Hayward BART/Mission Boulevard Concept Design Plan EIR*

(2) Project scenario is the proposed Form-Based Code, with number of households and commercial square footage supplied to Dowling Associates via email on July 20, 2010 by David Rizk of City of Hayward.

(3) Approximate factor is 500 commercial square feet per job

The scenarios may subtract out some existing uses, which explains the possibility of negative numbers.

Dowling Associates, Inc

Table 4: Summary of Land Use by Traffic Analysis Zone (TAZ) Model Inputs

TAZ	2025 No Build (1)		2025 Project (2)		Net Change	
	Households	Jobs (3)	Households	Jobs (3)	Households	Jobs (3)
88	159	-91	546	-168	387	-77
91	438	-27	348	45	-90	72
92	234	-11	583	100	349	111
93	442	-32	417	316	-25	349
94	-9	13	89	-90	98	-103
100	-37	51	115	7	152	-45
110	378	-6	202	0	-176	6
111	378	-6	495	-18	117	-13
112	554	1	343	-17	-212	-18
113	277	1	447	123	170	123
Total	**2,814**	**-107**	**3,585**	**298**	**771**	**405**

(1) No Build scenario is the Draft Concept Plan from the *South Hayward BART/Mission Boulevard Concept Design Plan EIR*

(2) Project scenario is the proposed Form-Based Code, with number of households and commercial square footage supplied to Dowling Associates via email on July 20, 2010 by David Rizk of City of Hayward.

(3) Number of jobs derived from commercial square feet using an approximate factor of 500 SF per job

The scenarios may subtract out some existing uses, which explains the possibility of negative numbers.

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Intersection Analysis

This section details results from analysis of No Build and Project conditions for cumulative year 2025 conditions at the ten study intersections.

Cumulative (2025) No Build Conditions

As indicated previously, the year 2025 Draft Concept Plan from the *South Hayward BART/Mission Boulevard Concept Design Plan EIR* is considered the No Build scenario for this traffic analysis. Intersection turning movement volumes and lane geometries for this scenario are displayed in Figure 2. A summary of vehicle LOS for the 2025 No Build scenario is shown in Table 5.

Figure 2: 2025 No Build Intersection Volumes and Geometries for AM and PM Peak Hour

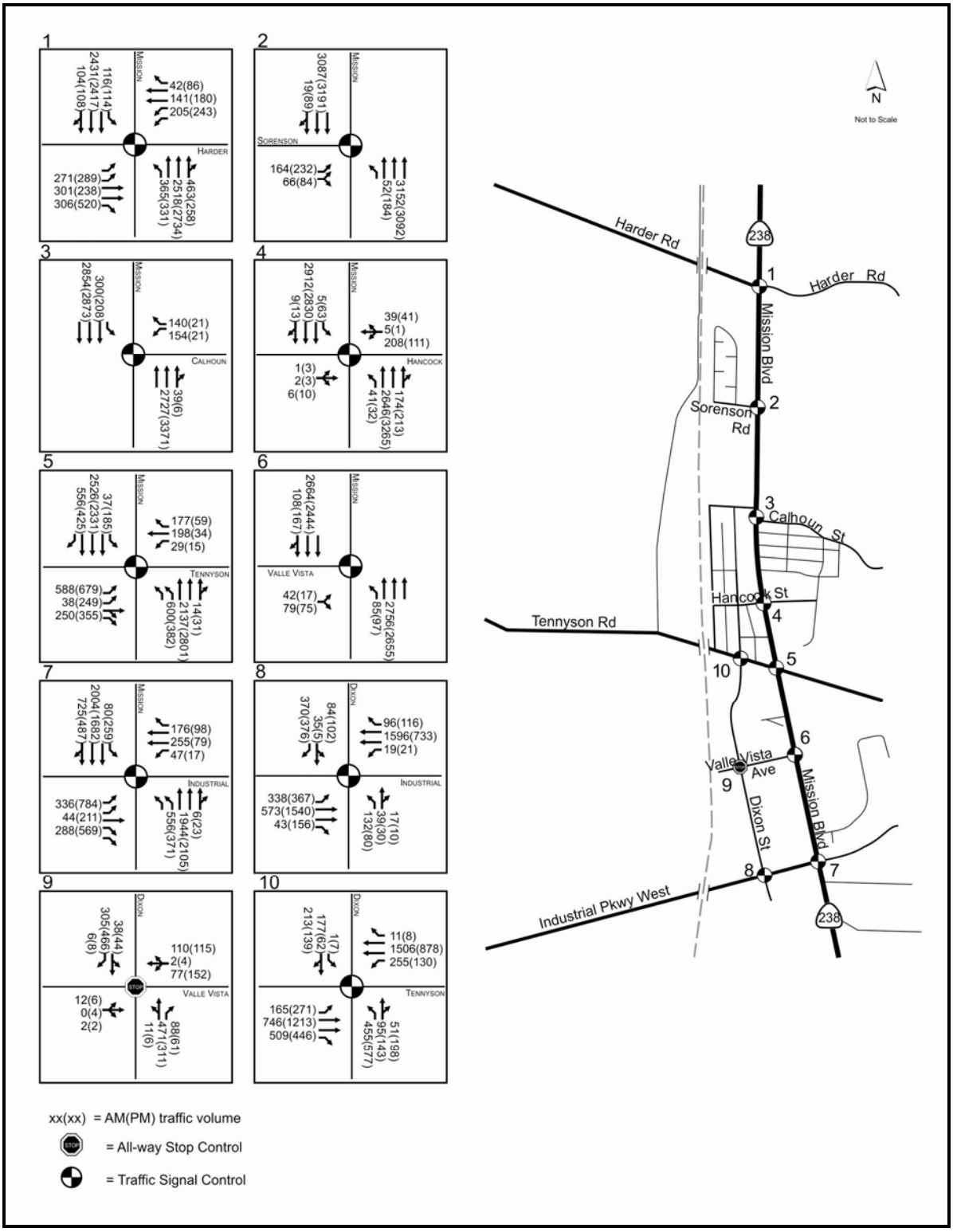

Table 5: 2025 No Build – Intersection Level of Service

Intersection		Traffic Control	Peak-Hour	LOS	Delay
1	Mission Boulevard at Harder Road	Signal	AM	D	30
			PM	D	40
2	Mission Boulevard at Sorenson Road	Signal	AM	B	8
			PM	B	15
3	Mission Boulevard at Calhoun Street	Signal	AM	B	14
			PM	B	8
4	Mission Boulevard at Hancock Street	Signal	AM	B	12
			PM	B	10
5	Mission Boulevard at Tennyson Road	Signal	AM	D	39
			PM	D	29
6	Mission Boulevard at Valle Vista Avenue (1)	Signal	AM	A	3
			PM	A	3
7	Mission Boulevard at Industrial Parkway West	Signal	AM	D	39
			PM	D	37
8	Dixon Street at Industrial Parkway West	Signal	AM	C	18
			PM	B	14
9	Dixon Street at Valle Vista Avenue	All Way Stop	AM	C	17
			PM	C	22
10	Dixon Street at Tennyson Road (2)	Signal	AM	D	32
			PM	C	23

(1) The intersection of Mission Boulevard-Valle Vista Avenue is currently stop-controlled but will be signalized by 2025.

(2) The intersection of Dixon Street - Tennyson Avenue shows the LOS with recommended mitigations from the DEIR

LOS = Level of Service; **Delay** = Weighted average delay for vehicles in seconds

Signalized intersections were analyzed using the 1994 Highway Capacity Manual (HCM) whereas the stop-controlled intersection was analyzed using the 2000 HCM.

Source: South Hayward BART/Mission Boulevard Concept Design Plan FEIR

According to the DEIR, as shown in Table 5, all study intersections under 2025 No Build conditions were projected to operate at LOS "D" or better after mitigations were applied.

Adjustments to 2025 No Build LOS

After the certification of the *South Hayward BART/Mission Boulevard Concept Design Plan EIR*, it was discovered that three of the signalized study intersections were missing

loss time in the analysis. Loss time is typically incorporated at each signalized intersections to account for seconds lost (for yellow and all-red signal indications) as a result of switching each phase of the traffic signal over its complete cycle. Generally, the loss time is about 3 seconds for each phase in a traffic signal's cycle. For example, a traffic signal with a cycle of 90 seconds and only two phases (one phase for eastbound-westbound travel through an intersection, the other for northbound-southbound) would incorporate a total of 6 seconds of loss time, for an effective green time of 84 seconds per cycle. Traffic signals with protected turn phases require more loss time to be incorporated in the analysis, but usually no more than 12 seconds in the City of Hayward. The following study intersections were lacking loss time in the previous analysis:

6. Mission Boulevard at Valle Vista Avenue
8. Dixon Street at Industrial Parkway West
10. Dixon Street-E 12th Street at Tennyson Road

Additionally, the delay for the intersection of Mission Boulevard at Harder Road is slightly less compared to the delay reported in the EIR, but the LOS remains the same. Finally, the intersection geometry[3] and minor turning movement volumes[4] for Mission Boulevard at Tennyson Road needed to be revised from the original analysis. Table 6 displays the revised LOS and delay for these four intersections compared to the original reported in the *South Hayward BART/Mission Boulevard Concept Design Plan EIR*.

[3] Lane geometries at the Mission Boulevard-Tennyson Street intersection for the *South Hayward BART/ Mission Boulevard Concept Design Plan* had one shared southbound through-right turn lane and three southbound through lanes. The lane geometries for this study have been revised as shown in Figure 2.

[4] Volumes at Mission Boulevard-Tennyson Street intersection for the South Hayward BART/ Mission Boulevard Concept Design Plan were mostly zero for the northbound right and westbound left in the AM and PM peak-hour. Volumes for this study have been revised as shown in Figure 2.

Table 6: 2025 No Build Intersection LOS – Original EIR Compared to Revised Analysis

	Intersection	Traffic Control	Peak-Hour	Original LOS	Original Delay	Revised LOS	Revised Delay
1	Mission Boulevard at Harder Road (1)	Signal	AM	D	30	D	28.9
			PM	D	40	D	36.7
5	Mission Boulevard at Tennyson Road (2)	Signal	AM	D	39	***E***	***43.5***
			PM	D	29	D	30.6
6	Mission Boulevard at Valle Vista Avenue (3)	Signal	AM	A	3	B	5.4
			PM	A	3	A	4.6
8	Dixon Street at Industrial Parkway West (3)	Signal	AM	C	18	C	24.8
			PM	B	14	C	16.3
10	Dixon Street at Tennyson Road (3)	Signal	AM	D	32	***E***	***51.9***
			PM	C	23	D	29.2

Original LOS and delay as reported in the *South Hayward BART/Mission Boulevard Concept Design Plan FEIR*

(1) Change in seconds of delay only, LOS remains the same

(2) Change in LOS and delay due to change of intersection lane geometries and revised volumes

(3) Change in LOS and delay due to addition of loss time

Source: Dowling Associates, Inc. using TRAFFIX 8.0

As a result of this revised analysis, the intersection of Dixon Street at Tennyson Road and the intersection of Mission Boulevard at Tennyson Road are projected to operate at LOS "E" in the AM peak-hour for the 2025 No Build conditions. The other intersections are projected to continue operating at LOS "D" or better with the revised analysis.

The revised LOS and delay will be used for the No Build analysis when compared to Project conditions.

Cumulative (2025) + Project Conditions

Intersection turning movement volumes and lane geometries for 2025 + Project are displayed in Figure 3. A summary of vehicle LOS for the 2025 + Project scenario is shown in Table 7.

Figure 3: 2025 + Project Intersection Volumes and Geometries for AM and PM Peak Hour

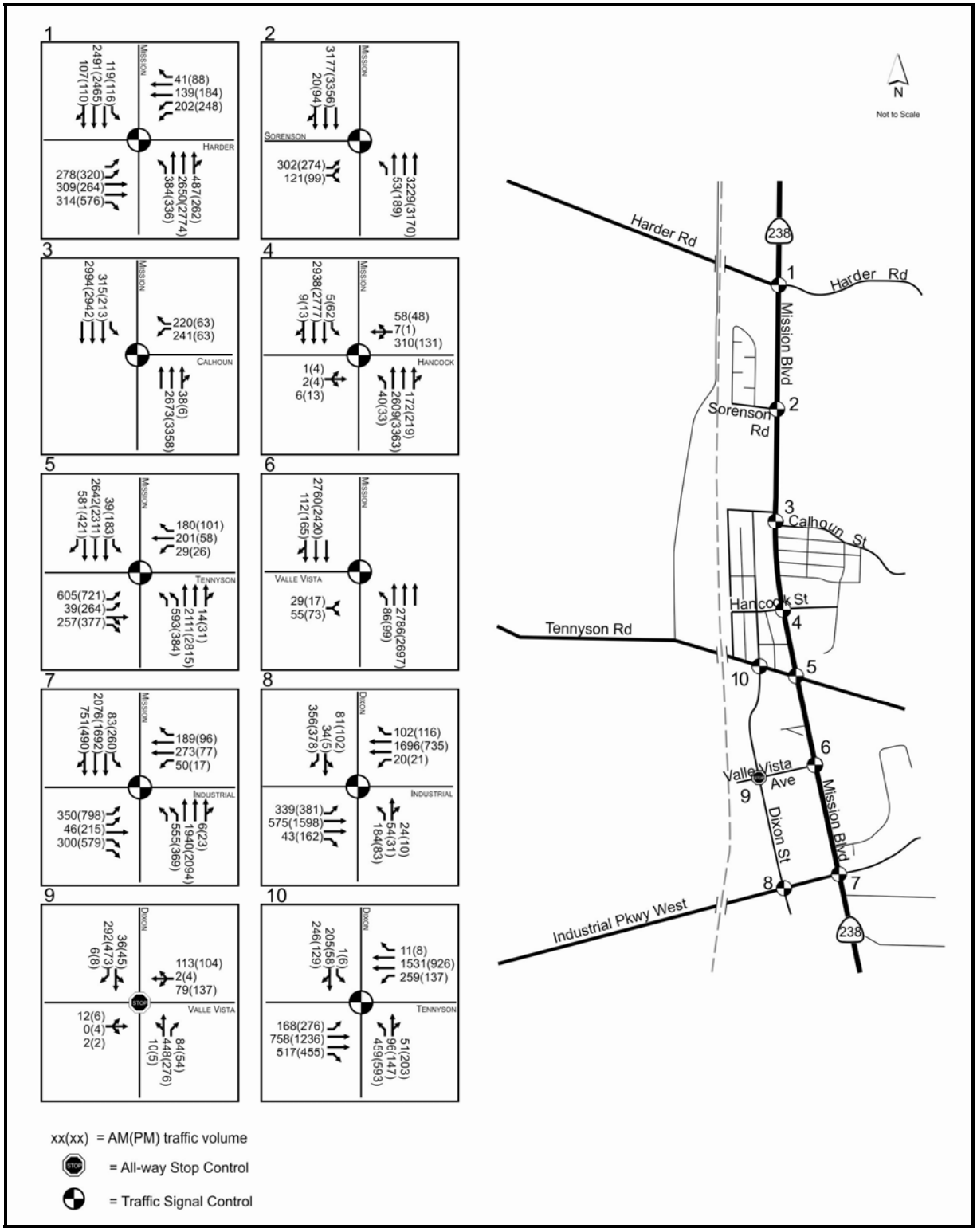

Table 7: 2025 Intersection Level of Service for No Build and Project

	Intersection	Traffic Control	Peak-Hour	No Build (1) LOS	No Build (1) Delay	Project LOS	Project Delay
1	Mission Boulevard at Harder Road	Signal	AM	D	28.9	D	31.6
			PM	D	36.7	***E***	***47.3***
2	Mission Boulevard at Sorenson Road	Signal	AM	B	7.6	B	13.7
			PM	B	14.7	C	20.4
3	Mission Boulevard at Calhoun Street	Signal	AM	B	14.2	C	19.0
			PM	B	7.7	B	9.8
4	Mission Boulevard at Hancock Street	Signal	AM	B	11.8	C	18.4
			PM	B	9.5	B	11.7
5	Mission Boulevard at Tennyson Road	Signal	AM	***E***	***43.5***	***E***	***49.9***
			PM	D	30.6	D	34.8
6	Mission Boulevard at Valle Vista Avenue (2)	Signal	AM	B	5.4	A	4.3
			PM	A	4.6	A	4.6
7	Mission Boulevard at Industrial Parkway West	Signal	AM	D	39.3	***E***	***46.7***
			PM	D	36.9	D	37.3
8	Dixon Street at Industrial Parkway West	Signal	AM	C	24.8	D	26.8
			PM	C	16.3	C	16.4
9	Dixon Street at Valle Vista Avenue	All Way Stop	AM	C	16.8	C	15.6
			PM	C	21.6	C	20.6
10	Dixon Street at Tennyson Road	Signal	AM	***E***	***51.9***	***F***	***66.8***
			PM	D	29.2	D	30.6

(1) No Build LOS and delay based on the revised analysis contained in Table 4

(2) The intersection of Mission Boulevard-Valle Vista Avenue is currently stop-controlled but will be signalized by 2025.

LOS = Level of Service; **Delay** = Weighted average delay for vehicles in seconds

Signalized intersections were analyzed using the 1994 Highway Capacity Manual (HCM) whereas the stop-controlled intersection was analyzed using the 2000 HCM.

Source: Dowling Associates, Inc. using TRAFFIX 8.0

As summarized in Table 7, the addition of the Project's traffic volumes will cause impacts at the following intersections:

1 Mission Boulevard at Harder Road is projected to operate at LOS "E" in the PM peak-hour

5 Mission Boulevard at Tennyson Road, which was projected to operated at LOS "E" in the AM peak-hour under 2025 No Build conditions, will continue to operate at LOS "E" with the Project adding 6.4 seconds of average delay

7 Mission Boulevard at Industrial Parkway West is projected to operate at LOS "E" in the AM peak-hour

10 Dixon Street at Tennyson Road is projected to operate at LOS "F" in the AM peak-hour (from LOS "E" under 2025 No Build conditions)

Congestion Management Program (CMP) Analysis

This section describes the update to the Congestion Management Plan (CMP) analysis for the Form-Based Code Project. Changes to land use with the new project are deemed significant enough that they could result in potential new impacts. The land use changes resulting from the project are identified in the Table 3 and Table 4.

The methodology used in this analysis relied on building off the previous analysis from the *South Hayward BART/Mission Boulevard Concept Design Plan EIR*. The methodology used the same travel demand model, the ACCMA Countywide model, to test the new land use for the Form-Based Code Project. The land use was input into the model and was used to identify the change in traffic resulting from the new project compared to the previously analyzed 2025 No-Project from the *South Hayward BART/Mission Boulevard Concept Design Plan EIR*. This change was applied to the results from the previous CMP analysis. The new project volumes were then compared to the 2025 No-Project in order to identify any new impacts. The volumes for the 2025 No Project are shown in Table 8 and new Form-Based Code Project volumes are shown in Table 9. Table 10 and Table 11 compare the results between the 2025 No Build and 2025 Form-Based Code Project by direction for all CMP links and summarize the volumes, level of service, percent change in Volume-to-Capacity ratio (V/C) and identification of any impacted locations.

As a result of the project, there are increases in PM peak hour volumes at most link locations without causing new impacts.

Table 8: 2025 No Build CMP Volumes for the PM Peak-Hour

Link Location	Northbound/ Eastbound					Southbound/ Westbound					Facility Type
	Volume	Capacity	V/C	Lanes	LOS	Volume	Capacity	V/C	Lanes	LOS	
Interstate/State Highways											
I-880 North of "A" St	9,017	8,400	1.07	4	F	8,939	8,400	1.06	4	F	Freeway
I-880 North of Tennyson Rd	7,142	6,300	1.13	3	F	6,676	6,300	1.06	3	F	Freeway
I-880 North of Whipple Rd	7,016	6,300	1.11	3	F	7,556	6,300	1.20	3	F	Freeway
I-238 East of I-880	3,609	6,300	0.57	3	C	5,805	6,300	0.92	3	E	Freeway
I-580 East of I-238	5,457	10,500	0.52	5	B	9,804	10,500	0.93	5	E	Freeway
I-580 East of Grove Wy	5,913	8,400	0.70	4	C	10,308	8,400	1.23	4	F	Freeway
Foothill Blvd (SR-238) North of "A" St	4,236	3,481	1.22	4	F	2,719	3,481	0.78	4	B	Class 1A
Foothill Blvd (SR-238) South of "A" St	4,563	4,121	1.11	5	F	3,673	4,121	0.89	5	C	Class 1A
Mission Blvd (SR-238) North of Harder Rd	2,870	2,841	1.01	3	F	2,253	2,841	0.79	3	B	Class 1A
Mission Blvd (SR-238) North of Tennyson Rd	3,042	2,841	1.07	3	F	2,398	2,841	0.84	3	C	Class 1A
Mission Blvd (SR-238) North of Industrial Pkwy	2,974	2,841	1.05	3	F	2,304	2,841	0.81	3	C	Class 1A
Arterials											
Harder Rd West of Mission Blvd	1,274	1,800	0.71	2	D	729	1,800	0.41	2	C	Class 1B
Tennyson Rd West of Mission Blvd	1,515	1,800	0.84	2	D	973	1,800	0.54	2	C	Class 1B
Industrial Pkwy West of Dixon Rd	1,343	1,800	0.75	2	D	650	1,800	0.36	2	C	Class 1B
Whipple Rd West of Mission Blvd	737	840	0.88	1	E	665	840	0.79	1	E	Class 2
Sum	***60,708***					***65,452***					

V/C = Volume-to-capacity ratio

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Table 9: 2025 + Project CMP Volumes for the PM Peak-Hour

Link Location	Northbound/ Eastbound					Southbound/ Westbound					Facility Type
	Volume	Capacity	V/C	Lanes	LOS	Volume	Capacity	V/C	Lanes	LOS	
Interstate/State Highways											
I-880 North of "A" St	9,007	8,400	1.07	4	F	8,928	8,400	1.06	4	F	Freeway
I-880 North of Tennyson Rd	7,203	6,300	1.14	3	F	6,714	6,300	1.07	3	F	Freeway
I-880 North of Whipple Rd	7,059	6,300	1.12	3	F	7,644	6,300	1.21	3	F	Freeway
I-238 East of I-880	3,662	6,300	0.58	3	C	5,950	6,300	0.94	3	E	Freeway
I-580 East of I-238	5,490	10,500	0.52	5	B	9,834	10,500	0.94	5	E	Freeway
I-580 East of Grove Wy	5,967	8,400	0.71	4	C	10,277	8,400	1.22	4	F	Freeway
Foothill Blvd (SR-238) North of "A" St	4,248	3,481	1.22	4	F	2,804	3,481	0.81	4	B	Class 1A
Foothill Blvd (SR-238) South of "A" St	4,588	4,121	1.11	5	F	3,584	4,121	0.87	5	C	Class 1A
Mission Blvd (SR-238) North of Harder Rd	2,812	2,841	0.99	3	D	2,421	2,841	0.85	3	C	Class 1A
Mission Blvd (SR-238) North of Tennyson Rd	3,184	2,841	1.12	3	F	2,449	2,841	0.86	3	C	Class 1A
Mission Blvd (SR-238) North of Industrial Pkwy	2,938	2,841	1.03	3	F	2,315	2,841	0.81	3	C	Class 1A
Arterials											
Harder Rd West of Mission Blvd	1,485	1,800	0.83	2	D	805	1,800	0.45	2	C	Class 1B
Tennyson Rd West of Mission Blvd	1,722	1,800	0.96	2	E	1,073	1,800	0.60	2	D	Class 1B
Industrial Pkwy West of Dixon Rd	1,475	1,800	0.82	2	D	713	1,800	0.40	2	C	Class 1B
Whipple Rd West of Mission Blvd	741	840	0.88	1	E	674	840	0.80	1	E	Class 2
Sum	***61,581***					***66,185***					

V/C = Volume-to-capacity ratio

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Table 10: CMP Analysis – 2025 Level of Service Comparison for PM Peak Hour – Northbound / Eastbound Direction

Link Location	Volume		Difference		LOS		Change in V/C	Change in LOS
	No Build	Project	%	Volume	No Build	Project		
Interstate/State Highways								
I-880 North of "A" St	9,017	9,007	-0.1%	-10	F	F	no	no change
I-880 North of Tennyson Rd	7,142	7,203	0.8%	61	F	F	no	no change
I-880 North of Whipple Rd	7,016	7,059	0.6%	43	F	F	no	no change
I-238 East of I-880	3,609	3,662	1.4%	53	C	C	no	no change
I-580 East of I-238	5,457	5,490	0.6%	33	B	B	no	no change
I-580 East of Grove Wy	5,913	5,967	0.9%	54	C	C	no	no change
Foothill Blvd (SR-238) North of "A" St	4,236	4,248	0.3%	12	F	F	no	no change
Foothill Blvd (SR-238) South of "A" St	4,563	4,588	0.5%	25	F	F	no	no change
Mission Blvd (SR-238) North of Harder Rd	2,870	2,812	-2.1%	-58	F	D	no	change
Mission Blvd (SR-238) North of Tennyson Rd	3,042	3,184	4.5%	142	F	F	yes	no change
Mission Blvd (SR-238) North of Industrial Pkwy	2,974	2,938	-1.2%	-36	F	F	no	no change
Arterials								
Harder Rd West of Mission Blvd	1,274	1,485	14.2%	211	D	D	yes	no change
Tennyson Rd West of Mission Blvd	1,515	1,722	12.0%	207	D	E	yes	change
Industrial Pkwy West of Dixon Rd	1,343	1,475	8.9%	132	D	D	yes	no change
Whipple Rd West of Mission Blvd	737	741	0.5%	4	E	E	no	no change
	60,708	***61,581***	***1.4%***	***873***				

V/C = Volume-to-capacity ratio; Impacted locations are highlighted

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Table 11: CMP Analysis – 2025 Level of Service Comparison for PM Peak Hour – Southbound / Westbound Direction

Link Location	Volume		Difference		LOS		Change in V/C	Change in LOS
	No Build	Project	%	Volume	No Build	Project		
Interstate/State Highways								
I-880 North of "A" St	8,939	8,928	-0.1%	-11	F	F	no	no change
I-880 North of Tennyson Rd	6,676	6,714	0.6%	38	F	F	no	no change
I-880 North of Whipple Rd	7,556	7,644	1.2%	88	F	F	no	no change
I-238 East of I-880	5,805	5,950	2.4%	145	E	E	no	no change
I-580 East of I-238	9,804	9,834	0.3%	30	E	E	no	no change
I-580 East of Grove Wy	10,308	10,277	-0.3%	-31	F	F	no	no change
Foothill Blvd (SR-238) North of "A" St	2,719	2,804	3.0%	85	B	B	no	no change
Foothill Blvd (SR-238) South of "A" St	3,673	3,584	-2.5%	-89	C	C	no	no change
Mission Blvd (SR-238) North of Harder Rd	2,253	2,421	6.9%	168	B	C	yes	change
Mission Blvd (SR-238) North of Tennyson Rd	2,398	2,449	2.1%	51	C	C	no	no change
Mission Blvd (SR-238) North of Industrial Pkwy	2,304	2,315	0.5%	11	C	C	no	no change
Arterials								
Harder Rd West of Mission Blvd	729	805	9.4%	76	C	C	yes	no change
Tennyson Rd West of Mission Blvd	973	1,073	9.3%	100	C	C	yes	no change
Industrial Pkwy West of Dixon Rd	650	713	8.8%	63	C	C	yes	no change
Whipple Rd West of Mission Blvd	665	674	1.3%	9	E	E	no	no change
	65,452	***66,185***	***1.1%***	***733***				

V/C = Volume-to-capacity ratio

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Impacts and Mitigations

This section describes traffic impacts due to the Project and potential mitigation measures.

Traffic Impact 1 – Intersection Analysis

The Project will cause two intersections to operate at "E" or "F" in 2025. Additionally, the Project will increase average delay at two other intersections that are projected to operate at LOS "E" under no build conditions, causing one of the intersections to operate at LOS "F". The discussion of signal timing and lane geometry mitigation measures assumes those planned under 2025 No Build as the base condition, which often differ from existing conditions. The detailed intersection LOS calculations in the appendix contain intersection lane geometry and signal timing assumptions for all analysis scenarios. The following describes the impact to each study intersection and potential mitigation measures that may reduce vehicle delay.

Most of the recommended mitigations primarily involve signal modification and signal operation changes and have been recommended for long-term 2025 conditions. The need for these mitigations would be influenced by changing conditions in the corridor, both in terms of land use and regional traffic growth, therefore to establish if they are still needed, it is recommended that these mitigations be retested in the future when project specific applications are received.

Traffic Impact 1A – Mission Boulevard at Harder Road is projected to operate at LOS "E" in the PM peak-hour. This is considered a potentially significant impact.

(The Previous CEQA Documents concluded that the Mission Boulevard/Harder Road intersection would not be significantly affected by traffic generated under the Concept Design Plan by the year 2025, thus no mitigation at this intersection was recommended. Therefore, for the current Project, this is considered a new potentially significant impact).

Mitigation Measure 1A – To mitigate LOS "E" in the PM peak-hour, the signal phasing of this intersection is recommended to be changed to split phasing with right-turn overlap phasing in the eastbound and westbound directions during the northbound and southbound protected left-turn phase. Then convert one eastbound exclusive left turn lane into a shared left and through. The final step is to convert one eastbound through lane into an exclusive right. This would allow for a double right turn lane to handle the high right turn volume in the PM peak. Then provide overlap phasing for the westbound right turns and eastbound right turns. These changes would involve no adjustments to the right-of-way assumed in 2025. However, U-turns in the northbound and southbound direction will need to be prohibited to avoid conflicts with the right turn overlap phasing. Implementation of

these mitigation measures would result in the intersection level of service to become "D" in the PM peak-hour.

This mitigation, which involves no roadway widening, is likely feasible based on a review of the *Route 238 Corridor Improvement Project* plans.

It should be noted that average delay in the AM peak-hour is projected to increase as a result of the mitigation measures proposed, but not enough to create an impact. This occurs because the mitigation measures developed for the PM peak-hour adds delay to some of the critical vehicle movements in the AM peak-hour. For further detail, please see the appendix for the detailed LOS calculations.

Significance after mitigation –Less than significant

Traffic Impact 1B – Mission Boulevard at Tennyson Road is projected to operate at LOS "E" in the AM peak-hour. This is considered a potentially significant impact.

(The Previous CEQA Documents concluded that the Mission Boulevard/Harder Road intersection would not be significantly affected by traffic generated under the Concept Design Plan by the year 2025, thus no mitigation at this intersection was recommended. Therefore, for the current Project, this is considered a new potentially significant impact).

Mitigation Measure 1B – While there is currently no eastbound leg at the Mission Boulevard/Tennyson Road intersection, the Previous CEQA Documents assumed its presence and extension to a new north/south arterial when analyzing the potential effects of each respective project. The extension of this eastbound leg of Tennyson Road is shown in the Hayward General Plan and is included in the approved La Vista development project . It is also been accommodated in the Route 238 Corridor Improvement project presently under construction.

Mitigation of this intersection for the LOS "E" condition during the AM peak-hour includes changing the signal timing to split phasing in the eastbound and westbound directions. This phasing modification is already planned for the *Route 238 Corridor Improvement Project*. With the implementation of split phasing, the eastbound shared through-right lane should be converted to an eastbound shared left-through to handle more left turning volume. Restripe the westbound approach to create a shared left-through to compensate for the higher volume through movement and an exclusive right turn lane. These changes involve no adjustments to the right-of-way assumed in 2025; however, U-turns in the northbound and southbound direction will need to be prohibited to avoid conflicts with the right turn overlap phasing. It is expected that this long-term mitigation will be revisited once westbound Tennyson Road is extended and land uses are developed in the hills east of Mission Boulevard.

Implementation of these mitigation measures would result in the intersection level of service to become "D" in the AM peak-hour.

This mitigation, which involves no roadway widening, is likely feasible based on a review of the *Route 238 Corridor Improvement Project* plans.

Significance after mitigation –Less than significant

Traffic Impact 1C – Mission Boulevard at Industrial Parkway West/Alquire Parkway is projected to operate at LOS "E" in the AM peak-hour. This is considered a potentially significant impact.

(The Previous CEQA Documents determined that this intersection would result in LOS E in the 2025 AM peak period. Mitigation was recommended to modify traffic signal phasing to provide eastbound and westbound right turn overlap phases, and prohibit both northbound and southbound U-turns. This mitigation would have improved the LOS to D in the AM peak period).

Mitigation Measure 1C – To mitigate an LOS "E" condition in the AM peak-hour, provide a right turn overlap for the westbound right turn lane to operate during the southbound left protected phase. This mitigation will require the prohibition of southbound U-turns, but will allow more right turning volumes in the westbound direction to improve overall intersection delay. Implementation of these mitigation measures would result in the intersection level of service to become "D" in the AM peak-hour. This mitigation, which involves no roadway widening, is likely feasible based on a review of the *Route 238 Corridor Improvement Project* plans.

Significance after mitigation –Less than significant

Traffic Impact 1D – Dixon Street-East 12th Street at Tennyson Road is projected to operate at LOS "F" in the AM peak-hour. This is considered a potentially significant impact.

(The Previous CEQA Documents determined that the proposed land use and densities under the Concept Design Plan would result in LOS E at the Dixon Street/Tennyson Road intersection in the AM peak period. Mitigation was recommended in the Previous CEQA Documents to provide northbound and southbound left turn lanes, and to modify the traffic signal at Dixon Street/Tennyson Road to provide for protected-permissive northbound left turns and permissive southbound left turns. This mitigation would have improved the LOS to D in the AM peak period).

Mitigation Measure 1D – The intersection of Dixon Street at Tennyson Road is expected to operate at LOS "E" in the AM peak-hour under 2025 No Build conditions (including loss time).

Mitigations proposed to reduce the Project's impact include creating an exclusive right turn pocket and a shared through-left turn lane in the southbound direction (on the East 12th Street approach). The right-turn pocket may result in the loss of up to seven (7) on-street parking spaces on the west side of East 12th Street from Tennyson Road to Monticello Street. Lane geometries in the northbound direction would remain as they are proposed for the 2025 No Build scenario, with an exclusive left-turn pocket and a shared through-right turn lane. Signal phasing would be changed to split phasing in the northbound and southbound directions, with a southbound right-turn overlap during eastbound and westbound protected left turn phases. U-turns in the eastbound direction would need to be prohibited to minimize conflicts with southbound right-turning vehicles. Implementation of these mitigation measures would result in the intersection level of service to become "D" in the AM peak-hour.

Significance after mitigation – Less than significant

Table 12 summarizes the LOS for each impacted intersection with and without the proposed mitigations.

Table 12: 2025 Intersection Level of Service for Project With and Without Mitigations

	Intersection	Traffic Control	Peak-Hour	Project		Mitigated	
				LOS	Delay	LOS	Delay
1	Mission Boulevard at Harder Road	Signal	AM	D	31.6	D	36.8
			PM	***E***	***47.3***	D	34.6
5	Mission Boulevard at Tennyson Road	Signal	AM	***E***	***49.9***	D	35.4
			PM	D	34.8	D	32.8
7	Mission Boulevard at Industrial Parkway West	Signal	AM	***E***	***46.7***	D	37.4
			PM	D	37.3	D	33.5
10	Dixon Street at Tennyson Road	Signal	AM	***F***	***66.8***	D	37.4
			PM	D	30.6	D	27.0

LOS = Level of Service; **Delay** = Weighted average delay for vehicles in seconds

Signalized intersections were analyzed using the 1994 Highway Capacity Manual (HCM) whereas the stop-controlled intersection was analyzed using the 2000 HCM.

Source: Dowling Associates, Inc. using TRAFFIX 8.0

Traffic Impact 2 – CMP Analysis

As shown in Tables 10 and 11, the Project does contribute to a significant increase in traffic and level of service on selected MTS roadways. However, these increases do not result in a significant impact on any CMP or MTS facility.

Glossary

ABAG	Association of Bay Area Governments
ACCMA	Alameda County Congestion Management Agency (also known as ACTC)
ACTC	Alameda County Transportation Commission
CEQA	California Environmental Quality Act
CMP	Congestion Management Program
DEIR	Draft Environmental Impact Report
EIR	Environmental Impact Report
FEIR	Final Environmental Impact Report
HCM	Highway Capacity Manual
LOS	Level of Service
RTP	Regional Transportation Plan
SEIR	Supplemental Environmental Impact Report

Technical Appendix

The technical appendix includes all detailed intersection level of service calculation sheets using the TRAFFIX © software (version 8.0).