

Former City Hall Building Demolition Project Initial Study and Consistency Checklist

City of Hayward

Prepared for:

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Appendix A: Air Quality, Demolition Health Risk, and Greenhouse Gas Emissions Technical Memorandum
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SOURCES

In addition to the technical appendices, all documents cited in this report and used in its preparation are hereby incorporated by reference into this report. Copies of documents referenced herein are available for review at the City of Hayward, 777 B Street, Hayward, CA 94541.

1. Introduction

1.1 BACKGROUND, PURPOSE, AND SCOPE

This document is a Consistency Checklist that provides an examination of the environmental effects the proposed Former City Hall Building Demolition Project (herein referred to as the “proposed project”), in the City of Hayward, could potentially have on the environment. This document has been prepared in accordance with relevant sections of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. Article 11 (Types of EIRs) of the CEQA Guidelines includes a description of a Program Environmental Impact Report (EIR) in Section 15168 (Program EIRs), and how later activities within the scope of the program EIR can be determined not to have a significant effect on the environment and, as a result, are exempt from the preparation of a new environmental document.

Specifically, Section 15168(c) states that later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. Pursuant to CEQA Guidelines Section 15168(c)(2), if it is determined that no subsequent EIR would be required in accordance with CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations), the City can approve the proposed project as being within the scope of the program EIR, and no new environmental document would be required. Section 15168(c)(2) also states that the scope of the program EIR is a factual question that the City determines based on substantial evidence in the record.

This document has been prepared to serve as the basis for compliance with CEQA as it pertains to the proposed project. Pursuant to Section 15168(c)(2), this Consistency Checklist demonstrates that the proposed project is within the scope of the Hayward Downtown Specific Plan EIR, State Clearinghouse No. 2018022054, certified on April 30, 2019, (herein referred to as the “Certified EIR.”)

The Certified EIR assessed the potential environmental impacts resulting from implementation of the *Hayward Downtown Specific Plan*, which collectively established new land use, development, and urban design regulations for the Downtown Area throughout the year 2040. This Consistency Checklist provides information for City of Hayward decision-makers regarding a finding that the proposed project is exempt from additional environmental review and that no new environmental document would be required.

This Consistency Checklist determines that the proposed project is exempt from the preparation of a new environmental document under CEQA Guidelines Section 15168(c) because: 1) it is within the geographic area analyzed for environmental impacts in the Certified EIR pursuant to Section 15168(c)(2) and incorporates all feasible mitigation measures identified in the Certified EIR pursuant to Section

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15168(c)(3). This document determines that the proposed project would not result in new or substantially more significant environmental effects than what was analyzed in the Certified EIR.

1.2 ENVIRONMENTAL PROCEDURES

Pursuant to CEQA Section 21166 (Subsequent or Supplemental Impact Report; Conditions) and CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations), when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR or negative declaration shall be prepared for the project unless the lead agency determines that one or more of the following conditions are met:

- Substantial project changes are proposed that 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;
- Substantial changes would occur with respect to the circumstances under which the project is undertaken that require major revisions to 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
- New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified 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 identified 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 proponent declines to adopt the mitigation measures or alternatives.
 - d) Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

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Where none of the conditions specified in CEQA Guidelines Section 15162¹ are present, the lead agency must determine whether to prepare an additional environmental review document or whether no further CEQA documentation is required (CEQA Guidelines Section 15162[b]).

In accordance with the CEQA Guidelines, the City has determined that no new environmental document is required for the proposed project. As previously stated, the purpose of this document is to review the proposed project and examine whether, as a result of any changes or new information, a subsequent EIR may be required. This examination includes an analysis of the provisions of CEQA Section 21166 (Subsequent or Supplemental Impact Report; Conditions) and CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) and their applicability to the proposed project. This document relies on the environmental analysis in Section 3, Environmental Checklist, of this document, which addresses CEQA Guidelines Appendix G, Environmental Checklist, topics section by section pursuant to Section 15168(c)(4). The environmental checklist includes findings as to the physical environmental impact of the proposed project in comparison with the findings of the Certified EIR.

¹ See also Section 15163 of the State CEQA Guidelines, which applies the requirements of Section 15162 to supplemental EIRs.

1. Introduction

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2. Project Description

2.1 REGIONAL LOCATION

The City of Hayward is located in western Alameda County, approximately 20 miles southeast of San Francisco, 15 miles south of Oakland, and 25 miles north of San Jose. As the sixth largest city in the San Francisco Bay Area, Hayward encompasses approximately 64 square miles, of which approximately 45 square miles are land and approximately 18 square miles are covered by waters of the San Francisco Bay. Regional access is provided by Interstate 880 (I-880); Interstate 580 (I-580) State Routes (SR) 92, 238, and 185; and two BART lines that traverse through the city.

2.2 PROJECT SITE

2.2.1 Location

The Former City Hall Building (project site) is in a highly urbanized and developed area in downtown Hayward, which is in the northern part of the city. The project site is located between Foothill Boulevard and City Center Drive. The project site is assigned Assessor Parcel Number 415-250-112-00 and the street address is 22300 Foothill Boulevard. The project site is bounded by a vacant lot to the north, City Center Drive and a residential development to the east, a vacant parking structure to the south, and the Plaza Center office and shopping strip mall to the west. Surrounding land uses include multi-family residential to the north, east, and south, and retail and office to the west. Vehicular access to the site is provided by City Center Drive. Figure 2-1 is an aerial photograph of the project site and surrounding land uses.

2.2.2 Existing Site Conditions

As shown on Figure 2-2, only a portion of the project site would be disturbed as part of the proposed building demolition project. The estimated area of disturbance is approximately 0.6 acres of the 1.4-acre site. This portion of the project site is currently developed with a vacant, 11-story office building and associated paved surfaces that were constructed between 1966 and 1969. The building operated as the former City Hall building between 1969 to 1998, when it was closed to the public due to structural integrity damage caused by the 1989 Loma Prieta earthquake. Since 1998 the interior walls, pipes, and heating system have been removed, and some windows have been boarded up. The building is currently surrounded by a chain-link fence. The building has remained vacant for about 21 years.



Source: Google Earth, 2019. PlaceWorks, 2019.

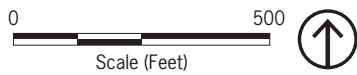
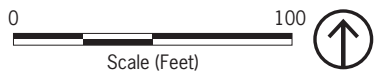


Figure 2-1
Aerial Photograph of Project Site Location



Source: Google Earth, 2019. PlaceWorks, 2019.




 Area of Disturbance

Figure 2-2
Area of Disturbance

2. Project Description

Due to the existing condition of the building (e.g., missing and broken windows and doors, and missing grates on the roof) there is the potential for birds to nest inside the building and trees on the site. A preliminary bat and bird survey was conducted by Environmental Collaborative on July 19, 2019. The only sign of wildlife activity observed during the inspection of the building was of non-native rats and pigeons (*Columba livia*). The only nesting observed inside the building was by non-native pigeons. No bats or signs of bats (e.g., bat guano, dead bats, or characteristic landing and perching areas) were observed anywhere in the building. The perimeter of the building includes typical urban landscaping (shrubs and small trees) and some mature trees.

Because the existing building on the project site was constructed in 1966 it has the potential to be considered a historic building;² however, it is not currently listed on the National Register of Historic Places or the list of California Historical resources.³ The existing building is not associated with a significant cultural event, persons in California's past, and does not have any distinctive historical characteristics, and as such does not have any qualifying historical value.⁴ Also due to the age of the building, it may contain asbestos-containing materials or "ACMs," lead-based paints or "LBPs," and polychlorinated biphenyls or "PCBs."

2.2.3 Land Use and Zoning Designations

The project site has a General Plan land use designation of Central City - Retail and Office Commercial (CC-ROC) and Zoning designation of Urban Center (UC).

2.3 BACKGROUND

On April 30, 2019, the City of Hayward adopted the *Hayward Downtown Specific Plan* to guide the City in its planning efforts to create a vibrant, transit-supportive, diverse Downtown, particularly the area surrounding the Hayward Bay Area Rapid Transit (BART) station. The *Hayward Downtown Specific Plan* was the result of a community-based vision for the Downtown area of the City, to achieve the community's vision by clearly defining land uses, delineating an inclusive multimodal circulation system, integrating public open space, and establishing new regulations that better secure Downtown Hayward as a "destination" for visitors, residents, and investment. The *Hayward Downtown Specific Plan* serves as a blueprint for future change and improvements in the Downtown and adjoining areas. The Certified EIR contains an assessment of the potential environmental impacts resulting from implementing the

² The 45-year age limit is established by the State Office of Historic Preservation (OHP) for buildings that may be of historical value (Public Resources Code section 5024.1.)

³ California Office of Historic Preservation. 2019. California Historical Resources. Accessed August 2, 2019 at <http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=43>.

⁴ *Existing Conditions and Opportunities Analysis* prepared for the Specific Plan Area. *City of Hayward Historic Context Statement Update* (page 76) updated by Garavaglia Architecture, Inc. October 2015.

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Hayward Downtown Specific Plan and includes mitigation measures to be applied during the demolition and construction phases for sites in the Downtown area.

2.4 PROPOSED PROJECT

The project site is adjacent to other land owned by the City, and its acquisition has provided the City with a unique opportunity to preserve it for future redevelopment to help revitalize the downtown. As such, the City is proposing to demolish the Former City Hall Building in order to remove a vacant, blighted and seismically substandard building to improve the safety and appearance of the project site and the surrounding area.

Hayward Municipal Code Chapter 9, Building Regulations, Article 3, Building Abatement, outlines several findings required to determine if a structure is unsafe to occupy, as well as provisions to demolish such a structure. The Hayward Building Official has made such a determination, that the City Center Building, although not an immediate public safety threat, is indeed an unsafe, substandard, and dangerous building as outlined in the provisions of Hayward Municipal Code Section 9-3.302, Unsafe, Substandard, and Dangerous Buildings.

The proposed project would occur in three phases over a nine-month period, subject to regulatory approval, and is anticipated to be completed by summer 2020. The proposed phases include preparing the site for demolition, demolishing the building, and securing the site as a safe space until such time that a future development project is proposed for the site. Table 2-1 shows the phase and the approximate length of time to complete each phase.

TABLE 2-1 ESTIMATED DEMOLITION PHASING AND EQUIPMENT

Phase	Start Month	Duration	Equipment	
			Type	Number of Days
Pre-demolition Activities	November 2019	8 weeks	Material Trucks	20
			High-Reach Demolition Excavator	85
			Concrete/Industrial Saw	85
Building Demolition	January 2020	24 weeks	Tractors/Loaders/Backhoes	85
			Rubber-Tired Dozer	85
			Material Trucks	85
			Tractors/Loaders/Backhoes	22
Post-demolition Activities	August 2020	4 weeks	Grader	22
			Material Trucks	22

Source: City of Hayward, PlaceWorks. August 2019.

The following describes the three phases for the removal of the hazardous building.

2. Project Description

2.4.1 Pre-Demolition Activities

2.4.1.1 HAZARDOUS MATERIALS ABATEMENT

Due to the age of the building, it may contain asbestos-containing materials or “ACMs” and lead-based paints or “LBPs,” which have been regulated in construction since the early 1970’s. In addition, the building may contain polychlorinated biphenyls or “PCBs,” which were prohibited by the US Environmental Protection Agency starting in 1979. A Hazardous Material Pre-Demolition Survey that would be compliant with the National Emission Standards for Hazardous Air Pollutants would be prepared by a consultant that is certified by the California Division of Occupational Safety and Health. The demolition survey would collect and test for ACMs, LBPs, and PCBs. Prior to the demolition of the building the abatement of any such identified hazardous materials would be performed.

2.4.1.2 BIOLOGICAL RESOURCES

Due to the existing condition of the building (e.g., missing and broken windows and doors and missing grates on the roof level) there is the potential for roosting bats and nesting birds inside the building. Additionally, there are roosting and nesting opportunities in the trees on the site. Nests of native birds in active use are protected under Federal and State law. Maternity roosts of native bats are considered a sensitive resource by California Department of Fish and Wildlife and some species are further recognized as Species of Special Concern. Nesting bird season typically occurs between early March (1st) through late August (31st) and once a nest is occupied it would have to be avoided until any young have fledged. The constraints that nests in active use pose to the proposed building demolition would be avoided initiating the demolition before the bird nesting season begins. However, there is no defined bat roosting season as there is with nesting birds. As shown in Table 2-1, the proposed project would begin before March 1st.

Pursuant to the recommendations made by the qualified biologist, Jim Martin, as part of the preliminary bat and bird survey conducted on July 19, 2019, the following would be included as contract specifications for the demolition contractor hired by the City:

Within 14 days prior to demolition, the City would secure the services of a qualified biologist to survey the building and trees on the project site to confirm no native birds or roosting bats have gained access to the building or trees on the site. If no birds or bats are identified, then the demolition may proceed. If nesting birds or roosting bats are identified, demolition would be postponed until the confirmation by the qualified biologist that they have been evacuated. The evacuation of the birds and bats would be done under the supervision of the qualified biologist prior to building demolition. Once the qualified biologist has confirmed the evacuation, then the demolition may proceed.

Additional information regarding nesting birds and roosting bats is provided in Section 3.4, Biological Resources, of this document.

2. Project Description

2.4.1.3 SAFETY FEATURES

Currently the project site and surrounding area is accessible for pedestrian/bicycle movement crossing from City Center Drive to Foothill Boulevard, and vice versa. As part of the proposed project, this access would be closed, and pedestrian/bicycle traffic would be redirected to go around the site during the demolition process. The project site would be secured with a 6-foot fence during the pre-demolition and demolition activities.

2.4.2 Building Demolition Activities

The proposed project would demolish the existing 150,000-square-foot building and 27,500 square feet of paved surfaces immediately adjacent to the building, generating about 13,408 tons of debris from the building and 255 tons of debris from the paved surfaces. Three ornamental pear trees (less than 8-inches in diameter at breast height) and small shrubs would be removed and replaced with three 36-inch box trees elsewhere in the city given there are no plans for the site at this time.

The demolition would involve the use of a high-reach demolition excavator and would not involve any wrecking balls or explosives. The high-reach demolition excavator has a long arm, which prunes rather than blasts the existing building. High-reach demolition excavators have several different attachments to break down the building and once larger pieces are on the ground other equipment would be used to break down into smaller pieces to be hauled off site. Other equipment that will likely be used for demolition and site preparation would include a combination of concrete/industrial saws, rubber-tired bulldozers, graders, tractors, loaders, and backhoes.

The proposed project would require the selected demolition contractor(s) to use equipment fitted with Tier 4 engine emissions standards for off-road diesel-powered equipment for all equipment of 50 horsepower or more to minimize hazardous air quality emissions during the demolition phase (see Section 3.3, Air Quality, of this document for further discussion on this topic).⁵

Demolition debris would be off hauled for disposal at the Altamont Landfill located at 10840 Altamont Pass Road in Livermore, which is approximately 30 miles from the project site. This would be done in accordance with the Hayward Municipal Code Chapter 5, Sanitation and Health, Article 10, Construction and Demolition Debris Waste Reduction and Recycling Requirements.⁶ Trucks carrying debris would follow the haul route that would exit the site via City Center Drive to Foothill Boulevard and then proceed on Interstate 580 to the landfill.

⁵ United States Environmental Protection Agency, Code of Federal Regulations, Part 1039—Control of Emissions from New and In-Use Nonroad Compression-Ignition Engines.

⁶ City of Hayward Municipal Code, Chapter 5, Sanitation and Health, Article 10, Construction and Demolition Debris Waste Reduction and Recycling Requirements.

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Project demolition could generate temporary jobs, with approximately 7 workers during demolition and 3 workers during the pre-and post-demolition activities. All demolition staging would occur on the project site. Per Hayward Municipal Code Section 4-1.03.4, demolition activities are limited to the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays, and 7:00 a.m. and 7:00 p.m. on other days.

2.4.3 Post-Demolition Activities

Following the demolition of the building up to 1,540 cubic yards of fill would be required to achieve a 2:1 slope from the site to the adjacent Plaza Center office and shopping strip mall. Assuming soil is hauled to the site in trucks with a capacity of 10 cubic yards, it is estimated that 154 trucks would travel to and from the site during this phase. The site would remain in a permeable condition and would be hydroseeded for erosion control to secure the soil and prevent stormwater runoff. The standard 6-foot chain-link fence used for the demolition phase would be maintained around the perimeter of the disturbed portion of the site. The pedestrian/bicycle access would be restored for free flow across the site similar to the existing conditions.

Because there is no pending proposal for the project site and the building is being removed for safety reasons, the site would remain in this condition, similar to the vacant lot to the north, until a potential future project is proposed and approved for construction. Any future development proposed for the project site would undergo separate environmental review, as required.

2.4.4 Project Approval

The proposed project would require a Demolition Permit, as well as a Tree Removal Permit, from the City of Hayward.

3. Environmental Analysis

The purpose of the Consistency Checklist is to determine whether the proposed project is within the scope of the Certified EIR, and whether the proposed demolition activities could result in new or substantially more severe significant environmental impacts than those identified in the Certified EIR.

As determined in the discussion in the following environmental analysis, the proposed project will not cause any new or substantially more severe significant environmental impacts than those previously identified in the Certified EIR, and no new mitigation measures would be required. On the basis of substantial evidence in the light of the whole record, the City has determined that no further CEQA documentation beyond this Consistency Checklist is required for approval of the proposed project because the proposed project meets the requirements of CEQA Guidelines Section 15168(c).

3.1 AESTHETICS

3.1.1 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Have a substantial adverse effect on a scenic vista?					X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?					X

3. Environmental Analysis

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?					X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?					X

Discussion:

The Certified EIR concluded that implementation of the *Hayward Downtown Specific Plan* would not have any significant aesthetic impacts in the City of Hayward and no mitigation measures were identified. The project site is in an urbanized area and there are no scenic vistas, publicly accessible views of scenic resources, or designated State Scenic Highways on or near the project site.

As described in Section 2, Project Description, the proposed project is a short-term demolition project that would result in removing a hazardous and blighted building in a state of disrepair that is a public nuisance. As identified in Section 2.4.2, Building Demolition, above, no new development is proposed that would have the potential to cause a long-term effect on a scenic vista or conflict with the Hayward General Plan or Zoning Ordinance. Any sources of light glare would be temporary and therefore would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. The removal of the building would occur over a nine-month period and would improve the appearance of the project site and the surrounding area. Accordingly, the proposed project would not result in a new impact or a substantial increase in magnitude of the existing impacts as they relate to aesthetics.

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3.2 AGRICULTURE AND FORESTRY RESOURCES

3.2.1 Impacts Associated with the Proposed Project

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?					X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?					X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?					X
d) Result in the loss of forest land or conversion of forest land to non-forest use?					X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?					X

Discussion:

The Certified EIR concluded that the implementation of the Hayward Downtown Specific Plan would have no impact on agricultural and forestry resources. The project site has a General Plan land use designation of Central City - Retail and Office Commercial (CC-ROC) and a Zoning designation of Urban Center (UC),

3. Environmental Analysis

and no agricultural or forestry resources exist on the project site.⁷ Accordingly, the proposed project would have no impact on agriculture and forestry resources.

3.3 AIR QUALITY

3.3.1 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X	
b) 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?				X	
c) Expose sensitive receptors to substantial pollutant concentrations?				X	
d) Result in other emissions such as those leading to odors adversely affecting a substantial number of people?					X

Discussion:

The Certified EIR concluded that implementation of the *Hayward Downtown Specific Plan* would have significant and unavoidable impacts due to construction (demolition) criteria air pollutant emissions when considered at a program level (i.e., project-level details are unknown). Mitigation Measure AQ-2.1a from the Certified EIR would require adherence to the current Bay Area Air Quality Management District (BAAQMD) basic control measures for reducing fugitive dust and reduce fugitive emissions to less-than-significant levels and Mitigation Measure AQ-2.1b would reduce nitrogen oxide (NO_x) and particulate matter (PM) emissions. Construction-related (or demolition-related in the case of the proposed project) health risk impacts (i.e., increased cancer risk, hazard index and annual fine particulate matter or PM_{2.5}

⁷ Hayward Downtown Specific Plan and Associated Zoning Code Update Draft EIR, State Clearinghouse No. 2018022054, Environmental Evaluation, page 4-1.

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concentration) were also found to be significant and unavoidable at the program-level. Mitigation Measure AQ-4.1a from the Certified EIR requires that applicants for construction projects within 1,000 feet of residential and other sensitive land use projects in the city of Hayward, as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, to submit a project-specific health risk assessment (HRA). As stated in the Certified EIR, the identification of these program-level impacts does not preclude the finding of less-than-significant impacts for subsequent projects that comply with BAAQMD screening criteria or meet applicable thresholds of significance. The following provides an analysis of the project-specific impacts of the proposed demolition project.

Projected-related air pollutant emissions are calculated using the California Emissions Estimator Model (CalEEMod), Version 2016.3.2.25. Details of the modeling are in Appendix A of this Consistency Checklist. Pursuant to Mitigation Measure AQ-2.1b of the Certified EIR, the modeling accounted for United States Environmental Protection Agency's Tier 4 emission standards for off-road diesel-powered demolition equipment with more than 50 horsepower.⁸ The modeling also included fugitive dust measures such as replacing ground cover, applying water twice daily, limiting vehicle traffic speeds on unpaved roads to 15 miles per hour, and street sweeping daily, consistent with Mitigation Measure AQ-2.1a of the Certified EIR. The demolition health risk modeling was performed using the AERMOD atmospheric dispersion model to assess the impact of emitted compounds on sensitive receptors near the project.

Potential demolition air quality impacts are determined by comparing the average daily criteria air pollutants emissions generated by the proposed project's demolition activities to the BAAQMD significance thresholds in Table 3-1. Average daily emissions are based on the total demolition emissions divided by the total number of anticipated demolition days. As shown in Table 3-1, criteria air pollutant emissions from demolition equipment exhaust would not exceed the BAAQMD average daily pounds per day thresholds and impacts from project-related demolition activities to the regional air quality would be less than significant at the project level.

The nearest sensitive receptors to the project site include the residents at the Creekwood Apartments approximately 70 feet to the east of the project across City Center Drive. The results of the demolition HRA are summarized in Table 3-2. As shown in Table 3-2, the project would not expose off-site sensitive receptors to substantial concentrations of air pollutant emissions during demolition and impacts would be less than significant at the project level.

⁸ United States Environmental Protection Agency, Code of Federal Regulations, Part 1039—Control of Emissions from New and In-Use Nonroad Compression-Ignition Engines.

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TABLE 3-1 DEMOLITION-RELATED CRITERIA AIR POLLUTANT EMISSIONS ESTIMATES

Year	Criteria Air Pollutants (pounds per day) ^a					
	ROG	NO _x	Fugitive PM ₁₀	Exhaust PM ₁₀	Fugitive PM _{2.5}	Exhaust PM _{2.5}
Average Daily Emissions^d	1	15	3	<1	<1	<1
BAAQMD Average Daily Project-Level Threshold	54	54	BMPs ^c	82	BMPs ^c	54
Exceeds Average Daily Threshold	No	No	NA	No	NA	No

Notes: BMP = Best Management Practices; NA = not applicable; Reactive Organic Gases = ROG; Nitrogen Oxides = NO_x; Coarse Inhalable Particulate Matter = PM₁₀; Fine Inhalable Particulate Matter = PM_{2.5}

^a Demolition phasing and equipment mix are based on the preliminary information provided by the City. Where specific information regarding project-related demolition activities was not available, assumptions were based on CalEEMod defaults, which are based on surveys conducted by South Coast Air Quality Management District of demolition equipment and phasing for comparable projects.

^b Includes implementation of Tier 4 emissions standards off-road diesel-powered demolition equipment with more than 50 horsepower, as required by Mitigation Measure AQ-2.1b in the Certified EIR.

^c Includes implementation of best management practices for fugitive dust control required by BAAQMD as mitigation, including watering disturbed areas a minimum of two times per day, reducing speed limit to 15 miles per hour on unpaved surfaces, and street sweeping.

^d Average daily emissions are based on the total demolition emissions divided by the total number of active demolition days. The total number of demolition days is estimated to be 129.

Source: California Emissions Estimator Model (CalEEMod), Version 2016.3.2.25; PlaceWorks, 2019.

TABLE 3-2 DEMOLITION RISK SUMMARY

Receptor	Cancer Risk (per million)	Chronic Hazards	PM _{2.5} (µg/m ³)
Maximum Exposed Receptor – Off-site Residences	0.52	0.002	0.012
BAAQMD Threshold	10	1.0	0.30
Exceeds Threshold?	No	No	No

Notes: Risk calculations include implementation of Tier 4 emissions standards for off-road diesel-powered demolition equipment with more than 50 horsepower, as required by Mitigation Measure AQ-2.1b as prescribed in the Certified EIR.

Cancer risk calculated using 2015 Office of Environmental Health Hazard Assessment HRA guidance.

The Certified EIR found that implementation of the *Hayward Downtown Specific Plan* would not conflict with the *2017 Clean Air Plan, Spare the Air, Cool the Climate*. As described in Section 2, Project Description, the proposed project is a short-term demolition project that would result in removing a hazardous building that is a public nuisance. There would be no operational criteria air pollutant emissions associated with the proposed project. In addition, as discussed above, demolition and site preparation emissions would not exceed the BAAQMD significance thresholds. Therefore, the proposed project would not conflict with or obstruct implementation of the applicable air quality plan.

The Certified EIR found that during construction/demolition activities of future developments in the Specific Plan Area, construction/demolition equipment exhaust would temporarily generate odors. Any demolition-related odor emissions would be temporary and intermittent. Additionally, noxious odors

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would be confined to the immediate vicinity of the demolition equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern for odors. The same would be true of the proposed project and impacts would be less than significant.

In summary, with implementation of mitigation measures prescribed in the Certified EIR and listed below, the proposed project would not result in a new impact or a substantial increase in magnitude of the existing impacts as they relate to air quality.

Mitigation Measure AQ-2.1a: As part of the City's development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District's basic control measures for fugitive dust control, including:

- Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads, parking areas and staging areas at the construction site to control dust.
- Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit vehicle traffic speeds on unpaved roads to 15 miles per hour.
- Replant vegetation in disturbed areas as quickly as possible.

Mitigation Measure AQ-2.1b: Applicants for new development projects within the Specific Plan Area shall require the construction contractor to use equipment that meets the United States Environmental Protection Agency (USEPA) Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to the City of Hayward that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by the California Air Resources Board's regulations.

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- Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for USEPA Tier 4 or higher emissions standards for construction equipment over 50 horsepower.
- During construction, the construction contractor shall maintain a list of all operating equipment in use on the construction site for verification by the City of Hayward.
- The construction equipment list shall state the makes, models, and numbers of construction equipment onsite.
- Equipment shall be properly serviced and maintained in accordance with the manufacturer’s recommendations.
- Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.

Mitigation Measure AQ-4.1a: This mitigation measure requires the preparation of a Health Risk Assessment because the project site is within 1,000 feet of residential land uses. The Health Risk Assessment has been prepared and is included in Appendix A of this Consistency Checklist.

3.4 BIOLOGICAL RESOURCES

3.4.1 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X	

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Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
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?					X
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?					X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?					X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?					X
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?					X

Discussion:

The Certified EIR concluded that implementation of the *Hayward Downtown Specific Plan* would not have any significant biological impacts in the City of Hayward and no mitigation measures were identified. The project site is in an urbanized area that does not contain any riparian habitat or protected water resources. The perimeter of the building includes typical urban landscaping (shrubs and small trees) and some mature trees. The project site is not located within any Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan.

As identified in the Certified EIR, there are several known occurrences of special-status species in the project vicinity, including the pallid bat and the western bumble bee. The Certified EIR identified that the

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pallid bat, designated as a Species of Special Concern by the California Department of Fish and Wildlife, is known to forage and roost in buildings and other such structures. Additionally, the Certified EIR recognized that nests of native birds in active use are protected under the Federal Migratory Bird Treaty Act and State Fish and Game Code.

Because the building proposed for demolition has been vacant for approximately 21 years and is missing window/door/vent coverings, the City determined that there could potentially be active bird nests and roosting bats in the building. Subsequently, and as previously described in Section 2, Project Description, the City contracted with Environmental Collaborative, to complete a survey of the building for bats and nesting birds, which was conducted on July 19, 2019. The survey concluded that the only observed presence of wildlife activity was of non-native rats and pigeons (*Columba livia*). The only nesting evidence found in the building were from non-native pigeons. No signs of any bat presence and limited roosting habitat opportunities were observed in the building.⁹

While no evidence of native birds or bats were observed during the building assessment, as described in Section 2, Project Description, the proposed project includes contract specifications that would be implemented as part of the proposed project to ensure the protection of nesting birds and roosting bats, as needed. The constraints that nests in active use pose to building demolition can be avoided by initiating the demolition prior to bird nesting season (March 1st to August 31st). The proposed project would be initiated in November 2019 and continue through August 2020, and would therefore, be an active site during the bird nesting season. Because the building would be partially demolished and be an active site, the likelihood that birds would nest on the site during nesting season is considered to be low.

Given that most of the interior of the building is now gutted and open, bat roosting habitat is largely absent in the structure. Future occupation of the structure before demolition is highly unlikely given the marginal habitat quality and fact that bats haven't been utilizing the structure with the numerous missing windows and other access points, which is the current and condition of the building for multiple years.

In summary, due to the location, existing conditions of the building, the timing of the proposed project, and implementation of the proposed project's contract specifications, which require a pre-demolition bird and bat survey to ensure there would be no impacts to bats and birds, the proposed project would not result in a new impact or substantial increase in magnitude of the existing impacts as they relate to biological resources.

⁹ Environmental Collaborative, August 13, 2019, Bat and Bird Nesting Survey Former City Center Building Demolition Project, August 13, 2019.

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3.5 CULTURAL AND TRIBAL CULTURAL RESOURCES

3.5.1 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?					X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?					X
c) Disturb any human remains, including those interred outside of formal cemeteries?					X
d) Cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is: <ul style="list-style-type: none"> • Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or • A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1. In applying the criteria set forth in subdivision (c) of the Public Resource Code Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance to a California Native American tribe. 					X

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Discussion:

The Certified EIR concluded that implementation of the *Hayward Downtown Specific Plan* would not have any significant cultural or tribal cultural impacts in the City of Hayward and no mitigation measures were identified. The project site is in an urban area that has been previously disturbed and developed. There are no known cultural resources on the project site.

As described in Section 2, Project Description, the proposed project is a short-term demolition project that would result in removing the existing building on a disturbed and developed site. As described in Section 2.4.2, Building Demolition, above, no excavation activities are proposed as part of the demolition process. As stated in Section 2.4.3, Post-Demolition Activities, following the demolition, soil would be imported and graded on the site to achieve a 2:1 slope from the site to the adjacent Plaza Center office and shopping strip mall. Therefore, no discovery or unearthing of any unknown archaeological resources, human remains, or tribal cultural resources in undisturbed areas would occur as part of the proposed project.

With respect to historic buildings, as previously described in Section 2.2.2, Existing Site Conditions, because the existing building on the project site was constructed in 1966 it has the potential to be considered a historic building.¹⁰ However, it is not currently listed in the City's list of historic buildings and it is also not on the National Register of Historic Places or the list of California Historical resources.^{11, 12} The existing building is not associated with a significant cultural event, persons in California's past, and does not have any distinctive historical characteristics, and as such does not have any qualifying historical value.¹³ Accordingly, the building is not eligible for listing as a historical resource pursuant to Section 15064.5 of the CEQA Guidelines.

For these reasons, the proposed project would not result in a new impact or a substantial increase in magnitude of the existing impacts as they relate to cultural and tribal cultural resources.

¹⁰ The 45-year age limit is established by the State Office of Historic Preservation (OHP) for buildings that may be of historical value (Public Resources Code section 5024.1.)

¹¹ Hayward Downtown Specific Plan and Associated Zoning Code Update Draft EIR, State Clearinghouse No. 2018022054, Environmental Evaluation, page 4.4-9.

¹² California Office of Historic Preservation. 2019. California Historical Resources. Accessed August 2, 2019 at <http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=43>.

¹³ *Existing Conditions and Opportunities Analysis* prepared for the Specific Plan Area. *City of Hayward Historic Context Statement Update* (page 76) updated by Garavaglia Architecture, Inc. October 2015.

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3.6 ENERGY

3.6.1 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of resources, during project construction or operation?					X
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?					X

Discussion:

The Certified EIR concluded that implementation of the *Hayward Downtown Specific Plan* would not have any significant energy impacts in the City of Hayward and no mitigation measures were identified.¹⁴

As described in Section 2.4.2, Building Demolition, above, the proposed project would require the use of demolition equipment that would create a new demand for energy over the nine-month project timeline. Because the proposed project is the short-term removal of a vacant, blighted and seismically substandard building to improve the safety of the project site and the surrounding area, it would not be considered a wasteful, inefficient, or unnecessary consumption of resources. Accordingly, the proposed project would not result in a new impact or a substantial increase in magnitude of existing impacts as they relate to energy.

¹⁴ Note that this Consistency Checklist follows the December 2018 CEQA Guidelines Update, which added a stand-alone environmental checklist section for the evaluation of energy impacts. Energy impacts assessed in the Certified EIR can be found in Chapter 4.14, Utilities and Service Systems.

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3.7 GEOLOGY AND SOILS

3.7.1 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.					X
ii) Strong seismic ground shaking?					X
iii) Seismic-related ground failure, including liquefaction?					X
iv) Landslides?					X
b) Result in substantial soil erosion or the loss of topsoil?					X
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?					X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?					X

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Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?					X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?					X

Discussion:

The Certified EIR concluded that implementation of the *Hayward Downtown Specific Plan* would not have any significant impacts related to geology and soils in the City of Hayward and no mitigation measures were identified. The project site is in an urbanized area located approximately 0.3 miles from the edge of the Hayward Fault Line’s Fault Zone.

As described in Section 2, Project Description, the proposed project is a short-term demolition project that would result in removing a hazardous building in a state of disrepair that has been deemed to be a seismically substandard building. The building has remained vacant for approximately 21 years since the integrity of the building was damaged in the 1989 Loma Prieta earthquake.

As identified in Section 2.4.2, Building Demolition, above, the proposed demolition is a short-term project occurring over an nine-month timeline and therefore, would not directly or indirectly result in the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, liquefaction, or landslides. As stated in Section 2.4.3, Post-Demolition Activities, following the demolition, soil would be imported and graded on the site to achieve a 2:1 slope from the site to the adjacent Plaza Center office and shopping strip mall. The site would remain in a permeable condition and would be hydroseeded for erosion control to secure the soil and prevent stormwater runoff. Therefore, the proposed project would not result in substantial soil erosion or loss of topsoil and would not cause or worsen impacts related to soil instability, expansive soils, or alternate wastewater disposal systems. Similar to the discussion in Section 3.5, Cultural and Tribal Cultural Resources, no excavation activities are proposed as part of the demolition process and there would be no potential to unearth any unknown paleontological resources or unique geologic feature. Accordingly, the proposed project would not result in a new impact or a substantial increase in the magnitude of the existing impacts as they relate to geology and soils.

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3.8 GREENHOUSE GAS EMISSIONS

3.8.1 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X	

Discussion:

The Certified EIR concluded that implementation of the *Hayward Downtown Specific Plan* would have significant and unavoidable impacts due to GHG emissions emitted during demolition phases of at the program level due to the lack of project specific details. However, as stated in the Certified EIR, this does not preclude the finding of less-than-significant impacts for subsequent projects that comply with BAAQMD screening criteria or meet applicable thresholds of significance. Furthermore, the Certified EIR stated that application of community risk reduction strategies and best management practices such as restricting non-essential idling of off-road demolition equipment to 2 minutes and use of electric-powered demolition equipment would contribute to reducing demolition related GHG emissions to the extent feasible. In addition, existing requirements for the diversion of demolition debris would also contribute in further minimizing demolition related GHG emissions.

Project-related GHG emissions are calculated using the CalEEMod Model and are shown in Table 3-3. As shown in the table, the proposed project would generate GHG emissions from demolition activities and would not generate any operational emissions. While the BAAQMD does not have a quantified threshold for demolition related GHG emissions, the emissions from demolition activities are estimated to be 252 metric tons of carbon dioxide equivalent (MTCO₂e) emissions, which would not exceed the BAAQMD operational threshold of 1,100 MTCO₂e per year. Therefore, the proposed project's cumulative contribution to GHG emissions is less than significant at the project level.

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TABLE 3-3 PROJECT GHG EMISSIONS

Category	GHG Emissions (MTCO ₂ e/Year)
	Project Emissions
Demolition Emissions	252
BAAQMD Emissions Threshold (MTCO₂e)	1,100
Exceeds BAAQMD Thresholds?	No

Notes: MTCO₂e = metric tons of carbon dioxide equivalent
Source: California Emissions Estimator Model (CalEEMod), Version 2016.3.25.

Overall, the *Hayward Downtown Specific Plan* was found not to conflict with *Plan Bay Area*, which is the Bay Area’s Regional Transportation Plan and Sustainable Communities Strategies to reduce GHG emissions. The proposed demolition project would only generate GHG emissions for a short period and would not conflict with the Plan Bay Area. Accordingly, the proposed project would not result in a new impact or a substantial increase in magnitude of the existing impacts as they relate to GHG emissions.

3.9 HAZARDS AND HAZARDOUS MATERIALS

3.9.1 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?					X
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?					X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?					X

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Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?					X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?					X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?					X
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?					X

Discussion:

The Certified EIR found that implementation of the *Hayward Downtown Specific Plan* would not have any significant hazards or hazardous materials impacts in the City of Hayward and no mitigation measures were identified. The project site is in an urbanized area in close proximity to existing commercial, office, and residential land uses. The closest school is a day care (Skeyci Children Programs Day Care) located in the apartment complex across City Center Drive to the project site, approximately 0.05 miles (280 feet) to the east. There are no elementary, middle, or high schools, or other educational institutions located within 0.25 miles of the project site. As stated in the Certified EIR, the project is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.¹⁵ Furthermore, the project site is not within an airport land use plan. Accordingly, no impacts with respect to these standards would result from the demolition of the building.

¹⁵ Hayward Downtown Specific Plan and Associated Zoning Code Update Draft EIR, State Clearinghouse No. 2018022054, Environmental Evaluation, pages 4.7-12 and 4.7-13.

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The *Hayward Comprehensive Emergency Management Plan* addresses the Hayward Fire Department's responsibilities in emergencies associated with natural disaster, human-caused incidents, and technological incidents, including earthquakes and their seismic-related results (e.g., liquefaction). The City of Hayward has adopted the Association of Bay Area Government's Multi-Jurisdictional Local Hazard Mitigation Plan ("Taming Natural Disasters") as the City's Local Hazard Mitigation Plan. The project site is within the Wildland Urban Interface as identified by the Hayward Fire Department.¹⁶ The proposed project would remove a hazardous building to improve the safety of the site and the surrounding community, and as such would not obstruct the implementation of the applicable emergency response plans or exacerbate any potential risk of wildfire-related hazards.

As described in Section 2, Project Description, the proposed project is a short-term demolition project that would result in removing a hazardous building to improve the safety of the site and the surrounding area. Demolition activities would involve the use of hazardous materials, such as petroleum-based fuels for demolition equipment, which would be transported to the site periodically by vehicle and would be present temporarily during the eight-month project duration. These potentially hazardous materials would not be of a type or occur in sufficient quantities on-site to pose a significant hazard to public health and safety or the environment, and their use during demolition would be short-term.

Because the building was constructed between 1966 and 1969, there may be a presence of asbestos-containing materials or "ACMs" and lead-based paints or "LBPs," which have been regulated in construction since the early 1970's. In addition, the building may contain polychlorinated biphenyls or "PCBs," which were prohibited by the US Environmental Protection Agency starting in 1979. Subsequently, the City has acquired the services of Kellco Services Incorporated to conduct a pre-demolition survey by a California Division of Occupational Safety and Health (Cal OSHA) Certified asbestos consultant to determine whether there is a presence of ACMs, LBPs, or PCBs in the existing structure and prepare an abatement plan. In the case that ACMs, LBPs, or PCBs are identified in the building, the hazard abatement plan would include required measures to prevent potential air contaminants from being released during demolition activities. All removal of hazardous materials would comply with Cal OSHA standards, and would be removed by contractors licensed to remove and handle these materials in accordance with existing Federal, State, and local regulations. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts to occur. Additionally, as discussed in Section 3.3, Air Quality, the proposed project would not expose off-site sensitive receptors, including the day care facility, to substantial concentrations of air pollutant emissions during demolition. Accordingly, the proposed project would not

¹⁶ Hayward Downtown Specific Plan and Associated Zoning Code Update Draft EIR, State Clearinghouse No. 2018022054, Environmental Evaluation, page 4.7-17.

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result in a new impact or a substantial increase in magnitude of the existing impacts as they relate to hazards and hazardous materials.

3.10 HYDROLOGY AND WATER QUALITY

3.10.1 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?					X
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?					X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would:					X
i) Result in substantial erosion or siltation on- or off-site;					X
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;					X
iii) 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; or					X
iv) Impede or redirect flood flows?					X

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Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?					X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?					X

Discussion:

The Certified EIR concluded that implementation of the *Hayward Downtown Specific Plan* would not have any significant hydrology or water quality impacts in the City of Hayward and no mitigation measures were identified. The project site is in an urbanized area of Downtown Hayward that is surrounded by developed and disturbed areas. There are no water resources on-site; however, the project site is located approximately 0.1 miles to the west of Coyote Creek and 0.1 miles to the north of San Lorenzo Creek. Residential and office development are located between the project site and each creek. The project site is not located within any flood hazard, tsunami, or seiche zone.

As described in Section 2, Project Description, the proposed project is a short-term demolition project that would result in the removal of a hazardous building and paved surfaces that are immediately surrounding the building. The proposed project would increase the pervious surface on the site thereby reducing stormwater runoff and increasing groundwater recharge opportunities. Post-demolition activities would include hydroseeding to prevent potential erosion or polluted runoff from the project site. Accordingly, the proposed project would not result in a new impact or a substantial increase in magnitude of the existing impacts as they relate to hydrology and water quality.

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3.11 LAND USE AND PLANNING

3.11.1 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Physically divide an established community?					X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?					X

Discussion:

The Certified EIR concluded that implementation of the *Hayward Downtown Specific Plan* would not have any significant land use or planning impacts in the City of Hayward and no mitigation measures were identified. The project site is in an urbanized area surrounded by residential development to the north and east, residential and office development to the south, and commercial development to the west.

As described in Section 2, Project Description, the proposed project is a short-term demolition project that would result in removing a hazardous, blighted, and seismically substandard building to improve the safety and appearance of the project site and the surrounding area. As described in Section 2.4, Project Description, the demolition of the site is consistent with Hayward Municipal Code Chapter 9, Building Regulations, Article 3, Building Abatement, and Section 9-3.302, Unsafe, Substandard, and Dangerous Buildings. The proposed project would not physically divide an established community and would not conflict with any land use plan, policy, or regulation in the City of Hayward that was adopted for the purpose of avoiding or mitigating an environmental effect. Accordingly, the proposed project would not result in a new impact or a substantial increase in magnitude of the existing impacts as they relate to land use and planning.

3. Environmental Analysis

3.12 MINERAL RESOURCES

3.12.1 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?					X
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?					X

Discussion:

The Certified EIR concluded that the *Hayward Downtown Specific Plan* would have no impact on mineral resources. The project site has a General Plan land use designation of Central City - Retail and Office Commercial (CC-ROC) and a Zoning designation of Urban Center (UC), and no mineral resources exist on the project site.¹⁷ Accordingly, the proposed project would have no impact on mineral resources.

¹⁷ Hayward Downtown Specific Plan and Associated Zoning Code Update Draft EIR, State Clearinghouse No. 2018022054, Environmental Evaluation, page 4-1.

3. Environmental Analysis

3.13 NOISE

3.13.1 Impacts Associated with the Proposed Project

Would the proposed project result in:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X	
b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?				X	
c) For a project located within the vicinity of a private airstrip or 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?					X

Discussion:

The Certified EIR concluded that implementation of the *Hayward Downtown Specific Plan* would have significant and unavoidable impacts due to construction (or demolition) noise because the project-specific details are unknown. However, the Certified EIR also states that the identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects analyzed at the project level. Mitigation Measure NOISE-1 from the Certified EIR is required for construction (or demolition) projects in the Specific Plan Area.

As discussed in the Certified EIR, the Specific Plan Area is not located within an airport land use plan area or within the vicinity of a private airstrip. Therefore, no impacts with respect to this criterion would occur.

The project site is in an urbanized area surrounded by residential development to the north and east, residential and office development to the south, and commercial development to the west. The nearest

3. Environmental Analysis

sensitive receptors to the project site include the residents at the Creekwood Apartments approximately 70 feet to the east of the project across City Center Drive.

As described in Section 2.4, Project Description, the proposed project would include a high-reach demolition excavator, concrete saws, dozer, grader, loader, and tractor. Construction vehicles, such as worker vans and haul trucks used to transport equipment and haul off demolition debris would also be required. The details of noise modeling for noise generated from these sources is included in Appendix B of this Consistency Checklist and is summarized below.

The expected construction equipment mix was estimated and categorized by construction activity using the Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM). The associated, aggregate sound levels are summarized in Table 3-4.

TABLE 3-4 PROJECT RELATED DEMOLITION NOISE, dBA LEQ

Equipment	Nearest Sensitive Receptors			
	Residential Uses at 230 feet ^a	Hayward Japanese Gardens at 560 feet ^a	Hayward Area Historical Museum at 740 feet ^a	Skeyci Children Programs Day Care at 280 feet ^a
Pre- and Demolition Period	73	65	63	71
Post-Demolition Period	70	62	59	68

Notes:

^a As measured from the acoustical center of the construction site.

Source: PlaceWorks, 2019.

As shown in Table 3-4, the loudest phase of the proposed project would be demolition with projected noise levels at the nearest residences of up to 73 dBA L_{eq} , which would not exceed the City of Hayward standard of 86 dBA at the nearest residences. Other sensitive uses include the nearby day care (Skeyci Children Programs Day Care), the Hayward Japanese Gardens/De Anza Park, and the Hayward Area Historical Society Museum. However, all of these receptors are further away than the nearest residences and estimated noise levels would also be below 86 dBA at the respective property lines. Construction worker trips to and from the site as well as trips from hauling demolition debris off-site and importing soil fill may create momentary noise levels of up to 85 dBA L_{max} at 50 feet. However, these occurrences would be generally infrequent and short-lived. Therefore, construction noise impacts would be less than significant at the project-level.

The Certified EIR found vibration impacts to be less than significant. Table 3-5 summarizes vibration levels for typical demolition equipment at the nearest sensitive receptors. Typical construction equipment produces vibration levels of up to 0.089 in/sec peak particle velocity (PPV) at a distance of 25 feet. The nearest structures to proposed demolition activities that would be subject to vibration are residential

3. Environmental Analysis

homes to the east. The residences would have a vibration damage threshold of 0.2 in/sec PPV based on Federal Transit Administration (FTA) recommended criteria. The project site is approximately 85 feet from the closest residential structures. At this distance, vibration levels would attenuate to less than the respective 0.2 in/sec PPV (residential), as shown in Table 3-5. Therefore, demolition vibration impacts would be less than significant at the project level.

TABLE 3-5 VIBRATION LEVELS FOR TYPICAL DEMOLITION EQUIPMENT

Equipment	PPV (in/sec) at 25 feet (FTA reference distance)	PPV (in/sec) at 85 feet (Residences on City Center Drive)
Large Bulldozer	0.089	0.014
Loaded Trucks	0.079	0.012
Small Bulldozer	0.003	<0.001

Notes: PPV = peak particle velocity

Source: Federal Transit Administration, 2018. Transit Noise and Vibration Impact Assessment Manual. PlaceWorks, 2019.

In summary, with implementation of mitigation measures prescribed in the Certified EIR and listed below, the proposed project would not result in a new impact or a substantial increase in magnitude of the existing impacts as they relate to noise and vibration.

Mitigation Measure NOISE-1: Prior to issuance of demolition, grading and/or building permits, the project applicant shall incorporate the following practices into the construction contract agreement to be implemented by the construction contractor during the entire construction phase:

- Construction activity is limited to the daytime hours between 10:00 a.m. and 6:00 p.m. on Sundays and holidays, and 7:00 a.m. and 7:00 p.m. on other days.
- During the entire active construction period, equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible.
- Require the contractor to use impact tools (e.g., jack hammers and hoe rams) that are hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools.
- Stationary equipment such as generators, air compressors shall be located as far as feasible from nearby noise-sensitive uses.
- Stockpiling shall be located as far as feasible from nearby noise-sensitive receptors.
- Construction traffic shall be limited—to the extent feasible—to haul routes approved by the City.
- At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction

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days and hours, as well as the telephone numbers of the City’s and contractor’s authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor’s representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City.

- Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queuing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes.
- During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.
- Erect temporary noise barriers, where feasible, when construction noise is predicted to exceed the City noise standards and when the anticipated construction duration is greater than is typical (e.g., two years or greater).

3.14 POPULATION AND HOUSING

3.14.1 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Induce substantial unplanned 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)?					X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?					X

Discussion:

The Certified EIR concluded that implementation of the *Hayward Downtown Specific Plan* would not have any significant population and housing impacts in the City of Hayward and no mitigation measures were

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identified. As described in Section 2, Project Description, the proposed project is a short-term demolition project that would result in removing a hazardous, blighted, and seismically substandard building to improve the safety and appearance of the project site and the surrounding area. As identified in Section 2.4.2, Building Demolition, above, no development is proposed after demolition activities have been completed. Because there is no pending proposal for the project site and the building is being removed for safety reasons, the site would remain a vacant lot until a potential future project is proposed and approved for construction. Any future development proposed for the project site would undergo separate environmental review, as required. The site is completely surrounded by development and clearing the site would not induce any unplanned growth beyond what is already been accounted for in the Certified EIR. Accordingly, the proposed project would not result in a new impact or a substantial increase in magnitude of the existing impacts as they relate to population and housing.

3.15 PUBLIC SERVICES

3.15.1 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) 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:					
v) Fire protection?					X
vi) Police protection?					X
vii) Schools?					X
viii) Parks?					X
ix) Other public facilities?					X

3. Environmental Analysis

Discussion:

The Certified EIR concluded that implementation of the *Hayward Downtown Specific Plan* would not have any significant public services impacts in the City of Hayward and no mitigation measures were identified. The project site is in an urbanized area that is served by the Hayward Police and Fire Departments.

The primary purpose of a public services impact analysis is to examine the impacts associated with physical improvements to public service facilities required to maintain acceptable service ratios, response times or other performance objectives. The proposed project would have a significant environmental impact if it would exceed the ability of public service providers to adequately serve residents, thereby requiring construction of new facilities or modification of existing facilities. Increased demand is typically driven by increases in population. However, in this case, because the vacant building has been deemed a public nuisance, its removal is intended to improve the safety of the site and the surrounding area, thereby reducing demand on the police and fire departments in Hayward. Accordingly, the proposed project would not result in a new impact or a substantial increase in magnitude of the existing impacts as they relate to public services.

3.16 RECREATION

3.16.1 Impacts Associated with the Proposed Project

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
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?					X
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?					X

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Discussion:

The Certified EIR concluded that implementation of the *Hayward Downtown Specific Plan* would not have any significant recreation impacts in the City of Hayward and no mitigation measures were identified. The proposed removal of the hazardous building would place no new demand on the public recreation facilities that serve the project area. No impact would occur. Accordingly, the proposed project would not result in a new impact or a substantial increase in magnitude of the existing impacts as they relate to recreation.

3.17 TRANSPORTATION

3.17.1 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?					X
b) Would the project conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?					X
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?					X
d) Result in inadequate emergency access?					X

Discussion:

The Certified EIR concluded that implementation of the *Hayward Downtown Specific Plan* would have significant and unavoidable impacts due to the operation of new projects in the Specific Plan Area. The proposed project would only involve temporary trip generation from construction workers and the haul of construction equipment and hazardous materials and demolition debris. As identified in Section 2.4.3, Post-Demolition Activities, the project site would be left vacant, and would therefore not increase hazards due to a geometric design feature. The proposed project would not result in inadequate emergency

3. Environmental Analysis

access on- or off-site. Accordingly, the proposed project would not result in a new impact or a substantial increase in magnitude of the existing impacts as they relate to transportation.

3.18 UTILITIES AND SERVICE SYSTEMS

3.18.1 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?					X
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?					X
c) Result in a determination by the waste water 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?					X
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?					X
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?					X

Discussion:

The Certified EIR concluded that implementation of the *Hayward Downtown Specific Plan* would not have any significant utilities and service system impacts except for impacts to water supply which were found to

3. Environmental Analysis

be significant and unavoidable at the program-level and during multiple dry years. The Certified EIR included Mitigation Measure UTIL-1, which stated that prior to approving future applications for development in the Specific Plan Area, the City shall require future project applicants to prepare and submit a written statement to the satisfaction of the City of Hayward Development Services Department that clearly demonstrates how the project complies with the water conservation and water efficiency ordinances adopted by the City, including the Indoor Water Efficiency Ordinance (Municipal Code Chapter 10, Article 23), the CALGreen building code requirements (Municipal Code Chapter 10, Article 22 and Article 23), and the Bay-Friendly Water Efficient Landscape and Landscaping Ordinances (Municipal Code Chapter 10, Article 12 and 20) and any other water conservation strategies that would be implemented by the project applicant.

The project site is in an urbanized area in Downtown Hayward that has existing connections to the city's water supply and wastewater treatment facilities. As discussed in Section 3.3, Air Quality, the Certified EIR identified Mitigation Measure AQ-2.1a which requires watering of all active construction (or demolition) sites twice daily to control dust emissions. Limited demand would also be required for water use in the post-demolition period to ensure the hydroseed for erosion control is established. The proposed project would not generate a long-term or permanent demand for water such that the current supply would not be sufficient and Mitigation Measure UTIL-1 is not applicable. The post-demolition activities would reduce stormwater runoff and therefore demand on the wastewater treatment facilities. As discussed in Section 2.4.2, Demolition Activities, demolition debris would be off hauled for disposal at the Altamont Landfill, which was determined to have adequate capacity for the buildout of the Specific Plan Area, including the proposed demolition of the Former City Hall Building and paved surfaces, in the Certified EIR. Accordingly, the proposed project would not result in a new impact or a substantial increase in magnitude of the existing impacts as they relate to utilities and service systems.

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3.19 WILDFIRE

3.19.1 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					X
i) Substantially impair an adopted emergency response plan or emergency evacuation plan?					X
ii) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?					X
iii) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?					X
iv) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?					X

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Discussion:

The Certified EIR concluded that implementation of the *Hayward Downtown Specific Plan* would not have any significant wildfire impacts in the City of Hayward and no mitigation measures were identified.¹⁸ The project site is located in an urbanized area and surrounded by built-out sites. There are no designated State Responsibility Areas or land classified as very high fire hazard severity zones on or near the project site.¹⁹ The project site is however located within the Wildland Urban Interface as identified by the Hayward Fire Department.²⁰ As previously stated in Section 3.9, Hazards and Hazardous Materials, the proposed project would remove a hazardous building to improve the safety of the site and the surrounding community, and as such would not obstruct the implementation of the applicable emergency response plans or exacerbate any potential risk of wildfire-related hazards.

3.20 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?					X

¹⁸ This Consistency Checklist follows the December 2018 CEQA Guidelines Update, which added a separate section to evaluate wildfire impacts. Wildfire impacts assessed in the Certified EIR can be found in Chapter 4.7, Hazards and Hazardous Materials.

¹⁹ California Department of Forestry and Fire Protection, Fire Resource and Assessment Program, <https://egis.fire.ca.gov/FHSZ/>, accessed August 20, 2019.

²⁰ Hayward Downtown Specific Plan and Associated Zoning Code Update Draft EIR, State Clearinghouse No. 2018022054, Environmental Evaluation, page 4.7-17.

3. Environmental Analysis

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR/MND	No Impact
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.)					X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?					X

Discussion:

Based on the preceding discussion and the Certified EIR, it has been determined that the proposed project is consistent with the analysis of the Certified EIR and would not 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.

According to CEQA Guidelines Section 15355, “Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” “Cumulatively considerable” means that the incremental effects of an individual 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. The potential cumulative impacts of the proposed project have been considered for each environmental topic evaluated above in the context of the evaluation of the Certified EIR. Given the relatively short-term nature of the proposed project’s construction schedule, the fact that it is within an urbanized area, and the removal of the building was considered as part of the implementation of the Hayward Downtown Specific Plan, the proposed project would not have any cumulatively considerable impacts that are different or more significant than those as disclosed in the Certified EIR.

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The proposed project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, as analyzed in the Certified EIR.

4. List of Preparers

City of Hayward

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4. List of Preparers

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Mitigation Monitoring or Reporting Program

This Mitigation Monitoring or Reporting Program (MMRP) has been prepared for the proposed Former City Hall Building Demolition Project, herein referred to as the “proposed project.” The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the Hayward Downtown Specific Plan EIR, State Clearinghouse No. 2018022054, certified on April 30, 2019. The MMRP includes the following information:

- The full text of the mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.
- The status and date completed.

Mitigation Monitoring or Reporting Program

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Responsible Party	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Status/Date Completed
AIR QUALITY						
<p>Mitigation Measure AQ-2.1a: As part of the City’s development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District’s basic control measures for fugitive dust control, including:</p> <ul style="list-style-type: none"> ▪ Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. ▪ Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. ▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). ▪ Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads, parking areas and staging areas at the construction site to control dust. ▪ Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material. ▪ Hydroseed or apply non-toxic soil stabilizers to inactive construction areas. ▪ Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). ▪ Limit vehicle traffic speeds on unpaved roads to 15 	City of Hayward	Prior to and during Construction	City of Hayward Department of Public Works	Plan Review and Approval	During scheduled construction site inspections	

Mitigation Monitoring or Reporting Program

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Responsible Party	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Status/Date Completed
<p>miles per hour.</p> <ul style="list-style-type: none"> ▪ Replant vegetation in disturbed areas as quickly as possible. 						
<p>Mitigation Measure AQ-2.1b: Applicants for new development projects within the Specific Plan Area shall require the construction contractor to use equipment that meets the United States Environmental Protection Agency (USEPA) Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to the City of Hayward that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by the California Air Resources Board’s regulations.</p> <ul style="list-style-type: none"> ▪ Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for USEPA Tier 4 or higher emissions standards for construction equipment over 50 horsepower. ▪ During construction, the construction contractor shall maintain a list of all operating equipment in use on the construction site for verification by the City of Hayward. ▪ The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. ▪ Equipment shall be properly serviced and maintained in accordance with the manufacturer’s recommendations. ▪ Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9 	City of Hayward	Prior to and during Construction	City of Hayward Department of Public Works	Plan Review and Approval	During scheduled construction site inspections	

Mitigation Monitoring or Reporting Program

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Responsible Party	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Status/Date Completed
<p>Mitigation Measure AQ-4.1a: Applicants for construction within 1,000 feet of residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in the City of Hayward, as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City of Hayward prior to future discretionary project approval. The HRA shall be prepared in accordance with policies and procedures of the Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), PM_{2.5} concentrations exceed 0.3 µg/m³, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include, but are not limited to (See Table 7.9 of the Hayward 2040 General Plan Draft EIR for further details. This table has been included in Appendix C of the Draft for the Specific Plan):</p> <ul style="list-style-type: none"> ▪ During construction, use of construction equipment fitted with Level 3 Diesel Particulate Filters (DPF) for all equipment of 50 horsepower or more. ▪ Equipment shall be properly serviced and maintained in accordance with manufacturer recommendations. ▪ The construction contractor shall ensure that all non-essential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. 	City of Hayward	Prior to future project approval	City of Hayward Department of Public Works	HRA Review and Approval	Once	Completed as part of the Initial Study and Consistency Checklist dated September 4, 2019. See Appendix A of the Initial Study and Consistency Checklist.

Mitigation Monitoring or Reporting Program

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<ul style="list-style-type: none"> ▪ Measures identified in the HRA shall be included in the environmental document and/or incorporated into the site development plan as a component of the proposed Specific Plan. Prior to issuance of any construction permit, the construction contractor shall ensure that all construction plans submitted to the City of Hayward Planning Division and/or Building Division clearly show incorporation of all applicable mitigation measures. 						
NOISE						
<p>Mitigation Measure NOISE-1: Prior to issuance of demolition, grading and/or building permits, the project applicant shall incorporate the following practices into the construction contract agreement to be implemented by the construction contractor during the entire construction phase:</p> <ul style="list-style-type: none"> ▪ Construction activity is limited to the daytime hours between 10:00 a.m. and 6:00 p.m. on Sundays and holidays, and 7:00 a.m. and 7:00 p.m. on other days. ▪ During the entire active construction period, equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible. ▪ Require the contractor to use impact tools (e.g., jack hammers and hoe rams) that are hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools. ▪ Stationary equipment such as generators, air compressors shall be located as far as feasible from nearby noise-sensitive uses. ▪ Stockpiling shall be located as far as feasible from 	City of Hayward	<p>Prior to issuance of building permits</p> <p>Prior to Construction</p> <p>During Construction</p>	City of Hayward Department of Public Works	<p>Plan Review and Approval</p>	<p>During review of building permits</p> <p>During scheduled construction site inspections</p>	

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<p>nearby noise-sensitive receptors.</p> <ul style="list-style-type: none"> ▪ Construction traffic shall be limited—to the extent feasible—to haul routes approved by the City. ▪ At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours, as well as the telephone numbers of the City’s and contractor’s authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor’s representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City. ▪ Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes. ▪ During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws. ▪ Erect temporary noise barriers, where feasible, when construction noise is predicted to exceed the City noise standards and when the anticipated construction duration is greater than is typical (e.g., two years or greater). 						