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MEMORANDUM

DATE: January 19, 2018

To: Jay Lee, AICP, Associate Planner

FROM: Kyle Simpson, Associate
Theresa Wallace, AICP, Principal

SUBJECT: 2695 W. Winton Avenue Industrial Project Initial Study/Mitigated Negative Declaration Response to Comments

In accordance with Section 15074 of the CEQA Guidelines, prior to approving a project, the decision-making body of the lead agency shall consider the proposed environmental document together with any comments received during the public review process. Although there is no legal requirement to formally respond to comments on a proposed Mitigated Negative Declaration (MND) as there is for an Environmental Impact Report (EIR), this memorandum provides responses to the written comments received on the proposed 2695 W. Winton Avenue Industrial Project (project) Initial Study/Mitigated Negative Declaration (IS/MND) to aid the City of Hayward decision-makers in their review of the project.

The Draft IS/MND was available for public review and comment from December 15, 2017, to January 16, 2018. A total of three comment letters were received on the IS/MND. In the following pages, the comments and responses are enumerated to allow for cross-referencing of CEQA-related comments. The enumerated comment letters are included in this memorandum, each preceding their respective responses. As noted above, CEQA does not require or provide guidance on responding to comments on MNDs; therefore, this memorandum follows CEQA Guidelines Section 15088, applicable to responses to comments on EIRs, which requires that agencies respond only to significant environmental issues raised in connection with the project. Therefore, this document focuses primarily on responding to comments that relate to the adequacy of the information and environmental analysis provided in the IS/MND.

The following begins with the enumerated comments and responses to those comments, including any required text changes. Following this section are staff-initiated text changes that identify specific changes to the text of the IS/MND that are being made to clarify, correct, or amplify materials in the IS/MND. Double-underlined text represents language that has been added to the IS/MND, and text with ~~strikethrough~~ represents language that has been deleted from the IS/MND.

In no case do any revisions identified result in a greater number of impacts, or impacts of a greater severity than those set forth in the IS/MND.

COMMENTS AND RESPONSES

This memorandum includes a reproduction of each comment letter received on the IS/MND. Each comment letter is assigned a letter (A, B, C,) and individual comments within each are numbered consecutively. For instance, Comment A-1 is the first numbered comment in Letter A.

The following comment letters on the IS/MND were submitted to the City:

LETTER A

Jon Eldridge

January 2, 2018

LETTER B

East Bay Regional Park District

Sandra Hamlat, Senior Planner

January 16, 2018

LETTER C

Caltrans, District 4

Patricia Maurice, District Branch Chief, Local Development – Intergovernmental Review

January 16, 2018

Written responses to all written comments on the IS/MND are provided in this section. Letters received on the IS/MND are provided in their entirety.

Please note that text within individual letters that has not been numbered does not raise environmental issues or relate to the adequacy of the information or analysis within the IS/MND and, therefore, no comment is enumerated or response required, per CEQA Guidelines Section 15132.

From: Jonathan Eldridge [<mailto:ceqacheck@gmail.com>]
Sent: Tuesday, January 2, 2018 5:24 PM
To: Jay Lee <Jay.Lee@hayward-ca.gov>
Subject: 2695 Hayward Typo

Hey Jay,

I don't know if this has to be registered as a public comment or not, but in the noise section (4.12) under impact D, the check box says Less Than Significant Impact; however, the text of the MND says Less Than Significant With Mitigation (MM NOI-1 applies). It's a very minor change...so I would fully consent to this NOT being included as a public comment, unless it's required to be.

1

-Jon Eldridge

LETTER A

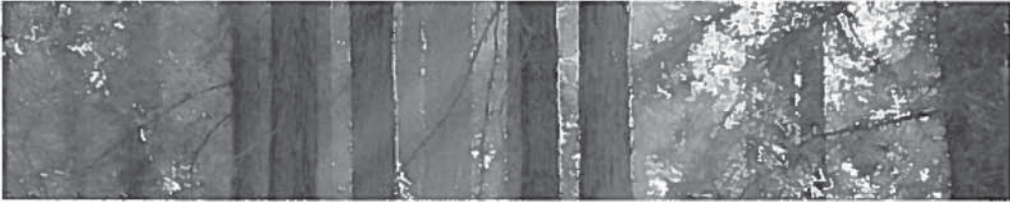
Jonathan Eldridge
January 2, 2018

Response A-1: This comment identifies a typographical error in which the check box for item d. on page 4-75 of the IS/MND should have indicated the impact as “Less than Significant with Mitigation” instead of “Less than Significant Impact.” Page 4-75 of the IS/MND is therefore corrected as follows:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project result in:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The analysis under Section 4.12.1.d on page 4-83 of the IS/MND correctly identifies this impact as less than significant with mitigation. This typographical error does not affect the determination that implementation of Mitigation Measure NOI-1 would reduce temporary or periodic increases in ambient noise levels to less-than-significant levels.

Letter
B



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T: 1-888-EBPARKS F: 510-569-4319 TRS RELAY: 711 WWW.EBPARKS.ORG

January 16, 2018

Jay Lee
Planning Division
City of Hayward
777 B Street
Hayward, CA 94541

RE: 2695 West Winton Avenue Industrial Project

Dear Jay,

Thank you for the opportunity to comment on the 2695 West Winton Avenue Industrial Project Initial Study/Mitigated Negative Declaration. The East Bay Regional Park District has a long-standing commitment to providing recreational opportunities and protecting open space in Alameda County. The Park District is interested in how the project might affect the public experience of and our ability to maintain facilities, such as the San Francisco Bay Trail at the Hayward Regional Shoreline, located adjacent to the south-west of the proposed project. Below are a number of comments regarding potential impacts to Aesthetics and Biological Resources.

Aesthetics

In a letter dated June 26, 2017, the Park District requested that the industrial building be no taller than 30 feet, which is consistent with neighboring buildings and so that the public can enjoy scenic views. Since the proposed project includes a 44-foot-tall light industrial building, the proposed project would have a potentially significant impact in terms of substantially degrading the existing visual character or quality of the site and its surroundings. Furthermore, we understand that the building pad would be raised even higher because of projected sea level rise. This impact should be revised to potentially significant impact.

1

In that same letter, the Park District asked that any lighting on the western perimeter of the property be shielded to reduce the impact to seasonal wetlands and protected species, especially birds. We also understand that there is no lighting plan for the proposed project. Without such plan, there is no basis to evaluate if the proposed project would create a new source of substantial light or glare that would adversely affect day or nighttime views of the area. The applicant should develop a lighting plan before this impact can be analyzed.

2

Board of Directors

Beverly Lane President Ward 6	Dennis Waespi Vice-President Ward 3	Ayn Wieskamp Treasurer Ward 5	Ellen Corbett Secretary Ward 4	Whitney Dotson Ward 1	Dee Rosario Ward 2	Colin Coffey Ward 7	Robert E. Doyle General Manager
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Biological Resources

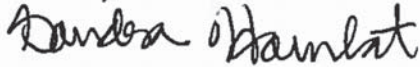
Exterior lighting and glare are also discussed in Biological Resources, but neither the Aesthetics nor the Biological Resources sections include photo simulations at night to demonstrate potential lighting and glare impacts and mitigation measures.

3

We applaud the inclusion of a mitigation measure to remove feral cat feeding stations and will ensure it is enforced, since the Park District is currently experiencing ongoing problems on our adjacent parklands.

The Park District would be interested to see the improvements that the proposed project would bring to the area, as the site has been vacant for many years. Thank you for your review and consideration of our comments. If you have any questions or concerns, please contact me at (510) 544-2318, or by email at SHamlat@ebparks.org.

Sincerely,



Sandra Hamlat
Senior Planner

LETTER B

East Bay Regional Park District
Sandra Hamlat, Senior Planner
January 16, 2018

Response B-1:

This comment states that the East Bay Regional Park District (EBRPD) previously requested that the proposed project be no taller than 30 feet in order to be consistent with nearby buildings and to maintain public scenic views. The comment contends that the height of the proposed project would result in a potentially significant impact related to the existing visual character or quality of the site and its surroundings.

Beginning on page 4-2 of the IS/MND is a discussion of the potential impacts resulting from the proposed project on the existing character or quality of the site and its surroundings related to aesthetics. As discussed, although the proposed building height of 44 feet is estimated to be approximately 15 feet higher than some of the surrounding buildings, the character of the proposed building would be similar to the existing surrounding industrial uses and would be consistent with the surrounding architectural styles and densities. In addition, new landscaping would be developed throughout the site and trees would be planted along the western boundary of the site, shielding the proposed building and improving the site's overall visual appearance.

Although there are no scenic vistas or scenic resources located in the project area, the Hayward Regional Shoreline and Mount Diablo can be seen from some locations on and around the project site. The proposed project would partially obstruct currently available public views across the project site towards the Hayward Regional Shoreline and Mount Diablo. However, large amounts of the Hayward Regional Shoreline and Mount Diablo would continue to be visible in the project vicinity, and the Hayward Regional Shoreline would remain the prominent feature in the vicinity of the project site as seen from public vantage points. As a result, the proposed project would not result in a substantial adverse effect on a scenic vista as it would not eliminate existing scenic views and public views of the project site from surrounding areas would generally blend with surrounding urban development. Therefore, this impact was identified as less than significant in the IS/MND and there is no basis for changing this conclusion solely due to the height of the proposed building.

Response B-2: This comment states that EBRPD requested that any lighting on the western perimeter of the project site be shielded to reduce potential impacts to seasonal wetlands and protected species near the project site. This issue is addressed on page 4-19 of the IS/MND, under Mitigation Measure BIO-1b and this impact was determined to be less than significant with implementation of the mitigation measure and compliance with Building Code and Title 24 standards.

The comment also requests that a lighting plan be prepared and reviewed prior to project approval. Since publication of the IS/MND, the project applicant has provided an updated site plan that includes a lighting plan for the western portion of the project site. The lighting plan includes pole-mounted lighting along the western boundary of the project site that is shielded and directed to the parking surface. The lighting plan would reduce illumination of the proposed building and would limit light spillage from the project site, consistent with Mitigation Measure BIO-1b. The lighting plan is available for review as part of the project file.

Response B-3: As discussed in Response B-2, since publication of the IS/MND, the project applicant has provided an updated site plan that includes a lighting plan for the western portion of the project site that includes only pole-mounted lights directed to vehicle travel area and away from adjoining parcels. In addition, Mitigation Measure BIO-1b would require that street and parking lot lighting be designed to have sharp cutoff angles, and any lighting would be required to be designed to avoid spill-over to the adjacent undeveloped properties. Through implementation of Mitigation Measure BIO-1b, the project would avoid a substantial increase to ambient illumination, and potential impacts to normal wildlife behavior patterns or an increase in predation on special-status marsh species by avian predators would be reduced to a less-than-significant level. Nighttime photo simulations are not required to support this determination.

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*Making Conservation
 a California Way of Life*

January 16, 2018

SCH # 2017122045
 GTS # 04-ALA-2017-00227
 GTS I.D. 8990
 ALA- 092 - R3.823
 ALA- 880 - 17.593

Jay Lee
 Planning Division
 City of Hayward
 777 B Street
 Hayward, CA 94541

2695 West Winton Avenue Industrial Project – Mitigated Negative Declaration

Dear Jay Lee:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Mitigated Negative Declaration (MND).

Project Understanding

The project sponsor proposes to develop the site with a new approximately 507,500 square-foot light industrial building with 334 parking spaces to accommodate 188 passenger vehicles and 146 trucks. The project would result in the construction of a spec building that would be configured for light industrial uses by tenants that have not been identified. The building would be comprised of up to 491,000 square feet of industrial warehouse space; a maximum of 10,000 square feet of office space; and approximately 6,500 square feet of mezzanine. The building exterior would be 44 feet high with an interior height of 36 feet and designed with a total of 82 dock-high truck doors on the east and west sides of the building. An employee break area would be located at the southeastern corner of the building. The project site is regionally accessed 2.2 miles from Interstate (I)-880/Winton Avenue interchange and 2.5 miles from the State Route (SR) 92/Clawiter Road/Eden Landing Road interchange.

Sea Level Rise

The effects of sea level rise may have impacts on transportation facilities located in the project

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area. Governor Brown's Executive Order (EO) S-13-08 directs State agencies planning construction projects in areas vulnerable to sea level rise to begin planning for potential impacts by considering a range of sea level rise scenarios for years 2050 and 2100. Higher water levels may increase erosion rates, change environmental characteristics that affect material durability, lead to increased groundwater levels and change sediment movement along shores, at estuaries and river mouths, as well as affect soil pore pressure at dikes and levees on which transportation facilities are constructed. All these factors must be addressed through geotechnical and hydrological studies conducted in coordination with Caltrans.

1
cont.

Multimodal Planning

Bicycle improvements connecting the new project with the Hayward BART Station should be considered as transportation mitigation for the project, specifically the proposed West A Street Extension and Corsair Avenue Class II (Bicycle Lane) improvement from the City of Hayward's Bicycle Master Plan (page 6-8). Closing the bike path gap would facilitate employees' bike commute by improving the most direct route from the BART station to their employment center.

2

Vehicle Trip Reduction

From Caltrans' Smart Mobility 2010: A Call to Action for the New Decade, the project site is identified as **Place Type 4: Suburban Communities (Dedicated Use Areas)** where location efficiency factors, such as community design, are weak and regional accessibility varies. Given the project's intensification of use, the project should include a robust TDM Program to reduce VMT and greenhouse gas emissions. Project site design should also ensure that high quality pedestrian and bicycle infrastructure connects pedestrians, bicyclists, and transit users, as directly and with as few conflicts as possible, between key neighborhood sites. Such measures will be critical in order to facilitate efficient transportation access to and from the project site and reduce transportation impacts associated with the project. The measures listed below will promote smart mobility and reduce regional VMT.

- Ten percent vehicle parking reduction;
- Permanent subsidized transit passes for employees;
- Project design to encourage walking, bicycling and convenient transit access;
- Bicycle parking;
- Carpool and clean-fuel parking spaces conveniently located to encourage carpooling and clean-fuel vehicles;
- Charging stations and designated parking spaces for electric vehicles;
- Secured bicycle storage facilities located conveniently near entrances to minimize deterrent of bicycle use due to weather conditions;
- Fix-it bicycle repair station(s);
- Outdoor areas with patios, furniture, pedestrian pathways, picnic and recreational areas;
- Bicycle route mapping resources and bicycle parking incentives;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with annual Lead Agency monitoring and enforcement.

3

Jay Lee, City of Hayward
January 16, 2018
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Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets. As previously mentioned, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on I-880 and SR 92 and other nearby State facilities. These smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals.

3
cont.

For additional TDM options, please refer to the Federal Highway Administration's Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8). The reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

Transportation Impact Fees

Please identify project travel demand or VMT and estimate the costs of public transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified. We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.

4

Travel Demand Analysis

Please analyze VMT resulting from the proposed project. With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies through the use of efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. Please ensure that the travel demand analysis includes:

- A vicinity map, regional location map, and site plan clearly showing project access in relation to the STN. Ingress and egress for all project components should be clearly identified. Clearly identify the State right-of-way. Project driveways, local roads and intersections, car/bike parking, and transit facilities should be mapped.
- A VMT analysis pursuant to the Lead Agency's guidelines or, if the Lead Agency has no guidelines, the Office of Planning and Research's Draft Guidelines. Projects that result in automobile VMT per capita greater than 15% below existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the

5

Jay Lee, City of Hayward
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Lead Agency.

- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, disabled travelers and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.

5
cont.

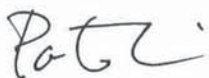
Lead Agency

As the Lead Agency, the City of Hayward (City) is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

6

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jannette Ramirez at (510) 286-5535 or jannette.ramirez@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

LETTER C

Caltrans, District 4

Patricia Maurice, District Branch Chief, Local Development – Intergovernmental Review

January 16, 2018

Response C-1:

This comment, which states that sea level rise may result in impacts to transportation facilities in the project area and that geotechnical and hydrological studies must be conducted in coordination with Caltrans to address these issues, is noted. The proposed project would not affect any State transportation facilities.

Potential impacts associated with sea level rise are discussed beginning on page 4-70 of the IS/MND. As discussed, the southern portion of the project site would be inundated during Mean Higher High Water (MHHW) tides with sea level rise of 36 inches, and the entire project site would be inundated during MHHW tides with sea level rise of 72 inches. In addition, proposed project improvements could impact the stability of the levee along the west side of the project site, potentially making it susceptible to failure during storm and coastal flooding events, which could result in flooding of the site and damage to property. Implementation of Mitigation Measure HYD-6 would address potential impacts related to potential failure of the levee and potential impacts resulting from sea level rise by requiring the design level geotechnical evaluation to include an evaluation of the levee and the potential impacts of the proposed grading activities to the stability of the levee. The design level geotechnical evaluation shall provide recommendations for maintaining the stability of the levee throughout project construction and operation. Therefore, with implementation of Mitigation Measure HYD-6, impacts associated with sea level rise were determined to be less than significant.

Response C-2:

This comment states that bicycle improvements that connect the project site with the Hayward BART Station should be considered as mitigation for the proposed project.

As discussed on page 4-100 of the IS/MND the City has asked the project applicant to provide a striping plan for West Winton Avenue along the project frontage that includes a five-foot bicycle lane with a two-foot buffer. In addition, a pavement rehabilitation project is anticipated to commence in 2017 and proposes to install a bicycle lane along West Winton Avenue. The City considers these sufficient efforts to facilitate bicycle use to and from the project site by commuting employees.

- Response C-3: This comment states that the project should include a robust Travel Demand Management (TDM) Program to reduce VMT and greenhouse gas (GHG) emissions. As stated in Table 4.E included on page 4-42 of the IS/MND, the project would be consistent with the City's GHG reduction policies. Specifically, the project would be consistent with Policy M-8.3, Employer-Based Strategies, that encourages employers to participate in TDM programs. As identified in Table 4.E, the project would include carpool-designated preferred areas and would provide adequate pedestrian, bicycle, and transit facilities, which would support the ability of employees to use alternative modes of transportation.
- Response C-4: This comment requests that project travel demand or vehicle miles traveled (VMT) be identified and that an estimate of costs for public transportation improvements necessitated by the project be provided. As discussed below in Response C-5, a VMT analysis is not required for the proposed project. In addition, as determined in the Draft Traffic Impact Analysis Report (included in Appendix G of the IS/MND), the project would not result in any potentially-significant impacts related to Level of Service (LOS) or public transportation facilities that would require improvements to be funded by the proposed project.
- Response C-5: This comment requests that an analysis of VMT be completed for the project. At the time the IS/MND was published for public review, a VMT analysis was not required to be included in the IS/MND, and this remains the case. It is anticipated that regulatory changes to CEQA regarding analysis of VMT will be adopted in 2018, and that Statewide implementation of VMT analysis will occur on January 1, 2020. At such time, the City of Hayward would implement VMT analysis requirements consistent with State standards and currently applicable CEQA threshold standards and guidance.
- In order to provide a thorough traffic analysis consistent with the standards of CEQA and the City of Hayward, a Draft Traffic Impact Analysis Report was prepared for the project (included as Appendix G of the IS/MND), and it was used as a basis for the traffic analysis included in the IS/MND. The Draft Traffic Impact Analysis Report included analysis of potential impacts to Caltrans facilities under several scenarios. Based on the findings of the Draft Traffic Impact Analysis Report that is summarized beginning on page 4-88 of the IS/MND, the City considers the traffic analysis to be sufficient for the proposed project.
- Response C-6: This comment states that the City is responsible for all project mitigation including any needed improvements to the State Transportation Network, and that each mitigation measure should identify the project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring. As a part of project approval, the City will also

adopt a Mitigation Monitoring and Reporting Program (MMRP) to ensure that all proposed mitigation measures included in the IS/MND are fully implemented. The project applicant is responsible for funding and implementing all mitigation measures according to the timing identified in the MMRP. The City is responsible for ensuring that each mitigation measure is fully implemented through a variety of actions including, but not limited to review of reports, issuance of permits, and site monitoring.

STAFF-INITIATED CHANGES TO THE IS/MND

During the public review period for the IS/MND, City of Hayward staff determined that specific text and mitigation measures should be modified prior to approval of the project. The following text presents specific changes to the text of the IS/MND that are being made to clarify the existing text as a result of the City's input.

Project Description

Text on page 3-3 has been modified as follows:

The project would result in the construction of a spec building that would be configured for light industrial uses by tenants that have not been identified. The proposed building would result in a total gross floor area of approximately 507,500 square feet, as shown in Figure 3-3. The building would be comprised of up to 491,000 square feet of industrial warehouse space; a maximum of 10,000 square feet of office space; and approximately 6,500 square feet of mezzanine. The building exterior would be 44 feet high with an interior height of 36 feet and designed with a total of 82 dock-high truck doors on the east and west sides of the building. The project complies with the City's truck loading facilities requirements, as specified in Hayward Municipal Code Section 10-1.1645). An employee break area would be located at the southeastern corner of the building.

Alameda County Land Use Compatibility Plan Applicability

During the public review period for the IS/MND, City of Hayward staff determined that the potential impact related to aviation hazards and consistency with the Hayward Executive Airport Land Use Compatibility Plan (Hayward ALUCP) does not apply to the proposed project. As a result, Mitigation Measure HAZ-3, which requires submitting project plans to the Alameda County Airport Land Use Commission (ALUC) for review prior to the City's approval of the project, is not required because the proposed project is consistent with the City's General Plan and thereby consistent with the ALUCP.

In June 2017, the City of Hayward City Council approved Ordinance Number 17-10 to amend the Hayward Municipal Code to establish a new airport overlay zone ordinance. City staff prepared a memorandum that recommended approval of the proposed amendment, and stated that in 2014, the City's General Plan was deemed consistent with the Hayward ALUCP. As a result, the City has determined that there is no longer a need for the City to refer development projects that are consistent with the existing General Plan to the ALUC for review. The proposed project is consistent with the City's General Plan and does not require a General Plan Amendment. Thus, potential

impacts resulting from construction and operation of the proposed project would not be considered potentially-significant and Mitigation Measure HAZ-3 would not be required to be implemented.

The following revisions are made to the text beginning on page 4-56 of the IS/MND:

The project site is located approximately 5 miles southeast of the Oakland International Airport and 0.75 miles west of the Hayward Executive Airport. The project site is within the airport influence area (AIA) of the Oakland International Airport (Safety Compatibility Zone 7) and the Hayward Executive Airport (Safety Compatibility Zone 6: Traffic Pattern Zone). The proposed land use of the project site is an industrial style warehouses and distribution facility that would be used for industrial, logistics and/or manufacturing purposes, and does not conflict with the Safety Compatibility Criteria in the Oakland International Airport Land Use Compatibility Plan (ALUCP) or Hayward Executive Airport ALUCP, which allow manufacturing, research and development, warehouse/distribution, and industrial land uses. Therefore, the proposed uses meet the requirements of the City's Airport Overlay Zone Ordinance as presented in Chapter 10, Article 6 of the Hayward Municipal Code. As a result, the proposed project would not result in a safety hazard for people residing or working in the project area, and would result in a *less-than-significant impact* related to aviation hazards. ~~The Alameda County Airport Land Use Commission (ALUC) requests that certain types of actions within AIAs be referred to the ALUC for determination of consistency with the ALUCP prior to their approval by the local jurisdiction, including any discretionary development proposal having a building floor area of 20,000 square feet or greater, and any industrial use having the potential to interfere with, or create hazards to aircraft in flight including, but not limited to:~~

- ~~1. Electrical or other interference with radio communications or navigational signals;~~
- ~~2. Lighting which could be mistaken for airport lighting;~~
- ~~3. Thermal plumes;~~
- ~~4. Glare in the eyes of pilots or aircraft using the airport; or~~
- ~~5. Impaired visibility near the airport from smoke or steam.~~

~~Because the proposed project would include a building floor area greater than 20,000 square feet and may include industrial uses, the proposed project plans should be submitted to the ALUC for review. The ALUC review would ensure that no components of the project would conflict with airport safety. Implementation of Mitigation Measure HAZ-3 would address potential aviation hazards associated with the project.~~

~~**Mitigation Measure HAZ-3:** The proposed project plans shall be submitted to the ALUC for review prior to approval of the project by the City.~~

~~Implementation of Mitigation Measure HAZ-3 would ensure that the proposed project impacts would be considered *less than significant with mitigation* related to impacts associated with aviation hazards.~~

Air Quality

As shown below, and consistent with text on pages 4-9 and 4-12 of the IS/MND, items 4.3.1.b and 4.3.1.c in the checklist table on page 4-6 have been revised to show that the proposed project would result in less-than-significant impacts with mitigation.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Biological Resources

Mitigation Measure BIO-1c, as shown on page 4-19 of the IS/MND has been modified as follows:

Mitigation Measure BIO-1c: Feral Cat Avoidance and Minimization Efforts. Feeding stations for feral cats shall be prohibited. ~~Culverts on the project site shall be screened when unoccupied to avoid cat occupation.~~

Mitigation Measure BIO-1d, as shown on page 4-20 of the IS/MND has been modified as follows:

Mitigation Measure BIO-1d: SMHM and SMWS Avoidance and Minimization Efforts. Potential direct impacts to SMHM and SMWS include general project-related disturbance. The applicant and contractor shall implement the following measures:

- Prior to the start of any project activities, a qualified biologist shall conduct a survey of the project site to confirm that the solid wall/barrier between the project site and suitable SMHM and SMWS habitat is intact, with no voids, cracks, or openings large enough for small mammals such as SMHM to fit through.

- If cracks or openings are detected in the solid wall, all openings shall be repaired before the start of construction to assure that the solid wall is an effective barrier against SMHM and SMWS wandering onto the project site.
- In addition, along the south border of the project area, a minimum 3-foot tall silt fence or wildlife exclusion fence (such as ERTEC or equivalent) with a climbing lip barrier shall be erected along the bottom portion of the chain link fence, for at least 50 feet east of the south end of the west solid wall, to provide a solid barrier against wildlife wandering onto the project site from the southwest.
- The solid wall on the west, along portions of the northwest, and the silt fencing along the southwest, shall be maintained throughout construction to delineate environmentally sensitive areas and provide a barrier to SMHM and SMWS to prevent any possible movement onto the project site during construction.
- If vegetation will be cleared for driveways or landscaping between the property and West Winton Avenue (in the right-of-way), wildlife exclusion fencing shall be installed on the west side between the wall and the road. Work area limits shall be fenced for activities outside the fence to ensure no activities affect adjacent salt marsh habitat. No salt marsh vegetation shall be removed as part of this project.
- A qualified biological monitor shall be present during initial clearing and grubbing for all activities outside the existing wall and fence. If any small mammals in the unlikely event that any SMHM or SMWS are observed during any work on outside of the western/ outside of the existing wall, work west of the wall shall be halted until the small mammals(s) can be positively identified. If SMHM are present work shall be halted within 100 feet until the SMHM move out of the work area of their own accord. Other small mammal species may be captured and relocated by the qualified biologist prior to re-initiating work.

Mitigation Measure BIO-1h, as shown on page 4-23 of the IS/MND has been modified as follows:

Mitigation Measure BIO-1h: **General Wildlife Best Management Practices.** The following general wildlife Best Management Practices are required:

- No pets or firearms shall be allowed at the project site.
- All trash that may attract predators shall be properly contained and removed from the work site. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
- All refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from the salt marsh west of the site or any drainage that connects to the marsh or stormwater system. A plan shall be in place for prompt and effective response to any accidental spills prior to the onset of work activities. All workers shall be informed of the appropriate measures to take should an accidental spill occur.
- To control sedimentation during and after project implementation, appropriate erosion control best management practices (i.e., use of coir rolls, jute netting, etc.) shall be implemented to control and prevent runoff from entering any drainage. No plastic monofilament netting shall be utilized on-site.
- All vehicles and equipment should be in good working condition and free of leaks.
- Work should be restricted to daylight hours. Activities such as pouring concrete panels and other activities that do not generate significant noise or emissions, or light/glare into adjacent open space lands would be allowed to occur outside of daylight hours, per City approval.

Hazards and Hazardous Materials

Mitigation Measure HAZ-1, as shown beginning on page 4-53 of the IS/MND has been modified as follows:

Mitigation Measure HAZ-1: Prior to any ground breaking activities, a separate Site Management Plan (SMP) shall be prepared for the Wheat Property which summarizes the known environmental conditions on that portion of the project site and recommends appropriate site management procedures

based on the site specific information and proposed redevelopment activities. The SMP shall include procedures for evaluating, handling, storing, testing and disposing of soil and groundwater generated during project excavation and grading activities. Materials generated from excavation and grading activities on the project site and materials that may be imported to the site shall be tested for potential contaminants prior to use as fill on-site. Fill testing shall be performed by a qualified environmental professional and demonstrated to meet the appropriate threshold criteria (e.g., ESLs). The results of the fill testing shall be submitted to the City of Hayward (City) and the San Francisco Bay Regional Water Quality Control Board (RWQCB) for review and approval prior importing or re-use of the material. Alternatively, with the prior written consent of the RWQCB, the project applicant, under the supervision of a qualified environmental consultant, may test and document all infill material, and submit a final report to the RWQCB upon completion of construction, for RWQCB's review and approval. The SMP shall include a contingency plan that shall be implemented if previously unidentified potentially contaminated material or regulated features (e.g., USTs) are encountered during construction activities. The contingency plan shall include provisions that require notification of the City, RWQCB, or any other regulatory agencies with jurisdiction, when potentially contaminated material is encountered. Physical signs of potentially contaminated materials include staining/discoloration, oily sheen or free phase products, odors, the presence of rubble/debris/refuse, or the presence of buried features that may contain hazardous materials (e.g., drums, buckets, sumps, vaults, or pipelines). The contingency plan shall include guidelines for the collection of soil and/or groundwater samples by a qualified environmental professional prior to further work in the newly discovered affected area. The samples shall be submitted for laboratory analysis by a state-certified laboratory under chain-of-custody procedures. The analytical methods shall be selected by the environmental professional. The analytical results of the sampling shall be reviewed by the qualified environmental professional and submitted to the appropriate regulatory agency, if appropriate. The environmental professional shall provide recommendations, as applicable, regarding soil/waste management, worker health and safety training, and

regulatory agency notifications, in accordance with local, state, and federal requirements. Work shall not resume in the area(s) affected until these recommendations have been implemented under oversight by the City, the RWQCB, or any other regulatory agencies with jurisdiction, as appropriate.

Additionally, the findings of the recent 2016 and 2017 Phase II investigation activities performed at the project site and the SMP prepared for the Wheat Property shall be submitted to the RWQCB for review. Any additional actions required by the RWQCB, such as additional site investigations or remediation activities, shall be performed under the oversight of the RWQCB. Construction and operation of the proposed project shall not occur without appropriate written approvals from the RWQCB indicating that the proposed project would not pose an unacceptable risk to human health or the environment.

Noise

Mitigation Measure NOI-1, as shown on page 4-23 of the IS/MND has been modified as follows:

- Mitigation Measure NOI-1:** The project contractor shall implement the following measures during construction of the project:
- Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
 - Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.
 - Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all project construction.
 - Ensure that all general construction related activities are restricted to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays, with the exception of any activities that do not generate significant noise (less than 70 dBA measured

at any point outside the property plane) which are permissible at any time.

- Designate a “disturbance coordinator” at the City of Hayward who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem, and ensure noise levels do not exceed noise ordinance standards.