

MAPLE AND MAIN MIXED-USE DEVELOPMENT PROJECT**CONDITIONAL USE PERMIT FINDINGS**

- A. The proposed use is desirable for the public convenience or welfare** in that the rehabilitation of an existing commercial office building and construction of a residential building with retail component will provide new residential rental units, with twenty percent of the units required to be affordable to families with very low incomes, and eighty percent of the units available for lease at market rates to young professionals and families. Fifteen studios are proposed, along with 82 one-bedroom units, 123 two-bedroom units, and 20 three-bedroom units, with affordable units to be provided at the same level of quality as market rate units and integrated into the project, providing housing opportunities for a variety of households. The infusion of tenants into this currently vacant site will support existing businesses and help attract future ones to the Downtown, while eliminating a site that provides opportunity for trespassing and vagrancy. Additionally, the project will generate over \$1.8M in park in-lieu fees, which will be required to be used for parkland acquisition and/or park improvements in the area. Finally, a neighborhood/community meeting space will be provided in the project for lease by residents/groups in the area.
- B. The proposed use will not impair the character and integrity of the zoning district and surrounding area.** Although the proposed residential building will be five stories and taller than surrounding developments, it will be just one story taller than the existing four-story office building, integrate architectural features and design elements and colors to help reduce its visual massing, and will be set back from McKeever Avenue. The materials of the proposed new residential building and rehabilitated office building will utilize high end materials and colors to reflect a modern building of high-end design, including patios and balconies for all but 15 studio units. The exterior of the medical office building will be updated to be consistent with the design of the new building. Also, the six-level parking garage will be screened from view around the property via the residential building. Implementation of a variety of transportation demand management measures, such as shuttle service, shared car program, unbundled parking, and on-site secured bicycle storage facility, will reduce trips from the site. As indicated in the project Initial Study/Mitigated Negative Declaration, traffic impacts are anticipated to be less-than-significant. Additionally, conditions of approval require development of a parking permit program should it be determined via surveys that spillover parking from the development is occurring in the neighborhood.
- C. The proposed use will not be detrimental to the public health, safety, or general welfare** in that existing or required updated infrastructure, including new larger sewer and water mains, will be sufficient to serve the development. Traffic impacts are anticipated to be less-than-significant and the building/upgrades will be required to meet minimum Building, Energy and Fire Code standards in effect at

time of building permit application submittal. Ground floor residential units will be located in a well-designed mixed-use building. Lighting and landscaping will be required to be upgraded along the property frontages to enhance safety for pedestrians, including at night, with lighting on the building required to be directed away from surrounding properties.

- D. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved** in that ground floor residential units in the Downtown, as proposed, are conditionally permitted uses in the *Central City-Commercial* District, whose purpose is “is to establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but are not limited to, retail, office, service, lodging, entertainment, education, and multi-family residential uses.” Also, ground-floor residential use is identified as an appropriate supporting use for the *Central City Retail and Office Commercial* General Plan land use designation, with residential units above the first floor identified as an appropriate primary use. The project complies with such language in that it is located on the fringe of the Downtown and does not front onto a major arterial roadway, and includes rehab of 48,000 square feet of an existing medical office building, along with 5,500 square feet of retail space along Main Street.

Also, the project is consistent with General Plan Guiding Principle #5 which states, “The City will support the development of Downtown housing to create new opportunities for people to live in a safe, mixed-use, walkable, and transit-oriented urban neighborhood.” Furthermore, the proposed project is consistent with the following General Plan Policies:

LU-1.3 Growth and Infill Development

The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.

The infill site is not identified in the Strategic Plan as an opportunity site, but it is one of the larger underutilized sites in the Downtown, at nearly four acres in size.

LU-1.4 Revitalization and Redevelopment

The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.

The project entails rehab of an existing office building and redevelopment of the majority of the underutilized site.

LU-1.5 Transit-Oriented Development

The City shall support high-density transit-oriented development within the city’s Priority Development Areas to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.

The project, proposed at a residential density of eighty units per acre, incorporates a variety of transportation demand management measures, including shuttle and shared care service, as well as bike racks and unbundled parking. Also, the project is providing a number of parking spaces that is less than standard City requirements and less than that normally allowed by the State's Density Bonus Law for affordable units.

LU-1.6 Mixed-Use Neighborhoods

The City shall encourage the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities.

The project entails 48,000 square feet of rehabbed office space, 240 apartments of varying size and bedroom counts, including 20% affordable to very low income households, and 5,500 square feet of retail space on the fringe of the Downtown core within easy walking distance of BART and a number of services and businesses.

LU-2.5 Downtown Housing

The City shall encourage the development of a variety of urban housing opportunities, including housing units above ground floor retail and office uses, in the Downtown to:

- *Increase market support for businesses,*
- *Extend the hours of activity,*
- *Encourage workforce housing for a diverse range of families and households,*
- *Create housing opportunities for college students and faculty, and*
- *Promote lifestyles that are less dependent on automobiles.*

The project includes 240 apartments, including 48 apartments that will be affordable to very low income households. Besides 15 studio apartments, 19 of 82 one-bedroom units, 25 of 123 two-bedroom units, and 4 of 20 three-bedroom units are proposed as affordable units.

LU-2.6 Downtown BART Station

The City shall encourage a mix of commercial, office, high-density residential and mixed-use development in the area surrounding the Downtown BART Station.

The project is within a half mile of the Downtown BART station.

LU-3.4 Design of New Neighborhood Commercial and Mixed Use Development

The City shall require new neighborhood commercial and mixed-use developments to have a pedestrian-scale and orientation by:

- *Placing the building and outdoor gathering spaces along or near the sidewalk.*
- *Locating parking to the rear of the building or along the internal side yard of the property.*
- *Designing the building with ground floor retail frontages or storefronts that front the street.*
- *Enhancing the property with landscaping, lighting, seating areas, bike racks, planters, and other amenities that encourage walking and biking.*

The proposed new building is located near the Maple Court and Main Street property frontages, set back to allow for landscaping and lighting. An enhanced entry with signage and landscaping is proposed at the corner of McKeever and Maple for the office building. Parking is primarily provided in a six-level garage, located behind the residential building facades. Roughly half of the property frontages along Main Street and Maple Court include 10 residential units, 9 of which entail patios.

H-3.4 Residential Uses Close to Services

The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

The project is located within easy walking distance to a majority of the Downtown.

M-1.6 Bicycling, Walking, and Transit Amenities

The City shall encourage the development of facilities and services, (e.g., secure term bicycle parking, street lights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.

The project provides secure bicycle storage space for tenants, and includes frontage improvements, including new lighting and landscaping.

SITE PLAN REVIEW FINDINGS

- A. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City** in that it;
See Conditional Use Permit finding B above.
- B. The development takes into consideration physical and environmental constraints;**
See Conditional Use Permit finding C above.
- C. The development complies with the intent of City development policies and regulations;**
See Conditional Use Permit finding D above.
- D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.**
See Conditional Use Permit findings A and B above.

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

I. Adoption of the Mitigated Negative Declaration

Pursuant to Title 14, California Code of Regulations, Section 15074, the City of Hayward, hereby finds that the Maple and Main Mixed-use Development Project (Project) Mitigated Negative Declaration (including the Project Initial Study, hereinafter collectively referred to as the “IS/MND”), has been completed in compliance with the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA), that the IS/MND was presented to the City, and that the City has reviewed and considered the information contained in the IS/MND, and all comments and responses to comments received during the public review process, prior to approving the project. The City hereby finds that the IS/MND reflects the independent judgment and analysis of the City, and adopts the IS/MND.

II. Findings

The following Findings are hereby adopted by the City pursuant to Title 14, California Code of Regulations, Section 15074, in conjunction with the approval of the project, which is set forth in Section III, below. To the extent the Findings presented here summarize the IS/MND, the summary is not intended to change any aspect of the complete text of the analysis and mitigation measures discussed in the IS/MND.

The project proponent proposes to demolish all buildings on the project site except for a portion of the medical office building on the corner of Maple Court and McKeever Avenue, and construct a residential building and six-level parking garage. The new residential building would include 240 rental apartments, ground floor retail and a leasing office in a 5-story building. Amenities would include three outdoor courtyards and clubhouse with fitness facilities. As part of the proposed project, the existing four- and two-story medical office building on the corner of Maple Court and McKeever Avenue would be reduced in size, improved and modernized. The improved medical office building will include approximately 48,000 square feet of building space.

A. Environmental Review Process

The IS/MND was prepared for the Project in accordance with CEQA.

The IS/MND analyzes the potential project impacts in the following topic areas: (1) aesthetics; (2) agricultural and forestry resources; (3) air quality; (4) biological resources; (5) cultural resources; (6) geology and soils; (7) greenhouse gas emissions; (8) hazards and hazardous materials; (9) hydrology and water quality; (10) land use and planning; (11) mineral resources; (12) noise; (13) population and housing; (14) public services; (15) recreation; (16) transportation and circulation; and (17) utilities and service systems.

The Draft IS/MND was circulated for a 30-day public review period beginning on August 22, 2016 and ending on September 21, 2016. During that time, the document was reviewed by local agencies, as well as by interested individuals and organizations. Six comments were received during the public review period. As a result of comments received during the public review period, the City revised portions of the IS/MND, and recirculated the IS/MND for a 20-day public review period beginning on November 7, 2016 and ending on November 28, 2016. During that time, the document was reviewed by local agencies, as well as by interested individuals and organizations. Three comments were received during the public review period.

Environmental issue areas for which mitigation measures are proposed include: Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Noise. The potentially significant environmental impacts of the proposed project that were identified in the IS/MND, along with the proposed mitigation measures, are summarized below in subsection B. Environmental impacts that would be less than significant or have no impact are listed below in subsection C.

B. Potentially Significant Impacts that would be Mitigated to Less Than Significant Levels

1. Air Quality

The proposed project would result in construction-phase dust emissions. Mitigation Measure AIR-1 would require that dust control best management practices be implemented by the proposed project during construction. Implementation of this mitigation measure would reduce impacts from nighttime lighting to a less than significant level. See pages 34-37 of the IS/MND.

Mitigation Measure AIR-1: The construction contractor(s) shall implement the following BMPs during project construction:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible after grading, unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

The proposed project would result in localized health risk impacts from diesel exhaust during construction. Mitigation Measures AIR-2 and AIR-3 would require that construction equipment meet certain emissions standards and reduce particulate emissions by 70 percent or more. Mitigation Measure AIR-4 allows the construction contractor to use other measures to minimize diesel emissions instead of the measures stated in Mitigation Measures AIR-2 and AIR-3. Implementation of these mitigation measures would reduce impacts from diesel exhaust during construction to a less than significant level. See pages 37-41 of the IS/MND.

Mitigation Measure AIR-2: All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

Mitigation Measure AIR-3: All diesel-powered portable equipment (i.e., air compressors, concrete saws, and forklifts) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

Mitigation Measure AIR-4: Instead of **Mitigation Measures AIR-2** and **AIR-3** above, the construction contractor could use other measures to minimize construction-period Diesel Particulate Matter (DPM) emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the City.

2. Biological Resources

Construction activities could disturb nesting birds. Mitigation Measures BIO-1 and BIO-2 require a preconstruction survey and avoidance of active nests. These mitigation measures would reduce the impact to nesting birds to a less than significant level. See page 44 of the IS/MND

Mitigation Measure BIO-1: If construction activities commence outside the nesting season (generally September 1 through February 28), pre-construction surveys are not required. However, if construction commences outside the nesting season and extends into the nesting season, and is suspended for more than 14 days, a pre-construction survey that is detailed in **Mitigation Measure BIO-2**, below, will be implemented.

Mitigation Measure BIO-2: If construction commences during the nesting season (March 1 through August 31), a pre-construction survey for active nests will be conducted within 15 days prior to the start of work. Given the urban setting of the project site and the construction staging area, the radius of the pre-construction survey will be determined in consultation with the California Department of Fish and Wildlife (CDFW). Typically, a 250-foot buffer for passerines and other unlisted/non-raptor species, 500-foot buffer for unlisted raptor species, and 0.5-mile buffer for listed raptor species are required. However, exceptions can be made based on the species of bird nesting, activities proposed, and for noise attenuation provided by intervening buildings in urban areas. Once the survey area is established, a survey of all appropriate nesting habitat will be conducted to locate any active nests. In the event that active nests are identified, appropriate buffer zones and types of construction activities restricted within the buffer zones will be determined through consultation with the CDFW. The buffer zones will be implemented and maintained until the young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.

3. Cultural Resources

Construction activities could disturb previously unknown pre-historic and historic archaeological resources. Mitigation Measure CUL-1 would require that the applicant retain a qualified archeologist to provide preconstruction briefing(s) to supervisory personnel of any excavation contractor. Mitigation Measure CUL-2 would require that a qualified archaeologist be on site to monitor the initial grading of native soil once the existing buildings and pavement are removed but before any foundations and slabs are removed. In the event archaeological resources are encountered during construction activities, Mitigation Measure CUL-3 would be implemented which requires work in the vicinity of the find to be halted until an archaeologist has evaluated the find. These mitigation measures would reduce impacts to pre-historic and historic archaeological resources to a less than significant level. See pages 48–49 of the IS/MND.

Mitigation Measure CUL-1: The applicant shall retain a qualified archaeologist to provide preconstruction briefing(s) to supervisory personnel of any excavation contractor to alert them to the possibility of exposing significant pre-historic and historic period archaeological resources within the project area. The briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the applicant and the archaeologist. An "Alert Sheet" shall be posted in conspicuous locations on the project site to alert personnel to the procedures and protocols to follow for the discovery of potentially significant archaeological resources.

Mitigation Measure CUL-2: A qualified archaeologist will be on site to monitor the initial grading of native soil once the existing buildings and pavement are removed but before any foundations and slabs are removed. After monitoring the initial grading, the archaeologist will make recommendations for further monitoring if he/she determines that the site contains or has the potential to contain cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required and a report will be filed with the City Planning Department.

Mitigation Measure CUL-3: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the City Planning Department will be notified, and the archaeologist will examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring will be submitted to the City Planning Department prior to issuance of an occupancy permit.

Construction activities could disturb previously unknown human remains. In the event of discovery of unknown human remains, Mitigation Measure CUL-4 would be implemented which requires work in the vicinity of the find to be halted until an

archaeologist has evaluated the find and notified the County Coroner. This mitigation measure would reduce impacts to unknown human remains to a less than significant level. See pages 49–50 of the IS/MND.

Mitigation Measure CUL-4: In the event of a discovery of human bone, potential human bone, or a known or potential human burial, all ground-disturbing work in the vicinity of the find will halt immediately and the area of the find will be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist determines the bone is human, the City of Hayward will notify the County Coroner of the find. Consistent with California Health and Safety Code Section 7050.5(b), which prohibits disturbance of human remains uncovered by excavation until the Coroner has made a finding relative to the requirements of Public Resources Code Section 5097, the City will ensure that the remains and vicinity of the find are protected against further disturbance.

If it is determined that the find is of Native American origin, the City of Hayward will comply with the provisions of Public Resources Code Section 5097.98 regarding identification and involvement of the Most Likely Descendant (MLD).

If the human remains cannot be protected in place following the Coroner's determination, the City of Hayward shall ensure that the qualified archaeologist and the MLD are provided the opportunity to confer on repatriation and/or archaeological treatment of human remains, and that any appropriate studies, as identified through this consultation, are carried out prior to reinterment. The City shall provide results of all such studies to the Native American community, and shall provide an opportunity for Native American involvement in any interpretative reporting. As stipulated by the provisions of the California Native American Graves Protection and Repatriation Act, the City shall ensure that human remains and associated artifacts recovered from the project site are repatriated to the appropriate local tribal group if requested.

4. Geology and Soils

The project site is subject to seismic-related ground failure, including liquefaction. Mitigation Measures GEO-1 and GEO-2 would require the building foundation be designed to resist 2 inches of settlement and that underground pipelines be designed to compensate for settlement. These mitigation measures would reduce impacts from seismic-related ground failure to a less than significant level. See pages 52–53 of the IS/MND.

Mitigation Measure GEO-1: Building foundations shall be designed to resist 2 inches of differential settlement of the supporting soils.

Mitigation Measure GEO-2: Underground pipelines such as gas lines, sanitary sewers, and water services shall be properly designed to compensate for the settlement caused by the liquefaction of the underlying supporting soils.

The proposed project would be located on a geologic unit or soil that is unstable. Mitigation Measure GEO-3 would require that existing fill soils be removed and re-compacted. This mitigation measure would reduce impacts from unstable soils to a less than significant level. See pages 53-54 of the IS/MND.

Mitigation Measure GEO-3: Fills shall be completely removed and re-compacted. Over-excavation should extend to depths where competent soil is encountered. The over-excavation and re-compaction should also extend at least 5 feet beyond building footprints and at least 3 feet beyond exterior flatwork, including driveways and pavement wherever possible. Where over-excavation limits abut adjacent property, a determination of the actual vertical and lateral extent of over-excavation shall be conducted so that the adjacent property is not adversely impacted. Over-excavations shall be performed so that no more than 5 feet of differential fill thickness exists below the proposed building foundations.

5. Hazards and Hazardous Materials

The proposed project could expose project site residents and construction workers to on-site subsurface contamination. In addition, asbestos containing materials (ACM) and lead-based paint (LBP) may be present on site due to the age of the existing buildings. Mitigation Measure HAZ-1 would require the employment of industry standard vapor barriers with passive ventilation systems to protect on-site residents while Mitigation Measure HAZ-2 would require the development and implementation of a Site Management Plan, to protect construction workers. Mitigation HAZ-3 would require that existing buildings on site be surveyed for ACM, LBP and other hazardous materials prior to significant renovation or demolition and in the event that any of these materials are detected appropriate removal and containment protocols be implemented before and during building demolition. These mitigation measures would reduce impacts with regard to on-site contamination to a less than significant level. See pages 64-65 of the IS/MND.

Mitigation Measure HAZ-1: The applicant shall install industry standard vapor barriers along with passive ventilation systems as part of the proposed project.

Mitigation Measure HAZ-2: A Site Management Plan shall be developed and implemented with approval and oversight by the appropriate regulatory agency in the event that unanticipated subsurface environmental conditions are encountered following the demolition of the hospital complex. The Site Management Plan shall include, but would not be limited to, procedures for removal or on-site management of contaminated soil, procedures for removal of Underground Storage Tanks (USTs) if any are encountered, and the protection of construction workers from exposure to impacted soil through measures included in a health and safety plan.

Mitigation Measure HAZ-3: Prior to any significant renovation of the medical office building and the demolition of the other existing structures, asbestos containing materials (ACM) and lead-based paint (LBP) surveys shall be conducted to

determine the presence of hazardous building materials. Should ACMs, LBP or other hazardous substance containing building materials be identified, these materials would be removed using proper techniques in compliance with all applicable State and federal regulations, including the BAAQMD rule related to asbestos.

6. Noise

Given the estimated exterior noise levels that would be experienced at the facades of the proposed structure, interior noise levels in the residential units will exceed the significance threshold. Mitigation Measure NOI-1 would require an acoustical analysis to determine specific noise reduction improvements. This measure would be adequate to reduce the project's interior noise exceedances to a less than significant level. See pages 82-85 of the IS/MND.

Mitigation Measure NOI-1: The following measures shall be incorporated into the proposed project to reduce interior noise levels:

- A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dB(A) Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.
- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residences on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

Ground vibration from use of large bulldozers during grading could result in "architectural" damage to the single-family residence adjacent to the existing medical building. Mitigation Measures NOI-2 would prohibit the use of heavy vibration-generating construction equipment within 20 feet of any adjacent residence. This measure would be adequate to reduce the project's groundborne vibration to a less than significant level. See pages 85-87 of the IS/MND.

Mitigation Measure NOI-2: Within 20 feet of the existing, adjacent residence:

- Compaction activities shall not be conducted using a vibratory roller. Within this area, compaction shall be performed using smaller hand tampers.
- Demolition, earth-moving, and ground-impacting operations shall be phased so as not to occur at the same time and shall use the smallest equipment possible to

complete the work. The use of large bulldozers, hoe rams, and drill-rigs shall be prohibited within 20 feet of the existing, adjacent residence.

- Construction and demolition activities shall not involve clam shell dropping operations.

Construction noise could exceed significance thresholds. Mitigation Measure NOI-3 would require that construction equipment be well-maintained and used judiciously to be as quiet as possible and requires the implementation of best management practices to reduce noise from construction activities near sensitive land uses. This measure would be adequate to reduce the project's temporary ambient noise impacts to a less than significant level. See pages 87-89 of the IS/MND.

Mitigation Measure NOI-3: Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:

- Ensure that all construction activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays.
- Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Contractors utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
- Locate loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Comply with Air Resource Board idling prohibitions of unsteady idling of internal combustion engines.
- Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.
- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.

- Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

Less Than Significant and No Impacts

The IS/MND found that impacts to Aesthetic Resources, specifically related to the existing visual character of the project site and surroundings and the creation of a new source of light and glare (see IS/MND page 28); Air Quality impacts, specifically related to a conflict with an applicable air quality plan and the creation of objectionable odors (see IS/MND pages 33-41); Biological Resource impacts, specifically related to tree removal (see IS/MND page 45); Cultural Resources impacts, specifically related to historical, paleontological, and tribal resources (see IS/MND pages 46-50); Geology and Soils impacts, specifically related to fault rupture, seismic shaking, soil erosion, and expansive soils (see IS/MND pages 52-54); Greenhouse Gas Emissions impacts (see IS/MND pages 55-59); Hazards and Hazardous Materials impacts, specifically related to the routine transport, use and disposal of hazardous materials and being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (see IS/MND pages 63-66); Hydrology and Water Quality impacts, specifically related to water quality standards, groundwater supplies, drainage patterns, and runoff (see IS/MND pages 68-70); Land Use and Planning impacts, specifically related to a conflict with any applicable land use plan (see IS/MND pages 71-75); Noise impacts, specifically related to a substantial permanent increases in ambient noise levels (see IS/MND page 87); Population and Housing impacts, specifically related to population growth (see IS/MND page 91); Public Service impacts (see IS/MND pages 94-96); Recreation impacts (see IS/MND page 97); Transportation and Traffic impacts, specifically related to a conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, a conflict with an applicable congestion management program, and a substantial increase in hazards due to a design feature or incompatible uses (see IS/MND pages 102-106); and Utilities and Service Systems impacts, specifically related to wastewater treatment requirements and facilities, wastewater treatment capacity, and solid waste disposal capacity (see IS/MND pages 114-116), will be less than significant and no mitigation required.

The IS/MND also found that there would be no impacts to Aesthetic Resources, specifically related to adverse impacts on a scenic vista or scenic resources (see IS/MND pages 27-28); Agricultural and Forestry Resource impacts (see IS/MND page 30-31); Biological Resource impacts, specifically related to riparian habitats, wetlands, migratory species, and conservation plans (see IS/MND pages 44-45); Geology and Soils impacts, specifically related to landslides and septic tanks (see IS/MND pages 52-54); Hazards and Hazardous Materials impacts, specifically related to schools within 0.25 mile of the project site, public or private airports, implementation of an emergency response plan, and wildfires (see IS/MND pages 65-66); Hydrology and Water Quality impacts, specifically related to flooding, and seiche or tsunami inundation (see IS/MND page 70); Land Use and Planning impacts, specifically related to the physical division of an established community and a conflict with any applicable conservation plans (see IS/MND pages 71-75); Mineral Resources (see IS/MND page 76); Noise impacts, specifically related to excessive noise from public airports or private airstrips (see IS/MND page 89); Population and Housing impacts, specifically related to replacement housing (see IS/MND page 91); Transportation and Traffic impacts, specifically related to air traffic patterns, emergency access, and transit, pedestrian, or bicycle facilities (see IS/MND pages 106-109), and Utilities and Service System impacts, specifically related to storm water drainage facilities, water supply, and compliance with applicable statutes and regulations related to solid waste (see IS/MND pages 115-116). There were no impacts and no mitigation measures are required.

C. Additional Findings

1. These Findings incorporate by reference in their entirety the text of the Final IS/MND prepared for the project. Without limitation, this incorporation is intended to elaborate on the scope and nature of project and cumulative development impacts, related mitigation measures, and the basis for determining the significance of such impacts.
2. CEQA requires the Lead Agency approving a project to adopt a monitoring program for changes to the project that it adopts or makes a condition of project approval in order to mitigate or avoid significant effects on the environment and ensure compliance during project implementation. The Mitigation Monitoring and Reporting Program that accompanies the Final Mitigated Negative Declaration has been prepared to serve this purpose, and is hereby adopted by the City.
3. Various documents and other materials constitute the record of proceedings upon which the City bases its findings and decisions contained herein. Most documents related to this project and the custodian of the administrative record are located at the City of Hayward, Developmental Services Department, 777 B Street, Hayward, California 94541.

D. Summary

Based on the foregoing Findings and the information contained in the record, the City finds with respect to the project:

1. Changes or alterations have been incorporated in the project and required as a condition of approval that will mitigate to a less than significant level or avoid the potentially significant environmental effects of the project as identified in the Final IS/MND.
2. There is no substantial evidence in the record that the project may have a potentially significant effect on the environment.
3. The Final IS/MND reflects the City's independent judgment and analysis.

III. APPROVALS

The City hereby takes the following actions:

- A. Adopt the Final IS/MND for the project as described in Section I, above.
- B. Approve and incorporate into the project all project elements and all mitigation measures identified in the Final IS/MND.
- C. Adopt the Mitigation Monitoring program accompanying the Final IS/MND and discussed in the Findings, Section II, above.
- D. Having adopted the Final IS/MND, and approved the above Findings, hereby approve the design of the Maple and Main Mixed-Use Development Project, as modified and described above.