CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Thursday, September 22, 2022

7:00 PM

Council Chambers & Remote Participation

Planning Commission

PLANNING COMMISSION MEETING

NOTICE: The Planning Commission will hold a hybrid meeting in the Council Chambers and virtually via Zoom.

How to watch the meeting from home:

1. Comcast TV Channel 15
2. Live stream https://hayward.legistar.com/Calendar.aspx
3. YouTube Live stream: https://www.youtube.com/user/cityofhayward

How to submit written Public Comment:

Send an email to cityclerk@hayward-ca.gov by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the Planning Commission and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Written comments received after 3:00 p.m. that address an item on the agenda will still be included as part of the record.

How to provide live Public Comment during the Planning Commission Meeting:

Please click the link below to join the meeting:
https://hayward.zoom.us/j/88520947953?pwd=ajN5N25adW1vVFpHajBVWTNVUjNCUT09

Webinar ID: 885 2094 7953
Passcode: PC9/22@7pm

Or Telephone:
Dial (for higher quality, dial a number based on your current location):
1 669 900 6833 or +1 646 931 3860 (Toll Free)

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Passcode: 8384626664

A Guide to attend virtual meetings is provided at this link: https://bit.ly/3jmaUxa

CALL TO ORDER Pledge of Allegiance

ROLL CALL

PUBLIC COMMENTS

The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action.

ACTION ITEMS

The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item.

PUBLIC HEARING

For agenda item No. 1, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

1 PH 22-048 Proposed Development of a 219,656-Square-Foot Industrial Shell Building on an Approximately 10.9-Acre Site at 3636 Enterprise Avenue (Assessor Parcel Number 439-0099-036-02), Requiring Approval of Major Site Plan Review and Conditional Use Permit and a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program. George Condon on behalf of Dermody Properties (Applicant); Hainted Rock LLC & EGA Investments LLC (Property Owner)

Attachments:
Attachment I Staff Report
Attachment II Findings
Attachment III Conditions of Approval Enterprise
Attachment IV Project Plans
Attachment V Initial Study and Mitigated Negative Declaration
Attachment VI Draft Mitigation Monitoring and Reporting Program
Attachment VII Comment Letters on IS/MND and City Responses to Comments

APPROVAL OF MINUTES

2 MIN 22-111 Minutes of the Planning Commission Meeting on June 23, 2022

Attachments: Attachment I Draft Minutes of June 23, 2022

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Commissioners' Announcements, Referrals

ADJOURNMENT

NEXT MEETING, OCTOBER 13, 7:00PM

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or cityclerk@hayward-ca.gov.

File #: PH 22-048

DATE: September 22, 2022

TO: Planning Commission

FROM: Ranu Aggarwal, Planning Consultant

SUBJECT

Proposed Development of a 219,656-Square-Foot Industrial Shell Building on an Approximately 10.9-Acre Site at 3636 Enterprise Avenue (Assessor Parcel Number 439-0099-036-02), Requiring Approval of Major Site Plan Review and Conditional Use Permit and a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program. George Condon on behalf of Dermody Properties (Applicant); Hainted Rock LLC & EGA Investments LLC (Property Owner)

RECOMMENDATION

That the Planning Commission approves Major Site Plan Review and Conditional Use Permit Application No. 202102725, subject to the attached Findings (Attachment II) and Conditions of Approval (Attachment III); and reviews and approves the Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (Attachments V and VI, respectively), prepared pursuant to the California Environmental Quality Act.

SUMMARY

The proposed project would result in the development of a new industrial shell building on an approximately 10.9-acre site. The site is primarily vacant except for four radio towers and an associated maintenance shed. The radio towers will be relocated on top of the new building in approximately the same location and reaching the same height from grade as the exiting towers, the existing maintenance shed will be demolished, and the radio equipment will be relocated inside the proposed building. The proposed project includes development of an approximately 219,656-square-foot building and associated site improvements consisting of an employee patio/amenity area, site landscaping, circulation, and parking.

On June 7, 2021, the applicant submitted an application for an industrial shell building, incorporating warehousing and office uses, requiring Major Site Plan Review due to the size of the site, and a Conditional Use Permit due to the size of the proposed speculative industrial building (over 150,000 sq. ft.). The speculative building is designed for occupation by industrial uses permitted in the General Industrial (IG) zoning district. These uses could consist of, but not be limited to, manufacturing, research and development, logistics, warehouse and distribution, and wholesale establishments. However, heavy industrial, data center, and truck terminal uses, including an Amazon Last Mile Delivery Station, are not proposed as part of this

project.

In addition to the project entitlements, the Planning Commission is being asked to review and approve a Mitigated Negative Declaration prepared for the project. The City received three letters regarding the project from the Bay Area Air Quality Management District (BAAQMD), California Department of Toxic Substances Control, and San Francisco Bay Conservation and Development Commission (BCDC). The comments raised in these letters along with the City's response are included as Attachment VII. As further discussed below in this staff report, all potential impacts could be mitigated to a less than significant level with the implementation of mitigation measures that have been made conditions of approval of the project.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Findings
Attachment III	Conditions of Approval
Attachment IV	Project Plans
Attachment V	Initial Study and Mitigated Negative Declaration. For all Appendices, please see <https://www.hayward-ca.gov/your-government/special-projects/under-
Attachment VI	Draft Mitigation Monitoring and Reporting Program
Attachment VII	Comment Letters on IS/MND and City Responses to Comments

SUBJECT

Proposed Development of a 219,656-Square-Foot Industrial Shell Building on an Approximately 10.9-Acre Site at 3636 Enterprise Avenue (Assessor Parcel Number 439-0099-036-02), Requiring Approval of Major Site Plan Review and Conditional Use Permit and a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program. George Condon on behalf of Dermody Properties (Applicant); Hainted Rock LLC & EGA Investments LLC (Property Owner).

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In addition to the project entitlements, the Planning Commission is being asked to review and

[1] Industrial Zoning District: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.1600INDI

approve a Mitigated Negative Declaration prepared for the project. The City received three letters regarding the project from the Bay Area Air Quality Management District (BAAQMD), California Department of Toxic Substances Control, and San Francisco Bay Conservation and Development Commission (BCDC). The comments raised in these letters along with the City's response are included as Attachment VII. As further discussed below in this staff report, all potential impacts could be mitigated to a less than significant level with the implementation of mitigation measures that have been made conditions of approval of the project.

BACKGROUND

The project site is currently occupied by four radio towers and an associated mechanical shed for radio transmissions that are operated by Salem Broadcasting Company. These radio towers and shed were permitted for construction in circa 1969. They are generally unmanned with Salem staff conducting maintenance activities as needed.

Public Outreach. On June 11, 2021, an initial Notice of Application Receipt for the project application was sent to 51 addresses including property owners, tenants, and businesses within a 300-foot radius of the project site.

On July 29, 2022, a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND) was posted at the State Clearinghouse, and the Alameda County Clerk's Office, published in *The Daily Review* and mailed to 65 property owners, residents, and businesses within 300-feet of the project site, and agencies, organizations and individuals that have requested all CEQA-related notices. In response to the NOI, the City did receive correspondence from Bay Area Air Quality Management District, the Department of Toxic Substances Control and the Bay Conservation and Development Commission prior to the close of the public comment period on August 29, 2022. Those comments, along with a detailed staff response, is included as Attachment VII.

On September 9, 2022, a Notice of this Public Hearing for the Planning Commission meeting was sent to 65 property owners, residents, and businesses within 300-feet of the project site as well as published in *The Daily Review* newspaper. To date, staff has not received any additional public comments, concerns or questions related to the proposed development, aside from comments received during the public comment period noted above.

PROJECT DESCRIPTION

Project Location. The approximately 10.9-acre, nearly rectangular project site (Assessor Parcel Number 439-0099-036-02) is located on the south side of Enterprise Avenue, approximately 270 feet west of the intersection of Enterprise Avenue with Whitesell Street. The project site is approximately 0.5 mile north of State Route 92 (SR 92) and approximately 1.1 miles east of the San Francisco Bay shoreline.

Existing Conditions. The site is primarily vacant except for four radio towers and an associated mechanical shed for radio transmission. The site is relatively level with a berm located along its western border. Vegetation on site primarily consists of low grasses with rows of shrubs located along the site's western and southern perimeters. The site contains buried ground wires that radiate outward from each radio tower and buried electric utility lines connect each radio tower to the main power. A

majority of the site is located in the 100-year flood plain or Flood Zone AE[2] according to maps developed by Federal Emergency Management Agency (FEMA). The most upland portions of the project site outside of the 100-year flood plain are to the northeast and northwest corners of the project site.

The site is bounded by Enterprise Avenue to the north, a vacant parcel to the east, a railroad-track spur and a creek to the south, and a commercial/industrial development to the west containing an auto body supply store and a moving logistics company. The creek on the south side of the project site is channelized with earth berms and flows to the marshland along the San Francisco Bay located further to the west and the northwest. The Hayward wastewater treatment facility is directly north of the parcel on the opposite side of Enterprise Avenue.

Proposed Project. The project proposes the construction of an approximately 219,656-square-foot industrial shell building and related site and frontage improvements. The four existing radio towers are proposed to be relocated to the top of the new structure in the same approximate locations and reaching the same height as the existing poles. The existing shed housing the radio equipment would be demolished, and all of the equipment would be relocated inside the new structure.

The project site would be graded, which would raise the ground elevation such that much of the site, except portions of the site to the eastern and southern sides, is at an elevation above 11 feet (NAVD), the 100-year flood plain elevation reported by FEMA (FEMA 2009). The floor of the proposed building itself would be at an elevation of 15 feet (NAVD).

The proposed building would be located at a setback of 81'-10" from the northern property line along Enterprise Avenue, 194'-10" from the eastern, 47'-4" from the southern and 100'-2" from the western property boundary with the short end of the building oriented along Enterprise Avenue to the north of the project site.

Approximately 15% of the site would be landscaped. Landscaping would primarily be located along the perimeter of the site, at the employee amenity areas and in the stormwater detention basins on the site. The project proposes a 2,042-square-foot employee amenity area adjacent to the building on the southwest side and will consist of a patio with seating, integral concrete paving, and landscaping. The employee amenity area would also be accessible from the interior of the building. A copy of the project plans and landscaping plans are included as Attachment IV.

Building Architecture. The building architecture would employ a number of design strategies to break up the building mass and articulate frontages with detailing. The building would feature a custom designed metal screen at the front entrance to the building along with vertical elements along the façades to break up the mass of the building.

Additionally, paint color and score lines would lend complexity to the building frontages. The building would reach a total height of 46 feet with approximately five-foot-tall parapets to screen rooftop equipment. Renderings of the proposed architecture are included in the project plans (Attachment IV).

Parking and Circulation. The project proposes 151 car parking spaces, and eight bicycle parking spaces. Additionally, the project would provide 27 truck parking spaces. Car parking

[2] Flood Zone AE is a FEMA special flood hazard area with a 1 percent chance of being inundated by a flood event any given year.

spaces would be located at the front and the western side of the site. Bicycle racks are proposed near the main entrance to the building. Parking for trucks is proposed along the eastern boundary of the project site. Truck loading areas would be to the eastern side of the buildings, shielded from view from Enterprise Avenue with landscaping proposed along the front of the project site.

The project site would be accessed via two, two-way driveways from Enterprise Avenue. The eastern entrance would measure approximately 42 feet in width and the western entrance would measure approximately 30 feet in width, providing access for varying sizes of vehicles and trucks with circulation occurring around the proposed building. Pedestrian walkways would also be provided around the building and to the proposed sidewalk at the site's frontage along Enterprise Avenue.

Sustainability Plan. The proposed development would follow the City's Reach Code for new commercial buildings[3]. The project would be all electric with designated future solar areas on the rooftops for tenants to install solar panels. Electrical light fixtures would be LED lighting. Further, the building would be designed with skylights and vertical windows to minimize reliance on electricity for interior lighting, concrete construction with high thermal mass to reduce interior temperature swings, and cool roof to reduce demand for air conditioning. All finishes would meet volatile organic compounds (VOC) limits. Water conservation elements would include installation of water efficient landscaping and low flow plumbing fixtures. Building occupant waste would be sorted into recycling and composting with trash receptacles at the employee amenity area and trash enclosure both containing organic as well as recycling bins. Additionally, the project would provide seven electric vehicle (EV) charging stations.

POLICY CONTEXT AND CODE COMPLIANCE

Hayward 2040 General Plan. The project site is in an area designated as Industrial Technology and Innovation Corridor (IC) in the *Hayward 2040 General Plan*[4]. The Corridor is expected to grow as an economic and employment center and evolve to achieve a healthy balance of manufacturing, warehousing and logistics as well as newer information and technology-based uses. Allowable uses include professional offices, corporate campuses, research and development, warehousing and logistics, manufacturing, and biotechnology.

The proposed development would meet *Hayward 2040 General Plan* goals and policies related to expanding the economic and employment base in Hayward (Land Use Goal 6), enhancing the visual character of the site, employing building and site design strategies and including employee amenities (Land Use Policies-6.6, 6.7 and 6.8).

Zoning Ordinance. The proposed development is located in the IG (General Industrial) sub-district[5] where industrial speculative buildings over 150,000 square feet in size are subject to Conditional Use Permit approval. Pursuant to HMC Section 10-1.1605(B), industrially zoned sites over 10 acres in size are subject to Major Site Plan Review approval. The proposed

[3] City of Hayward Reach Code Initiative: https://www.hayward-ca.gov/reach-code
[4] Hayward 2040 General Plan: https://www.hayward2040generalplan.com/
[5] Hayward Municipal Code Section 10-1.1600, Industrial Districts. https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.1600INDI

industrial building and site design meets the IG District standards for new development as shown in Table 1 below:

Table 1. Proposed Development Consistency with IG District Standards			
	IG District Standard	**Proposed**	**Consistent**
Minimum Lot Size	20,000 sq. ft.	473,104 sq. ft.	Yes
Minimum Lot Frontage & Average Lot Width	70 feet	622.5 feet	Yes
Maximum Floor Area Ratio	0.8	0.46	Yes
Maximum Height	75 feet	46 feet	Yes
Minimum Yards			
Front	20 feet	26.83 feet to parking (north)	Yes
Sides	0 feet	194.83 to building (east)	Yes
		100.17 feet to the building (west)	Yes
Rear	0 feet	47.33 feet to building (south)	Yes
Minimum Landscaping	5%	15.4%	Yes
Parking	149 parking spaces	151 parking spaces	Yes
Minimum Employee Amenity Area	300 sq. ft.	2,024 sq. ft.	Yes
Minimum Open Space Area	10% of the site area or 47,310 sq. ft.	55,637 sq. ft.	Yes

In addition to meeting the development standards outlined in Table 1, the proposed development meets the Hayward Industrial District Design Guidelines[6] and the Supplemental Standards detailed in HMC Section 10-1.1606 in that:

- The proposed crosswalks from the pedestrian walkway in front of the building to the sidewalk along Enterprise Avenue enhance area connectivity.
- The proposed custom design metal screen that marks the front entrance to the building is a unique design element that complements building design.
- The proposed bicycle racks near the front entrance would be clearly visible and enhance safety and security and the truck loading docks and parking are located to the side of the building.
- The development is designed with a primary building entrance that is oriented toward the street and the building entrance includes substantial glazing and sculptural design elements clearly distinguishable from the street.
- The building mass is broken up with vertical elements, roof line variation and façade treatment with color and score lines.
- There are internal pedestrian walkways that run from the right-of-way, around the buildings and to the employee amenity area that is accessible from the interior of the building.
- Trash enclosures are designed with walls, roofs and are shielded from the right of way with landscaping.

As previously mentioned, the proposed project requires Major Site Plan Review due to the size of the project site. Major site plan review ensures that new and redeveloped large-scale development will achieve General Plan and other City goals, policies and regulations; that circulation components will interconnect with the overall street, bicycle, and pedestrian network of the district; that the development will incorporate sustainability elements; and

[6] Hayward Industrial District Design Guidelines. https://www.hayward-ca.gov/sites/default/files/Hayward%20Industrial%20District%20Design%20Guidelines_Adopted.pdf

that the overall site, building, landscaping, circulation and architectural design of the buildings will make a positive contribution to the neighborhood and City.
Per Section 10-1.3075[7], the Planning Commission may approve or conditionally approve an application when all of the following findings are made:

a. The proposed development is consistent with the General Plan, Zoning Ordinance, Design Guidelines, and any other applicable plan or program; and
b. The proposed development is consistent with the purpose, intent, and standards of the applicable zoning district and General Plan or Specific Plan designation and applicable design guidelines; and
c. The subject site is physically suitable for the type and intensity of the land use and development being proposed; and
d. The proposed development will be compatible with the planned land use character of the surrounding area and make a positive impact to the site and surrounding area; and
e. The proposed development will not have a substantial adverse effect on surrounding development and land uses.

In addition to Major Site Plan Review, the project requires a Conditional Use Permit due to the size of the industrial building. Per Section 10-1.3225, the Planning Commission or other approving authority may approve or conditionally approve an application when all of the following findings are made:

a. The proposed use is desirable for the public convenience or welfare;
b. The proposed use will not impair the character and integrity of the zoning district and surrounding area;
c. The proposed use will not be detrimental to the public health, safety, or general welfare; and
d. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

Staff has included more detail and analysis on the required findings for each entitlement in Attachment II.

Hayward Shoreline Adaptation Master Plan & Flood Plain Management Ordinance. On February 16, 2021, the City Council adopted Resolution No. 21-024 approving the Hayward Regional Shoreline Adaptation Master Plan[8]. The Master Plan provides background and existing conditions along the Hayward shoreline, assesses sea level rise and flood risk impacts and provides adaptation strategies and design strategies for the Hayward shoreline.

[7] Major Site Plan Review: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.3075MASIPLRE
[8] Hayward Regional Shoreline Adaptation Master Plan. https://www.hayward-ca.gov/sites/default/files/210510_Hayward%20Shoreline%20Adapatation%20Master%20Plan_Document_Pages.pdf

According to the Inundation Map prepared for the Master Plan, with two feet of sea level rise the project site is expected to be partially inundated, with the western half of the site and its southeastern corner flooded. A 100-year storm surge in combination with two feet of sea level rise is expected to inundate the entire site at its existing elevation.

In order to address the above stated factors, the proposed grading would raise the ground elevation over a majority of the site to be above the 100-year flood plain elevation of 11 feet (NAVD88). As such the proposed building would meet all flood protection requirements and be constructed with a finish floor elevation of 15 feet (NAVD88), which is four feet above the current 100-year flood plain elevation and would provide protection for up to four feet of sea level rise for the building. Overall, the site would be sufficiently elevated to be reasonably operational with up to two feet of sea level rise although the southern access road and portions of the loading dock on the eastern side of the building may be subject to periodic inundation during king tide events with approximately one foot of sea level rise.

STAFF ANALYSIS

Staff has reviewed the project application and believes that the Planning Commission can make the required Findings to approve the Major Site Plan Review and Conditional Use Permit and related environmental analysis for the proposed project (Attachment II), subject to the proposed conditions of approval.

As detailed in the sections above, the proposed development is consistent with the General Plan land use designation and related policies, the Zoning Ordinance, and all applicable Design Guidelines. The approximately 10.9-acre site is suitable for the scale and intensity of the proposed development and meets all applicable standards. The proposed architecture includes strategies to break up the building mass and increase façade articulation such as variation in roof line, vertical elements, horizontal and vertical score lines, color planes, glazing and custom designed metal screen at the main entrance. Vehicular and pedestrian circulation would occur around the building where the interior of the site would be connected to the street through cross walks from pedestrian walkways at the front of the building to the proposed sidewalk along Enterprise Avenue at the front of the site.

The project also proposes an employee patio and ample landscaping around the perimeter of the site and will be designed to create a development that is compatible with and complementary to other new large scale industrial developments approved in the general vicinity. The proposed development would also result in development of a currently underutilized site and integration of the existing transmission towers onto the building in a manner that would not exacerbate existing conditions. Thus, the proposed development would not be detrimental in its impact on surrounding development.

The project site is subject to inundation from a 100-year flood event and potential sea level rise. However, the project proposes raising a majority of the site and consequently the proposed building above the 100-year flood elevation of 11 feet (NAVD) for constructability. Overall, the significant investment related to the development of the subject site will have a positive impact in the immediately surrounding area and the industrial districts as a whole. Warehouses and distribution facilities over 150,000 square feet are subject to approval of a Conditional Use Permit. The proposed use is desirable for the public convenience and

welfare in that warehouses and distribution facilities are necessary to provide consumers with goods and services in a convenient and timely manner.

As described above, the proposed buildings would not be detrimental to the character and integrity of the IG District or the surrounding area. However, in that the proposed building is speculative and tenant(s) have not been identified, proposed Condition No. 5 would limit the potential uses that could locate within the building to those permitted in the IG District as detailed in the Hayward Municipal Code. Any uses allowed in the IG District that would require an Administrative Use Permit or Conditional Use Permit would be subject to a separate review process and would be conditioned to minimize or eliminate potential nuisances. As agreed by the applicant, staff has added a condition of approval (COA No. 5), which prohibits the establishment of a Truck Terminal and/or Last Mile Distribution Center at the subject site. Further, staff has added a condition of approval (COA No. 6) that would require that all uses on the site be subject to the limitations of Outdoor Storage and Performance Standards provided in the Industrial District regulations to minimize nuisances associated with future uses. As conditioned, staff believes that the Planning Commission can make the findings to approve the proposed project and related environmental analysis.

ENVIRONMENTAL REVIEW

An Initial Study evaluating the potential environmental impacts of this project was prepared in accordance with the California Environmental Quality Act (CEQA). The Initial Study found that the proposed project would result in potential impacts in the areas of Air Quality, Biological Resources, Cultural Resources, Geology & Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Transportation/Traffic and Tribal Cultural Resources, and contains mitigation measures to reduce the identified impacts to a level of less than significant.

A Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was filed with the State Clearing House, and the Alameda County Clerk on July 29, 2022. The NOI and the Initial Study were posted at the Permit Center and the City Clerk's Office at City Hall; delivered to both Hayward libraries; and posted on the City's website. Copies of the NOI were sent to interested parties and property owners within 300 feet of the project site on July 29, 2022. The public comment period for the proposed Mitigated Negative Declaration and Initial Study ran from July 29, 2022, to August 29, 2022, and as described in Public Outreach section of this report, the City did receive correspondence from the Bay Area Air Quality Management District (BAAQMD), the Department of Toxic Substances Control (DTSC), and the Bay Conservation and Development Commission (BCDC).

Staff has reviewed the comments and responded to those comments in Attachment VII. The comments received from BAAQMD and DTSC recommend measures and practices to further reduce impacts that have been mitigated to a less than significant level through mitigation measures incorporated in the project's Initial Study/Mitigated Negative Declaration (IS/MND) and the comment received from BCDC was advisory in nature and tied to impacts to the shoreline. Based on staff review of the comments received, staff believes that the proposed mitigation measures listed in the IS-MND are sufficient to mitigate any impacts to a less than significant level and as such, no revisions to the IS-MND are necessary.
The IS/MND reviewed the project as proposed and contains full analysis about project impacts which can be mitigated to a level of less than significant. A copy of the IS/MND and

Mitigation Monitoring and Reporting Plan (MMRP) are attached to this report (Attachments V and VI, respectively), and the mitigation measures have been included as conditions of approval for the project. Since publication of the Draft IS/MND, staff has made an administrative revision in Mitigation Measure BIO-6 to further clarify the timing for compliance with the subject mitigation measure and removed a typographical error in the MMRP to ensure consistency with the published Public Draft IS/MND. The Commission will consider and adopt findings related to the approval of the environmental analysis prepared for the project.

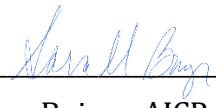
NEXT STEPS

If the Planning Commission approves the Major Site Plan Review and Conditional Use Permit and approves the environmental analysis prepared for the project, then a 10-day appeal period will commence from the date of decision. If no appeal is filed, then the decision will be deemed final. If an appeal is filed within the 10-day time frame, then the application will be heard by the City Council for the final disposition.

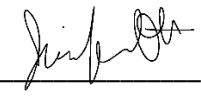
Prepared by: Ranu Aggarwal, AICP, Consulting Planner

Recommended by: Jeremy Lochirco, Planning Manager

Approved by:



Sara Buizer, AICP
Deputy Development Services Director



Jennifer Ott
Assistant City Manager/Development Services Director

DRAFT FINDINGS FOR MAJOR SITE PLAN REVIEW AND CONDITIONAL USE PERMIT NO. 202102725 DEVELOPMENT OF A 219,656 SQUARE FOOT INDUSTRIAL SHELL BUILDING AND ASSOCIATED SITE IMPROVEMENTS AND APPROVAL OF A MITIGATED NEGATIVE DECLARATION WITH MITIGATION MONITORING AND REPORTING PROGRAM FOR DERMODY PROPERTIES AT 3636 ENTERPRISE AVENUE, HAYWARD

CALIFORNIA ENVIRONMNTAL QUALITY ACT

A. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15220, an Initial Study (IS) was prepared for this project with the finding that a Mitigated Negative Declaration (MND) was appropriate because all potential impacts could be mitigated to a level of less than significant with the implementation of Mitigation Measures that were incorporated as conditions of approval for the Project.

B. That the proposed MND was prepared by Rincon Consultants Inc., on behalf of the City of Hayward acting as the Lead Agency, and that the MND was circulated with a thirty (30) day public review period between July 29, 2022, and August 29, 2022.

C. That the City received three comment letters from three public agencies, namely, the Bay Area Air Quality Management District (BAAQMD), California Department of Toxic Substances Control (DTSC), and San Francisco Bay Conservation and Development Commission (BCDC). Comments from BAAQMD and DTSC included practices and additional measures to further reduce air quality and Hazards and Hazardous Materials impacts. These practices and measures were incorporated as conditions of approval for the proposed project although they are not necessary to reduce the identified impacts to a level of less than significant.

D. That the proposed MND was independently reviewed, considered, and analyzed by the Planning Commission and reflects the independent judgment of the Planning Commission; that such independent judgment is based on substantial evidence in the record; that the Planning Commission adopts the proposed MND and its findings and conclusions as its source of environmental information; and that the proposed MND is legally adequate and was completed in compliance with CEQA.

E. That the proposed MND identified all potential adverse impacts and mitigation measures to reduce the effects of such impacts in the areas of Air Quality, Biological Resources, Cultural Resources, Geology & Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Transportation/Traffic and Tribal Cultural Resources. Based on the MND and the whole record before the Planning Commission, there is no substantial evidence that the project will have a significant effect on the environment.

F. That the project complies with CEQA, and that the proposed MND was presented to the City Council, which reviewed and considered the information contained therein prior to approving the project. The custodian of the record of proceedings upon which this decision is based in the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94544.

MAJOR SITE PLAN REVIEW

Pursuant to Hayward Municipal Code (HMC) Section 10-1.3081, the Planning Commission may approve or conditionally approve the application for Major Site Plan Review for the approximately 10.9-acre industrial shell building when all of the following findings are made:

A. The proposed development is consistent with the General Plan, Zoning Ordinance, Design Guidelines, and any other applicable plan or program.

The proposed development would meet *Hayward 2040 General Plan* goals and policies related to the Industrial Technology and Innovation Corridor (Industrial Corridor) land use designation in that the proposed development would yield a new economic and employment facility that would expand the employment base in Hayward (Land Use Goal 6), and in that the proposed development would enhance the visual character of the site by employing building and site design strategies, which would also include employee amenity and landscaping. (Land Use Policies- 6.6, 6.7 and 6.8).

The proposed industrial building and related site improvements meet the standards and requirements set forth in the IG (General Industrial) District. Specifically, the site meets minimum lot requirements; the building meets the setbacks, Floor Area Ratio (FAR) and maximum height standards for structures; and the proposed site improvements including parking, circulation, employee amenity and landscaping all meet or exceed minimum requirements set forth in the Municipal Code. In addition, the proposed development meets the Hayward Industrial District Design Guidelines in that:

- The proposed crosswalks from the pedestrian walkway in front of the building to the sidewalk along Enterprise Avenue enhance area connectivity.
- The proposed custom design metal screen that marks the front entrance to the building is a unique design element that complements building architecture.
- The proposed bicycle racks near the front entrance would be clearly visible and enhance safety and security and the truck loading docks and parking are located to the side of the building.
- The development is designed with a primary building entrance that is oriented toward the street and the building entrance includes substantial glazing and sculptural design elements clearly distinguishable from the street.
- The building mass is broken up with vertical elements, roof line variation and façade treatment with color and score lines.
- There are internal pedestrian walkways that run from the right-of-way, around the buildings and to the employee amenity area that is accessible from the interior of the building.
- Trash enclosures are designed with walls, roofs and are shielded from the right of way with landscaping.

B. The development is consistent with the purpose, intent, and standards of the applicable zoning district and General Plan or Specific Plan designation and applicable design guidelines.

As detailed in Finding A above, the proposed industrial development meets the applicable standards set forth in the IC General Plan land use designation, the

applicable IG District, and the Industrial Design Guidelines. The proposed development is also consistent with the purpose and intent of those regulations in that it would result in a significant investment in the City that could attract advanced manufacturing and other high tech uses. The proposed site and building design would provide a desirable working environment and enhance the surrounding industrial neighborhood and district.

C. The subject site is physically suitable for the type and intensity of the land use and development being proposed.

The approximately 10.9-acre rectangular site is relatively flat and is suitable for the scale and intensity of the proposed development. The proposed Floor Area Ratio (FAR), which measures the intensity of the proposed land use, is 0.46, well below the 0.8 permitted FAR maximum. The site, as designed, will provide adequate vehicular and pedestrian circulation around the building, ample landscaping, and an employee amenity area at the southwestern corner of the building.

The majority of the project site is subject to inundation in a 100-year flood event and in the event of two or more feet of sea level rise. The proposed development addresses this constraint by grading to raise majority of the site above the 100-year flood plain elevation of approximately 11 feet (NAVD). Raising the site in this manner allows for the constructability and operation of the proposed development on this site in the future and during storm events.

D. The proposed development will be compatible with the planned land use character of the surrounding area and make a positive impact to the site and surrounding area.

The proposed project will be a significant investment on the site, resulting in a positive impact to the site and surrounding industrial area. The proposed site includes ample parking and landscaping, which would be compatible with and complementary to other large scale industrial developments in the general vicinity, including the industrial development at 25450-25550 Clawiter Road, which is located approximately 0.6 miles east of the project site. The proposed development would also enhance its surroundings with high quality architectural details, including a decorative metal screen at the entrance.

E. The proposed development will not have a substantial adverse effect on surrounding development and land uses.

The project site is located across the Hayward wastewater treatment facility on Enterprise Avenue and is adjacent to an industrial/commercial facility to its west. The character of the area is industrial, and the proposed development would result in the construction of a building that would be designed to be compatible with the surrounding IG District. Any uses allowed in the IG District that would require an Administrative Use Permit or Conditional Use Permit would be subject to a separate review process and conditioned to minimize or eliminate potential nuisances. Additionally, any future uses within the subject buildings would be subject to Performance Standards set forth in the Industrial Districts regulations thus minimizing potential nuisances.

CONDITIONAL USE PERMIT

Pursuant to Hayward Municipal Code (HMC) Section 10-1.3225, the approving authority may approve or conditionally approve an application for Conditional Use Permit for the speculative industrial buildings that exceed 150,000 square feet when all of the following findings are made:

A. The proposed use is desirable for the public convenience or welfare.

The proposed use includes the development of an industrial shell building with over 150,000 square feet, which is desirable for the public convenience and welfare in that large-scale warehouses and distribution facilities are necessary to provide consumers with goods and services in a convenient and timely manner. While the future tenant(s) of the proposed facility have not been identified, a condition of approval requires that future uses follow the use regulations set forth in the IG District. As described in Major Site Plan Review Finding C above, the proposed scale and intensity of the proposed development is appropriate for the site and similar to other industrial projects in the vicinity.

B. The proposed use will not impair the character and integrity of the zoning district and surrounding area.

The proposed project is consistent with the purpose and intent of the Industrial Corridor General Plan land use designation and the General Industrial (IG) zoning district in that the proposed development would provide a major investment in the area by creating a new facility that would be capable of attracting advanced manufacturing and other high tech uses. The site and building design, including the employee amenity and landscaping, would create an environment that enhances the surrounding industrial neighborhood and district as a whole.

The project site is located across the Hayward wastewater treatment facility on Enterprise Avenue and is adjacent to an industrial/commercial facility to its west. The character of the area is industrial, and the proposed development would result in the construction of a building that would accommodate uses compatible with other projects the surrounding IG District. It would signal a significant investment in the subject property and industrial area thus resulting in a positive impact to the zoning district and surrounding area.

C. The proposed use will not be detrimental to the public health, safety, or general welfare.

The proposed speculative industrial building that exceeds 150,000 square feet in size will not be detrimental to the public health, safety, or general welfare provided that future uses follow the use regulations set forth in the IG District. In the event the use(s) proposed requires an Administrative or Conditional Use Permit, additional site and business specific plans will be reviewed and evaluated for conformance with the City's regulations and conditioned to reduce or eliminate potential nuisances and ensure neighborhood compatibility.

D. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

As detailed in the Findings above, the proposed industrial shell building meets the applicable standards set forth in the Industrial Corridor General Plan land use designation, the applicable IG District, and Industrial Design Guidelines.

The proposed development is also consistent with the purpose and intent of those regulations in that it would signal a significant investment in the City that could attract advanced manufacturing and other high tech uses. Additionally, the site and building design including the employee amenity and landscaping areas that that would enhance the surrounding industrial neighborhood and district as a whole.

CONDITIONS OF APPROVAL
MAJOR SITE PLAN REVIEW AND CONDITIONAL USE PERMIT NO. 202102725 DEVELOPMENT OF A 219,656 SQUARE FOOT INDUSTRIAL BUILDING AND RELATED SITE IMPROVEMENTS AND MITIGATED NEGATIVE DECLARATION WITH MITIGATION MONITORING AND REPORTING PROGRAM FOR DERMODY PROPERTIES AT 3636 ENTERPRISE AVENUE

PLANNING

General:

1. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.

2. Major Site Plan Review and Conditional Use Permit Application No. 202102725 is approved subject to the Architectural, Civil and Landscape plans received by the City on October 8, 2021, except as modified by the conditions listed below. Any proposal for alterations to the conditionally approved site plan or building design that does not require a variance to any zoning ordinance standard shall be subject to review and approval by the Development Services Director or her designee prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission, if applicable.

3. The building colors and materials shown on the building permit plans shall match those shown on the architectural plans, color/material exhibit and renderings received by the City on October 8, 2021. Any revision to the approved colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit.

4. The employee amenity area shall be provided in the same location of the same size and with the same amenities shown on the Site Plan and Landscape Plans received by the City on October 8, 2021. The employee amenity area and improvements shall be included on the improvement plans and shall be reviewed and approved by the Planning Division prior to the approval of Improvement Plans.

5. Future uses shall follow the use regulations for the IG (General Industrial) District set forth in Hayward Municipal Code Section 10-1.1603, as amended from time to time, with the exception that a Truck Terminal and/or Last Mile Delivery Station is prohibited at the site.

6. All uses on the site are subject to the limitations on Outdoor Storage and Performance Standards provided in the Industrial Districts regulations set forth in the Hayward Municipal Code, as amended from time to time, unless otherwise permitted through separate permit.

7. The final design and placement of the metal screen at the front entrance shall be provided on the building permit application and shall be reviewed and approved by the Planning Division.

8. The radio towers that be located in roughly the same location as the existing towers and shall not exceed the height of the existing towers (229 feet from grade). The building permit plans shall identify the locations of the existing and proposed towers and heights of the existing and proposed towers.

9. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.

10. All lighting fixtures on the site, the employee amenity areas and in the parking lot shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, patios or balconies shall be recessed/shielded to minimize visual impacts.

11. All vents, gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.

12. All exterior and rooftop mechanical equipment shall be screened or located away from public view. Mechanical and rooftop equipment shall include, but is not limited to, electrical panels, pull boxes, air conditioning units, gas meters, and swimming pool equipment. All rooftop screening and mechanical equipment shall be shown on the project plans and be subject to final review and approval by City staff prior to the issuance of an occupancy permit. All screening shall be compatible with respect to forms and materials used on the building.

13. All above-ground utility meters, generators, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs or an architectural screen from all perspectives. All equipment shall be designed to be compatible with respect to location, form, design, exterior materials, and noise generation. The applicant shall identify all screens on the building permit and landscape plans prior to the issuance of improvement plans and building permits.

14. No signs are approved with this project. All signage shall be reviewed and approved by the Planning Division and a Sign Permit application shall be required, consistent with Hayward Municipal Code Sign Ordinance requirements.

15. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City' s requirement for full compliance may require minor corrections and/or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were filed to construct the project.

16. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions or issuance of a building permit.

17. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.

18. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.

19. The Planning Director or designee may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.

20. The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.

21. The applicant shall be responsible for graffiti-free maintenance of the property and shall remove any graffiti within 48 hours of occurrence or City notification.

22. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.

23. Within 60 days of following the issuance of a building permit and prior to construction, the applicant shall install one non-illuminated "Coming Soon" sign on the project site that includes a project rendering, a project summary, and developer contact information. The sign shall be constructed of wood or recyclable composite material, be placed in a location at least ten (10) feet back from the property line, and shall not impede pedestrian, bicycle, and vehicular visibility or circulation. The sign shall be maintained in accordance with Section 10-7-709 of the Hayward Municipal Code and may be up to thirty-two (32) square feet of sign area and shall not exceed ten (10) feet in height. Sign design, size and location shall be reviewed and approved by the Planning Division prior to placement.

24. Impact Fees. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay the impact fee rate that is in effect at the time of building permit issuance.

25. In accordance with Hayward Municipal Code (HMC) Sections 10- 1.3085 and 10-1.3255, approval of Major Site Plan Review and Conditional Use Permit is void 36 months after the effective date of approval unless:

    a. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or his/ her designee. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of

the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval; or

b. A time extension of the approval has been granted by the Development Services Director or his/her designee, which requires that a request for an extension of this approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval.

MITIGATION MEASURES

26. **AQ-1a: Tier 4 Construction Equipment.** Off-road, diesel-fueled construction equipment greater than 50 horsepower (hp) shall meet the California Air Resources Board's Tier 4 Final emissions standards for certified engines or cleaner off-road heavy-duty diesel engines. Documentation of Tier 4 equipment for project construction shall be submitted to the City prior to the issuance of a grading permit.

27. **AQ-1b: Low VOC-Paint.** Paint used for the project, such as exterior paint for the building, shall contain between zero and 10 milligrams per liter of volatile organic compounds. Paints and architectural coatings containing volatile organic compounds in concentrations exceeding 10 milligrams per liter shall not be used for the project.

28. **BIO-1: Rare Plant Preconstruction Survey.** Prior to issuance of a grading permit, a qualified botanist will conduct a protocol-level rare plant survey during the blooming period for Congdon's tarplant (June through October). The botanist will also map any sensitive natural communities that may be present on the project site, such as alkali heath marsh. A report detailing the results of the survey will be submitted to the City within 30 days of completion. If Congdon's tarplant or other rare plant species are detected within the project site and project design cannot be altered to avoid impacts, the applicant shall conduct habitat restoration and enhancement in nearby rare plant habitat at a minimum of 1:1 ratio. Nearby habitat for purposes of this mitigation shall consist of habitat in Alameda County, including within incorporated cities. Details of the restoration and enhancement shall be included in a biological resources mitigation and monitoring plan as described in Mitigation Measure BIO-5.

29. **BIO-2: Nesting Bird Avoidance and Minimization Efforts**. Project construction shall be conducted outside of the nesting season to the extent feasible (September 1 to January 31). If vegetation removal, grading, or initial ground-disturbing activities are conducted during the nesting season, a qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days prior to vegetation removal or initial ground disturbance. Nesting habitat may include grasslands, shrubs, trees, snags and open ground. The existing radio towers on-site could also be used for nesting birds, and therefore shall also be included in the survey for active nests. The survey shall include the entire project site and up to a 300-foot buffer of the project site for raptor nests and a 250-foot buffer of the project site for western snowy plover nests.

    If active nests of protected species are found within project impact areas or close enough to these areas to affect breeding success, the biologist shall establish a species-specific work exclusion zone around each nest that shall be followed by the

contractor. Established exclusion zones shall remain in place until all young in the nest have fledged or the nest otherwise becomes inactive (e.g., due to predation). Appropriate exclusion zone sizes vary dependent upon bird species, nest location, existing visual buffers, ambient sound levels, and other factors; an exclusion zone radius may be as small as 50 feet (for common, disturbance-adapted species) or as large as 300 feet or more for raptors. Exclusion zone size may also be reduced from established levels if supported with nest monitoring by a qualified biologist indicating that work activities outside the reduced radius are not adversely impacting the nest. The biologist shall submit a report of the preconstruction nesting bird survey to the City to document compliance within 14 days of its completion.

30. **BIO-3: Salt Marsh Harvest Mouse Avoidance.** To avoid impacts to salt marsh harvest mice that may enter the site from adjacent suitable habitat, a pre-activity clearance survey shall be conducted by a qualified biologist immediately prior to vegetation clearing activities, focused on the project site within 100 feet of adjacent marsh habitat to the southwest. The qualified biologist shall monitor vegetation clearing activities, which shall be conducted using hand-tools within 100 feet of suitable salt marsh harvest mouse habitat. Following vegetation clearing activities, silt fencing shall be installed at the southern edge of the project site to exclude mice from active construction areas. The fence shall be of suitable material to avoid wildlife entanglement and frequent tearing. The bottom edge of the silt fence shall be buried 6 inches below ground. Stakes to support the silt fence shall be installed on the project site side of the fence to discourage wildlife from climbing into the site. The construction contractor shall inspect and maintain the fence daily to repair tears and holes.

31. **BIO-4: Artificial Light Impact Reduction.** Impacts from lighting elements used during construction or installed as part of the development project shall be minimized to the greatest extent possible through use of shields, dimming technology, or angling lighting down and away from adjacent sensitive wildlife habitat. The lighting plan shall be prepared by the applicant and reviewed by the City to ensure sufficient efforts have been made to reduce impacts to wildlife.

32. **BIO-5: Habitat Restoration/Enhancement Plan.** Prior to issuance of a grading permit, the project applicant shall prepare a site-specific Habitat Restoration/Enhancement Plan (HREP) for review and approval by the City. Where the project applicant cannot avoid impacts to Congdon's tarplant, sensitive natural communities, or jurisdictional habitat (e.g., seasonal wetlands, alkali heath marsh), impacts shall be offset through habitat restoration and/or enhancement at a minimum ratio of 1:1 (habitat restored and/or enhanced to habitat impacted) in accordance with the HREP and in coordination with regulatory agencies. A qualified biologist shall develop the HREP pursuant to the requirements listed below.

    The HREP shall include, at a minimum, the following components:

    a. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);

    b. Goal(s) of the compensatory mitigation project (i.e., the type/types and area/areas of habitat to be established, restored, enhanced, and/or

preserved; specific functions and values of habitat type/types to be established, restored, enhanced, and/or preserved);

c. Description of the proposed compensatory mitigation-site (i.e., location and size, ownership status, existing functions and values of the compensatory mitigation-site);

d. Implementation plan for the compensatory mitigation site (the plan will include rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan, including plant species to be used, container sizes, and seeding rates);

e. Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (the plan will include activities, responsible parties, and schedule);

f. Monitoring plan for the compensatory mitigation-site, including no less than quarterly monitoring for the first year; the plan will include performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports;

g. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type;

h. An adaptive management program and remedial measures to address negative impacts to restoration efforts;

i. Notification of completion of compensatory mitigation and agency confirmation; and

j. Contingency measures (e.g., initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

33. **BIO-6: Jurisdictional Delineation and Permit.** Prior to issuance of grading permit, the project applicant shall direct a qualified biologist to delineate those areas on the project site that are under the jurisdiction of United States Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB). The qualified biologist shall submit the jurisdictional delineation to the City, USACE, and/or RWQCB, as appropriate, for review and approval. If the project cannot be designed to avoid impacts to jurisdictional resources, the project applicant shall obtain appropriate regulatory permits and implement all required mitigation measures as instructed by the regulating agency. Examples of mitigation measures could include, but are not limited to, the following:

- Compensatory mitigation
- Establishing or creating new wetlands off-site
- Purchasing credits with an established wetland mitigation bank

34. **CR-1: Worker Environmental Awareness Program.** A qualified archaeologist shall be retained to conduct a worker environmental awareness program (WEAP) training for archaeological sensitivity for all construction personnel prior to the

commencement of any ground disturbing activities. Archaeological sensitivity training shall include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.

35. **CR-1: Unanticipated Archaeological Resources.** If archaeological resources are encountered during ground-disturbing activities, work within 50 feet of the find shall be halted and an archaeologist meeting the Secretary of the Interior's

Professional Qualification Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate significant impacts to historical resources.

36. **GEO-1: Geotechnical Considerations.** All existing improvements not to be reused for the current development, including all foundations, flat work, pavements, utilities, and other improvements shall be demolished and removed from the site.

- The site shall be stripped of all surface vegetation, as well as existing surface and subsurface improvements that are to be removed within the proposed development area. Surface vegetation and topsoil shall be stripped to a sufficient depth to remove all material greater than three percent organic content by weight.
- All fills shall be completely removed within building areas into a lateral distance of at least five feet beyond the building footprint or to a lateral distance equal to filled depth below the perimeter footing, whichever is greater.
- After site clearing and demolition is complete, and prior to backfilling any excavations resulting from fill removal or demolition, the excavation subgrade and subgrade within areas to receive additional site fills, slabs-on-grade and or pavements shall be scarified to a depth of six inches, moisture conditioned, and compacted in accordance with the compaction section detailed further in the Geotechnical Report Titled "Enterprise-Whitesell Industrial Building", dated March 2, 2021, prepared by Cornerstone Earth Group, and included as Appendix GEO with the IS/MND prepared for the project.
- Utility lines constructed within public right of way shall be trenched, betted and shaded, and backfilled in accordance with the local or governing jurisdictional requirements. Utility lines on the project site shall be constructed in accordance with the requirements outlined in Geotechnical Report Titled "Enterprise-Whitesell Industrial Building", dated March 2, 2021, prepared by Cornerstone Earth Group, and included as Appendix GEO with the IS/MND prepared for the project.
- Ponding shall not be allowed adjacent to the building foundation, slabs-on-grade, or pavements. Hardscape surfaces shall slope at least two percent towards suitable discharge facilities; landscape areas shall slope at least three percent towards suitable discharge facilities. Roof runoff should be directed away from the proposed building in closed conduits, to approved infiltration facilities, or onto hardscape surfaces that drain to suitable facilities. Retention,

detention or infiltration facility shall be spaced at least 10 feet from the proposed building, and preferably at least five feet from slabs-on-grade or pavement.

- Since the near-surface soils are moderately to highly expansive, the amount of surface water infiltrating these soils near foundations and exterior slab-on-grade shall be reduced. This shall typically be achieved by:
    - Using drip irrigation
    - Avoiding open planting within three feet of the perimeter building or near the top of existing slopes
    - Regulating the amount of water distributed to lawns or planters by using irrigation timers
    - Selecting landscape with little to no watering, especially in near foundations
    - Other similar measures or techniques developed by a civil or geotechnical engineer and specific to the project site conditions and proposed project design.

37. **GEO-2: Unanticipated Discovery of Paleontological Resources.** In the event an unanticipated fossil discovery is made during the course of project development, construction activity shall be halted in the immediate vicinity of the fossil, and a qualified professional paleontologist shall be notified and retained to evaluate the discovery, determine its significance, and determine if additional mitigation or treatment is warranted. Work in the area of the discovery shall not resume until after the find is properly documented and authorization is given to resume construction work. Significant paleontological resources found during construction monitoring shall be prepared, identified, analyzed, and permanently curated in an approved regional museum repository under the oversight of the qualified paleontologist.

38. **GHG-1: Greenhouse Gas Reduction Plan.** The project applicant shall contract with a qualified professional, such as a GHG specialist or sustainability consultant, to prepare and implement a Greenhouse Gas Reduction Program (GHGRP) that includes on-site GHG reduction measures to reduce the project's total remaining GHG emissions to 660 MT of CO2e per year or less. Potential options include, but would not be limited to:

    - Supply 100 percent of electricity from renewable energy resources. Options include opting into East Bay Community Energy Brilliant 100 or Renewable 100 plan (carbon-free energy or renewable), East By Community or PG&E's Regional Renewable Choice (opting to supply 100 percent of annual energy usage) Program.
    - Implement a transportation demand program. Program measures may include installation of additional electric vehicle charging stations, unbundled parking costs, bicycle amenities (storage, showers, lockers, etc.), carpool or ridesharing programs, free transit passes for employees, electric rideshare vehicles for employees, and construction of additional transit infrastructure at the project site (e.g., bus stop shelter improvements).
    - Install water-efficient fixtures such low flow toilets and faucets.

- Implement a zero-waste program or other feasible waste-reduction measures.

After implementation of feasible on-site GHG reduction measures, the project applicant may also implement one of, or a combination of, the following off-site measures to achieve up to 50 percent of the total necessary GHG emission:

- Directly undertake or fund activities that reduce or sequester GHG emissions ("Direct Reduction Activities") and retire the associated "GHG Mitigation Reduction Credits." A "GHG Mitigation Reduction Credit" must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB's most recent Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation (CARB 2013). An "Approved Registry" is an accredited carbon registry that follows approved CARB Compliance Offset Protocols. As of April 2021, Approved Registries include American Carbon Registry, Climate Action Reserve, and Verra (CARB 2018). Credits from other sources shall not be allowed unless they are shown to be validated by protocols and methods equivalent to or more stringent than the CARB standards. In the event that a project or program providing GHG Mitigation Reduction Credits to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring GHG Mitigation Reduction Credits specific to the registry involved and shall undertake additional direct investments to recoup the loss.
- Obtain and retire "Carbon Offsets." "Carbon Offset" shall mean an instrument issued by an Approved Registry and shall represent the past reduction or sequestration of 1 MT of CO2e achieved by a Direct Reduction Activity or any other GHG emission reduction project or activity that is not otherwise required (CEQA Guidelines Section 15126.4[c][3]). A "Carbon Offset" must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB's most recent Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation (CARB 2013). If the project applicant chooses to meet some of the GHG reduction requirements by purchasing offsets on an annual and permanent basis, the offsets shall be purchased according to the City of Hayward's preference, which is, in order of Hayward preference: (1) within the city; (2) within the BAAQMD jurisdictional area; (3) within the State of California; then (4) elsewhere in the United States. In the event that a project or program providing offsets to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring offsets specific to the registry involved and shall purchase an equivalent number of credits to recoup the loss.
- The project's total requisite emission reduction over the project's lifetime shall not be achieved entirely or 100 percent through obtaining carbon offsets.

Plan Requirements and Timing

Upon identifying a potential tenant, the applicant shall submit to Development Services Planning & Building Divisions and Public Works – Environmental Services & Transportation Divisions the GHGRP for review and approval prior to issuance of tenant improvements for the first tenant to occupy the space(s). A new GHGRP shall be required for each turnover (i.e., each new tenant) and shall be submitted with applications for tenant improvements. The GHGRP shall either reduce the project's emissions to 660 MT CO2e per year or shall incorporate all feasible actions to reduce emissions associated with electricity demand, transportation, and waste generation and shall purchase up to 50 percent carbon offsets. Development Services Planning & Building Divisions and Public Works – Environmental Services and Transportation Divisions, as appropriate, shall verify that project plans incorporate required GHG emission reduction measures per the GGRP prior to final design approval. Each emission reduction measure shall include a commitment enforceable by Development Services Planning Division and Public Works – Environmental Services Division.

Monitoring

Development Services Planning Division and Public Works – Environmental Services & Transportation Divisions, as appropriate, compliance monitoring staff shall confirm inclusion of the required GHG emission reduction measures into the project Conditional Use Permit. Compliance with all components of the GHGRP shall be verified prior to issuance of a Certificate(s) of Occupancy. The tenant shall be required to submit annual reports documenting GHG reduction measures, energy use, water use, solid waste collection, and a bi-annual employee mode of transportation survey. Upon at least three consecutive years of demonstrated compliance, and at the sole discretion of the Development Services Planning Division and Public Works – Environmental Services & Transportation Divisions, as appropriate, annual reporting may be suspended until tenant turnover.
Upon demonstrating compliance with a qualified GHG Reduction Strategy such as future updates to the Climate Action Plan adopted by the City of Hayward, the project may indefinitely suspend GHGRP reporting.

39. **HAZ-1: Project Demolition Activities.** In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of the on-site radio transmitter building to determine the presence of asbestos-containing materials (ACMs). At a minimum, vinyl flooring inside of the radio transmitter building shall be sampled and tested for ACMs. Documentation of the survey shall be provided to the City prior to commencement of demolition activities.

All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure. A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the

standards stated above in this mitigation measure. Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than 1 percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

40. **HAZ-2: Soil and Groundwater Vapor Management Plan.** The project applicant shall retain a qualified environmental consultant (PG or PE) to prepare a Soil and Groundwater Vapor Management Plan (SSVMP) prior to construction. The SSVMP, or equivalent document, shall be prepared to address onsite handling and management of impacted soils, groundwater, groundwater vapor, or other impacted wastes, and reduce hazards to construction workers and offsite receptors during construction. The SSVMP shall establish remedial measures and/or soil management practices to ensure construction worker safety, the health of future workers and visitors, and the offsite migration of contaminants from the site. These measures and practices may include, but are not limited to:

- Stockpile management including stormwater pollution prevention and the installation of Best Management Practices (BMPs)
- Proper disposal procedures of contaminated materials
- Monitoring and reporting
- A health and safety plan for contractors working at the site that addresses the safety and health hazards of each phase of site construction activities with the requirements and procedures for employee protection. The health and safety plan will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.

The SSVMP shall be submitted to the City prior to the commencement of demolition and construction. The City may also request the applicant submit the SSVMP to the San Francisco Bay RWQCB, at which time the applicant shall submit to the RWQCB. Otherwise, the City shall provide the SSVMP to the RWQCB after receipt from the applicant. The San Francisco Bay RWQCB and the City shall review and approve the SSVMP prior to demolition and grading (construction) and the project applicant shall review and implement the SSVMP prior to demolition and grading (construction). The demolition permit and grading permit and building permit needed for the project shall not be granted or issued until the SSVMP is approved by both the City and the San Francisco Bay RWQCB. If groundwater is encountered during ground-disturbing activities, work in the immediate area shall be halted and a qualified environmental consultant shall be contacted immediately to evaluate the situation. Work may continue on other parts of the project while impacted groundwater investigation and/or remediation takes place.

41. **HAZ-3: Groundwater Vapor Mitigation System.** The project applicant shall retain a qualified environmental consultant (PG or PE) to prepare a vapor mitigation system design for the proposed project.

The plan shall include, but is not limited to:

- Design specifications
- Material specifications
- Installation requirements
- Monitoring requirements
- The project applicant shall design and implement engineering measures or institutional controls (e.g., soil/groundwater vapor barrier) to prevent potential vapor intrusion into the proposed building in accordance with the measures included in the DTSC's Vapor Intrusion Guidance Document – Final (October 2011) and Vapor Intrusion Mitigation Advisory, Revision 1 (October 2011).
- Engineering measures or institutional controls shall be submitted to the City's Building Division and Planning Division prior to the issuance of any grading or building permits. Said engineering measures and institutional controls shall be peer reviewed by a qualified third-party contractor hired by the City at the project applicant's expense to confirm such measures and controls comply with applicable regulations. Consultation with the DTSC or a local cleanup agency may be required to confirm the appropriateness of the measures and controls.
- The project applicant and/or contractor shall retain a qualified professional to certify that the accepted measures and controls are properly constructed and functioning. Written verification shall be submitted to the City.
- The efficacy of the measures and controls shall be confirmed and certified by a qualified professional pursuant to the construction quality assurance/quality control testing guidance of the DTSC's Vapor Intrusion Guidance Document – Final (October 2011).
- The project applicant and contractor shall incorporate a sub-slab vapor barrier during construction, the implementation of which would prevent the potential for soil and groundwater vapors from migrating to indoor air.
- The San Francisco Bay RWQCB and the City shall review and approve the Vapor Mitigation System Design prior to construction. The project applicant shall review the Vapor Mitigation System Design and install the system during construction.

42. **HWQ-1: Interior Storage Requirement.** All chemicals or other products determined, designated, or otherwise categorized by the State of California as a hazardous material shall not be stored in spaces exterior to the proposed building in quantities exceeding 20 gallons. Storage of hazardous materials in quantities of 20 gallons or more shall be stored in the interior of the proposed building. If safety requirements prevent the storage of materials indoors, the materials shall be stored in a space providing secondary containment in the event of a spill and the space shall be constructed to prevent infiltration of flood waters based on the 100-year flood elevation published by the Federal Emergency Management Agency.

43. **TRA-1: VMT Reduction.** The project applicant and/or operator of the facility shall implement a rideshare program, provide employees with promotions and a marketing program encouraging transit use and cycling, and provide transit subsidies for 100 percent of project employees. The rideshare program shall include subsidies for employees who participate in carpool and vanpool programs

and provision of prime parking, such as close to the building entrance, for carpool or vanpool vehicles.

44. **TRA-2: Pedestrian and Bicycle Safety.** The project applicant shall install signage on the project site where each proposed driveway would cross the new proposed sidewalk along Enterprise Drive. The applicant shall coordinate with the City of Hayward on the specific design and location of the signs; at a minimum, the signage shall alert drivers and truck operators that they are approaching a pedestrian sidewalk and bicycle use area and to use appropriate caution to avoid accidental collisions.

45. **TCR-1: Archaeological and Native American Monitoring.** The applicant shall provide written notice in advance of commencement of ground disturbing activities including demolition, site preparation, grading or excavation to a Native American tribal representative from the Ione Band of Miwok Indians. The notice shall include an invitation for the tribal representative to be given access to the project site and retained under contract to conduct monitoring while excavation and ground-disturbing activities are ongoing. Should the Native American tribal representative fail to reply to the invitation or decide that their presence is not required, or necessary, ground-disturbing activities may continue in their absence.

    In the event that cultural resources of Native American origin that may be considered tribal cultural resources are identified during construction, all earth disturbing work within 50 feet of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and in consultation with the on-site Native American monitor, if present.

    If the archaeologist and Native American monitor determine that the resource is a tribal cultural resource and thus significant under CEQA, a treatment plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American tribes. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the appropriate Native American tribal representative(s). Examples of treatment could include recovery of the resource or resources and curation.

46. **TCR-1: Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin that may be considered tribal cultural resources are identified during construction, all earth disturbing work within 50 feet of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and in consultation with the on-site Native American monitor. If the archaeologist and Native American monitor determine that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate Native American tribal representative(s).

ADDITIONAL ENVIRONMENTAL MEASURES

47. The following measures shall be implemented during project construction:

a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

c. 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.

d. All vehicle speeds on unpaved roads shall be limited to 15 mph.

e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 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.

g. 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.

h. 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.

i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.

j. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.

k. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

l. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.

m. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

n. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

o. Portable diesel generators shall be prohibited from construction site where grid power is available, or alternatively-fueled generators such as propane or solar electrical power shall be used where grid power is not available.

p. On road haul trucks to be used shall have newer model engines (no more than eight years old).

q. EPA SmartWay certified trucks shall be used for deliveries and equipment transport.

r. Where available, off-road construction equipment shall be zero-emission, This requirement shall be included in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.

48. Applicant shall implement a program that incentivizes construction workers and building tenants to carpool, use EVs, or use public transit to commute to and from the site. The program may include the following features:

a. Provide a shuttle service to and from BART

b. Provide preferential parking to carpool vehicles, vanpool vehicles, and EV's

c. Schedule work shifts to be compatible with the schedules of local transit service

49. Applicant shall conduct surveys for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk for any build/structure proposed for demolition. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies.

50. Applicant shall conduct proper sampling of soil imported to backfill any excavated areas ensuring that the imported soil is free of contamination. The imported materials shall be characterized according to https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf.

ENGINEERING

General:

51. Utility systems within the flood zone such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the Base Flood Elevation (BFE) or protected from flood damage. An Elevation Certificate (FEMA Form 086-0-33) for the proposed improvements shall be submitted prior to issuance of grading permit. Developer shall secure the required Street Encroachment and/or Grading Permit prior to the issuance of any Building Permits associated with the project.

Due Prior to the Issuance of a Building Permit:

52. Developer shall secure the required Street Encroachment and/or Grading Permit prior to the issuance of any Building Permits associated with the project. Plans for grading and site improvements shall include details for required grading, material stockpiling, earth retaining structures, drainage, utility services, stormwater pollution prevention measures, landscape and lighting improvements and improvements in the street right-of-way complying with the Planning approval and necessary to develop the project site.

53. Improvements required in the street right-of-way fronting the project shall include the following:

    a. Install new concrete curb, gutter, driveways and sidewalk along west side of Enterprise Avenue fronting the applicant's property as per plans approved by the City Engineer.

    b. Remove existing one-half width A.C. pavement to the centerline of street fronting the property and replace with A.C. pavement to provide a Traffic Index not less than 7.5.

    c. Grind and repave a minimum top 2-inch of existing street pavement with hot-mix asphalt concrete. Replace existing pavement markings with thermoplastic markings.

    d. Pavement improvements shall extend east of the project frontage to the western curb return of the Enterprise and Whitesell intersection.

54. All plans and their related engineering studies and design documents shall be prepared by the State licensed and qualified professionals and shall comply with Chapter 10, Article 8 of the Hayward Municipal Code and the current City Standard Details, available online.

55. Existing utility poles and pole mounted utilities fronting the property shall be replaced with underground utilities. All new utility service connections to the project shall be installed underground.

56. The grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be designed in accordance with the recommendations of the soils report prepared by a licensed civil or geotechnical engineer with contents acceptable to the City Engineer, except when waived by City. Final grading and drainage plans for the grading permit shall be reviewed and signed by the soils report engineer indicating compliance with the recommendations in the report.

57. Structural calculations and details prepared by a licensed civil or structure engineer are required for all earth retaining structures greater than 4-feet in height (top of wall to bottom of footing) and shall be reviewed and approved by the Building Division of the Development Services Department.

58. The project shall not block runoff from, or augment runoff to, adjacent properties. The developer may be required to mitigate augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.

59. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. On site drainage shall be collected and conveyed to public drainage system as per plans approved by the City Engineer. The storm drainage system shall be designed to convey a 10-year storm event.

60. Drainage plans should include all proposed underground pipes, building drains, area drains and inlets. All building sites shall be graded to slope away from the building foundations with minimum slope of two percent (2%) or as required by the Soils Engineer. On-site collector storm drains shall be sized to minimize potential for blockages. Storm drains shall be designed to prevent standing water.

61. The On-site storm conveyance and treatment systems shall be owned and maintained by the property owner.

62. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted together with plans showing, at a minimum, drainage management areas, location and details of all treatment control and site design measures, and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 design guidance.

63. Land disturbance of one acre or more on the project site will require the developer to submit to the City Engineer the Notice of Intent and WDID issued by the State Water Resources Control Board and a Storm Water Pollution Prevention Plan (SWPPP) before issuance of a grading permit. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD) utilizing the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances and other generally accepted engineering practices.

64. Flood Zone Requirements: Portions of the project site are within the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area designation AE and shall comply with Section 9, Chapter 4 Flood Plain Management of the Hayward Municipal Code. The project is subject to the following conditions:

    a. The lowest floor elevation of the proposed buildings shall be elevated to at least one foot above the base flood elevation (BFE).

    b. Building support structures within the flood zone, based on construction drawings, is required prior to issuance of a building permit. In addition, an Elevation Certificate based on finished construction is required for the built structure prior to issuance of any certificates of occupancy.

    c. If the applicant has elected to process a LOMR (letter of map revision), building permits will not be issued until the CLOMR (conditional letter of map revision) is completed. Certificates of Occupancy will not be issued until the LOMR is complete. The project may be subject to additional flood conditions imposed on this project by the National Flood Insurance or the City during this process.

65. Developer shall comply with the pre and post construction requirements of the

Municipal Regional Permit (MRP). The project shall also include erosion control measures to prevent soil, dirt, debris and other pollutants from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.

66. All existing public utilities shall be protected in place and if necessary, relocated as approved by the utility owner. No permanent structure is permitted within City easements and no trees or deep-rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.

67. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City and notify the Supervising Construction Inspector in the City's Public Works Department.

Applicable During Construction:

68. Construction Stormwater Management: Developer shall be responsible for the preventing the discharge of pollutants and sediments into the street and/or the public storm drain system from the project site during construction in accordance with the Hayward Municipal Code Section 11-5.19 thru' 11-5.23. Land disturbing activities between October 1st and April 30th, must have an erosion and sedimentation control program approved, and implemented prior to the start of any land disturbing activity. Trash and debris must be adequately contained at all times. Noncompliance with stormwater management measures may result in the project being shut down, including any building permit activity, until full compliance with stormwater management requirements is achieved.

69. Construction Damage: The Developer shall remove and replace curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc. damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer. Damaged pavement surfaces shall be overlain or micro-surfaced. Unused driveways or unused portions thereof shall be removed and replaced with curb, gutter and sidewalk per City standards.

70. Qualified SWPPP Practitioner (QSP) shall regularly inspect and submit monthly and final reports to the Public Works Inspector in addition to the submittals to the State Water Quality Control Board.

Due Prior to the Issuance of a Certificate of Occupancy:

71. All public and private improvements including punch list items must be compete prior to occupancy of any unit.

72. Prior to final inspection and issuance of final certificates of occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Public Works Director and Development Services Director or his/her designees.

73. Post Construction Stormwater Maintenance: The property owner(s) shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement" as prepared by the City. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the

maintenance responsibility for private treatment control and site design measures is bound to the property in perpetuity.

74. Flood Zone Requirements: An Elevation Certificate (FEMA Form 086-0-33) based on finished construction is required for the built structure prior to issuance of any certificates of occupancy.

75. SWPPP Final Report: The project QSP shall prepare and file a Final SWPPP Report with the City and Water Board.

76. Geotechnical Letter: Prior to the issuance of any Certificates of Occupancy, Developer shall submit a confirming letter from the project geologic team confirming they have observed all grading activities and that those activities were performed in conformance with their recommendations.

77. Final Engineer's Report: Prior to the issuance of any Certificate of Occupancy, The Engineer of Record shall submit a confirming letter that all grading, drainage, and engineering components of the project have been performed in conformance with the approved plans and specifications.

78. As-Built Records: As-built records of site grading and improvements completed by the property owner shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.

TRANSPORTATION

General

79. Applicant, property owner or property manager shall maintain adequate visibility and sight distance at all project driveway(s) and access point(s).

80. Trucks accessing the site, including Loading Dock(s) and/or Loading Zone(s) shall not encroach into, or otherwise block, the Public Right-of-Way.

81. As a Mitigation Measure to reduce the Project's Transportation Impacts to less-than-significant, the Applicant, Property Owner or Property Manager shall implement a TDM Program which shall include the following measures:

82. Subsidies for Employee Commute: Applicant, Property Owner or Property Manager shall:

    a. Subsidize a Rideshare Program by providing employees who carpool or vanpool a subsidy in an amount equivalent to 33 percent of the maximum allowable federal employee commuter tax benefit per month.

    b. Subsidize employee transit passes in an amount equivalent to 33 percent of the maximum allowable federal employee tax benefit per employee per month or by allowing employees to exclude their monthly transit expenses from taxable income up to the maximum amount allowable by federal tax code.

    c. Guaranteed Ride Home: Applicant, Property Owner or Property Manager shall implement a "Guaranteed Ride Home" program which shall, in the case of a qualified emergency, provide a free and reliable ride home for any

employee who commutes to work using a mode other than single-occupant automobile.

d. TDM Promotions and Marketing Program: Applicant, Property Owner or Property Manager shall promote and educate employees so that they are aware of the TDM Program and incentives available to them via brochure, printed information and electronic communication(s). Applicant, Property Owner or Property Manager shall also provide information regarding transit maps and schedules and bike maps. All TDM Program Information shall be provided in employee handbooks, new-hire packets and posted on-site in common areas.

83. Upon request by the City of Hayward, Applicant, Property Owner or the Property Manager shall prepare TDM Monitoring Report(s) which shall be submitted to the Public Works – Transportation Division on a one-time or annual basis as determined by the Public Works Director or his/her designee. Such Report(s) shall include, at minimum:

a. 24-hour driveway vehicular counts prepared by a qualified transportation/traffic engineering consulting firm on the City's approved on-call list. Such counts shall be taken twice per month on a non-holiday Tuesday, Wednesday or Thursday when the business on-site is open and operating normally.

b. Recent employee commute surveys which shall include a breakdown of employee commute mode(s) and percentage of employees who commute to work by public transit, carpooling/vanpooling, bicycling or walking v.s. employees who commute to work by single-occupant vehicle.

c. Receipts or other such documentation detailing amounts paid for employee transit passes, Rideshare Program subsidies or employee transit tax benefits.

84. Applicant, Property Owner or Property Manager shall be responsible for the total costs of transportation consulting services for the purpose of preparation of one-time or annual TDM Monitoring Report(s) and the peer reviewing of such TDM Monitoring Report(s).

85. Annual TDM Monitoring Reports shall be due annually to the Public Works Transportation Division on July 1. Annual TDM Monitoring Reports shall continue to be due as long as a Report was due the previous year, or unless otherwise exempted by the Public Works Director or his/her designee in writing. Failure to submit a TDM Monitoring Report upon request, or an annual TDM Monitoring Report as required, results in violation of Conditions of Approval and City may initiate enforcement action.

86. If Project does not meet vehicle reduction goals for two successive years, the Applicant, Property Owner or Property Manager shall implement additional TDM Strategies in accordance with City of Hayward, regional and Alameda County Transportation Commission (ACTC) standards, and including, if requested by the City, full funding of the preparation of an updated or revised TDM Program/Plan,

including subsequent TDM Monitoring Report(s) as required by the City. Such TDM Program/Plan updates/revisions and subsequent TDM Monitoring Report(s) shall be prepared by a qualified Transportation/Traffic Consulting Firm on the City's approved on-call list.

Due Prior to the Issuance of a Building Permit

87. Applicant shall submit the following items as part of Improvement Plans to Public Works-Transportation for review prior to issuance of Building Permits:

    a. An on-site and off-site (fronting City right-of-way) Signing and Striping Plan in accordance with Caltrans' latest Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information on marking complaint disabled stalls).

    b. A Photometric Plan, refer to Hayward's Standard Plans Sheet SD-120 for roadway lighting criteria, link: https://www.hayward-ca.gov/documents/hayward-standard-detail

    c. Turning Analysis using WB-50 or the largest vehicle expected on-site using AutoTurn software. Turning Analysis shall not depict vehicles backing into public streets/right-of-way.

88. Upon review of Improvement Plan(s) and required item(s) listed above by Public Works-Transportation, Applicant shall modify Improvement Plan(s) to address any deficiency(ies) or item(s) identified by Public Works-Transportation staff, to the satisfaction of the Public Works Director or his/her designee, prior to issuance of Building Permit(s)

LANDSCAPING

General

89. No building permit shall be issued prior to approval of landscape and irrigation improvement plans.

90. Tree shall be located a minimum of five feet from lateral service lines and driveways, a minimum of 15 feet from a light pole, and a minimum of 30 feet from the face of a traffic signal, or as otherwise specified by the City.

91. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven feet of pavement or buildings, and as recommended by the manufacturer.

92. All above ground mechanical equipment shall be screened from the street with five-gallon shrubs.

93. Minimum twelve inches wide band of large size exceeding six-inch diameter Noiya Cobblestone shall be provided around overflow catch basin or bubble up basin.

94. Pursuant to HMC Section 10-12.07(a)(4)(D), mulch shall be arbor chips produced on site only, or organic recycled chipped wood in the shade of Dark Brown color, unless steep slope would prevent from using chipped wood. Mulch size shall not exceed 1-1/2-inch in diameter. The same mulch shall be provided at biotreatment

areas unless sod type of bio-infiltration plant is used.

95. Pursuant to HMC Section 10-12.08(a)(1)(D), irrigation controller shall be weather based. Provide a rain sensor or soil moisture sensors.

96. Backflow prevention device shall conform to the City Standard Detail SD-202 and the detail shall be incorporated into the irrigation detail plan. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.

97. Bio-treatment area, when wider than ten feet, shall be irrigated with matched precipitation rotator type, or as efficient overhead spray irrigation system that allows "cycle and soaking" program function. When the treatment area width is less than ten feet, efficient irrigation system that meets the current ordinance requirements shall be provided. The irrigation for bio-retention area shall be provided on a separate valve.

98. Landscape Maintenance:

    a. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay.

    b. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection.

    c. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color and the size shall not exceed 1-1/2-inch diameter. The depth shall be maintained at three inches deep.

    d. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole.

    e. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect.

    f. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code.

    g. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

Due Prior to the Issuance of Building Permit

99. Prior to submitting the first building permit, detailed landscape and irrigation improvement plans prepared by a licensed landscape architect on an accurately surveyed base plan shall be approved by the City. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes. Once approved, a digital file of the approved and the project landscape architect signed improvement plans shall be submitted to the City for the City's approval signatures. Copies of the signed improvement plans shall be submitted as a part of the building permit submittal.

Due Prior to the Issuance of Certificate of Occupancy

100. Upon acceptance of the landscape installation in accordance with the approved landscape improvement plans by the City, As-Built digital plans shall be submitted to the Engineering Department by the developer.

101. Pursuant to HMC Section 10-12.11, the project applicant shall submit an irrigation audit report done by the third party as required in Appendix C - Certificate of Completion Part 5 to the City. The report may include, but not limited to inspection, system tune-up, system test with distribution uniformity, overspray or run off causing overland flow, an irrigation schedule, irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming.

102. All landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be e-mailed in prior to requesting an inspection from the City Landscape Architect.

SOLID WASTE

103. The City requires that construction and demolition debris be recycled per certain ordinance requirements. Submittal of the Debris Recycling Statement is required at the time of your building permit. The form can also be found at http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal. You may also visit Hayward's Green Halo webpage and create a waste management plan instead of filling in the Debris Recycling Statement.

104. The owner or property manager shall be responsible for litter-free maintenance of the property and shall remove any litter on or within 50 feet of the property daily to ensure that the property and its street frontage remain clear of any abandoned debris or trash per Municipal Code Section 11-5.22.

FIRE PREVENTION

105. Minimum building address shall be 12-inches high with 1.5-inch stroke. When building is located greater than 50 feet from street frontage, address shall be minimum 16-inches high with 1.5-inch stroke. Tenant space number shall be 6-

inches high with 0.75-inch stroke on a contrasting background to be visible from the street.

106. Design of the public streets and private streets and courts shall meet all City of Hayward and California Fire Code Standards.

107. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. Type of fire hydrant(s) to be installed shall be Double Steamer Hydrant (Clow Valve Co. Model 865 with one 2-1/2-inch outlet & two 4-1/2-inch outlets). capable of flowing minimum of 1,500 gallons per minute. The design and layout of the hydrants shall be reviewed and approved by the Fire Department (7 new hydrants proposed onsite).

108. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Fire hydrants shall be placed at least 50 feet from the building to be protected. Where it is not feasible to place them at that distance, they may be in closer proximity in approved locations. A separate fire permit is required for hydrant installation.

109. Blue reflective pavement markers shall be installed at fire hydrant locations. If fire hydrants are located to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).

110. When buildings exceed 30 feet in height, fire apparatus access roads shall have an unobstructed width of not less than 26 feet an unobstructed vertical clearance of not less than 13 feet and six inches. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs. and shall be surfaced to provide all-weather driving capability.

111. The new building is not currently approved for high piled storage. A building permit is required for the installation of storage (pallet) racks greater than 6 feet in

height. A Fire Department Annual Operational Permit is required for any combustible storage (floor and/or rack) which exceeds 12 feet in height (Class I-IV type commodities), AND/OR any high hazard storage which includes commodities such as hazardous materials, flammable liquids, plastics, foam and rubber products, or any other classified commodity as dictated by the California Fire Code and NFPA 13 Standards, which exceeds 6ft. in height.

112. Submit building permits for the construction of the proposed new building to the City of Hayward Building Department.

113. The new building shall comply with all requirements of the 2019 California Building, California Fire Code(s) and local Ordinances respectfully.

114. This building is required to install an overhead fire sprinkler systems in accordance with NFPA 13 Standards. A separate plan/permit is required prior to the installation of the overhead fire sprinkler system. Please refer to NFPA 13 Standards to number of separate fire sprinkler riser (systems) required in each building.

115. Maximum 80 PSI water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.

116. Underground fire service line serving NFPA 13 sprinkler system shall be installed in

accordance with NFPA 24 and the Hayward Public Work Department SD-204. Water meter shall meet the minimum diameter for a (NFPA 13) commercial grade system.

117. This building is required to install a separate fire alarm system to monitor water flow. An audible alarm bell (device) shall be installed to sound on the exterior of each individual building. The device shall activate upon any fire sprinkler system water flow activity.

118. Per the 2019 California Fire Code (CFC) table BB105.1, a minimum fire flow of 8,000gpm for 4 hours is required for this site. A reduction of 50% is allowed if the building is protected with an automatic fire sprinkler system in accordance with NFPA 13.

HAZARDOUS MATERIALS DIVISION

119. **Demolition/Grading** – A condition of approval prior to grading: Structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by an appropriate professional(s) to ensure that hazards posed to development construction workers, the environment, future uses, and other persons are mitigated. Demolition contractor shall contact the Hayward Fire Department's Hazardous Materials Office (phone 510 583-4910) regarding demolition and plans to evaluate and dispose of residual hazardous materials/waste, in particular, associated with remaining equipment. A final report shall be submitted associated with residual hazardous materials management and disposal.

120. **Wells, Septic Tank Systems or Subsurface Structures** – Any wells, septic tank systems and other subsurface structures shall be removed properly to minimize threats to the health and safety of the development construction workers, future residents, or the environment. These structures shall be documented and removed under permit from the appropriate regulatory agency when required.

121. **Hazardous Materials/Waste and their Vessels Discovered during Grading/Construction** – If hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department shall be immediately notified at (510) 583-4910.

122. **Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts** – If found on the property, underground vessels and/or structures shall be removed under an approved plan filed with the Hayward Fire Department (HFD) and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to soil or groundwater. A follow-up report shall be required to be submitted to document the activities performed and any conclusions. Below are specific requirements on each:

    a. <u>Underground storage tank and associate piping</u>**:** An approved removal plan, including appropriate sampling, a Hayward Fire Department permit for the removal, and follow-up report is required.

    b. <u>Oil Water Separators</u>**:** An approved plan, including appropriate sampling,

and follow-up report is required.

c. Hydraulic Lifts**:** An approved plan, including appropriate sampling, and follow-up report is required.

123. **Hazardous Materials/Waste During Demolition, Grading and Construction -** During demolition, grading and construction hazardous materials and hazardous waste shall be properly stored, managed, and disposed.

124. **Future Industrial/Commercial Uses**- Additional review will be required when tenants of the proposed Core and Shell" building and their hazardous materials have been identified.

125. The applicant/landlord, once tenants are identified, shall provide adequate information associated with the use or storage of hazardous materials/waste for evaluation and approval by the Hayward Fire Department to ensure adequate. Based on this information additional planning land use approvals, Fire Code requirements, Certified Unified Program Agency (CUPA) regulations or other conditions may be required to be met.

UTILITIES

126. Each tenant space is required to have a separate water meter. If a shell building is proposed at this time, please be advised that all future subdivisions of this property to create new tenant spaces will be required to have separate water meters installed for each tenant space. Water meters shall be installed by the City of Hayward Water Distribution personnel at the Applicant/Developer's expense.

127. All connections to existing water mains shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.

128. Any modifications to existing water services such as but not limited to upsizing, downsizing, relocating, and abandoning shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.

129. The property has an existing 5/8-inch domestic water meter (account 25766). If the existing water service cannot be reused, it shall be abandoned at the Applicant/Developer's expense.

130. The property has a grandfathered sewer capacity at 210 gallons per day. It is anticipated that additional sewer capacity shall be required to accommodate the proposed improvements. The Applicant/Developer is responsible for payment of sewer connection fees at the current rates at the time when application for water and sewer service is submitted. Sewer connection fees for non-residential connections are calculated based on the volume and strength of the wastewater discharge. The development's permitted sewer capacity and related sewer capacity fees shall be further assessed during the building permit application.

131. The Applicant/Developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per City of Hayward Standard Detail 202 (SD-202). Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the

meter, whichever is larger.

132. A separate fire permit is required for the fire sprinkler system installation. The fire service size will be determined by the Fire Department's requirements. All fire services must have an above-ground double check valve assembly (DCVA), per City Standard Detail 204 (SD-204) and 201 (SD-201). New fire services must be installed by the City's Water Distribution personnel at the Applicant's or Developer's expense.

133. Water meters and services are to be located a minimum of two feet from top of driveway flare as per City Standard Detail 213 (SD-213) through 218 (SD-218). Water meters shall not be located in the driveway.

134. All sewer mains and appurtenances shall be constructed in accordance with the City's "Specifications for the Construction of Sewer Mains and Appurtenances," latest revision at the time of permit approval. Available on the City's website: https://www.hayward-ca.gov/your-government/departments/engineering-division

135. Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet. Manholes shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline. Where sanitary sewer lines and/or laterals are the same size as the sanitary sewer line, the connection must be made with a manhole.

136. A Standard Industrial Waste Monitoring Structure (Dwg. No. SD-309 filed 6-15-93) is required to be installed end of pipe, if not already existing. The monitoring facility shall be situated on the user's premise and not obstructed by landscaping, equipment or parked vehicles, or in the way of oncoming traffic. The aggregate flow from all operations shall discharge through the SD-309 structure.

-End-

Attachment IV

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LOGISTICENTER AT ENTERPRISE

3636 ENTERPRISE AVENUE
HAYWARD, CA 94545

SHEET INDEX

TOTAL SHEETS 31

ARCHITECTURAL

A0.1	TITLE SHEET
A1.0	SITE PLAN
A1.0a	PARTIAL SITE PLAN
A1.0b	PARTIAL SITE PLAN
A1.1	SITE SECTION
A1.2	PARKING ADAPTATION PLAN
A1.3	SITE SUSTAINABILITY PLAN
A2.1	BUILDING 1-OVERALL FLOOR PLAN
A2.1a	BUILDING 1- PARTIAL FLOOR PLAN
A2.1b	BUILDING 1- PARTIAL FLOOR PLAN
A3.1	BUILDING 1-ROOF PLAN
A4.1	BUILDING 1-COLORED EXTERIOR ELEVATIONS
A4.2	BUILDING 1-COLORED EXTERIOR ELEVATIONS
A8.1	SITE DETAILS

ARCHITECTURAL SHEET COUNT: 14

ELECTRICAL

E1.0	PHOTOMETRIC PLAN

ELECTRICAL SHEET COUNT: 1

LANDSCAPE

L-1	LANDSCAPE TITLE SHEET
L-2	CONCEPTUAL PLANTING PLAN
L-3	IRRIGATION HYDROZONE PLAN
L-4	EMPLOYEE PATIO ENLARGEMENT
L-5	PLANTING IMAGERY
L-6	OVERALL ILLUSTRATIVE

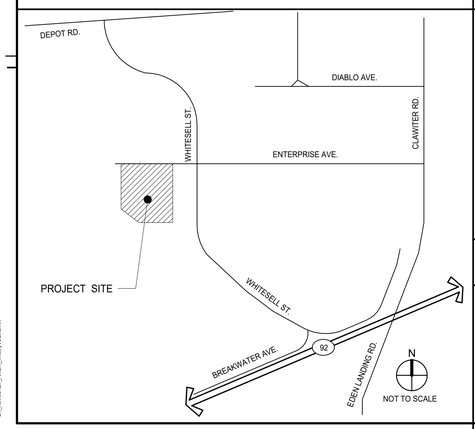
LANDSCAPE SHEET COUNT: 6

CIVIL

C1.0	COVER SHEET
C2.0	TOPOGRAPHIC SURVEY
C3.0	TYPICAL SECTIONS
C4.0	DEMOLITION PLAN
C5.0	PRELIMINARY GRADING & DRAINAGE PLAN
C6.0	PRELIMINARY UTILITY PLAN
C7.0	EROSION CONTROL PLAN
C8.0	STORM WATER QUALITY CONTROL PLAN
C9.0	WB-50 TRUCK TURN EXHIBIT
C10.0	FIRE TRUCK TURN EXHIBIT

CIVIL SHEET COUNT: 10

VICINITY MAP



OWNER

DERMODY PROPERTIES

DERMODY PROPERTIES
5500 EQUITY AVENUE
RENO, NEVADA 89502

GEORGE CONDON
PH: (775) 858-8080
FAX: (775) 856-0831

ARCHITECT

WARE MALCOMB

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PLEASANTON, CA 94588

LETICIA DEBRITO
P 925.244.9620
ldebrito@waremalcomb.com

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2850 COLLIER CANYON ROAD,
LIVERMORE, CALIFORNIA 94551

ADAM CARVALHO
acarvalho@kierwright.com
PH: (925) 245-8788 x2041

GEOTHICAL ENGINEER

CORNERSTONE EARTH GROUP INC.
12259 OAKMEAD PARKWAY
SUNNYVALE, CALIFORNIA 94085

DANH T. TRAN, P.E.
dtran@cornerstoneearth.com
PH: (408) 245-4600 x 108

ARCHITECT'S CONSULTANTS

LANDSCAPE ARCHITECT

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101 BROADWAY, SUITE 310
OAKLAND, CALIFORNIA 94607

JIM BENSMAN
PH: (510) 353-3954
CELL: (415) 235-3837

SCOPE OF WORK

NEW COLD DARK SHELL INDUSTRIAL BUILDING SIZED AT 219,656 SF. BUILDING TO BE III-B CONSTRUCTION WITH S-1/F/B OCCUPANCY.
RELATED SITE IMPROVEMENTS INCLUDING TRUCK COURTS AND PATIO.

RELOCATE EXISTING RADIO TOWERS TO TOP OF ROOF. AS TOWERS WILL MAINTAIN EXISTING ELEVATION AND APPROXIMATE LOCATION, THEY ARE NOT SUBJECT TO ENTITLEMENT.

APN: 439-0099-036-02

GENERAL PLAN DESIGNATION: IC - INDUSTRIAL CORRIDOR

ZONING PLAN DESIGNATION: IG - GENERAL INDUSTRIAL

PROJECT DATA SUMMARY

SITE	10.86 AC (473,104 S.F.)
BUILDING AREA:	
WAREHOUSE:	208,673 S.F.
OFFICE:	10,983 S.F.
BUILDING AREA TOTAL:	219,656 S.F.
F.A.R.	0.46
LADSCAPE AREA:	73,028 S.F.
LANDSCAPE PERCENTAGE:	15.4%
PASSIVE AMENITY (PATIO):	2,042 S.F.
OPEN SPACE:	
PATIO AMENITY	2,042 S.F.
PASSIVE LANDSCAPING	53,595 S.F.
TOTAL	55,637 S.F.
OPEN SPACE PERCENTAGE:	11.8%
PARKING REQUIRED:	
WAREHOUSE @ 1/2,000	105 STALLS
OFFICE @ 1/250	44 STALLS
TOTAL PARKING REQUIRED:	149 STALLS
PARKING PROVIDED:	
REGULAR STALLS:	145 STALLS
ACCESSIBLE STALLS:	6 STALLS
TOTAL PARKING PROVIDED:	151 STALLS
BIKE STALLS REQUIRED:	8 STALLS
BIKE STALLS PROVIDED:	8 STALLS
LONG TERM BIKE PARKING TO BE PROVIDED INSIDE BUILDINGS	

WARE MALCOMB
ARCHITECTURE CIVIL ENGINEERING
PLANNING DEVELOPMENT
INTERIORS BUILDING MEASUREMENT
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P 925.244.9620

LOGISTICENTER AT ENTERPRISE
3636 ENTERPRISE AVENUE
HAYWARD, CA 94545

TITLE SHEET

DATE	REMARKS
08/31/21	PLANNING RE-SUBMITTAL

PA/PM:	L. DEBRITO
DRAWN BY.:	M.I.
JOB NO.:	SNR20-0127-00

SHEET A0.1

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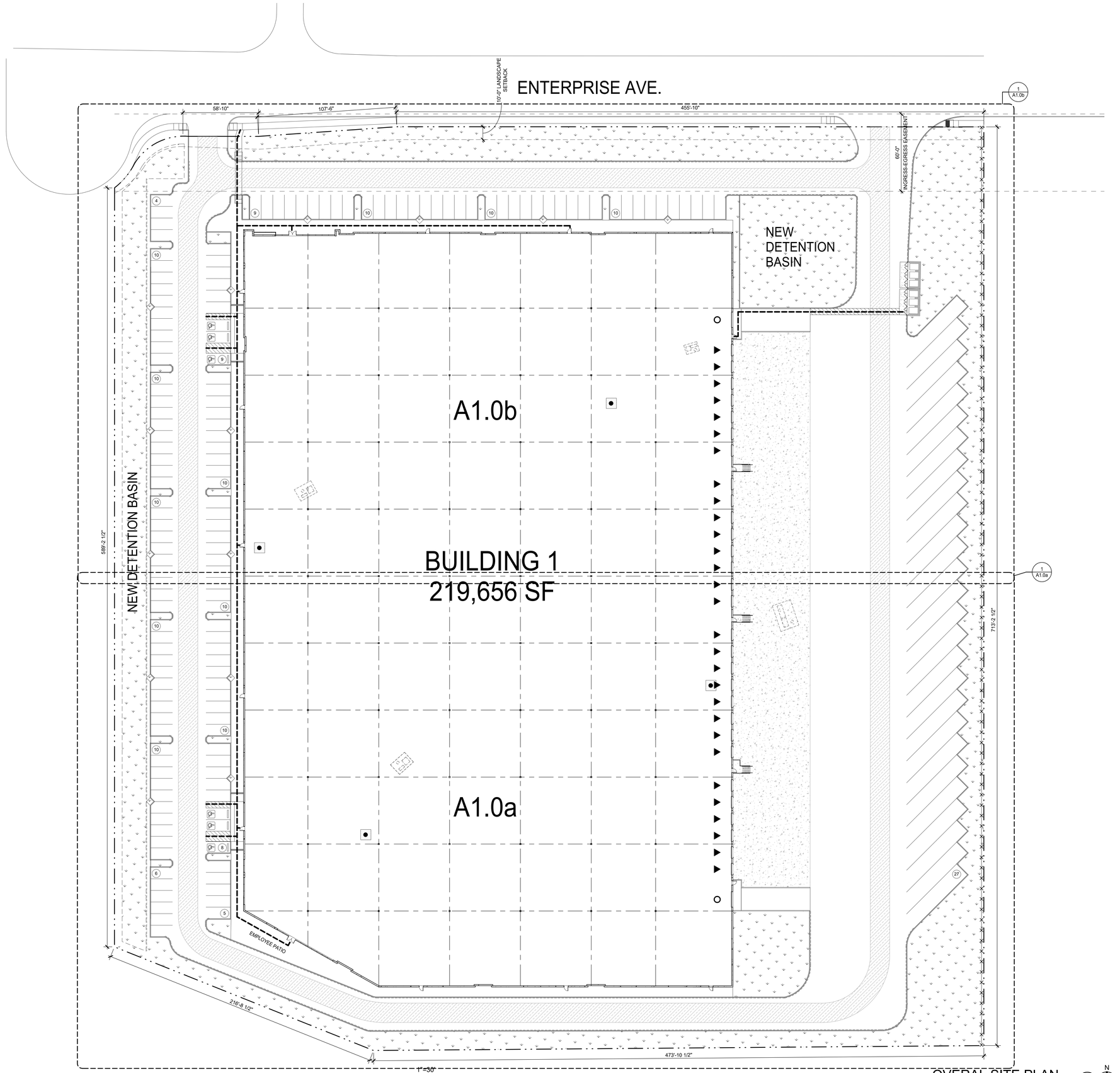


1" =30'

0 15' 30' 60' 150'

OVERAL SITE PLAN

SCALE: 1" = 30'-0"

WASTE MANAGEMENT SIZING

WAREHOUSE WASTE IS ANTICIPATED TO BE HANDLED BY SEPARATE PROCESSES SUCH AS COMPACTORS OR OUTSIDE SERVICES. OFFICE WASTE IS ANTICIPATED AS FOLLOWS:

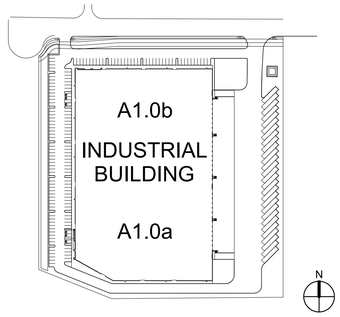
18 EMPLOYEES X 65 LBS (BUSINESS SERVICES) / 150 = 7.8 CY/WEEK

2 TRASH ENCLOSURE WITH 4 CY EA. CAPACITY PROVIDED, SEE DETAIL 11/A8.1.
8 CY CAPACITY PROVIDED.

SITE LEGEND:

- ACCESSIBLE PATH OF TRAVEL. 1:20 MAX. SLOPE, 2% MAX. CROSS SLOPE.
- PROPERTY LINE.
- POLE MOUNTED LIGHT FIXTURE.
- WALLPACK LIGHT FIXTURE.
- TRANSFORMER WITH CONCRETE PAD. (PROVIDE PROTECTION BOLLARDS PER LOCAL UTILITY OR PUBLIC WORK STANDARDS)
- LANDSCAPE AND IRRIGATION AREA.
- FIRE LANE AND TRASH COLLECTION VEHICLE ROUTE (HATCHED)
- PARKING STALL COUNT TOTAL
- DOCK HIGH TRUCK DOOR
- GRADE LEVEL TRUCK DOOR
- FIRE HYDRANT
- TRASH ENCLOSURE PER CITY OF HAYWARD REQUIREMENTS

KEY PLAN



WARE MALCOMB

ARCHITECTURE CIVIL ENGINEERING
PLANNING LANDSCAPE
INTERIORS BUILDING MEASUREMENT

4683 Chabot Dr. Suite #300
Pleasanton, CA 94588
P 925.24.9920

LOGISTICENTER AT ENTERPRISE

3636 ENTERPRISE AVENUE
HAYWARD, CA 94545

SITE PLAN

DATE	REMARKS
08/31/21	PLANNING RE-SUBMITTAL

PA/PM:	L. DEBRITO
DRAWN BY.:	M.I.
JOB NO.:	SNR20-0127-00

SHEET

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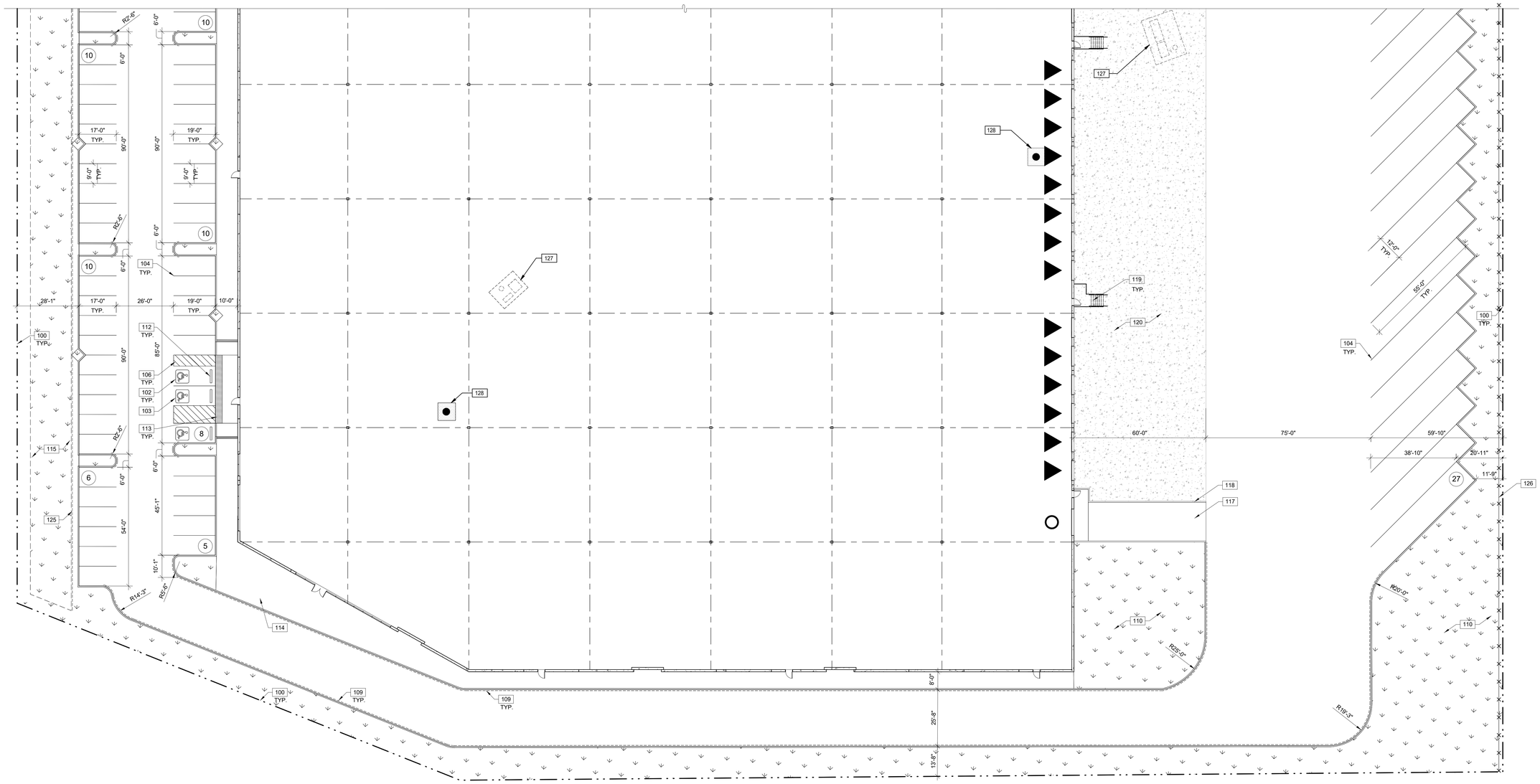

1"=20'

0 10' 20' 40' 100'

PARTIAL SITE PLAN

SCALE: 1" = 20'-0"

SITE LEGEND:

- ACCESSIBLE PATH OF TRAVEL. 1:20 MAX. SLOPE, 2% MAX. CROSS SLOPE.
- PROPERTY LINE.
- POLE MOUNTED LIGHT FIXTURE.
- WALLPACK LIGHT FIXTURE.
- TRANSFORMER WITH CONCRETE PAD. (PROVIDE PROTECTION BOLLARDS PER LOCAL UTILITY OR PUBLIC WORK STANDARDS)
- LANDSCAPE AND IRRIGATION AREA.
- FIRE LANE AND TRASH COLLECTION VEHICLE ROUTE (HATCHED)
- PARKING STALL COUNT TOTAL
- DOCK HIGH TRUCK DOOR
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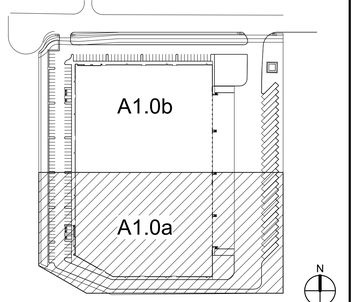
- TRASH ENCLOSURE PER CITY OF HAYWARD REQUIREMENTS

NOTES

100. PROPERTY LINE.
101. ACCESSIBLE ENTRY SIGNAGE.
102. ACCESSIBLE PARKING STALL WITH SIGNAGE.
103. VAN ACCESSIBLE PARKING STALL WITH SIGNAGE.
104. PAINTED PARKING STRIPING PER CITY STANDARDS. 2'-0" PARKING OVERHANG.
105. TRASH ENCLOSURE WITH RECYCLE BIN.
106. ACCESSIBLE LOADING ZONE.
107. FIRE LANE ENTRY SIGNAGE.
108. FIRE LANE SIGNAGE.
109. FIRE LANE CURB. DASHED LINE INDICATES EXTENT OF CONTINUOUS CURB TO BE PAINTED RED.
110. LANDSCAPE AND IRRIGATION AREA.
111. NOT USED.
112. PRECAST CONCRETE WHEEL STOP.
113. ACCESSIBLE CURB RAMP WITH TRUNCATED DOMES.
114. EMPLOYEE PATIO. SEE LANDSCAPE PLANS.
115. NEW DETENTION BASIN, SEE CIVIL PLANS.
116. CONCRETE LANDING, 5'X5' MINIMUM.
117. CONCRETE RAMP.
118. CONCRETE GUARDWALL FOR DRIVE IN VEHICULAR RAMP, 42" ABOVE RAMP.
119. METAL STAIRS.
120. CONCRETE PAVEMENT.
121. DECORATIVE BIKE RACK, SEE DETAIL 3/A8.1.
122. DECORATIVE METAL SCREEN.
123. EASEMENT LINE.
124. TRUNCATED DOMES.
125. 2'-0" PARKING OVERHANG BY CITY STANDARDS.
126. NEW 8'-0" TALL BLACK VINYL COATED CHAINLINK FENCE. SEE DETAIL 21/A8.1
127. EXISTING RADIO TOWER TO BE RELOCATED TO ROOF.
128. RADIO TOWER ON TOP OF ROOF, SEE ROOF PLANS.

KEY PLAN



NOT TO SCALE

WARE MALCOMB

ARCHITECTURE CIVIL ENGINEERING
PLANNING BUILDING
INTERIORS BUILDING MEASUREMENT

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Pleasanton, CA 94588
P 925.24.9920

LOGISTICENTER AT ENTERPRISE

3636 ENTERPRISE AVENUE
HAYWARD, CA 94545

PARTIAL SITE PLAN

DATE	REMARKS
08/31/21	PLANNING RE-SUBMITTAL

PA/PM:	L. DEBRITO
DRAWN BY.:	M.I.
JOB NO.:	SNR20-0127-00

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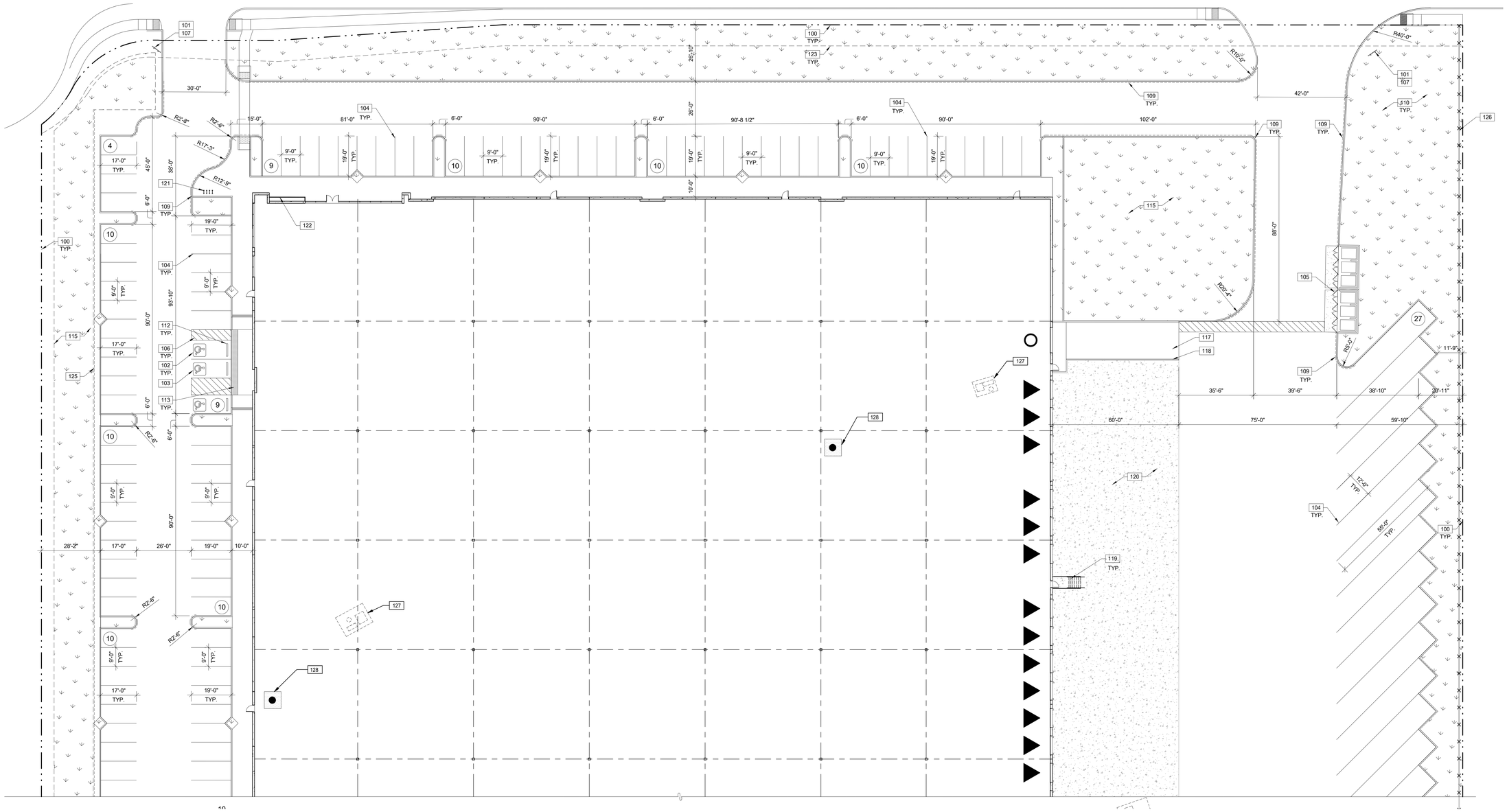

PARTIAL SITE PLAN

SCALE: 1" = 20'-0"

SITE LEGEND:

- ACCESSIBLE PATH OF TRAVEL. 1:20 MAX. SLOPE, 2% MAX. CROSS SLOPE.
- PROPERTY LINE.
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- WALLPACK LIGHT FIXTURE.
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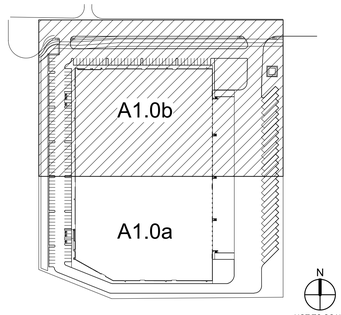
110. LANDSCAPE AND IRRIGATION AREA.
111. NOT USED.
112. PRECAST CONCRETE WHEEL STOP.
113. ACCESSIBLE CURB RAMP WITH TRUNCATED DOMES.
114. EMPLOYEE PATIO, SEE LANDSCAPE PLANS.
115. NEW DETENTION BASIN, SEE CIVIL PLANS.
116. CONCRETE LANDING, 5'X5' MINIMUM.
117. CONCRETE RAMP.
118. CONCRETE GUARDWALL FOR DRIVE IN VEHICULAR RAMP, 42" ABOVE RAMP.
119. METAL STAIRS.
120. CONCRETE PAVEMENT.
121. DECORATIVE BIKE RACK, SEE DETAIL 3/A8.1.
122. DECORATIVE METAL SCREEN.
123. EASEMENT LINE.
124. TRUNCATED DOMES.
125. 2'-0" PARKING OVERHANG BY CITY STANDARDS.
126. NEW 8'-0" TALL BLACK VINYL COATED CHAINLINK FENCE. SEE DETAIL 21/A8.1
127. EXISTING RADIO TOWER TO BE RELOCATED TO ROOF.
128. RADIO TOWER ON TOP OF ROOF, SEE ROOF PLANS.

KEY PLAN



NOT TO SCALE

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PLANNING LANDSCAPE ARCHITECTURE
INTERIORS BUILDING MEASUREMENT

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P 925.24.9920

LOGISTICENTER AT ENTERPRISE

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HAYWARD, CA 94545

PARTIAL SITE PLAN

DATE	REMARKS
09/31/21	PLANNING RE-SUBMITTAL

PA/PM:	L. DEBRITO
DRAWN BY.:	M.I.
JOB NO.:	SNR20-0127-00

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A1.0b

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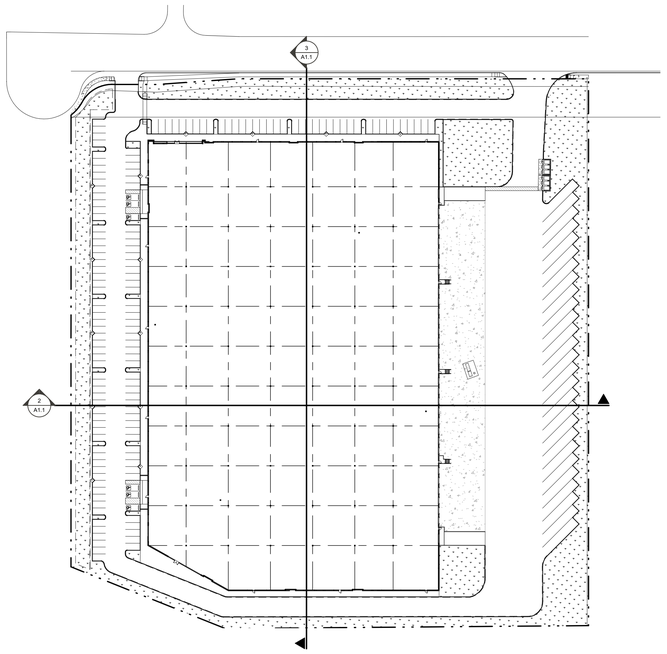
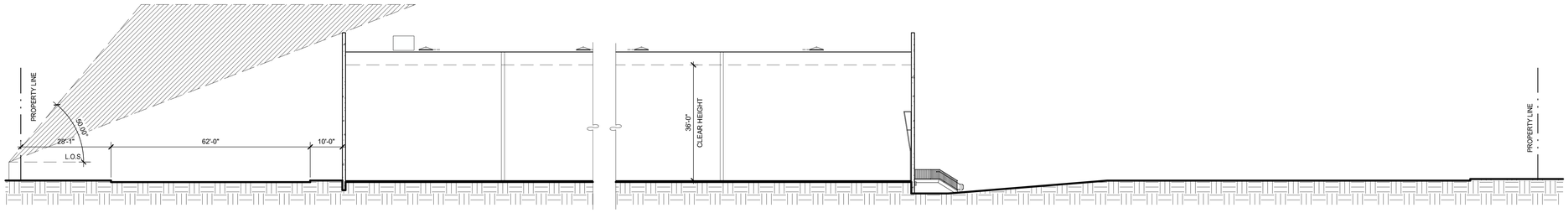


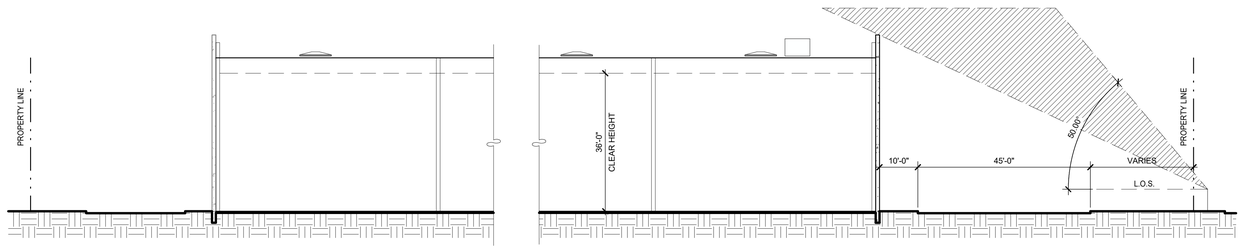
SITE PLAN (1)

SCALE: 1" = 80'-0"



SITE SECTION (2)

SCALE: 1/16" = 1'-0"



SITE SECTION (3)

SCALE: 1/16" = 1'-0"

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SITE SECTION

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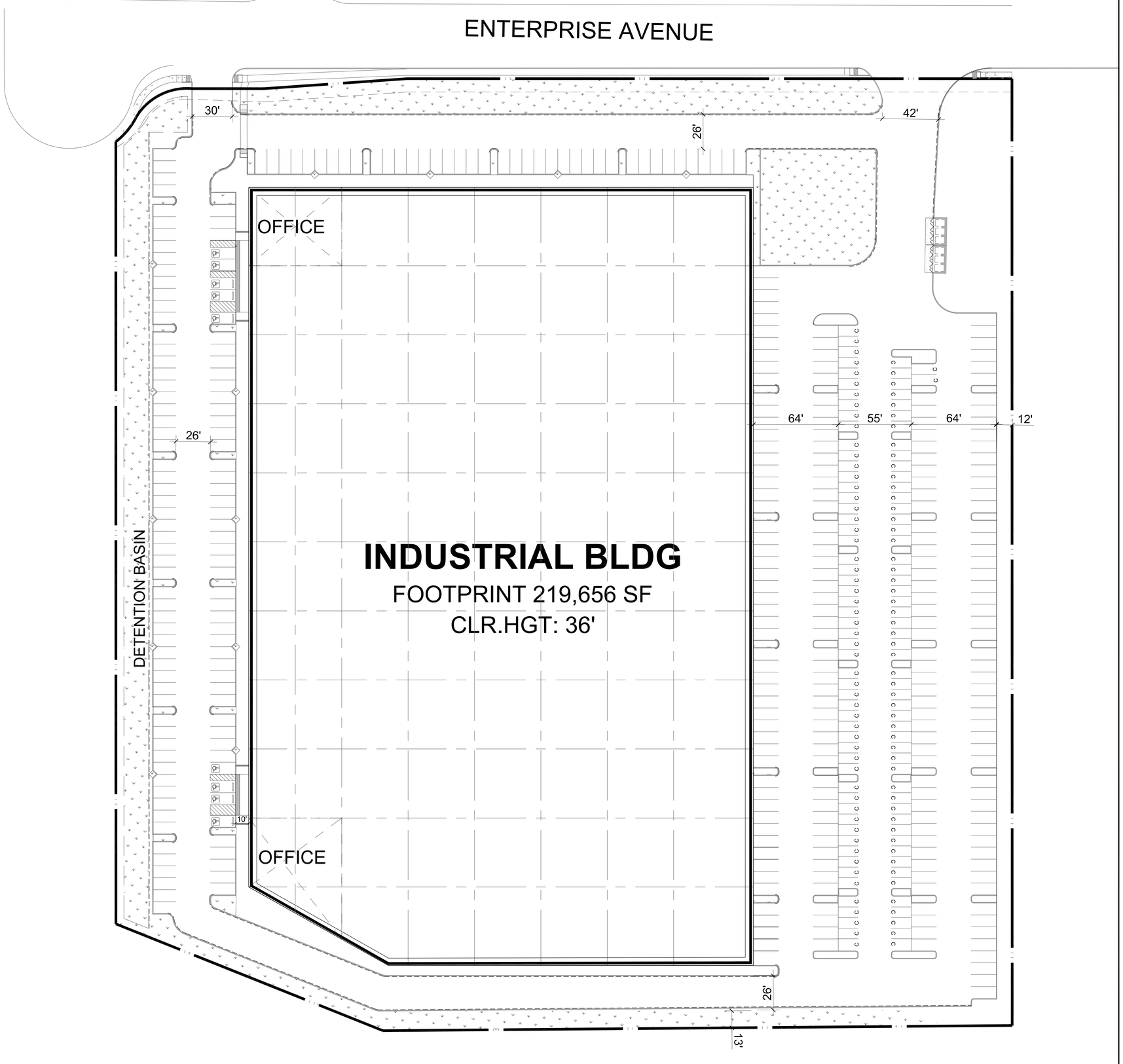

PARKING ADAPTATION PLAN

SCALE: 1"=30'-0" (1)

OFF STREET PARKING:

STANDARD (9X19):	358
COMPACT (8X15):	117
COMPACT%	25%
DRIVE AISLE:	25 FT
FIRE LANE:	26 FT
OVERHANG:	N/A

PARKING DATA:

BUILDING GROSS AREA: 219,583 SF

REQUIRED PARKING RATIO BY USE:
MANUFACTURING: 1/500 SF
219,583/500= 439.16

PARKING REQUIRED: 440
PARKING PROVIDED: 463

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PARKING ADAPTATION PLAN

DATE	REMARKS
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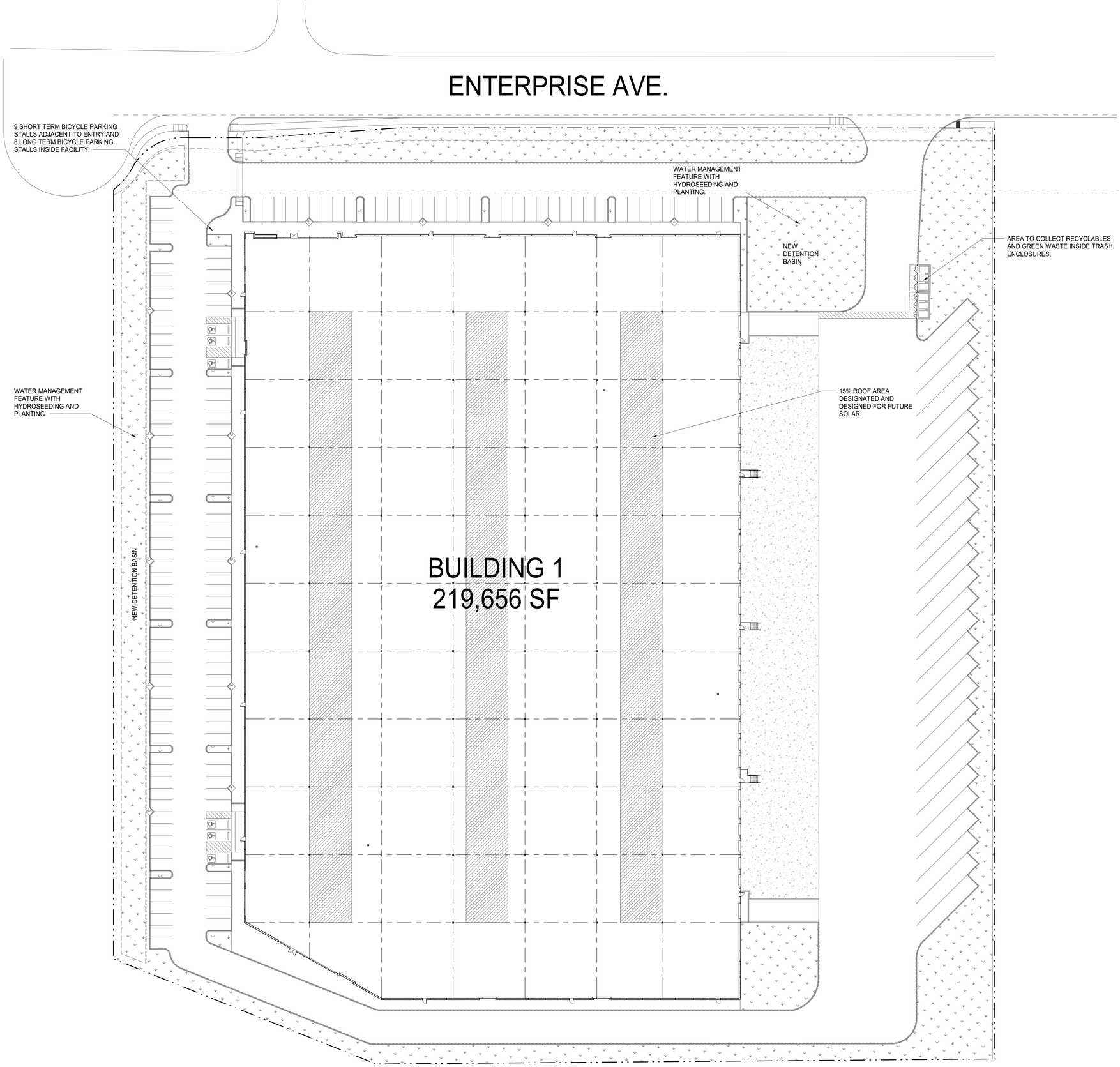

1"=30'

0 15' 30' 60' 150'

OVERALL SITE PLAN

SCALE: 1" = 30'-0"

1

N

KEYNOTES:

ENERGY CONSERVATION AND EFFICIENCY

BUILDING TO BE ALL ELECTRIC, WITH DESIGNATED FUTURE SOLAR AREAS TO PROVIDE OPPORTUNITY FOR FUTURE TENANTS TO BE NET ZERO ENERGY. 15% DESIGNATED SOLAR READY AREA IS CAPABLE OF GENERATING 54,990 KW-H OF ENERGY PER MONTH.

ELECTRICAL LIGHT FIXTURES TO BE LED ENERGY EFFICIENT FIXTURES.

7 EV CHARGING STATIONS TO BE PROVIDED.

CONCRETE CONSTRUCTION WITH HIGH THERMAL MASS TO REDUCE INTERIOR TEMPERATURE SWINGS, AND COOL ROOF TO REDUCE HEAT ISLAND EFFECT AND REDUCE AIR CONDITIONING DEMANDS.

WATER CONSERVATION:

LANDSCAPE IRRIGATION TO BE WATER EFFICIENT/LOW WATER USAGE.

PLUMBING FIXTURES TO BE LOW FLOW AND MEET CAL GREEN REQUIREMENTS.

RECYCLING:

CONSTRUCTION WASTE TO BE AT LEAST 50% SALVAGED OR RECYCLED FOR REUSE.

BUILDING OCCUPANT WASTE TO BE SORTED INTO RECYCLING AND COMPOSTING (TRASH RECEPTACLES AT PATIOS AND TRASH ENCLOSURES CONTAIN BOTH ORGANICS AND RECYCLABLE BINS).

DAYLIGHTING:

BUILDINGS TO BE PROVIDED WITH 1% SKYLIGHTS AND VERTICAL WINDOWS ON PERIMETERS TO MAXIMIZE DAYLIGHTS AND MAKE INTERIOR LIGHTING MORE ENERGY EFFICIENT.

INDOOR AIR QUALITY:

BUILDINGS TO BE PROVIDED WITH AIR CHANGES AS REQUIRED BY CODE.

ALL FINISHES SHALL COMPLY WITH VOC LIMITS.

HAZARDOUS MATERIALS:

NO HARZARDOUS MATERIALS CURRENTLY PROPOSED ON SITE.

SITE LEGEND:

- ACCESSIBLE PATH OF TRAVEL. 1:20 MAX. SLOPE, 2% MAX. CROSS SLOPE.
- PROPERTY LINE.
- POLE MOUNTED LIGHT FIXTURE.
- WALLPACK LIGHT FIXTURE.
- T — TRANSFORMER WITH CONCRETE PAD. (PROVIDE PROTECTION BOLLARDS PER LOCAL UTILITY OR PUBLIC WORK STANDARDS)
- LANDSCAPE AND IRRIGATION AREA.
- FIRE LANE AND TRASH COLLECTION VEHICLE ROUTE (HATCHED)
- 1 — PARKING STALL COUNT TOTAL
- DOCK HIGH TRUCK DOOR
- GRADE LEVEL TRUCK DOOR
- FIRE HYDRANT
- TRASH ENCLOSURE PER CITY OF HAYWARD REQUIREMENTS

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SITE SUSTAINABILITY PLAN

DATE	REMARKS
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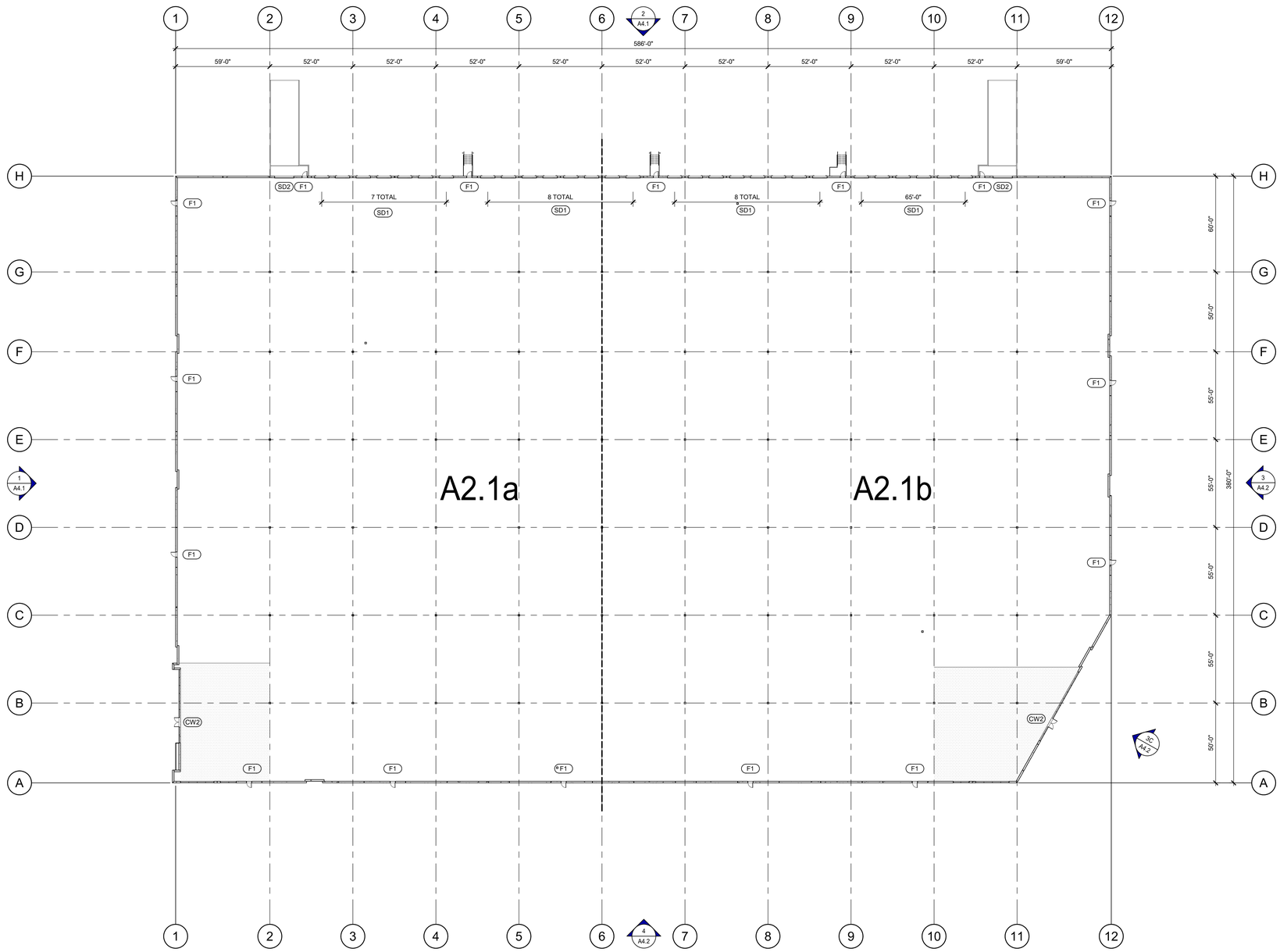
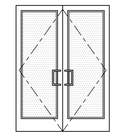


DOOR TYPES



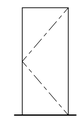
CW2 6'-0" x 8'-0" (PAIR)
CLEAR ANOD. ALUM. STOREFRONT DOOR W/TEMPERED GLAZING (NARROW STILE)

FRAME: KAWNEER

HARDWARE:

2 SETS	PIVOT SET
2 SETS	INTER PIVOT
1 EA	MORTISE CYLINDER
2 SETS	OFFSET PULL
2 EA	OH CLOSER
1 EA	THRESHOLD
1 EA	DECAL
1 EA	PANIC HARDWARE

NOTE: WEATHERSEAL BY DOOR MANUFACTURER

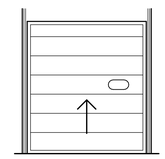


F1 3'-0" x 7'-0"
PAINTED INSULATED HOLLOW METAL DOOR

FRAME: PAINTED HOLLOW METAL

HARDWARE:

3 EA	HINGES
1 EA	EXIT DEVICE
1 EA	CYLINDER
1 EA	CLOSER
1 EA	PERIMETER SEAL
1 EA	BOTTOM DRIP
1 EA	THRESHOLD
1 EA	LOCK GUARD
1 EA	HVY DUTY FLOOR STOP
1 EA	FLOOR SWEEP



SD1 9'-0" x 10'-0"
MANUALLY OPERATED DOCK HIGH SECTIONAL VERTICAL LIFT OVERHEAD DOOR W/ FACTORY PAINTED FINISH.

SD2 12'-0" x 14'-0"
ELECTRICALLY OPERATED SECTIONAL VERTICAL LIFT OVERHEAD DOOR W/ FACTORY PAINTED FINISH.

HARDWARE:

1 EA	SLIDE BOLT
1 EA	PAD LOCK

DOOR NOTES

PLEASE SEE DOOR HARDWARE SPECIFICATION SECTION 08 71 00 FOR ADDITIONAL INFORMATION AND FULL LIST OF APPROVED MANUFACTURERS.
BUTT HINGES:
HAGER - HEAVY WEIGHT, NON-FERROUS WITH NON-REMOVABLE PINS.
VON DUPRIN 99 SERIES PANIC DEVICE OR APPROVED EQUAL AT DESIGNATED EGRESS DOORS PER A0.5 ONLY. VON DUPRIN 33A PANIC DEVICE OR APPROVED EQUAL AT STOREFRONT DOORS.
CLOSING DEVICES : NORTON 8500 BF SERIES.
STOPS : TRIMCO W 1200 SERIES DOOR STOPS.
DOOR LOCKSETS AND CORES : BEST,SCHLAGE OR SARGENT.
LATCHGUARD : ASSA-ABLOY OR HAGER.
DOOR THRESHOLD AND SWEEPS : PEMKO.
THRESHOLDS : PEMKO - SEE DOOR THRESHOLD DETAILS.
WEATHER STRIPPING : PEMKO.

NOTE: ALL HARDWARE SHALL BE US 626 STAIN CHROME FINISH AND MUST COMPLY WITH ADA REQUIREMENTS.

LEGEND

PROPOSED FUTURE OFFICE AREA

WALL LEGEND

CONCRETE WALL

1"=30'

0 15' 30' 60' 150'

BUILDING 1 OVERALL FLOOR PLAN

SCALE: 1" = 30'-0"

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HAYWARD, CA 94545

BUILDING 1-OVERALL FLOOR PLAN

DATE	REMARKS
08/31/21	PLANNING RE-SUBMITTAL

PA/PM:	L. DEBRITO
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JOB NO.:	SNR20-0127-00

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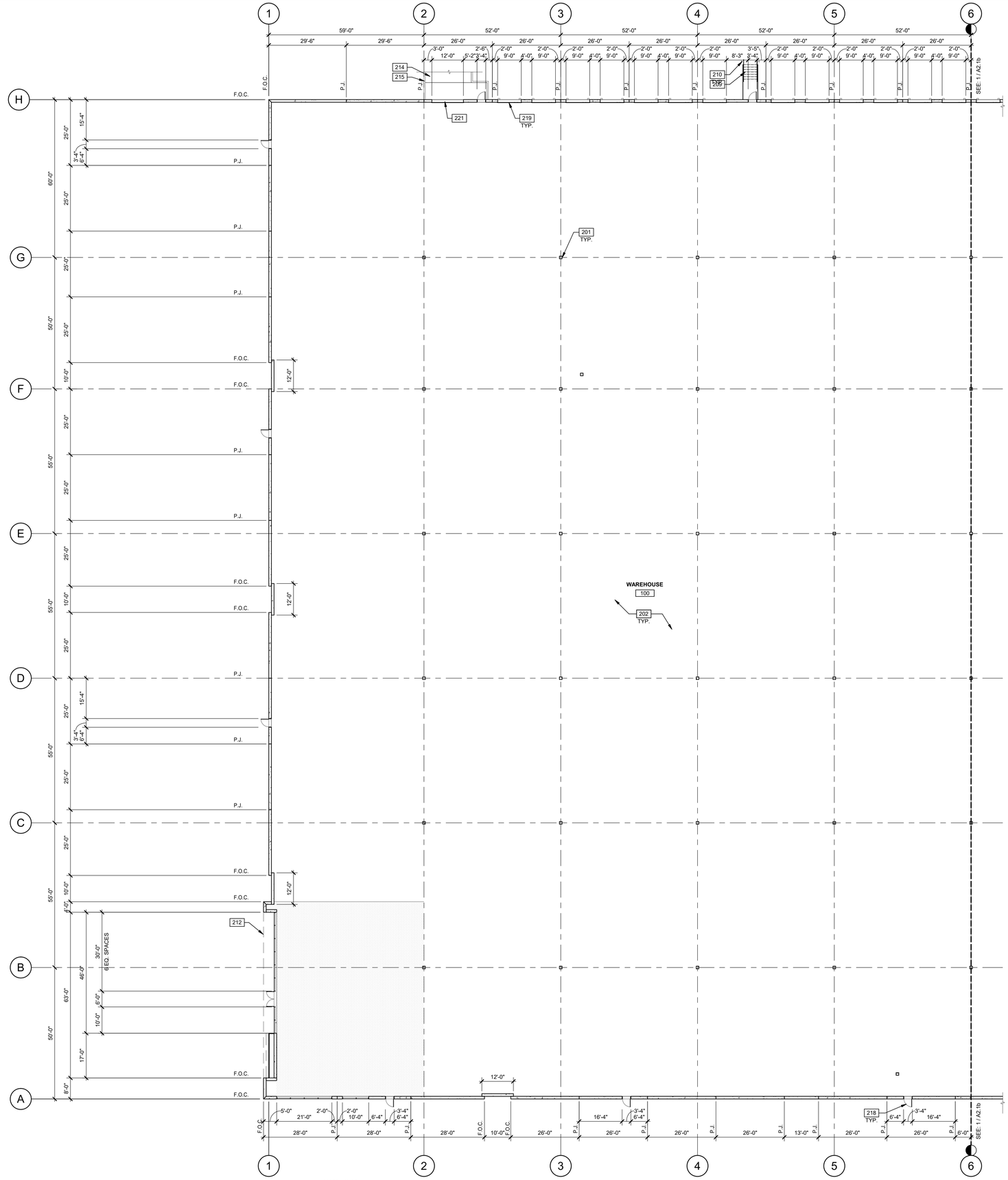


PARTIAL FLOOR PLAN

SCALE: 1/16" = 1'-0"

KEYNOTES:

201	STRUCTURAL STEEL COLUMN, PAINTED SAFETY YELLOW TO 12'-0" A.F.F. THEN WHITE TO DECK.
202	CONCRETE SLAB. PROVIDE 15 MIL STEGO RAP 451 VAPOR RETARDER OVER SAND BASE AT OFFICE AREA PER SOILS REPORT. PROVIDE LAPIDOLITH SEALER FOR CONCRETE FLOOR AREA.
209	EXTERIOR STEEL STAIR, ALL COMPONENTS GALVANIZED AND PAINTED.
212	OUTLINE OF CANOPY ABOVE.
214	CONCRETE RAMP.
215	CONCRETE RETAINING WALL.
218	MAN DOOR, SEE ELEVATIONS.
219	SECTIONAL DOOR (DOCK HIGH), SEE ELEVATIONS.
221	SECTIONAL DOOR (ON GRADE), SEE ELEVATIONS.

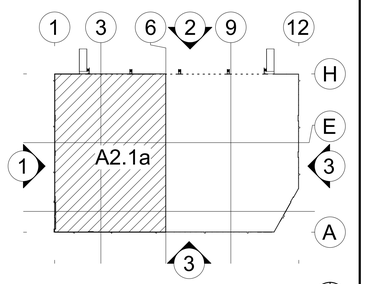
LEGEND

PROPOSED FUTURE OFFICE AREA

WALL LEGEND

CONCRETE WALL

KEY PLAN



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BUILDING 1- PARTIAL FLOOR PLAN

DATE	REMARKS
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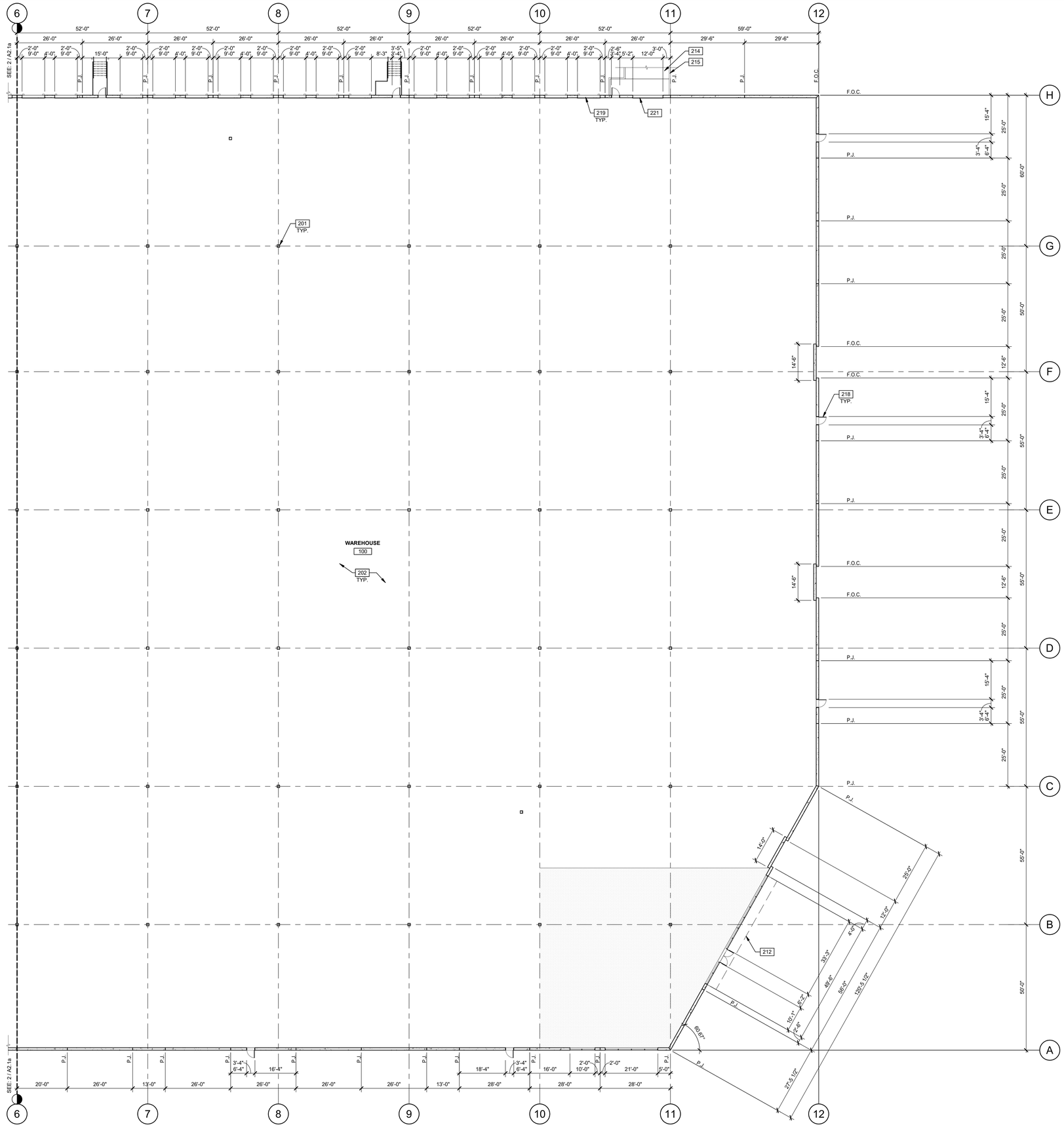

PARTIAL FLOOR PLAN

SCALE: 1/16" = 1'-0"

KEYNOTES:

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202	CONCRETE SLAB. PROVIDE 15 MIL STEGO RAP 451 VAPOR RETARDER OVER SAND BASE AT OFFICE AREA PER SOILS REPORT. PROVIDE LAPIDOLITH SEALER FOR CONCRETE FLOOR AREA.
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218	MAN DOOR, SEE ELEVATIONS.
219	SECTIONAL DOOR (DOCK HIGH), SEE ELEVATIONS.
221	SECTIONAL DOOR (ON GRADE), SEE ELEVATIONS.

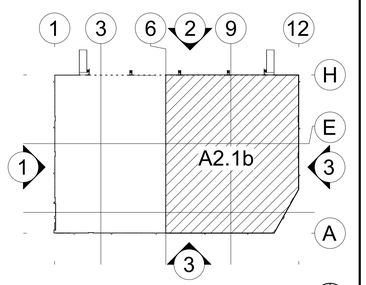
LEGEND

PROPOSED FUTURE OFFICE AREA

WALL LEGEND

CONCRETE WALL

KEY PLAN



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BUILDING 1- PARTIAL FLOOR PLAN

DATE	REMARKS
08/31/21	PLANNING RE-SUBMITTAL

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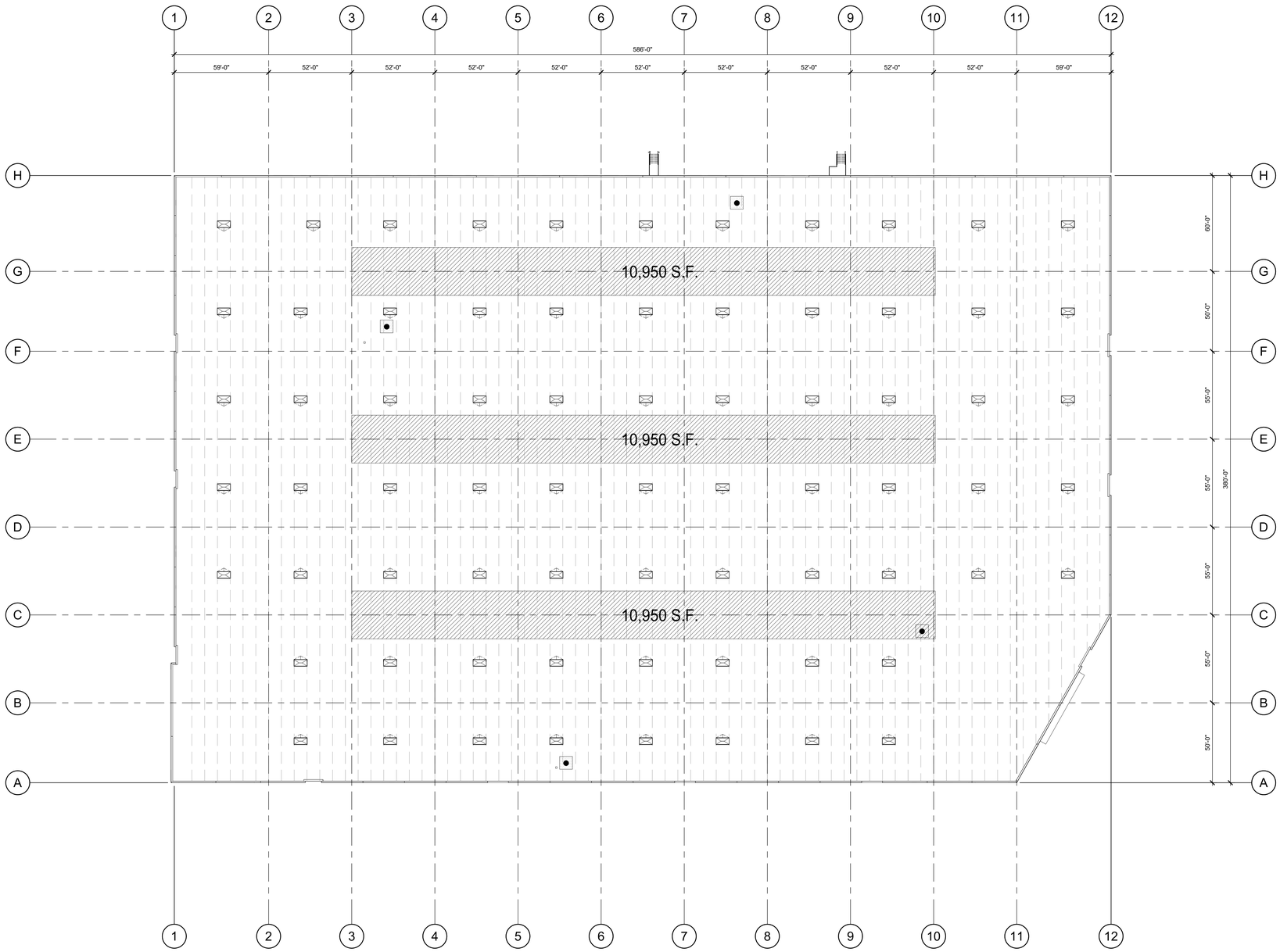

ABBREVIATIONS

T.O.P. = TOP OF PARAPET
H.P. = TOP OF ROOFING - HIGH POINT
M.P. = TOP OF ROOFING - MID POINT
L.P. = TOP OF ROOFING - LOW POINT

CALCULATIONS

SKYLIGHTS:

SKYLIGHT SIZE: 48"x96"=32 S.F.

$$\frac{\text{(WAREHOUSE AREA S.F.)} \times 1.0\%}{\text{(SKYLIGHT SIZE)}} = \frac{219{,}656 \times .01}{32}$$

DESIRED: 69 SKYLIGHTS
PROVIDED: 71 SKYLIGHTS

FUTURE SOLAR:

ROOF AREA:	219,656 S.F.
SKYLIGHT AREA:	2,272 S.F.
ROOF AREA LESS SKYLIGHT:	217,384 S.F.
15% OF ROOF AREA (LESS SKYLIGHTS):	32,608 S.F.
TOTAL AREA FOR FUTURE SOLAR REQUIRED:	32,608 S.F.*
TOTAL AREA FOR FUTURE SOLAR PROVIDED:	32,850 S.F.

* CEC SECTION 110.10(B)4 DOES NOT REQUIRE THE INCLUSION OF ANY COLLATERAL LOADS FOR FUTURE SOLAR ENERGY SYSTEMS.

LEGEND

SKYLIGHT: (1%)
GC TO COORDINATE EXACT LOCATION TO PREVENT CONFLICT WITH FRAMING, FIRE SPRINKLER LINES, ELECTRICAL CONDUITS AND LIGHTING. SEE STRUCTURAL DRAWINGS.

RADIO TOWER ON TOP OF ROOF.
DESIGN, HEIGHT AND INSTALLATION MECHANISM (GUY WIRES) TO MATCH EXISTING.

1"=30'
0 15' 30' 60' 150'

ROOF PLAN
SCALE: 1" = 30'-0"

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BUILDING 1-ROOF PLAN

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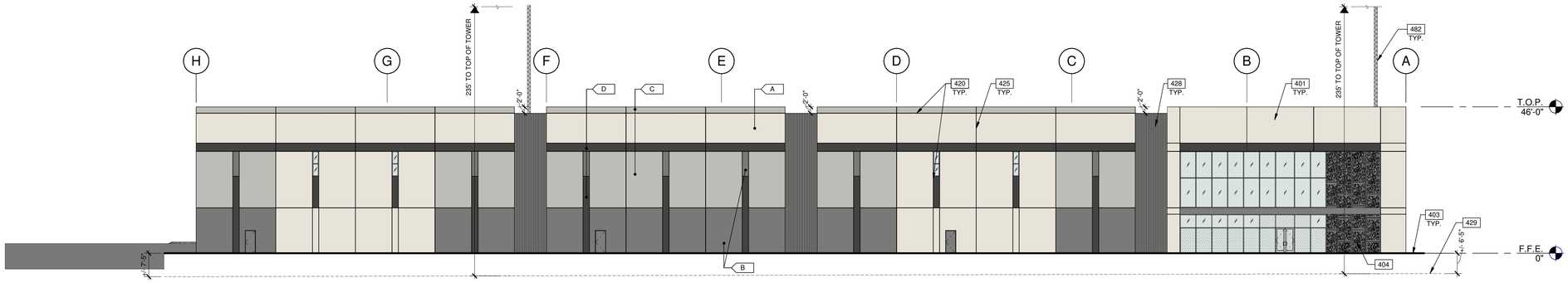
Attachment IV

CAUTION: IF THIS SHEET IS NOT 30"x42" IT IS A REDUCED PRINT

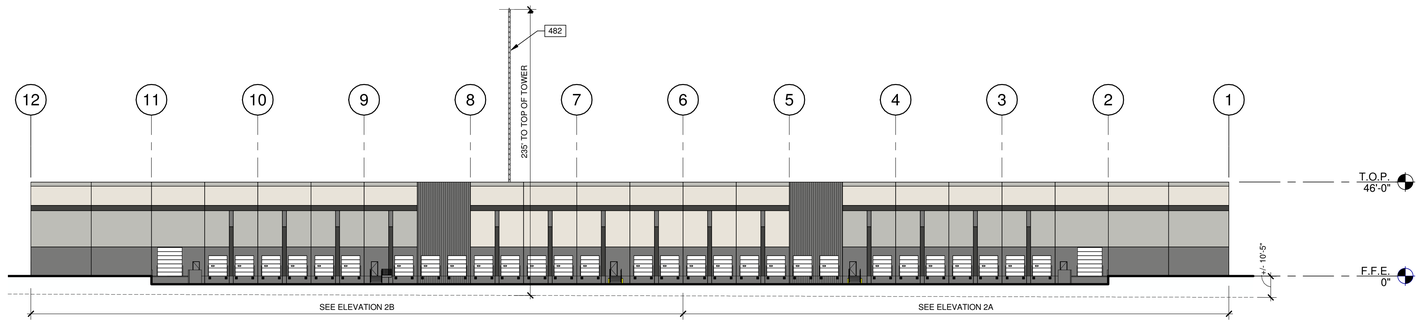


1/16"=1'-0"

0 8' 16' 32' 64'

OVERALL NORTH EXTERIOR ELEVATION (1)

SCALE: 1/16" = 1'-0"

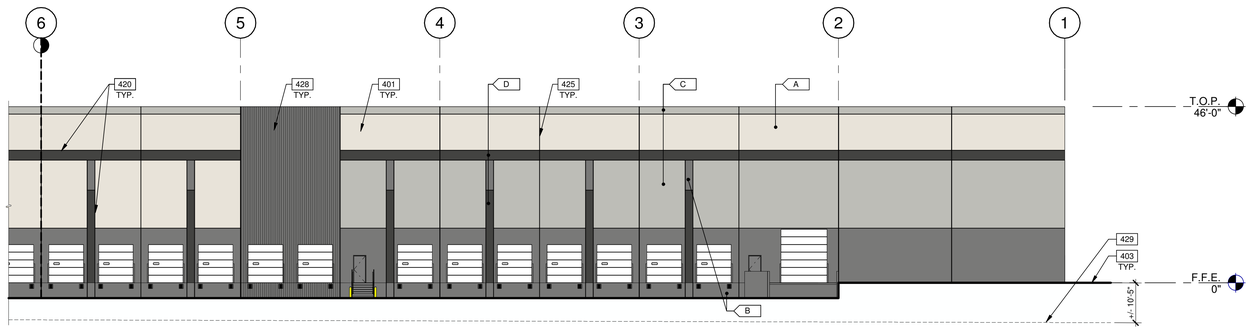


1"=30'

0 15' 30' 60' 150'

OVERALL EAST EXTERIOR ELEVATION (2)

SCALE: 1" = 30'-0"

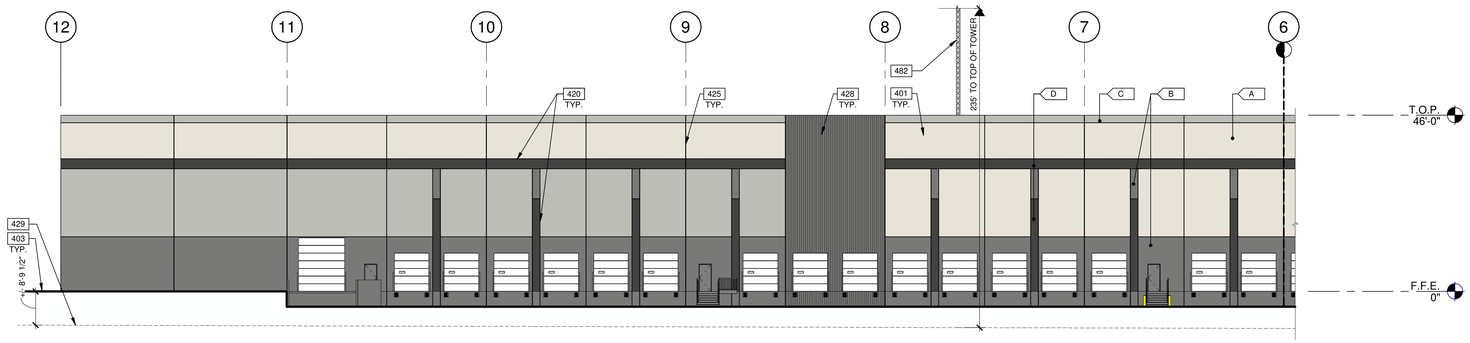


1/16"=1'-0"

0 8' 16' 32' 64'

PARTIAL EAST EXTERIOR ELEVATION (2A)

SCALE: 1/16" = 1'-0"



1/16"=1'-0"

0 8' 16' 32' 64'

PARTIAL EAST EXTERIOR ELEVATION (2B)

SCALE: 1/16" = 1'-0"

KEYNOTES:

401	CONCRETE WALL, PAINTED.
403	FINISH GRADE VARIES.
404	METAL SCREEN ARTWORK.
420	3/4" V-REVEAL.
425	CONCRETE WALL JOINT.
428	CONCRETE FORM LINER.
429	APPROXIMATE EXISTING GRADE. SEE CIVIL PLANS.
482	NEW RADIO TOWER ON TOP OF ROOF. DESIGN, HEIGHT AND INSTALLATION MECHANISM (GUY WIRES) TO MATCH EXISTING.

LEGEND

GLASS:

- VISION GLASS
- SPANDREL GLASS
- TEMPERED GLASS

COLORS:

PROVIDE 6'-0" WIDE PAINT COLOR MOCK-UP FULL HEIGHT OF BUILDING FOR OWNER/ARCHITECT REVIEW.

- A — BASE COLOR: SHERWIN WILLIAMS SW7009- PEARLY WHITE
- B — SECONDARY COLOR: SHERWIN WILLIAMS SW2849 - WESTCHESTER GRAY
- C — ACCENT COLOR: SHERWIN WILLIAMS SW7065 - ARGOS
- D — ACCENT COLOR: SHERWIN WILLIAMS SW7069- IRON ORE
- E — ACCENT COLOR: SHERWIN WILLIAMS SW6804 - DIGNITY BLUE

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ARCHITECTURE / PLANNING / INTERIORS
CIVIL ENGINEERING / LANDSCAPE ARCHITECTURE / BUILDING MEASUREMENT

4683 Chabot Dr. Suite #300
Pleasanton, CA 94588
P 925.249.9920

LOGISTICENTER AT ENTERPRISE

3636 ENTERPRISE AVENUE
HAYWARD, CA 94545

BUILDING 1-COLORED EXTERIOR ELEVATIONS

DATE	REMARKS
08/31/21	PLANNING RE-SUBMITTAL

PA/PM:	L. DEBRITO
DRAWN BY.:	M.I.
JOB NO.:	SNR20-0127-00

SHEET

A4.1

8/31/2021 10:44:29 AM

C:_Revit\127_ARCH_Interior\SNR\r4

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Attachment IV

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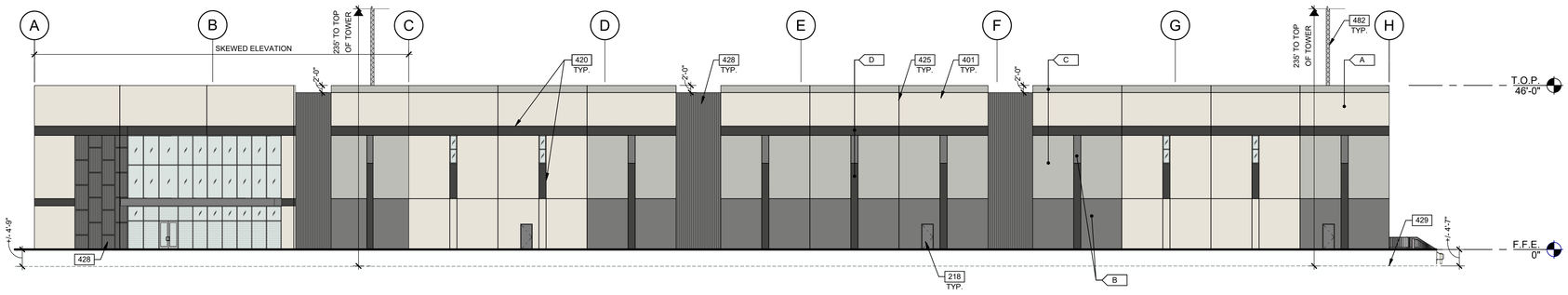
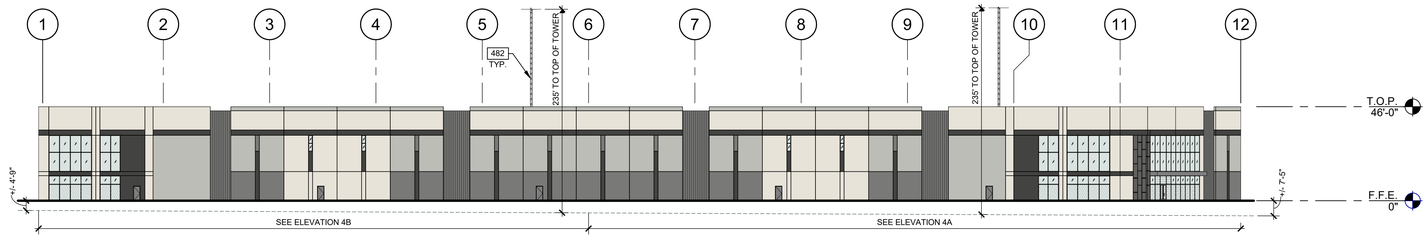


1/16"=1'-0"

0 8' 16' 32' 64'

OVERALL SOUTH EXTERIOR ELEVATION (3)

SCALE: 1/16" = 1'-0"

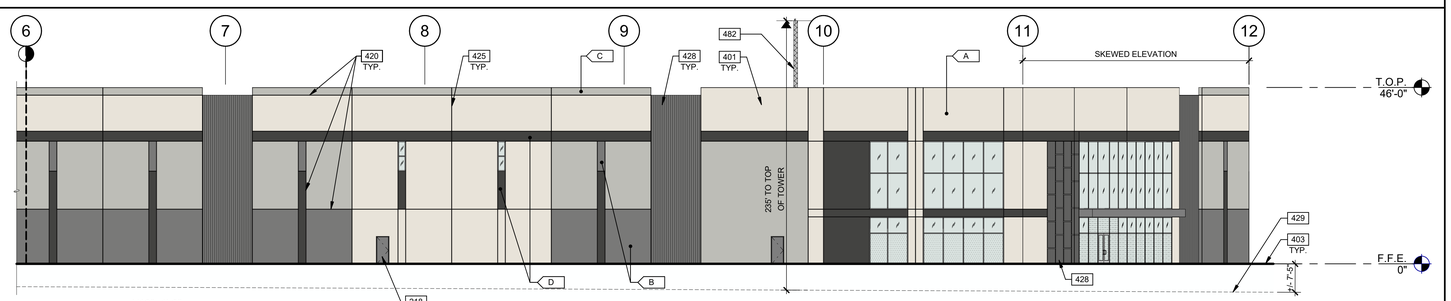


1"=30'

0 15' 30' 60' 150'

OVERALL WEST EXTERIOR ELEVATION (4)

SCALE: 1" = 30'-0"

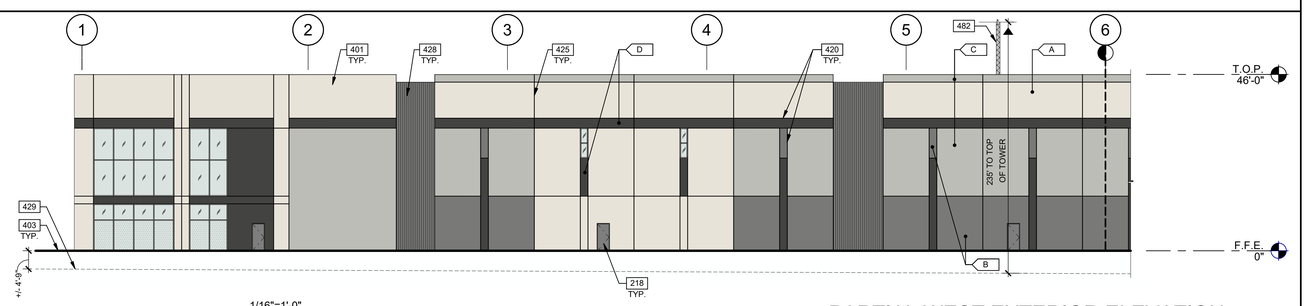


1/16"=1'-0"

0 8' 16' 32' 64'

PARTIAL WEST EXTERIOR ELEVATION (4A)

SCALE: 1/16" = 1'-0"

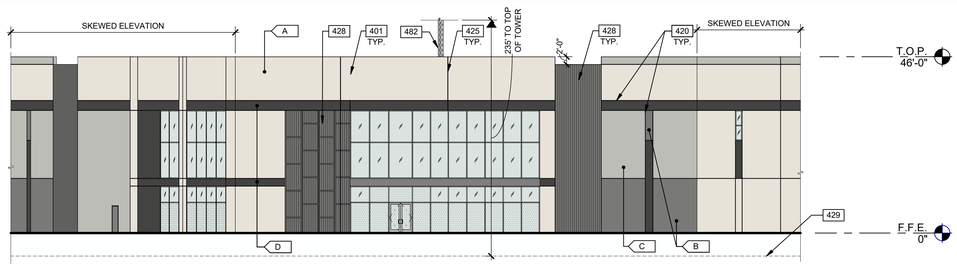


1/16"=1'-0"

0 8' 16' 32' 64'

PARTIAL WEST EXTERIOR ELEVATION (4B)

SCALE: 1/16" = 1'-0"



1/16"=1'-0"

0 8' 16' 32' 64'

SOUTH WEST EXTERIOR ELEVATION (3C)

SCALE: 1/16" = 1'-0"

KEYNOTES:

218	MAN DOOR, SEE ELEVATIONS.
401	CONCRETE WALL, PAINTED.
403	FINISH GRADE VARIES.
420	3/4" V-REVEAL.
425	CONCRETE WALL JOINT.
428	CONCRETE FORM LINER.
429	APPROXIMATE EXISTING GRADE. SEE CIVIL PLANS.
482	NEW RADIO TOWER ON TOP OF ROOF. DESIGN, HEIGHT AND INSTALLATION MECHANISM (GUY WIRES) TO MATCH EXISTING.

LEGEND

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- VISION GLASS
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PROVIDE 6'-0" WIDE PAINT COLOR MOCK-UP FULL HEIGHT OF BUILDING FOR OWNER/ARCHITECT REVIEW.

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- C — ACCENT COLOR: SHERWIN WILLIAMS SW7065 - ARGOS
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ARCHITECTURE
PLANNING
INTERIORS
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LANDSCAPE
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3636 ENTERPRISE AVENUE
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BUILDING 1-COLORED EXTERIOR ELEVATIONS

DATE	REMARKS
08/31/21	PLANNING RE-SUBMITTAL

PA/PM:	L. DEBRITO
DRAWN BY.:	M.I.
JOB NO.:	SNR20-0127-00

SHEET

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8/30/2021 4:59:25 PM

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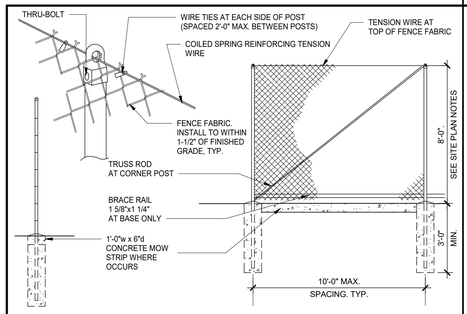
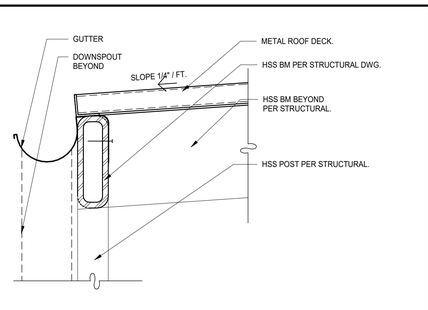


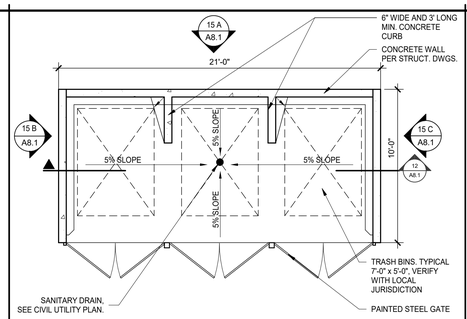
CHAINLINK FENCE (21)

SCALE: 3/8" = 1'-0"



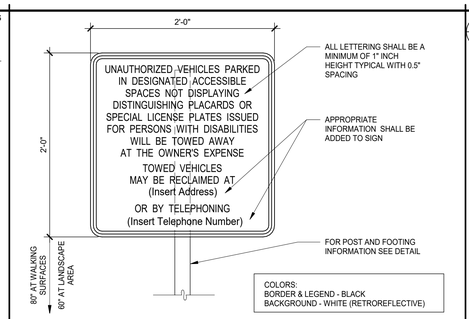
TRASH ENCLOSURE ROOF EDGE (16)

SCALE: 3" = 1'-0"



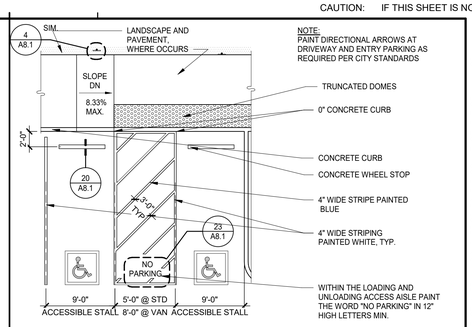
TRASH ENCLOSURE PLAN (11)

SCALE: 1/4" = 1'-0"



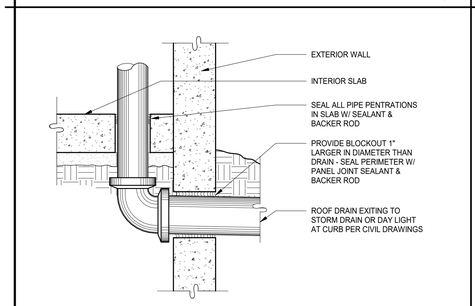
UNAUTHORIZED VEHICLE SIGNAGE (6)

SCALE: 1 1/2" = 1'-0"



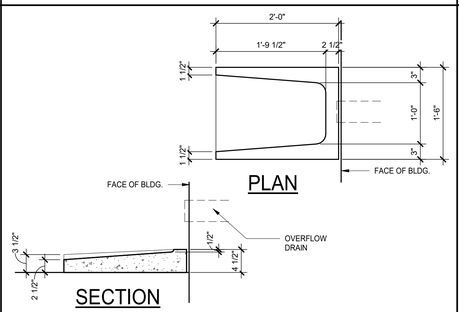
ACCESSIBLE PARKING STALLS (1)

SCALE: 1/8" = 1'-0"



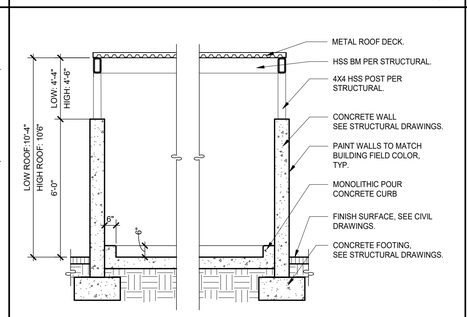
ROOF DRAIN EXITING (22)

SCALE: 1 1/2" = 1'-0"



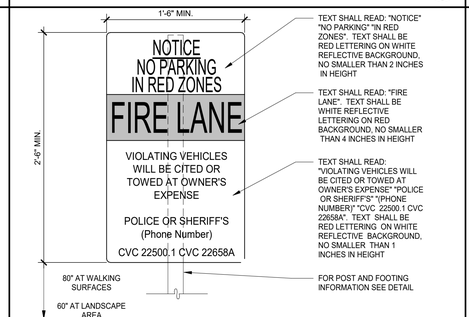
SPLASH BLOCK (17)

SCALE: 1" = 1'-0"



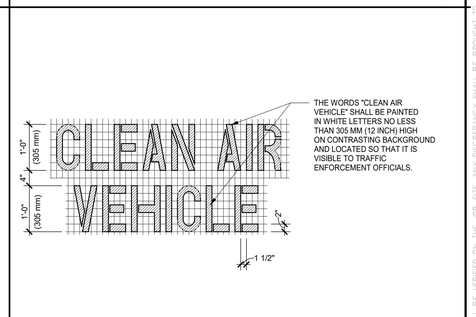
TRASH ENCLOSURE SECTION (12)

SCALE: 3/8" = 1'-0"



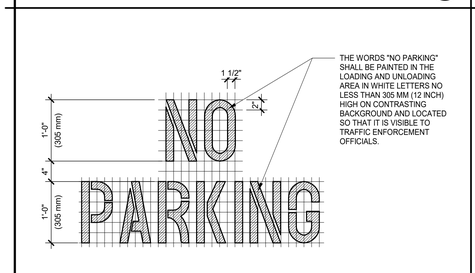
FIRELANE ENTRY SIGNAGE (7)

SCALE: 1 1/2" = 1'-0"



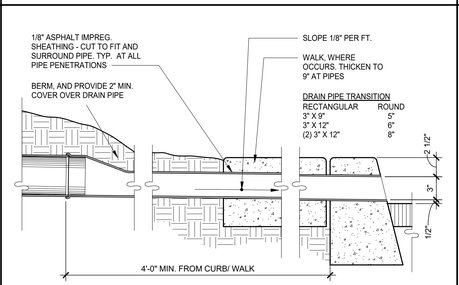
"CLEAN AIR VEHICLE" MARKING (2)

SCALE: 3/4" = 1'-0"



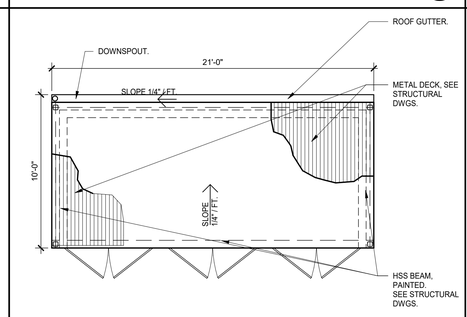
"NO PARKING" PAVEMENT MARKING (23)

SCALE: 1" = 1'-0"



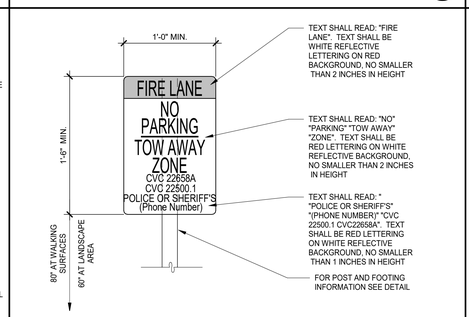
ROOF DRAIN EXITING TO CURB (18)

SCALE: 1 1/2" = 1'-0"



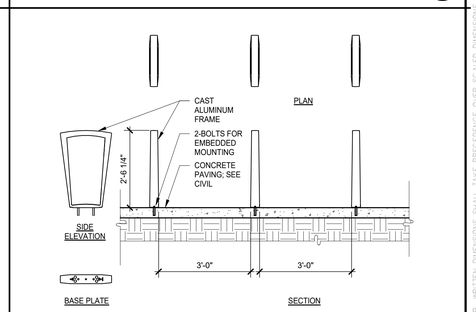
TRASH ENCLOSURE ROOF PLAN (13)

SCALE: 1/4" = 1'-0"



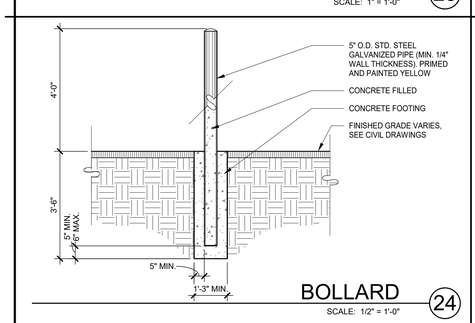
FIRE LANE SIGN (8)

SCALE: 1 1/2" = 1'-0"



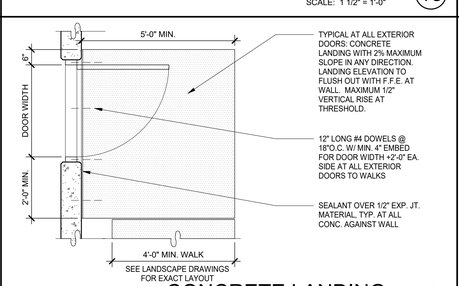
BIKE RACK (3)

SCALE: 1/2" = 1'-0"



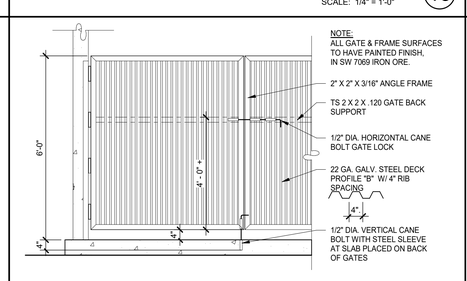
BOLLARD (24)

SCALE: 1/2" = 1'-0"



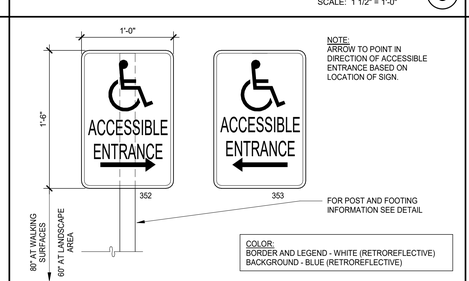
CONCRETE LANDING (19)

SCALE: 1/2" = 1'-0"



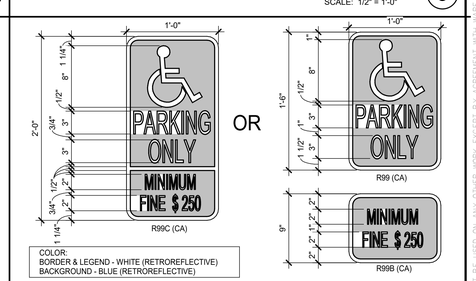
TRASH ENCLOSURE GATE (14)

SCALE: 1/2" = 1'-0"



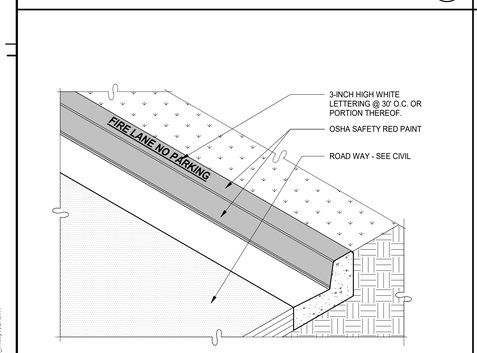
ACCESSIBLE DIRECTION SIGN (9)

SCALE: 1 1/2" = 1'-0"



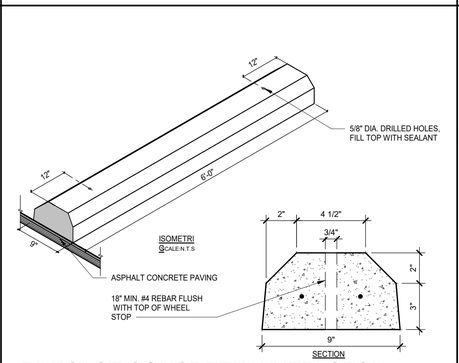
ACCESSIBLE SIGNS (4)

SCALE: 1 1/2" = 1'-0"



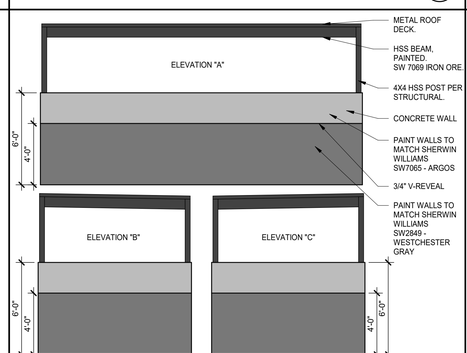
FIRE LANE CURB (25)

SCALE: 3/4" = 1'-0"



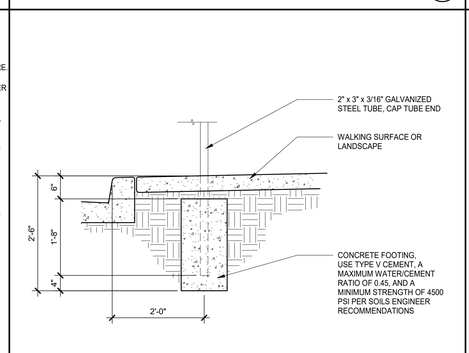
PRECAST CONCRETE WHEELSTOP (20)

SCALE: 3" = 1'-0"



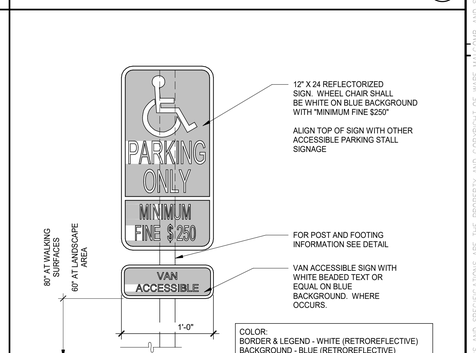
TRASH ENCLOSURE ELEVATIONS (15)

SCALE: 1/4" = 1'-0"



TYPICAL SIGN FOUNDATION (10)

SCALE: 3/4" = 1'-0"



VAN ACCESSIBLE SIGNAGE (5)

SCALE: 1 1/2" = 1'-0"

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LOGISTICENTER AT ENTERPRISE

3636 ENTERPRISE AVENUE
HAYWARD, CA 94545

SITE DETAILS

DATE	REMARKS
08/31/21	PLANNING RE-SUBMITTAL

PA/PM:	L. DEBRITO
DRAWN BY.:	M.I.
JOB NO.:	SNR20-0127-00

SHEET

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C:_Revit\0127_ARCH_Insley\X365.rvt

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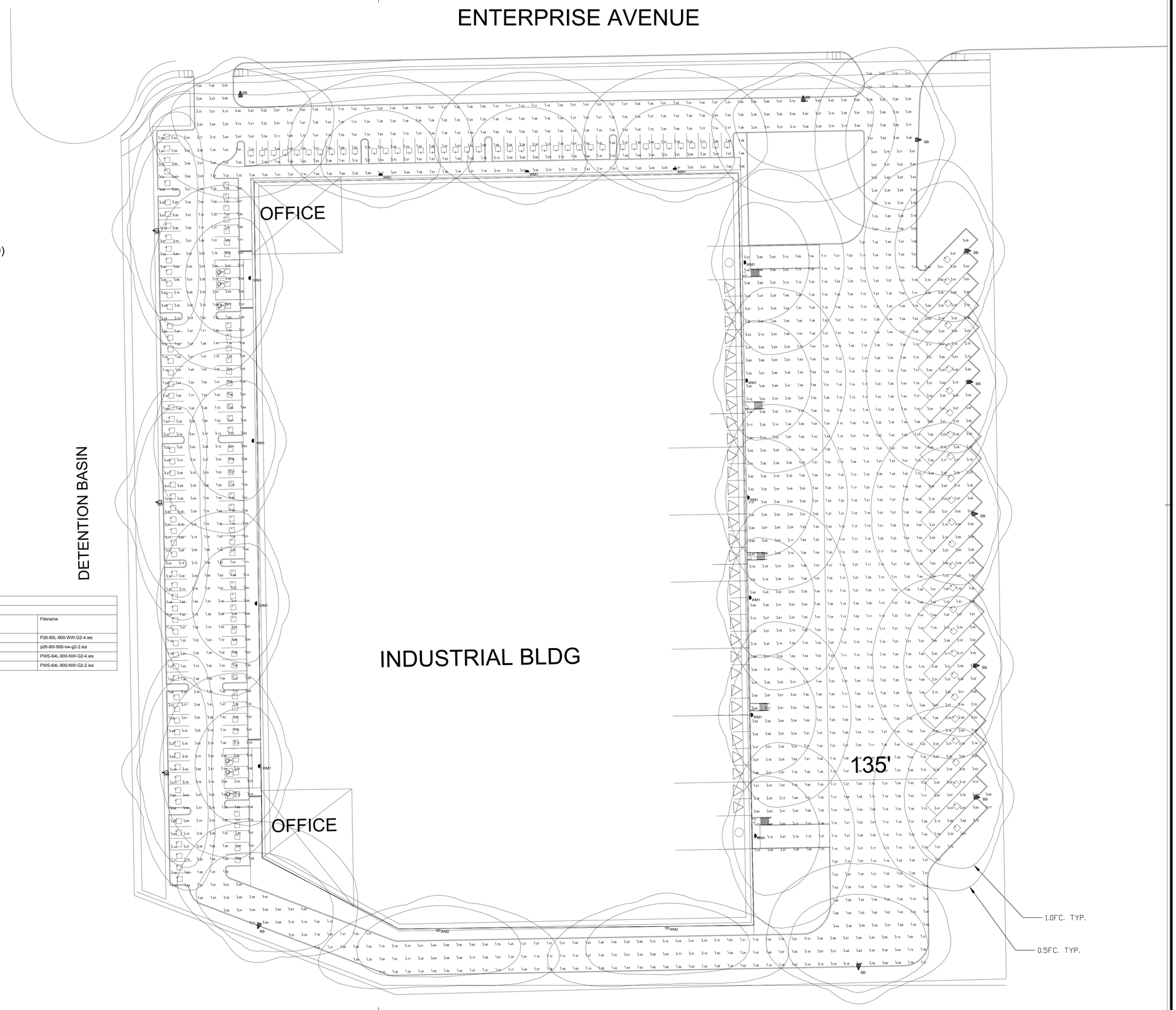
GARDCO LIGHT POLE AND WALL MOUNTED FIXTURE (LABEL BB AND DD)

GARDCO WALL SCONCE FIXTURE (LABEL WM1 AND WM2)

Luminaire Schedule - LED								
Project: DERMODY PROPERTIES - HAYWARD								
Symbol	Qty	Label	Arrangement	LLF	Luminaire Lumens	Luminaire Watts	Description	Filename
	10	BB	Single	0.900	24482	219.4286	GARDCO P26-80L-900-WW-G2-4 @ 25'	P26-80L-900-WW-G2-4.ies
	3	DD	Single	0.900	27986	219.4286	GARDCO P26-80L-900-NW-G2-2 @ 25'	p26-80l-900-nw-g2-2.ies
	13	WM1	Single	0.900	21840	179.1	GARDCO PWS-64L-900-NW-G2-4 - 33.5'	PWS-64L-900-NW-G2-4.ies
	2	WM2	Single	0.900	21880	179.1	GARDCO PWS-64L-900-NW-G2-2 @ 33.5'	PWS-64L-900-NW-G2-2.ies

Calculation Summary							
Project: DERMODY PROPERTIES - HAYWARD							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
AUTO PARKING AND DRIVES	Illuminance	Fc	2.30	10.50	1.00	2.30	10.50
TRUCK DOCKS AND PARKING	Illuminance	Fc	1.94	6.03	1.00	1.94	6.03



ALL VALUES SHOWN ARE MAINTAINED HORIZONTAL FOOTCANDLES AT GRADE

PHOTOMETRIC DATA USED AS INPUT FOR THESE CALCULATIONS IS BASED ON ESTABLISHED IES PROCEDURES AND PUBLISHED LAMP, RATINGS, FIELD PERFORMANCE WILL DEPEND ON ACTUAL LAMP, BALLAST, ELECTRICAL, AND SITE CHARACTERISTICS.

Calculations have been performed according to IES standards and good practice. Some differences between measured values and calculated results may occur due to tolerances in calculation methods, testing procedures, component performance, measurement techniques and field conditions such as voltage and temperature variations. Input data used to generate the attached calculations such as room dimensions, reflectances, furniture and architectural elements significantly affect the lighting calculations. If the real environment conditions do not match the input data, differences will occur between measured values and calculated values.

Associated Lighting Representatives, Inc.

ASSOCIATED LIGHTING REPRESENTATIVES, INC
7777 PARDEE LANE
P.O. BOX 2265
OAKLAND, CA 94621
PHONE: (510) 638-0158 - FAX (510) 638-2908

REPORT FOR: WARE MALCOMB
BY: APPLICATIONS ENGINEERING; RAMON ZAPATA
SALES REPRESENTATIVE: ALR; CATHY JOHNSON

AGI32 VERSION 19.14
AGI (C) 2020 LIGHTING ANALYSTS, INC.
10268 W. CENTENNIAL ROAD, SUITE 202
LITTLETON, CO 80127

PROJECT DESCRIPTION

DERMODY PROPERTIES
CITY OF HAYWARD

E1.0 PHOTOMETRIC PLAN

DRAWING NO. / INPUT FILE
19024GOT.DWG / 19024GOT.A32

SCALE	SHEET	DATE	REV
1" = 30'	1 OF 1		X

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WHITESELL ST & ENTERPRISE AVE
Entitlement Package

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Contact: Adam Carvalho
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Landscape Architect
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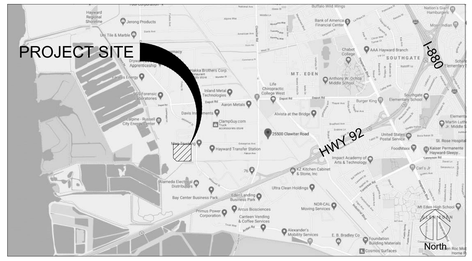
HortScience | Bartlett Consulting
325 Ray Street
Pleasanton, CA 94566
Contact: Pam Nagel
Ph: (925) 484-0211

VICINITY MAP



SITE MAP

INDEX OF DRAWINGS

SEQ.	SHEET	SHEET TITLE
1	L-1	Landscape Title Sheet
2	L-2	Conceptual Planting Plan
3	L-3	Conceptual Irrigation Plan
4	L-4	Employee Patio Enlargement
5	L-5	Planting Imagery
6	L-6	Overall Illustrative

PLANS CONFORM TO 2019 CALIFORNIA BUILDING CODE.
PLANTING AND IRRIGATION PLANS CONFORM TO THE CITY OF HAYWARD BAY-FRIENDLY WATER EFFICIENT LANDSCAPE ORDINANCE.

PLANS ARE PREPARED FROM CIVIL ENGINEER/ ARCHITECT BACKGROUND DATED 05/12/2021.

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LANDSCAPE TITLE SHEET

	DATE	REMARKS
1	05-26-2021	PLANNING SUBMITTAL
2	08-31-2021	PLANNING RE-SUBMITTAL
3		
4		

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JOB NO.:	SNR20-0127-00

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TREE LEGEND - SUNSET ZONE 17

SYMBOLS	BOTANIC NAME	COMMON NAME	SIZE	SPACING	QTY.	WUCOLS	REMARKS
▲	*Lagerstroemia indica 'Natchez'*	Natchez Crape Myrtle	48" Box	Per Plan	14	Low	Multi-trunk
∵	*Laurus nobilis*	Sweet Bay	24" Box	Per Plan	38	Low	Low Branching
■	*Lophostemon confertus*	Brisbane Box	24" Box	Per Plan	42	Moderate	Standard
●	*Pistacia chinensis*	Chinese Pistache	24" Box	Per Plan	7	Moderate	Standard
∘	*Olea europaea 'Swan Hill'*	Swan Hill Olive	48" Box	Per Plan	9	Very Low	Standard
+	*Ulmus parvifolia*	Evergreen Elm	48" Box	Per Plan	5	Low	Standard

VINE LEGEND - SUNSET ZONE 17

SYMBOLS	BOTANIC NAME	COMMON NAME	SIZE	SPACING	QTY.	WUCOLS	REMARKS
⋈	*Ficus pumila*	Creeping Fig	5 Gal.	16" o.c. Per Plan	4	Moderate	Self-Attaching to Metal Screen MATURE SIZE: 12' w x 25' h

SHRUB LEGEND - SUNSET ZONE 17

SYMBOLS	BOTANIC NAME	COMMON NAME	SIZE	SPACING	QTY.	WUCOLS	MATURE SIZE
	Arctostaphylos manzanita	Common Manzanita	15 Gal.	6' o.c.	-	Low	6' w x 12' h
	Dietes iridioides	Fortnight Lily	5 Gal.	30" o.c.	-	Low	2' w x 2' h
	Myrtus communis 'Compacta'	Dwarf Myrtle	5 Gal.	36" o.c.	-	Low	3' w x 3' h
	Prunus caroliniana 'Bright n Tight'	Carolina Laurel Cherry	5 Gal.	6' o.c.	-	Low	6' w x 10' h
	Rhaphiolepis indica 'Clara'	Clara Indian Hawthorn	1 Gal.	48" o.c.	-	Low	4' w x 4' h

GROUNDCOVER LEGEND - SUNSET ZONE 17

SYMBOLS	BOTANIC NAME	COMMON NAME	SIZE	SPACING	QTY.	WUCOLS	MATURE SIZE
	Arctostaphylos 'Emerald Carpet'	Emerald Carpet Manzanita	1 Gal.	5' o.c.	-	Low	5' w x 1' h
	Trachelospermum jasminoides	Star Jasmine	1 Gal.	6' o.c.	-	Low	6' w x 2' h

BIO-RETENTION BASINS LEGEND - SUNSET ZONE 17

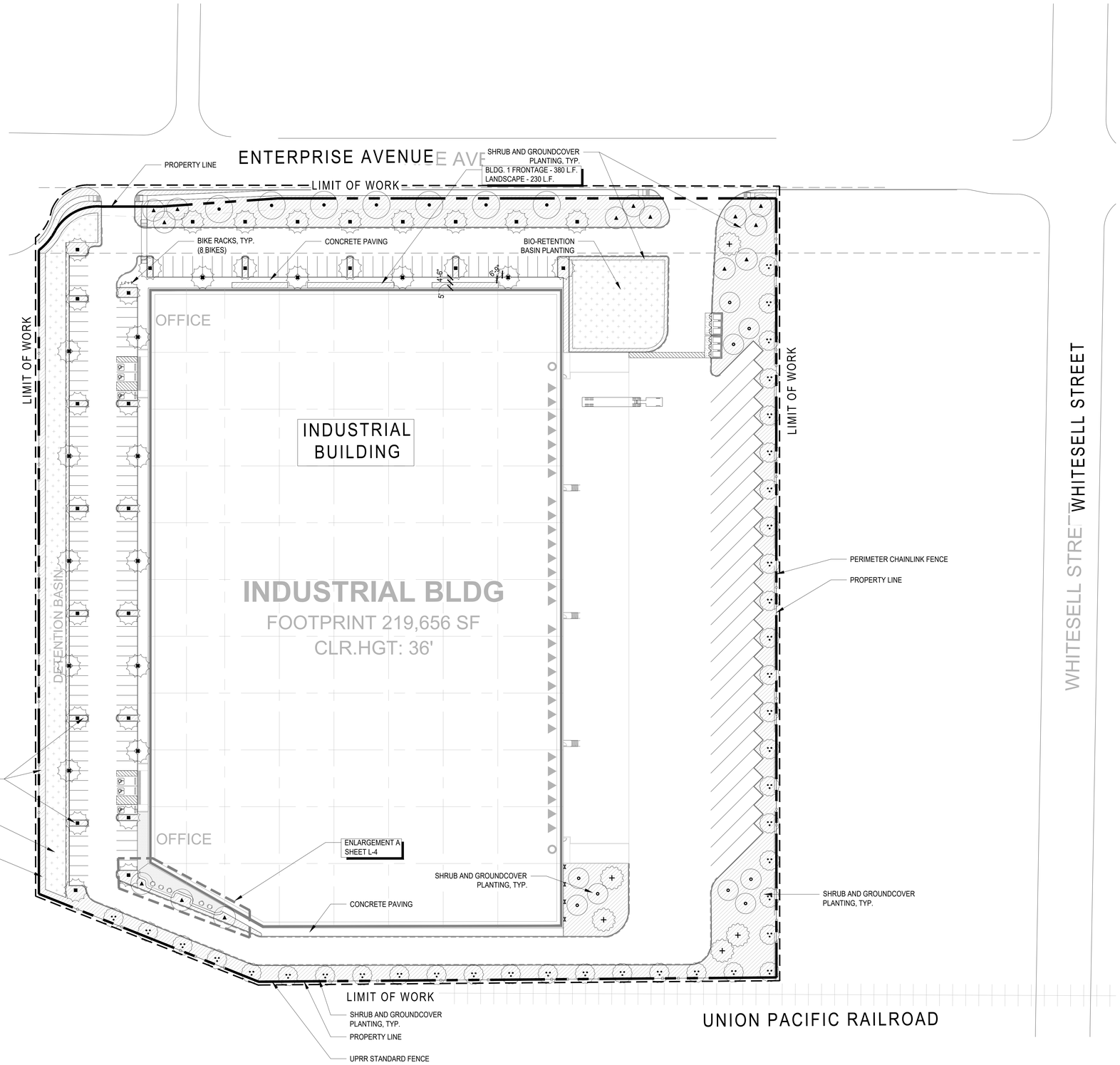
SYMBOLS	BOTANIC NAME	COMMON NAME	SIZE	SPACING	QTY.	WUCOLS	MATURE SIZE
	Arctostaphylos 'Emerald Carpet'	Emerald Carpet Manzanita	1 Gal.	5' o.c.	-	Low	5' w x 1' h
	Arctostaphylos densiflora 'Howard McMinn'	McMinn Manzanita	5 Gal.	6' o.c.	-	Low	6' w x 6' h
	Baccharis pilularis	Coyote Bush	1 Gal.	6' o.c.	-	Low	6' w x 2' h
	Juncus patens	California Gray Rush	1 Gal.	24" o.c.	-	Low	2' w x 2' h

SUMMARY DATA

LANDSCAPE AREA: 77,629 S.F.

PROJECT TYPE: PRIVATE

WATER SOURCE: POTABLE



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CONCEPTUAL PLANTING PLAN

	DATE	REMARKS
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2	08-31-2021	PLANNING RE-SUBMITTAL
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IRRIGATION CALCULATIONS

City of HAYWARD

Water Efficient Landscape Worksheet

Project Name: Logisticenter at Enterprise Avenue
Project Applicant: DERMODY PROPERTIES
Project Address: Enterprise Avenue and Whitesell Street, Hayward, CA 94545

Prepared by:

ima Design — #1547
Name — License or Cert. No. (if applicable)
344 20th Street, Suite 302B, Oakland, CA 94612 / 510.353.3952 / fcastellanos@imadesign.com
Address / Telephone Number / E-Mail

May 18th, 2021
Document Preparation Date

PART ONE **Maximum Applied Water Allowance (MAWA)**

Total Irrigated Landscaped Area (square feet)	Box A: 77,629
Maximum Applied Water Allowance (Gallons per Year)	Box B: 957,305

Landscape Hydrozone	Hydrozone Area (HA) s.f.	Plant Factor (PF)	Irrigation Efficiency (IE)	ETWU (Gallons/ Year)
1	6,640	0.3	0.81	67,394
2	6,674	0.3	0.81	67,739
3	6,630	0.3	0.81	67,292
4	6,958	0.3	0.81	70,621
5	3,639	0.3	0.81	36,935
6	754	0.3	0.81	7,653
7	6,991	0.3	0.81	70,956
8	11,784	0.3	0.75	129,171
9	794	0.3	0.81	8,059
10	1,508	0.3	0.81	15,306
11	718	0.3	0.81	7,287
12	12,806	0.3	0.81	129,976
13	1,001	0.3	0.81	10,160
14	6,735	0.3	0.75	73,826
15	2,726	0.3	0.75	29,881
16	1,271	0.5	0.75	23,220
TOTAL	**77,629**			**815,476**

NOTES:
1. TREES ON SEPARATE BUBBLERS - ZONE 15 FOR LOW WATER USE AND ZONE 16 FOR MODERATE WATER USE.
2. TREES WITH DIFFERENT WATERING REQUIREMENTS TO BE ON SEPARATE VALVES.

Model Water Efficient Landscape Ordinance (MWELO) Worksheet

Logisticenter at Enterprise Avenue - Hayward, CA

Point-of-Connections: Systems 'A'

Maximum Applied Water Allowance (MAWA)

Total MAWA = (ETo x 0.45 x LA in SF x 0.62 + (ETo x 1.0 x SLA in SF x 0.62) = Gallons per Year for LA+SLA

Where:
MAWA = Maximum Applied Water Allowance (gallons per year)
ETo = Reference Evapotranspiration (44.2 inches per year)
0.45 = ET Adjustment Factor (ETAF)
1.0 = ET Adjustment Factor (ETAF) for Special Landscape Area
LA = Landscape Area (square feet)
0.62 = Conversion factor (to gallons per square foot)
SLA = Special Landscape Area (square feet)
Billing Unit = 1 Hundred Cubic feet (HCF) or 748 gallons

MAWA Calculation:	System 'A'								
	ETo		ETAF		LA or SLA (SF)		Conversion	MAWA (Gallons per Year)
MAWA for LA =	44.2	x	0.45	x	77,629	x	0.62	957,305
MAWA for SLA =	44.2	x	1.0	x		x	0.62	0
					Total Area (SF) =		Total MAWA =	957,305 Gal/Yr.
							=	1,280 Billing units

Estimated Total Water Use (ETWU)

PF = Plant Factor (range = 0.0 to 1.0)
LA = Landscape Area (square feet)
0.62 = Conversion factor (gallons/ square foot)
IE = Irrigation Efficiency = IME x DU
Kd = Density Factor (range = 0.5 to 1.3) (See WUCOLS for density ranges)
Kmc = Microclimate Factor (range = 0.5 to 1.4) (See WUCOLS for density ranges)

ETWU Calculation: ETo x PF x LA in SF x 0.62 = Gallons per Year

System 'A'

	ETo		PF		LA		Conversion		IE		ETWU (Gallons Per Year)
Special Landscape Area	44.2	x	1.00	x	0	x	0.62	÷	0.75	=	0
Cool Season No-Mow Turf (drip)	44.2	x	0.50	x	0	x	0.62	÷	0.81	=	0
Low Using Shrub (spray)	44.2	x	0.30	x	18,519	x	0.62	÷	0.75	=	202,998
Low Using Shrub (drip)	44.2	x	0.30	x	55,113	x	0.62	÷	0.81	=	559,377
Low Using Trees	44.2	x	0.30	x	2,726	x	0.62	÷	0.75	=	29,881
Moderate Using Trees	44.2	x	0.50	x	1,271	x	0.62	÷	0.75	=	23,220
Total ETWU =					77,629 SF						815,476 Gallons per year
									Total ETWU =		1,090 Billing units

The ETWU (804,098 gallons per year) is less than the MAWA (943,481 gallons per year).
The project's Landscape Estimated Total Water Use complies with the City's Water Efficient Landscape Ordinance.

LEGEND

SYMBOL	DESCRIPTION
⊠	IRRIGATION POINT-OF-CONNECTION - WATER METER FOR IRRIGATION SERVICE PROVIDED BY CIVIL ENGINEER (PROPOSED LOCATION TO BE CONFIRMED)
◪	REDUCED PRESSURE BACKFLOW PREVENTER / ENCLOSURE - 2-INCH SIZE (PROPOSED LOCATION TO BE CONFIRMED)
A	IRRIGATION 'SMART' CONTROLLER (PROPOSED LOCATION TO BE CONFIRMED)
M	MASTER CONTROL VALVE - 2-INCH SIZE (PROPOSED LOCATION TO BE CONFIRMED)
F	IR SERIES FLOW SENSOR - PVC HOUSING - 2-INCH SIZE (PROPOSED LOCATION TO BE CONFIRMED)
- - - - -	PIPING SLEEVE UNDER PAVED AREA NOTE: SLEEVING LOCATIONS SHOWN ARE CONCEPTUAL AND ARE SUBJECT TO CHANGE BASED ON THE FINAL IRRIGATION DESIGN.

NOTE:
STATIC WATER PRESSURE READING AT THE POINT-OF-CONNECTION FOR THE IRRIGATION SYSTEM IS 110PSI AVERAGE (VARIES 105 - 120 PSI). STATIC WATER PRESSURE READING WAS PROVIDED BY CITY OF HAYWARD WATER DEPARTMENT ON 05/17/2021. CONTRACTOR TO VERIFY STATIC WATER PRESSURE IN FIELD PRIOR TO CONSTRUCTION.

IRRIGATION DESIGN INTENT

CONSUMING WATER FOR IRRIGATION IN EXCESSIVE AMOUNTS HAS BECOME MORE EXPENSIVE. THE PROPOSED PROJECT'S IRRIGATION SYSTEM WILL BE DESIGNED TO COMPLY WITH THE COUNTY'S WATER EFFICIENT ORDINANCE ADOPTED ON 2010 AS WELL AS THE BAY FRIENDLY LANDSCAPE DESIGN GUIDELINES, ADOPTED APRIL 9, 2014.

IRRIGATION SYSTEM OVERVIEW

THE IRRIGATION SYSTEM WILL BE SUPPLIED WITH DOMESTIC WATER FROM A NEW IRRIGATION-USE WATER METER. THE WATER METER WILL OPERATE A DEDICATED, REDUCED-PRESSURE TYPE BACKFLOW PREVENTER ASSEMBLY TO PROTECT THE DOMESTIC WATER SYSTEM.

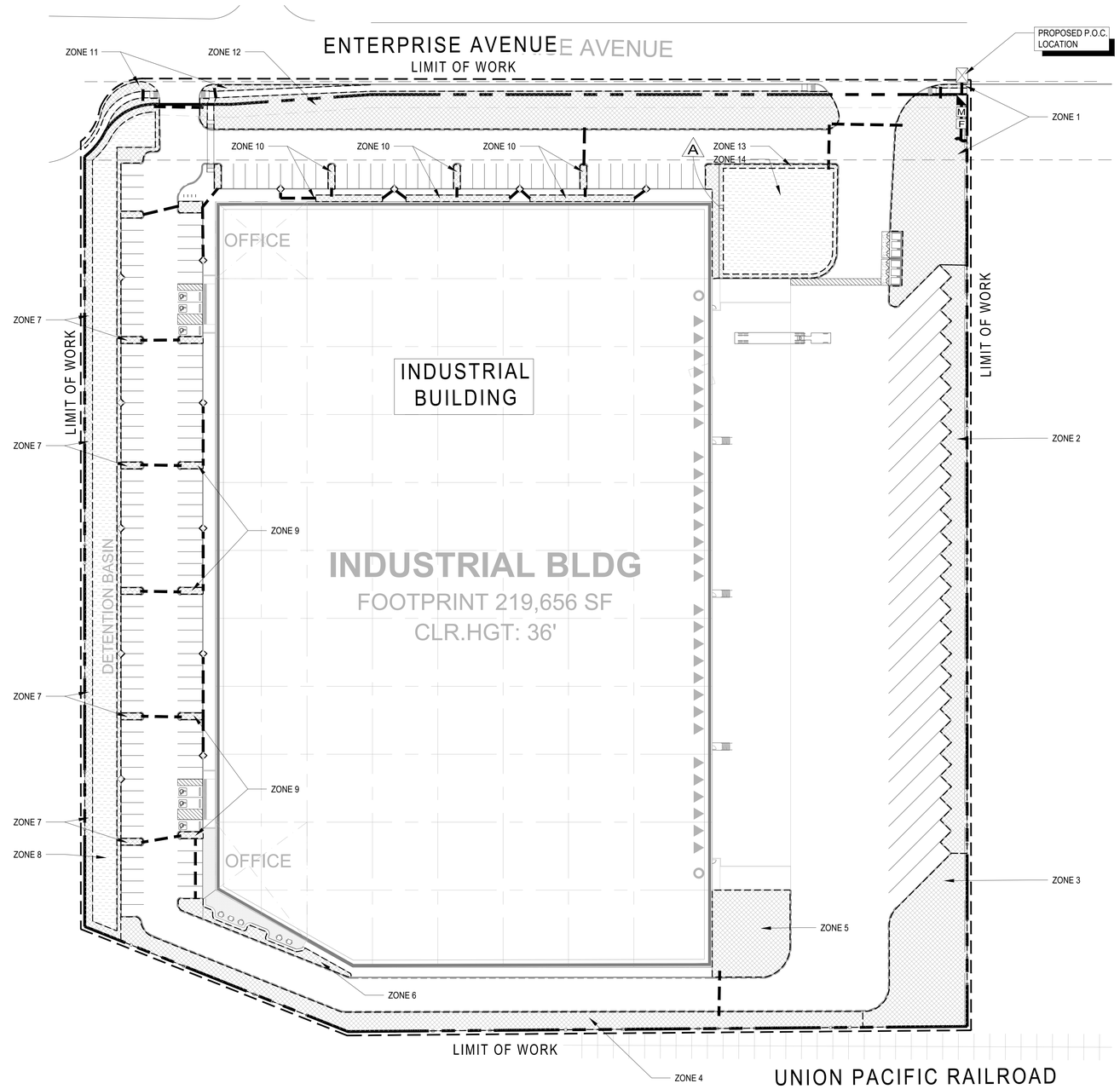
THE IRRIGATION SYSTEM WILL UTILIZE A HIGH EFFICIENCY IRRIGATION SYSTEM TO INCLUDE A SMART CONTROLLER, DRIP IRRIGATION AND POP-UP LOW SPRINKLERS. TREES WILL BE IRRIGATED ON A BUBBLER SYSTEM FOR DEEP ROOT WATERING.

ALL IRRIGATION SYSTEMS ON THE SITE SHALL BE DESIGNED TO PREVENT RUNOFF, OVER-SPRAY, LOW HEAD DRAINAGE AND OTHER SIMILAR CONDITIONS WHERE WATER FLOWS OUT OF THE DESIGNATED LANDSCAPE AREA.

IRRIGATION HYDROZONE LEGEND

SYMBOL	DESCRIPTION
	LOW WATER USE PLANT MATERIAL WITH SUBSURFACE DRIP IRRIGATION
	LOW WATER USE PLANT MATERIAL WITH OVERHEAD SPRAY SPRINKLERS (BIO-FILTRATION BASIN)

NOTE:
This design complies with the City of Hayward Bay-Friendly Water Efficient Landscape Ordinance and applies its criteria for the efficient use of water in the landscape and irrigation design plan.



NORTH

SCALE: 1" = 40' - 0"

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IRRIGATION HYROZONE PLAN

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PAVING LEGEND

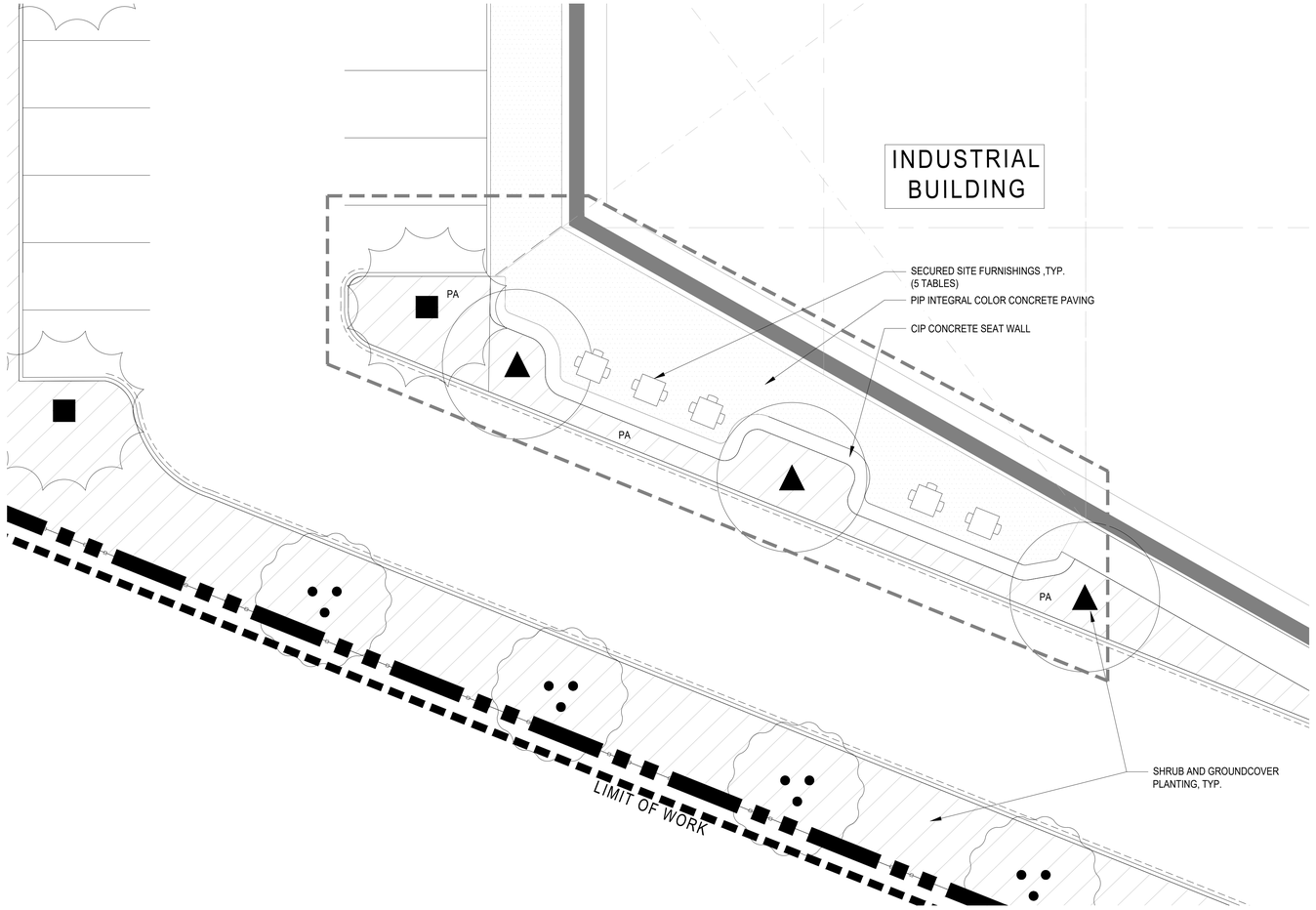
SYMBOL	DESCRIPTION	MATERIAL	COLOR	FINISH	COMMENTS
	INTEGRAL COLOR CONCRETE PAVING	PIP CONCRETE	DAVIS COLOR: 677 OUTBACK	TOPCAST 05	FINAL COLOR PER APPROVED MOCK-UP

WALL LEGEND

DESCRIPTION	MATERIAL	COLOR	FINISH	COMMENTS
CONCRETE WALL	CAST-IN-PLACE CONCRETE	INTEGRAL COLOR - LAMP BLACK	SMOOTH	FINAL COLOR PER APPROVED MOCK-UP

SITE FURNISHINGS LEGEND

DESCRIPTION	MFGR.	MODEL	COLOR	FINISH	COMMENTS
TABLES AND CHAIRS - CAROUSEL	LANDSCAPE FORMS	CASUAL HEIGHT 94" x 33" - 3 SEAT GRID BACKED TABLETOP: SQUARE - IPE WOOD TABLE	POWDERCOAT TITANIUM	METALLIC	SURFACE MOUNT
BIKE RACK	BELSON OUTDOORS	STD. INVERTED U #CBBR-2CS-BK	BLACK	POWDERCOAT	SURFACE MOUNT



ENLARGEMENT A

1/8"=1'-0"

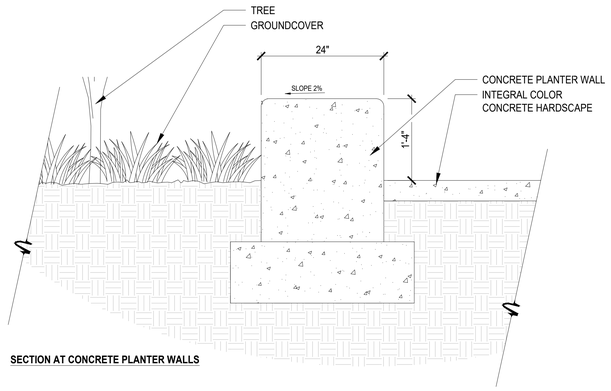
A

NORTH

0 4 8 16

SCALE: 1/8" = 1' - 0"

CONCEPT IMAGE



SECTION AT CONCRETE PLANTER WALLS

CONCEPTUAL WALL DETAIL

1"=1'-0"

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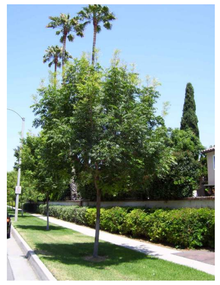
TREES

Lagerstroemia indica 'Natchez'

Laurus nobilis

Lophostemon confertus


Pistacia chinensis

Olea europaea 'Swan Hill'

Ulmus parvifolia

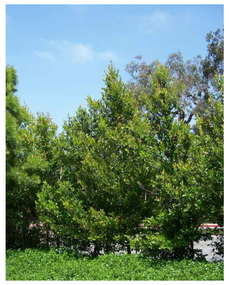
SHRUBS AND VINES

Ficus pumila

Arctostaphylos manzanita

Dietes iridioides

Myrtus communis 'Compacta'

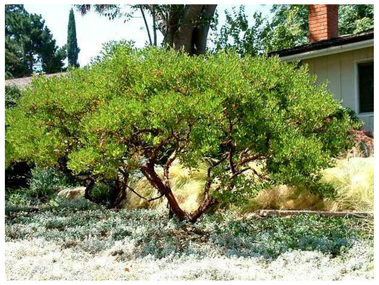

Prunus caroliniana 'Bright n Tight'

Rhaphiolepis indica 'Clara'

GROUNDCOVERS / BIO-RETENTION BASINS

Arctostaphylos 'Emerald Carpet'

Trachleospermum jasminoides


Arctostaphylos densiflora 'Howard McMinn'

Baccharis pilularis

Juncus patens

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WHITESELL ST &
ENTERPRISE AVE
WHITESELL ST & ENTERPRISE AVE
HAYWARD, CALIFORNIA 94545

PLANTING IMAGERY

	DATE	REMARKS
1	05-26-2021	PLANNING SUBMITTAL
2	08-31-2021	PLANNING RE-SUBMITTAL
3		
4		

PA / PM:	–
DRAWN BY:	–
JOB NO.:	SNR20-0127-00

SHEET
L-5

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9/30/2021 – 4:20pm

CAUTION: IF THIS SHEET IS NOT 30"x42" IT IS A REDUCED PRINT

TREE LEGEND - SUNSET ZONE 17

SYMBOLS	BOTANIC NAME	COMMON NAME	SIZE	SPACING	QTY.	WUCOLS	REMARKS
	Lagerstroemia indica 'Natchez'	Natchez Crape Myrtle	48" Box	Per Plan	14	Low	Multi-trunk
	Laurus nobilis	Sweet Bay	24" Box	Per Plan	38	Low	Low Branching
	Lophostemon confertus	Brisbane Box	24" Box	Per Plan	42	Moderate	Standard
	Pistacia chinensis	Chinese Pistache	24" Box	Per Plan	7	Moderate	Standard
	Olea europaea 'Swan Hill'	Swan Hill Olive	48" Box	Per Plan	9	Very Low	Standard
	Ulmus parvifolia	Evergreen Elm	48" Box	Per Plan	5	Low	Standard

VINE LEGEND - SUNSET ZONE 17

SYMBOLS	BOTANIC NAME	COMMON NAME	SIZE	SPACING	QTY.	WUCOLS	REMARKS
	Ficus pumila	Creeping Fig	5 Gal.	16' o.c. Per Plan	4	Moderate	Self-Attaching to Metal Screen MATURE SIZE: 12' w x 25' h

SHRUB LEGEND - SUNSET ZONE 17

SYMBOLS	BOTANIC NAME	COMMON NAME	SIZE	SPACING	QTY.	WUCOLS	MATURE SIZE
	Arctostaphylos manzanita	Common Manzanita	15 Gal.	6' o.c.	-	Low	6' w x 12' h
	Dietes iridioides	Fortnight Lily	5 Gal.	30" o.c.	-	Low	2' w x 2' h
	Myrtus communis 'Compacta'	Dwarf Myrtle	5 Gal.	36" o.c.	-	Low	3' w x 3' h
	Prunus caroliniana 'Bright n Tight'	Carolina Laurel Cherry	5 Gal.	6' o.c.	-	Low	6' w x 10' h
	Rhaphiolepis indica 'Clara'	Clara Indian Hawthorn	1 Gal.	48" o.c.	-	Low	4' w x 4' h

GROUNDCOVER LEGEND - SUNSET ZONE 17

SYMBOLS	BOTANIC NAME	COMMON NAME	SIZE	SPACING	QTY.	WUCOLS	MATURE SIZE
	Arctostaphylos 'Emerald Carpet'	Emerald Carpet Manzanita	1 Gal.	5' o.c.	-	Low	5' w x 1' h
	Trachelospermum jasminoides	Star Jasmine	1 Gal.	6' o.c.	-	Low	6' w x 2' h

BIO-RETENTION BASINS LEGEND - SUNSET ZONE 17

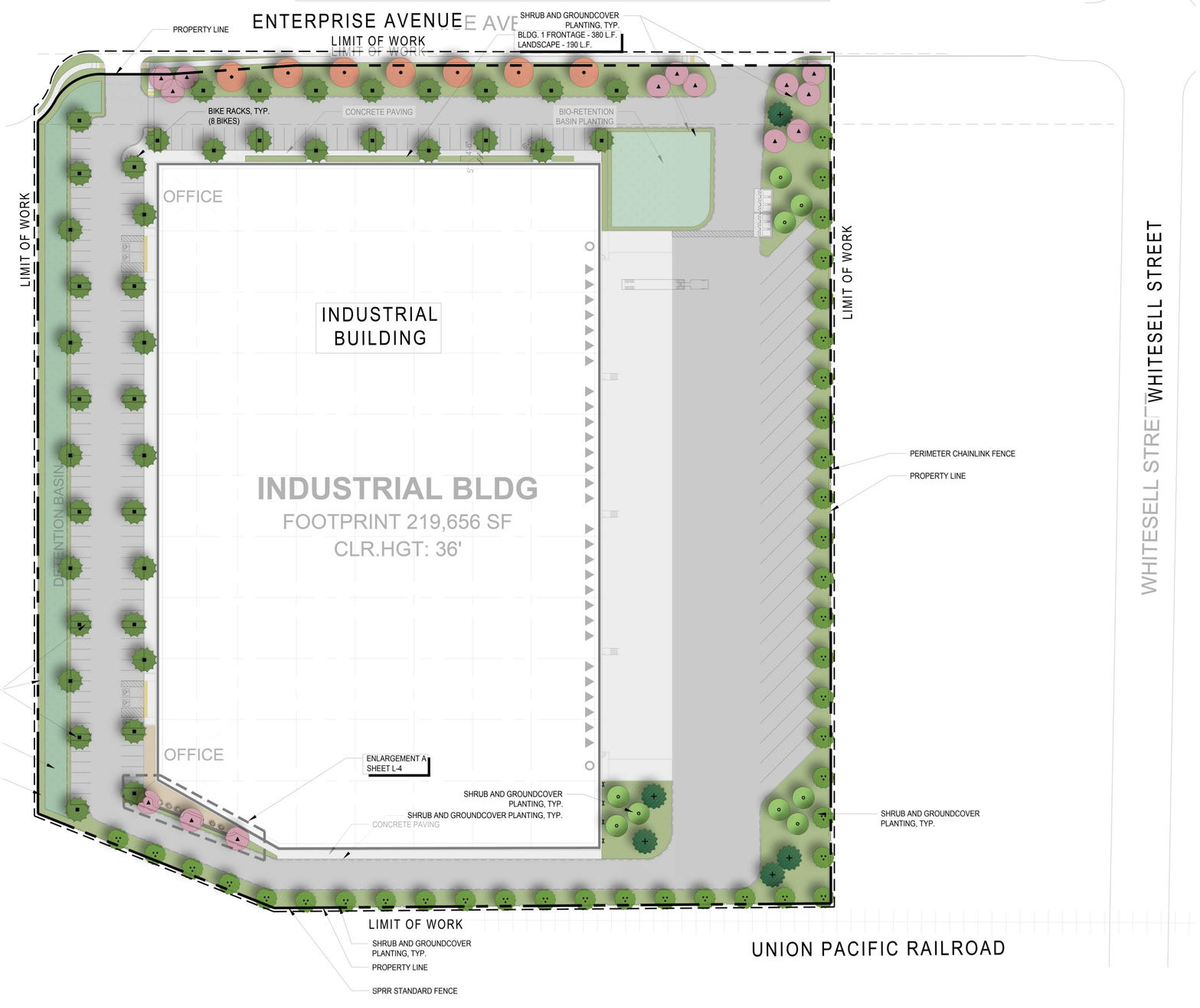
SYMBOLS	BOTANIC NAME	COMMON NAME	SIZE	SPACING	QTY.	WUCOLS	MATURE SIZE
	Arctostaphylos 'Emerald Carpet'	Emerald Carpet Manzanita	1 Gal.	5' o.c.	-	Low	5' w x 1' h
	Arctostaphylos densiflora 'Howard McMinn'	McMinn Manzanita	5 Gal.	6' o.c.	-	Low	6' w x 6' h
	Baccharis pilularis	Coyote Bush	1 Gal.	6' o.c.	-	Low	6' w x 2' h
	Juncus patens	California Gray Rush	1 Gal.	24" o.c.	-	Low	2' w x 2' h

SUMMARY DATA

LANDSCAPE AREA: 77,629 S.F.

PROJECT TYPE: PRIVATE

WATER SOURCE: POTABLE



NORTH

0 20 40 80

SCALE: 1" = 40' - 0"

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HAYWARD, CALIFORNIA 94545

OVERALL ILLUSTRATIVE

DATE	REMARKS
05-26-2021	PLANNING SUBMITTAL
08-31-2021	PLANNING RE-SUBMITTAL

PA / PM: –
DRAWN BY: –
JOB NO.: SNR20-0127-00

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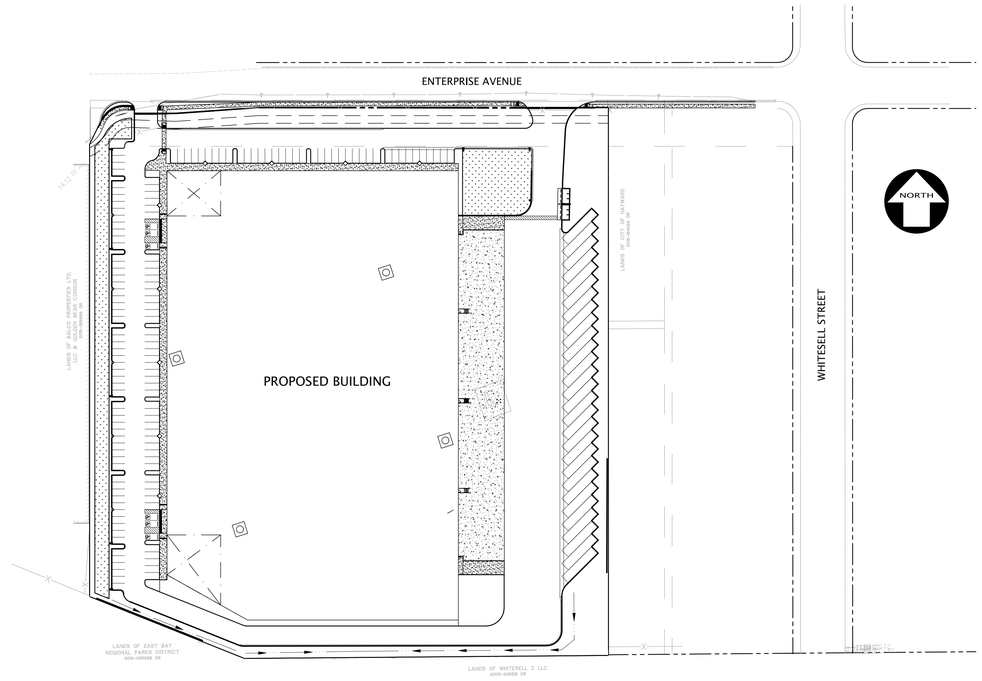
PRELIMINARY SITE IMPROVEMENT PLANS
OF
3636 ENTERPRISE AVENUE
FOR
DERMODY PROPERTIES

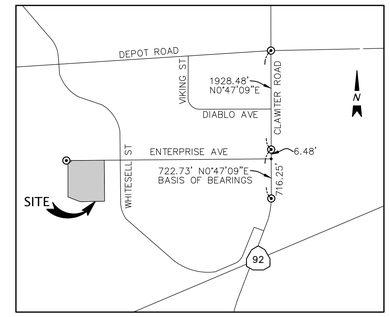
HAYWARD, CALIFORNIA

ABBREVIATIONS

AB	AGGREGATE BASE	MAX	MAXIMUM
AC	ASPHALTIC CONCRETE	MH	MANHOLE
ADJ.	ADJUST	MIN	MINIMUM
AN	ANODE	MON	MONUMENT
AP	ANGLE POINT	MTC	MEDIAN TOP OF CURB
APS	ACCESSIBLE PEDESTRIAN SIGNAL	(MT)	MULTI TRUNK
AVE.	AVENUE	MUTE	MULTI-USE TRAIL EASEMENT
BCR	BEGIN CURB RETURN	N	NORTH
BC	BEGIN CURVE	NE	NORTHEAST
BFP	BACK FLOW PREVENTER	NW	NORTHWEST
BL	BUILDING	OPT	OPTION
BOC	BACK OF CURB	O.C.	ON CENTER
BPB	BICYCLE PUSH BUTTON	O.R.	OFFICIAL RECORDS
BTM	BOTTOM	P.A.E.	PUBLIC ACCESS EASEMENT
BVC	BEGIN VERTICAL CURVE	PCC	POINT OF CONCENTRIC CURVE
BVCE	BEGIN VERTICAL CURVE ELEVATION	PED	PEDESTAL
		PG&E	PACIFIC GAS AND ELECTRIC
BVCS	BEGIN VERTICAL CURVE STATION	PR.	PROPOSED
BW	BACK OF WALK	PRC	POINT OF REVERSE CURVE
C	CONCRETE	P.S.D.E.	PUBLIC STORM DRAIN EASEMENT
CATV	CABLE TELEVISION	P.U.E.	PUBLIC UTILITY EASEMENT
CB	CATCH BASIN	PV	PAVEMENT
CIP	CAST IRON PIPE	PVC	POLY VINYL CHLORIDE
CL	CENTERLINE	PVI	POINT OF VERTICAL INTERSECTION
COMM	COMMUNICATION	RCB	REINFORCED CONCRETE BOX
CONF	CONFORM	RCP	REINFORCED CONCRETE PIPE
CONST.	CONSTRUCT	RE	RIM ELEVATION
CT.	COURT	RPBP	REDUCE PRESSURE BACKFLOW PREVENTER
DET	DETAIL	RPDA	REDUCE PRESSURE DETECTOR ASSEMBLY
DH	DWARF HYDRANT	RPPA	REDUCE PRESSURE PRINCIPAL ASSEMBLY
DIP	DUCTILE IRON PIPE	RT	RIGHT
DR.	DRIVE	RW	RECYCLED WATER
DW	DOMESTIC WATER	R/W	RIGHT-OF-WAY
DWY	DRIVEWAY	RWB	RECYCLED WATER BOX
E	EAST	S	SOUTH
EB	ELECTRIC BOX	SD	STORM DRAIN
EC	END CURVE	SDE	STORM DRAIN EASEMENT
ECR	END CURB RETURN	SDMH	STORM DRAIN MANHOLE
EG	EXISTING GRADE	SE	SOUTHEAST
EGS	EDGE GRAVEL SHOULDER	S.E.	SLOPE EASEMENT
ELEC	ELECTRIC	SFNF	SEARCHED FOR NOTHING FOUND
ELEV	ELEVATION	SHT	SHEET
EM	ELECTRIC METER	SL	STREET LIGHT
ESMT	EASEMENT	SLB	STREET LIGHT BOX
EV	ELECTRIC VAULT	SS	SANITARY SEWER
E.V.A.E.	EMERGENCY VEHICLE ACCESS ESMT	SSMH	SANITARY SEWER MANHOLE
EVC	END VERTICAL CURVE	STA	STATION
EVCE	END VERTICAL CURVE ELEVATION	STD	STANDARD
EVCS	END VERTICAL CURVE STATION	SW	SIDEWALK OR SOUTHWEST
EW	EDGE OF WALK	TB	TELEPHONE BOX
EX.	EXISTING	TC	TOP OF CURB
FH	FIRE HYDRANT	TELE	TELEPHONE
FL	FLOW LINE	TLTS	TOILETS
FNC	FENCE	TMH	TELEPHONE MANHOLE
FND	FOUND	TOP	TOP OF SLOPE
FO	FIBER OPTIC	TR	TOP OF RAMP
FOC	FACE OF CURB	TSB	TRAFFIC SIGNAL BOX
FOMH	FIBER OPTIC MANHOLE	T.S.E.	TRAFFIC SIGNAL EASEMENT
FS	FIRE SERVICE	TSP	TRAFFIC SIGNAL POLE
GB	GRADE BREAK	TYP.	TYPICAL
HP	HIGH POINT	UB	UTILITY BOX
IE	INVERT ELEVATION	U.O.N.	UNLESS OTHERWISE NOTED
I.E.E.	INGRESS/EGRESS EASEMENT	VCP	VITRIFIED CLAY PIPE
I.P.	IRON PIPE	VIF	VERIFY IN FIELD
IRR	IRRIGATION	W	WEST
JT	JOINT TRENCH	WB	WATER BOX
K	K-VALUE	WM	WATER METER
LIP	LIP OF GUTTER	W/	WITH
LP	LOW POINT	UNK	UNKNOWN
L/S	LANDSCAPE		
LT	LEFT		
LVC	LENGTH OF VERTICAL CURVE		



SITE MAP
SCALE: 1"=80'



VICINITY MAP
NOT TO SCALE

SHEET INDEX

SHEET	DESCRIPTION
CIVIL	
C1.0	COVER SHEET
C2.0	TOPOGRAPHIC SURVEY
C3.0	SECTIONS
C4.0	DEMOLITION PLAN
C5.0	PRELIMINARY GRADING & DRAINAGE PLAN
C6.0	PRELIMINARY UTILITY PLAN
C7.0	EROSION CONTROL PLAN
C8.0	STORM WATER QUALITY CONTROL PLAN
C9.0	WB-50 TRUCK TURN EXHIBIT
C10.0	FIRE TRUCK TURN EXHIBIT

NOTE:
THE PRELIMINARY PLANS PROVIDE DESIGN INTENT. ALL PROPOSED CIVIL IMPROVEMENTS HEREIN WILL REQUIRE ADDITIONAL DETAILS, DURING THE DETAILED PHASE, I.E. CONSTRUCTION DOCUMENTS. IT'S EXPECTED AND UNDERSTOOD THAT DURING THE CONSTRUCTION DOCUMENT PHASE THE CIVIL ENGINEER WILL REVISE THE PLANS TO MEET AND SATISFY THE CITY'S COMMENTS/CONDITIONS OF APPROVALS.

Know what's below.
Call before you dig.

REGISTERED PROFESSIONAL ENGINEER
JOHN T. SARTOR
No. C55112
CIVIL
STATE OF CALIFORNIA

NO.	REVISION	BY
△	PLAN CHECK COMMENT RESPONSE 7/28/2021	
△	PLAN CHECK COMMENT RESPONSE 8/31/2021	

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COVER
OF
3636 ENTERPRISE AVENUE
FOR
DERMODY PROPERTIES
HAYWARD, CALIFORNIA

DATE	JUNE, 2021
SCALE	AS SHOWN
DESIGNER	AC
DRAWN	STAFF
JOB NO.	A20709
SHEET	C1.0
OF	SHEETS

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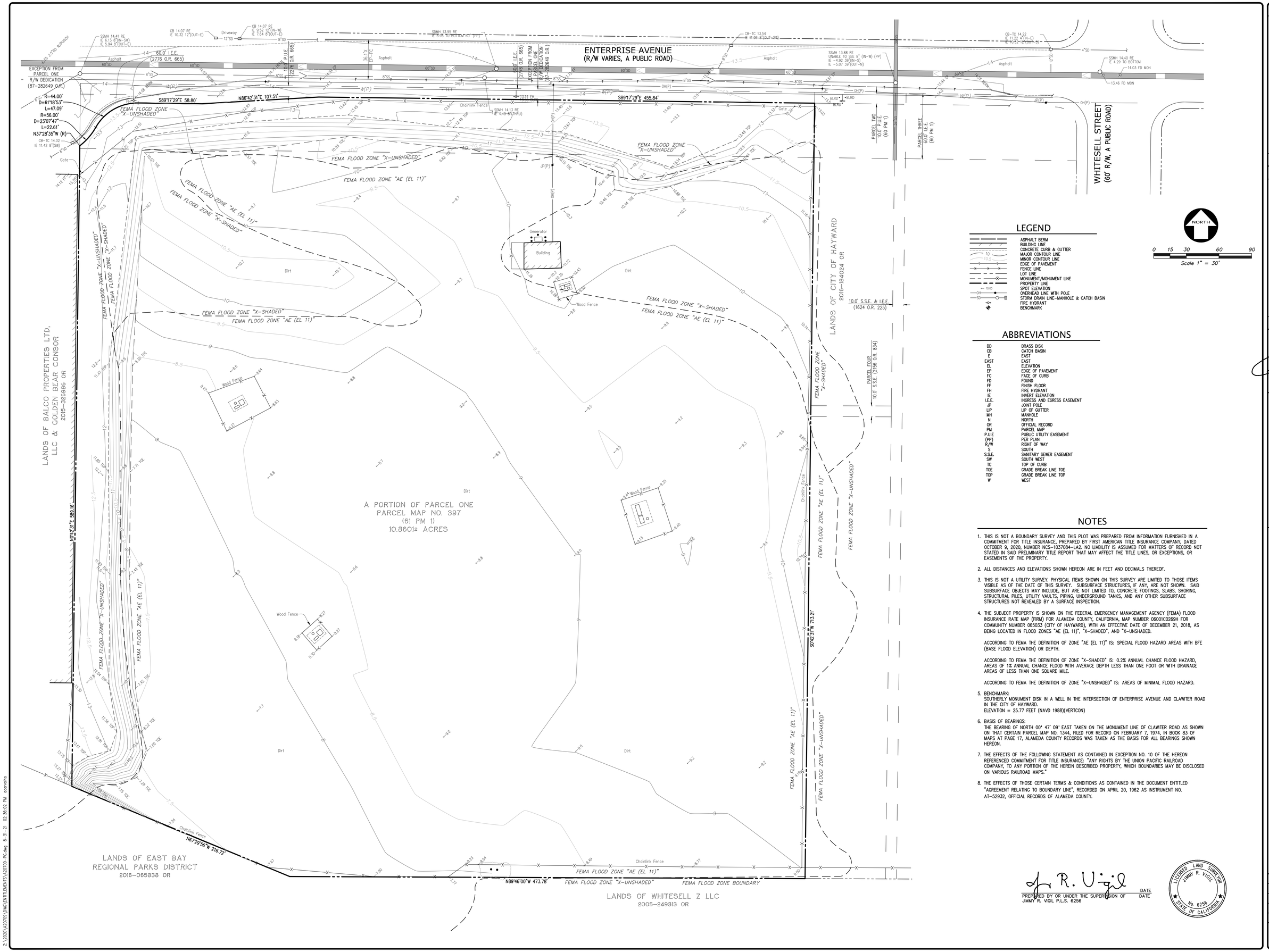

LEGEND

	ASPHALT BERM
	BUILDING LINE
	CONCRETE CURB & GUTTER
10	MAJOR CONTOUR LINE
10.5	MINOR CONTOUR LINE
	EDGE OF PAVEMENT
	FENCE LINE
	LOT LINE
	MONUMENT/MONUMENT LINE
	PROPERTY LINE
— 10.00	SPOT ELEVATION
OH	OVERHEAD LINE WITH POLE
SD	STORM DRAIN LINE–MANHOLE & CATCH BASIN
	FIRE HYDRANT
	BENCHMARK

ABBREVIATIONS

BD	BRASS DISK
CB	CATCH BASIN
E	EAST
EAST	EAST
EL	ELEVATION
EP	EDGE OF PAVEMENT
FC	FACE OF CURB
FD	FOUND
FF	FINISH FLOOR
FH	FIRE HYDRANT
IE	INVERT ELEVATION
I.E.E.	INGRESS AND EGRESS EASEMENT
JP	JOINT POLE
LIP	LIP OF GUTTER
MH	MANHOLE
N	NORTH
OR	OFFICIAL RECORD
PM	PARCEL MAP
P.U.E	PUBLIC UTILITY EASEMENT
(PP)	PER PLAN
R/W	RIGHT OF WAY
S	SOUTH
S.S.E.	SANITARY SEWER EASEMENT
SW	SOUTH WEST
TC	TOP OF CURB
TOE	GRADE BREAK LINE TOE
TOP	GRADE BREAK LINE TOP
W	WEST

NOTES

1. THIS IS NOT A BOUNDARY SURVEY AND THIS PLOT WAS PREPARED FROM INFORMATION FURNISHED IN A COMMITMENT FOR TITLE INSURANCE, PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED OCTOBER 9, 2020, NUMBER NCS-1037084-LA2. NO LIABILITY IS ASSUMED FOR MATTERS OF RECORD NOT STATED IN SAID PRELIMINARY TITLE REPORT THAT MAY AFFECT THE TITLE LINES, OR EXCEPTIONS, OR EASEMENTS OF THE PROPERTY.
2. ALL DISTANCES AND ELEVATIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
3. THIS IS NOT A UTILITY SURVEY. PHYSICAL ITEMS SHOWN ON THIS SURVEY ARE LIMITED TO THOSE ITEMS VISIBLE AS OF THE DATE OF THIS SURVEY. SUBSURFACE STRUCTURES, IF ANY, ARE NOT SHOWN. SAID SUBSURFACE OBJECTS MAY INCLUDE, BUT ARE NOT LIMITED TO, CONCRETE FOOTINGS, SLABS, SHORING, STRUCTURAL PILES, UTILITY VAULTS, PIPING, UNDERGROUND TANKS, AND ANY OTHER SUBSURFACE STRUCTURES NOT REVEALED BY A SURFACE INSPECTION.
4. THE SUBJECT PROPERTY IS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR ALAMEDA COUNTY, CALIFORNIA, MAP NUMBER 06001C0269H FOR COMMUNITY NUMBER 065033 (CITY OF HAYWARD), WITH AN EFFECTIVE DATE OF DECEMBER 21, 2018, AS BEING LOCATED IN FLOOD ZONES "AE (EL 11)", "X-SHADED", AND "X-UNSHADED.

   ACCORDING TO FEMA THE DEFINITION OF ZONE "AE (EL 11)" IS: SPECIAL FLOOD HAZARD AREAS WITH BFE (BASE FLOOD ELEVATION) OR DEPTH.

   ACCORDING TO FEMA THE DEFINITION OF ZONE "X-SHADED" IS: 0.2% ANNUAL CHANCE FLOOD HAZARD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH LESS THAN ONE FOOT OR WITH DRAINAGE AREAS OF LESS THAN ONE SQUARE MILE.

   ACCORDING TO FEMA THE DEFINITION OF ZONE "X-UNSHADED" IS: AREAS OF MINIMAL FLOOD HAZARD.
5. BENCHMARK:
   SOUTHERLY MONUMENT DISK IN A WELL IN THE INTERSECTION OF ENTERPRISE AVENUE AND CLAWITER ROAD IN THE CITY OF HAYWARD.
   ELEVATION = 25.77 FEET (NAVD 1988)(VERTCON)
6. BASIS OF BEARINGS:
   THE BEARING OF NORTH 00° 47' 09' EAST TAKEN ON THE MONUMENT LINE OF CLAWITER ROAD AS SHOWN ON THAT CERTAIN PARCEL MAP NO. 1344, FILED FOR RECORD ON FEBRUARY 7, 1974, IN BOOK 83 OF MAPS AT PAGE 17, ALAMEDA COUNTY RECORDS WAS TAKEN AS THE BASIS FOR ALL BEARINGS SHOWN HEREON.
7. THE EFFECTS OF THE FOLLOWING STATEMENT AS CONTAINED IN EXCEPTION NO. 10 OF THE HEREON REFERENCED COMMITMENT FOR TITLE INSURANCE: "ANY RIGHTS BY THE UNION PACIFIC RAILROAD COMPANY, TO ANY PORTION OF THE HEREIN DESCRIBED PROPERTY, WHICH BOUNDARIES MAY BE DISCLOSED ON VARIOUS RAILROAD MAPS."
8. THE EFFECTS OF THOSE CERTAIN TERMS & CONDITIONS AS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT RELATING TO BOUNDARY LINE", RECORDED ON APRIL 20, 1962 AS INSTRUMENT NO. AT-52932, OFFICIAL RECORDS OF ALAMEDA COUNTY.

J. R. Vigil — DATE
PREPARED BY OR UNDER THE SUPERVISION OF JIMMY R. VIGIL P.L.S. 6256 — DATE

LICENSED LAND SURVEYOR JIMMY R. VIGIL No. 6256 STATE OF CALIFORNIA

NO.	REVISION	BY

NO.	REVISION	BY
	PLAN CHECK COMMENT RESPONSE 7/28/2021	
	PLAN CHECK COMMENT RESPONSE 8/31/2021	

REGISTERED PROFESSIONAL ENGINEER JOHN T. SARTEROTTE No. C55112 STATE OF CALIFORNIA

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Livermore, CA 94551
Phone: (925) 245-8788
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TOPOGRAPHIC SURVEY
OF
3636 ENTERPRISE AVENUE
FOR
DERMODY PROPERTIES

HAYWARD, CALIFORNIA

DATE	JUNE, 2021
SCALE	AS SHOWN
DESIGNER	AC
DRAWN	STAFF
JOB NO.	A20709
SHEET	C2.0
OF	SHEETS

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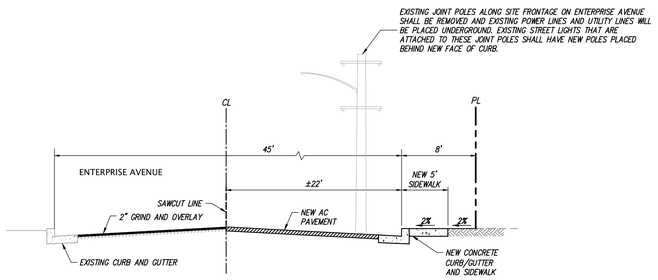

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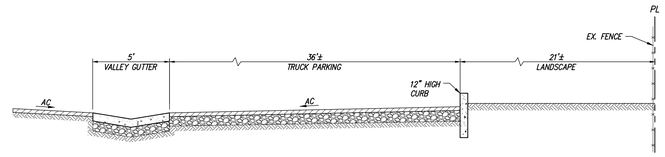

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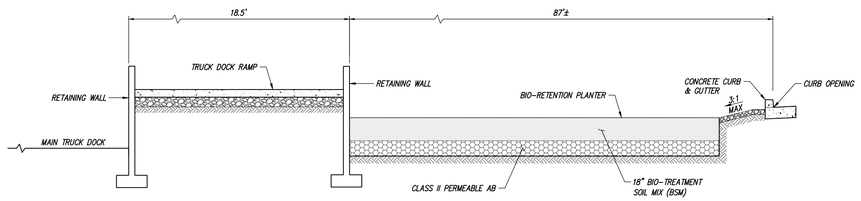

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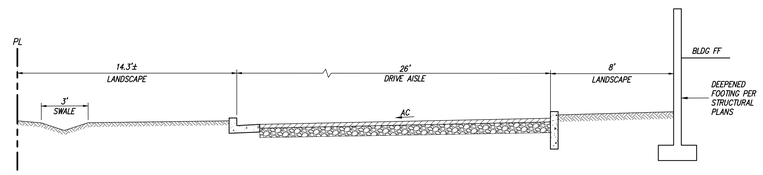

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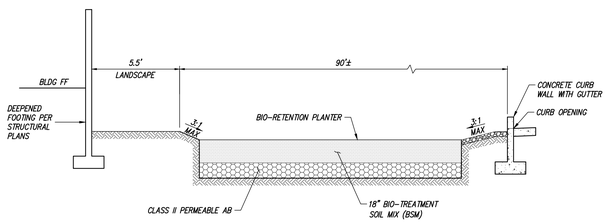

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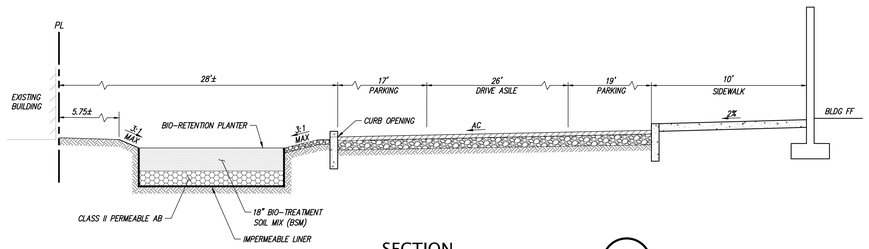

SECTION F
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NO.	REVISION	BY
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△	PLAN CHECK COMMENT RESPONSE 8/31/2021	
△		
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REGISTERED PROFESSIONAL ENGINEER
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SECTIONS
OF
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HAYWARD, CALIFORNIA

DATE	JUNE, 2021
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DESIGNER	AC
DRAWN	STAFF
JOB NO.	A20709
SHEET	C3.0
OF	SHEETS

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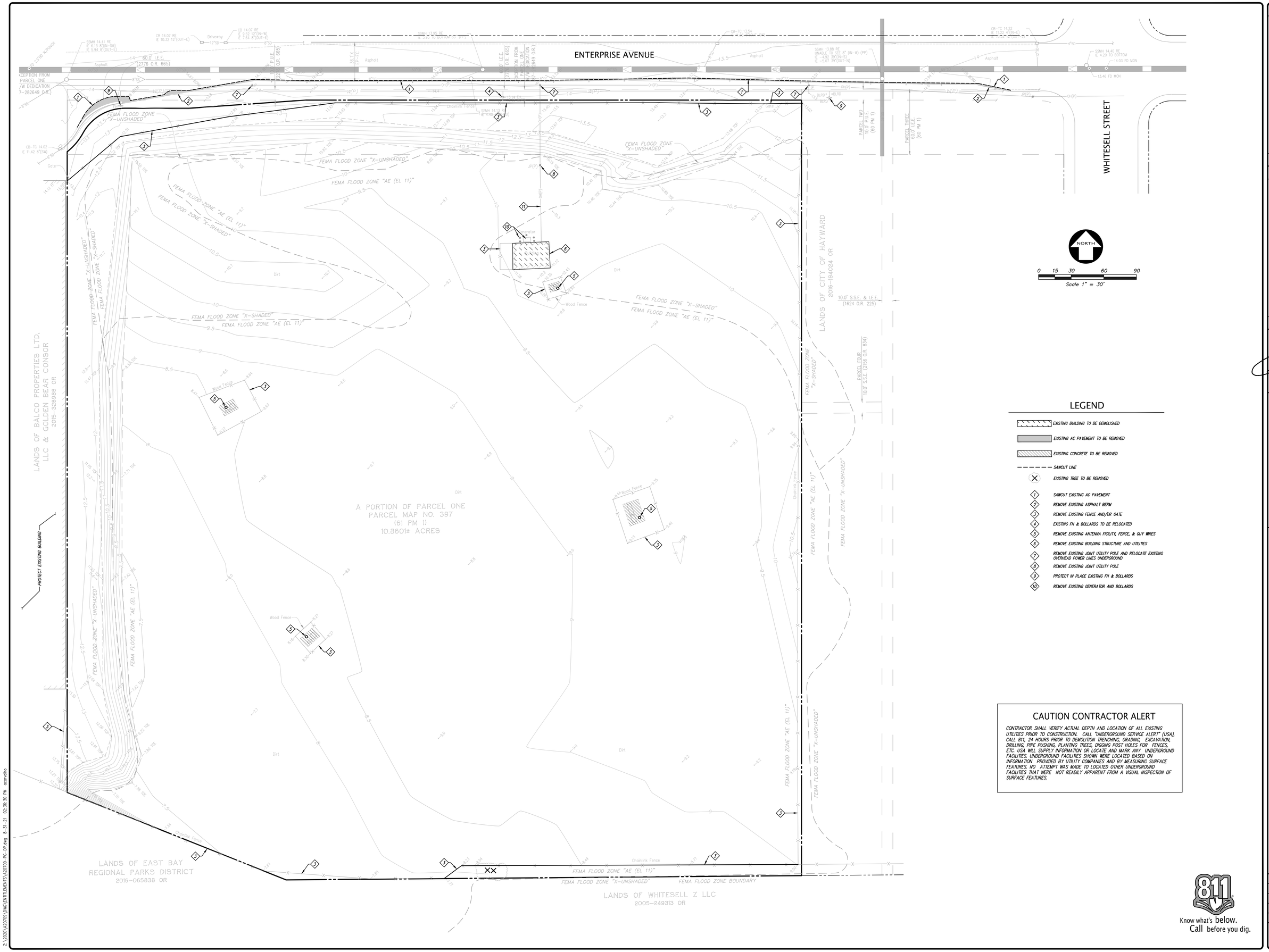

LEGEND

- EXISTING BUILDING TO BE DEMOLISHED
- EXISTING AC PAVEMENT TO BE REMOVED
- EXISTING CONCRETE TO BE REMOVED
- SAWCUT LINE
- EXISTING TREE TO BE REMOVED
- (1) SAWCUT EXISTING AC PAVEMENT
- (2) REMOVE EXISTING ASPHALT BERM
- (3) REMOVE EXISTING FENCE AND/OR GATE
- (4) EXISTING FH & BOLLARDS TO BE RELOCATED
- (5) REMOVE EXISTING ANTENNA FICILITY, FENCE, & GUY WIRES
- (6) REMOVE EXISTING BUILDING STRUCTURE AND UTILITIES
- (7) REMOVE EXISTING JOINT UTILITY POLE AND RELOCATE EXISTING OVERHEAD POWER LINES UNDERGROUND
- (8) REMOVE EXISTING JOINT UTILITY POLE
- (9) PROTECT IN PLACE EXISTING FH & BOLLARDS
- (10) REMOVE EXISTING GENERATOR AND BOLLARDS

CAUTION CONTRACTOR ALERT

CONTRACTOR SHALL VERIFY ACTUAL DEPTH AND LOCATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. CALL "UNDERGROUND SERVICE ALERT" (USA), CALL 811, 24 HOURS PRIOR TO DEMOLITION TRENCHING, GRADING, EXCAVATION, DRILLING, PIPE PUSHING, PLANTING TREES, DIGGING POST HOLES FOR FENCES, ETC. USA WILL SUPPLY INFORMATION OR LOCATE AND MARK ANY UNDERGROUND FACILITIES. UNDERGROUND FACILITIES SHOWN WERE LOCATED BASED ON INFORMATION PROVIDED BY UTILITY COMPANIES AND BY MEASURING SURFACE FEATURES. NO ATTEMPT WAS MADE TO LOCATED OTHER UNDERGROUND FACILITIES THAT WERE NOT READILY APPARENT FROM A VISUAL INSPECTION OF SURFACE FEATURES.

811 Know what's below. Call before you dig.

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	PLAN CHECK COMMENT RESPONSE 8/31/2021	

REGISTERED PROFESSIONAL ENGINEER JOHN T. SARTEROSTER No. C55112 CIVIL STATE OF CALIFORNIA

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DEMOLITION PLAN OF 3636 ENTERPRISE AVENUE FOR DERMODY PROPERTIES

HAYWARD, CALIFORNIA

DATE	JUNE, 2021
SCALE	AS SHOWN
DESIGNER	AC
DRAWN	STAFF
JOB NO.	A20709
SHEET	C4.0
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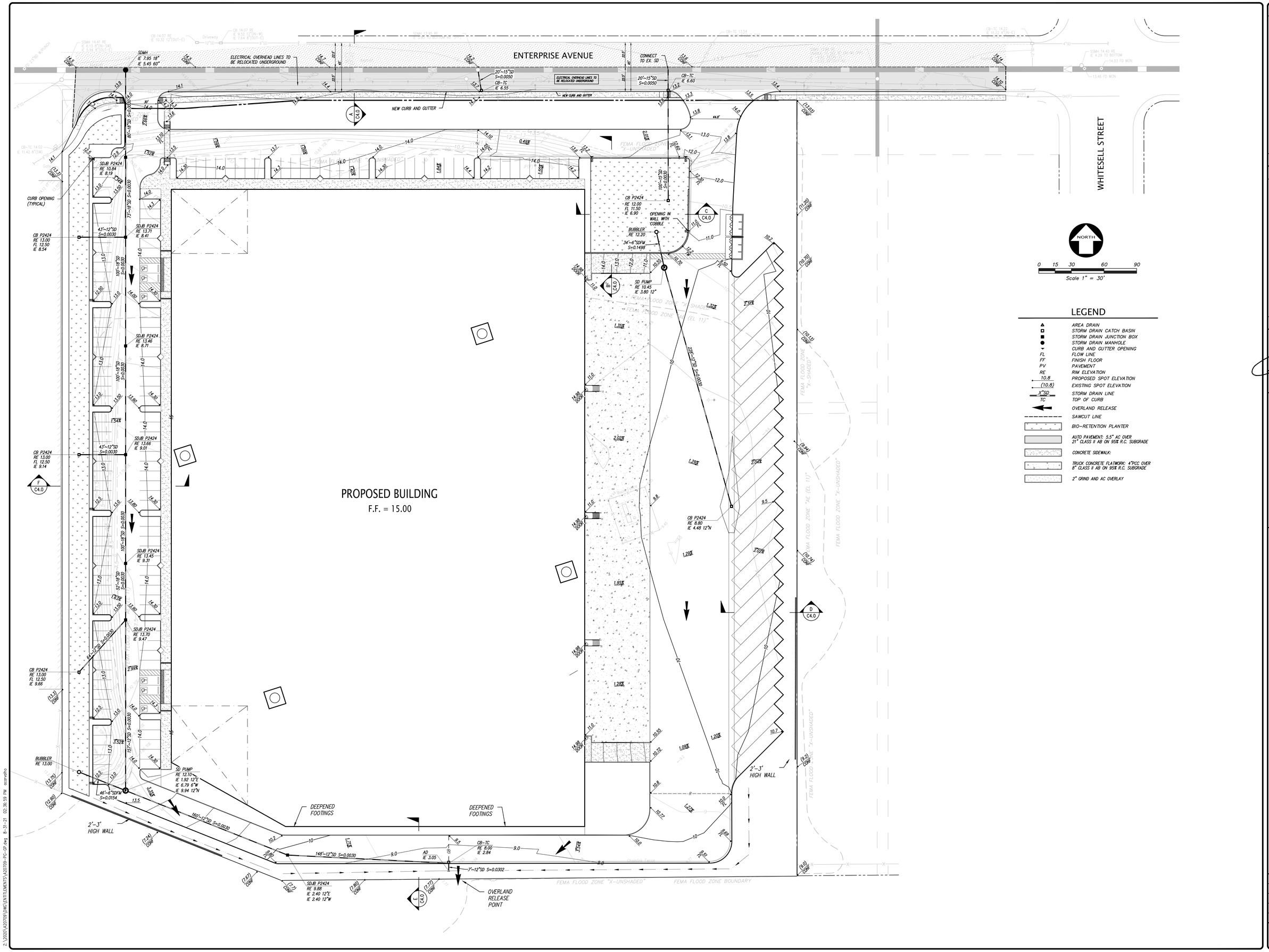

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PRELIMINARY GRADING PLAN
OF
3636 ENTERPRISE AVENUE
FOR
DERMODY PROPERTIES

HAYWARD, CALIFORNIA

DATE	JUNE, 2021
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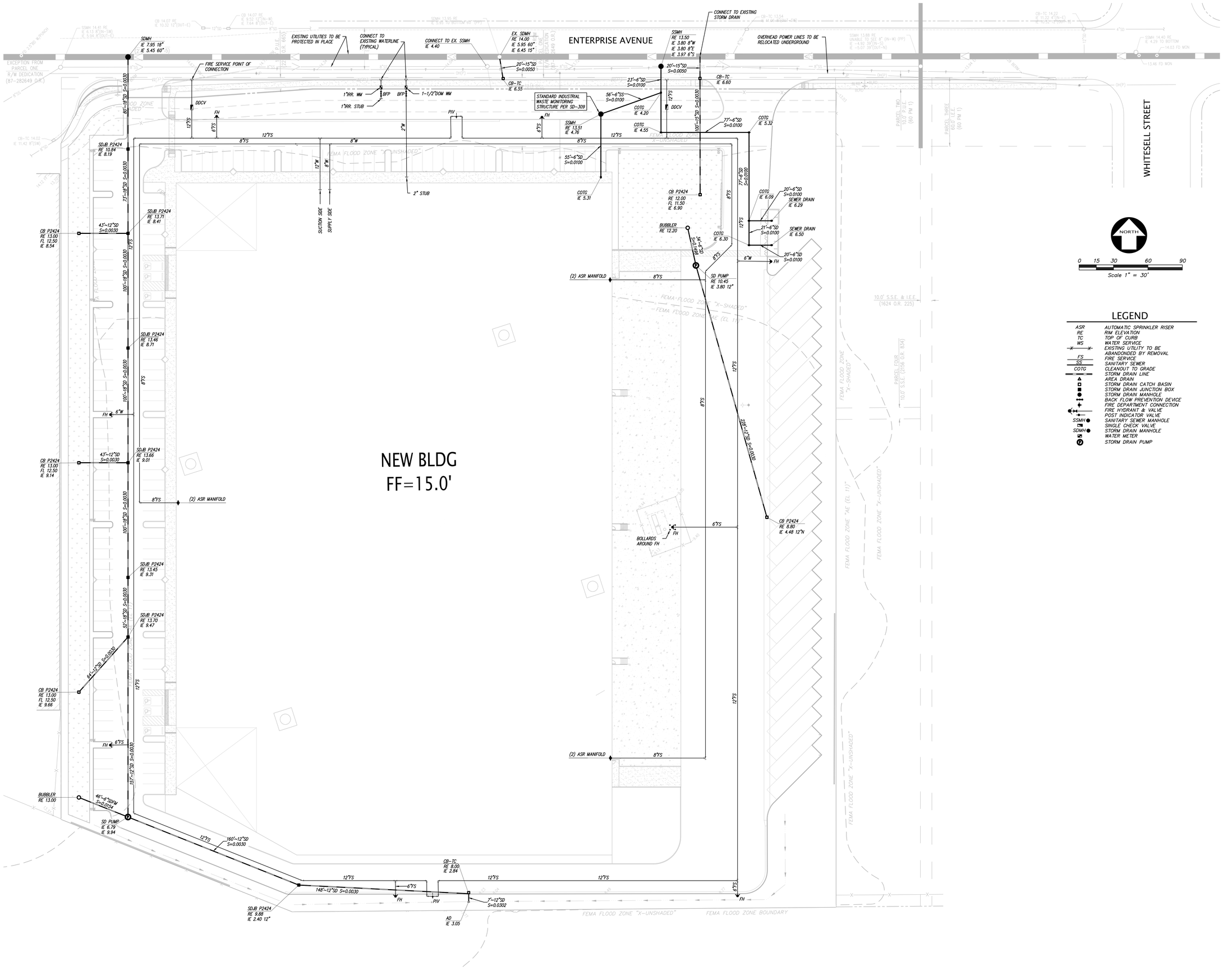

LEGEND

ASR	AUTOMATIC SPRINKLER RISER
RE	RIM ELEVATION
TC	TOP OF CURB
WS	WATER SERVICE
	EXISTING UTILITY TO BE ABANDONDED BY REMOVAL
FS	FIRE SERVICE
SS	SANITARY SEWER
COTG	CLEANOUT TO GRADE
	STORM DRAIN LINE
	AREA DRAIN
	STORM DRAIN CATCH BASIN
	STORM DRAIN JUNCTION BOX
	STORM DRAIN MANHOLE
	BACK FLOW PREVENTION DEVICE
	FIRE DEPARTMENT CONNECTION
	FIRE HYDRANT & VALVE
	POST INDICATOR VALVE
SSMH	SANITARY SEWER MANHOLE
	SINGLE CHECK VALVE
SDMH	STORM DRAIN MANHOLE
	WATER METER
	STORM DRAIN PUMP

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PRELIMINARY UTILITY PLAN
OF
3636 ENTERPRISE AVENUE
FOR
DERMODY PROPERTIES

HAYWARD, CALIFORNIA

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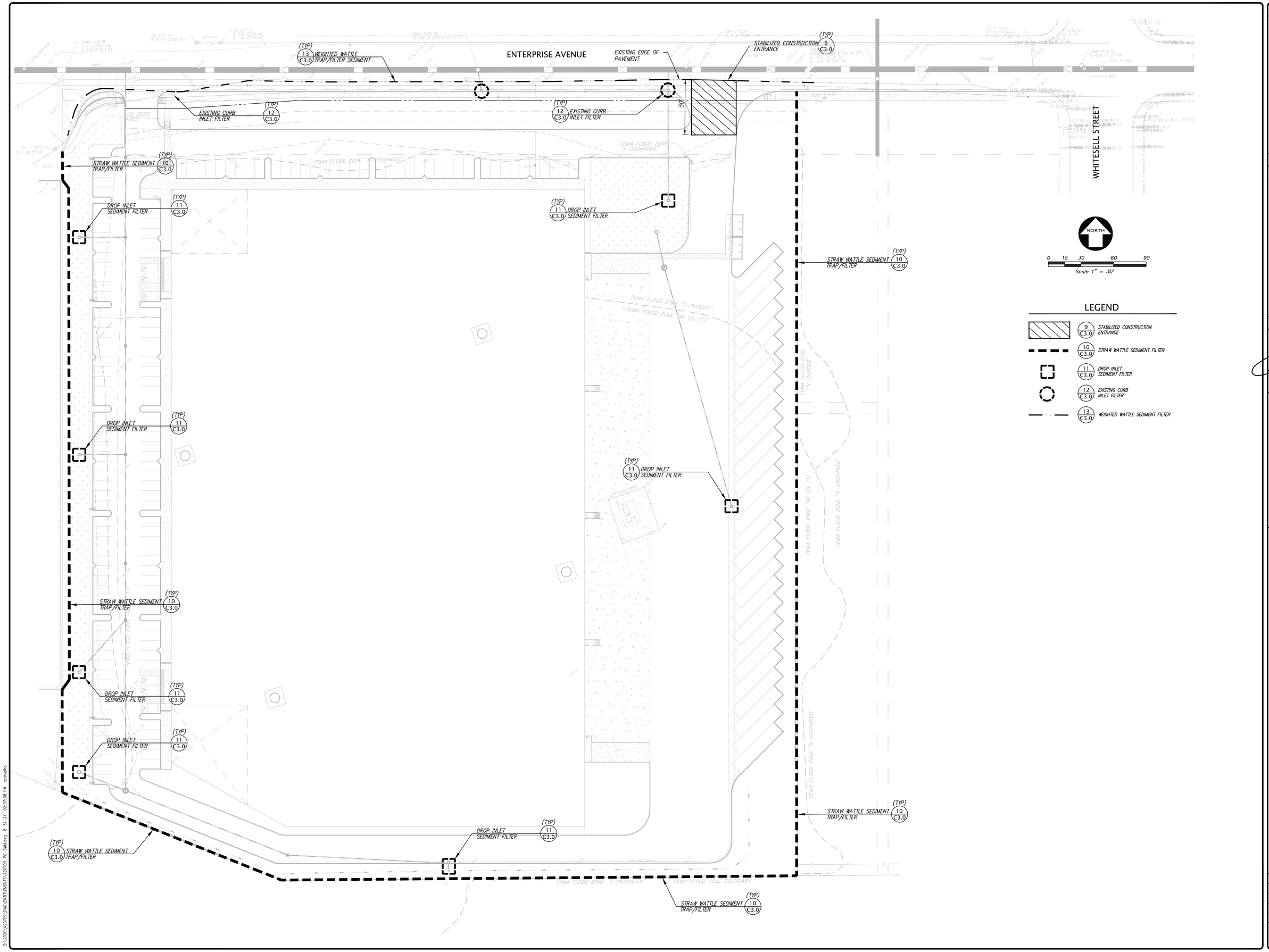

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EROSION CONTROL PLAN
OF 3636 ENTERPRISE AVENUE FOR DERMODY PROPERTIES

HAYWARD, CALIFORNIA

DATE	JUNE, 2021
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DRAWN	STAFF
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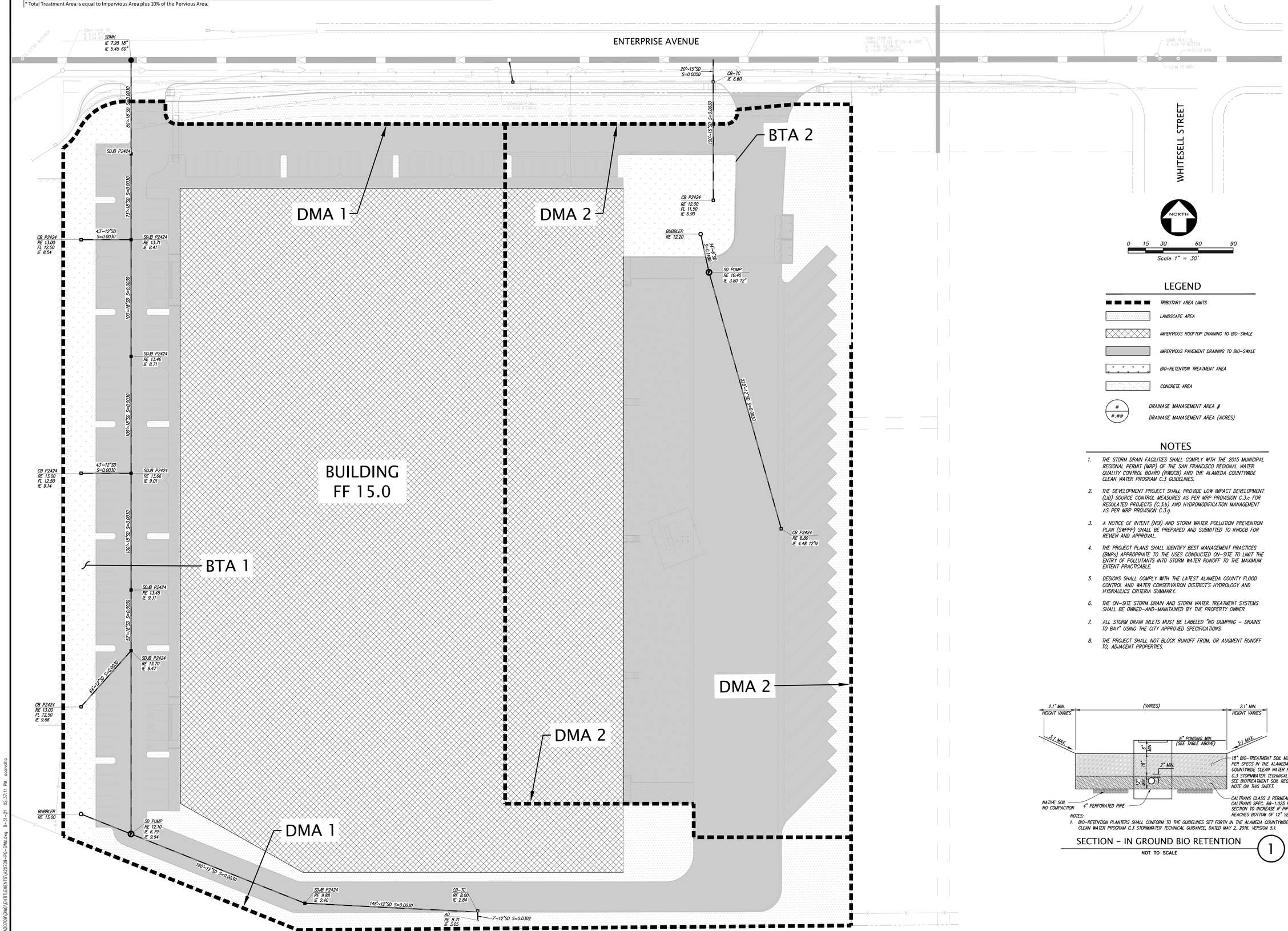
Attachment IV

BIORETENTION SIZING CALCULATIONS

DMA#	TCM #	Area (SF)	Area (AC)	Pervious (SF)	Pervious (AC)	Impervious (SF)	Impervious (AC)	Total Treatment Area* (SF)	BMP Requiered (SF)	BMP Provided (SF)	Sizing Ratio	BMP Provided	Sizing Method	Depth of Ponding
1	1	281,477	6.46	26,178	0.60	243,515	5.59	246,133	9,845	11,784	4.79%	Bioretention Area	4% Total Treatment Area	6"
2	2	177,968	4.09	14,007	0.32	156,294	3.59	157,695	6,308	7,667	4.86%	Bioretention Area	4% Total Treatment Area	6"
Total:		**459,445**	**10.55**	**40,185**	**0.92**	**399,809**	**9.18**	**403,828**	**16,153**	**19,451**				

* Total Treatment Area is equal to Impervious Area plus 10% of the Pervious Area.

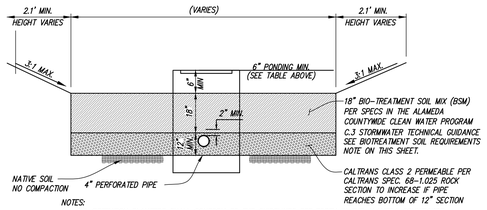


LEGEND

- TRIBUTARY AREA LIMITS
- LANDSCAPE AREA
- IMPERVIOUS ROOFTOP DRAINING TO BIO-SWALE
- IMPERVIOUS PAVEMENT DRAINING TO BIO-SWALE
- BIO-RETENTION TREATMENT AREA
- CONCRETE AREA
- # — DRAINAGE MANAGEMENT AREA #
- #.## — DRAINAGE MANAGEMENT AREA (ACRES)

NOTES

1. THE STORM DRAIN FACILITIES SHALL COMPLY WITH THE 2015 MUNICIPAL REGIONAL PERMIT (MRP) OF THE SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) AND THE ALAMEDA COUNTYWIDE CLEAN WATER PROGRAM C.3 GUIDELINES.
2. THE DEVELOPMENT PROJECT SHALL PROVIDE LOW IMPACT DEVELOPMENT (LID) SOURCE CONTROL MEASURES AS PER MRP PROVISION C.3.c FOR REGULATED PROJECTS (C.3.b) AND HYDROMODIFICATION MANAGEMENT AS PER MRP PROVISION C.3.g.
3. A NOTICE OF INTENT (NOI) AND STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SHALL BE PREPARED AND SUBMITTED TO RWQCB FOR REVIEW AND APPROVAL.
4. THE PROJECT PLANS SHALL IDENTIFY BEST MANAGEMENT PRACTICES (BMPs) APPROPRIATE TO THE USES CONDUCTED ON-SITE TO LIMIT THE ENTRY OF POLLUTANTS INTO STORM WATER RUNOFF TO THE MAXIMUM EXTENT PRACTICABLE.
5. DESIGNS SHALL COMPLY WITH THE LATEST ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT'S HYDROLOGY AND HYDRAULICS CRITERIA SUMMARY.
6. THE ON-SITE STORM DRAIN AND STORM WATER TREATMENT SYSTEMS SHALL BE OWNED-AND-MAINTAINED BY THE PROPERTY OWNER.
7. ALL STORM DRAIN INLETS MUST BE LABELED "NO DUMPING – DRAINS TO BAY" USING THE CITY APPROVED SPECIFICATIONS.
8. THE PROJECT SHALL NOT BLOCK RUNOFF FROM, OR AUGMENT RUNOFF TO, ADJACENT PROPERTIES.



NOTES:
1. BIO-RETENTION PLANTERS SHALL CONFORM TO THE GUIDELINES SET FORTH IN THE ALAMEDA COUNTYWIDE CLEAN WATER PROGRAM C.3 STORMWATER TECHNICAL GUIDANCE, DATED MAY 2, 2016. VERSION 5.1.

SECTION – IN GROUND BIO RETENTION (1)

NOT TO SCALE

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2	PLAN CHECK COMMENT RESPONSE 8/31/2021	

REGISTERED PROFESSIONAL ENGINEER — DAVID T. SARTEBOEHMER — No. C55112 — CIVIL — STATE OF CALIFORNIA

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STORM WATER QUALITY CONTROL PLAN
OF
3636 ENTERPRISE AVENUE
FOR
DERMODY PROPERTIES

HAYWARD, CALIFORNIA

DATE	JUNE, 2021
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DRAWN	STAFF
JOB NO.	A20709
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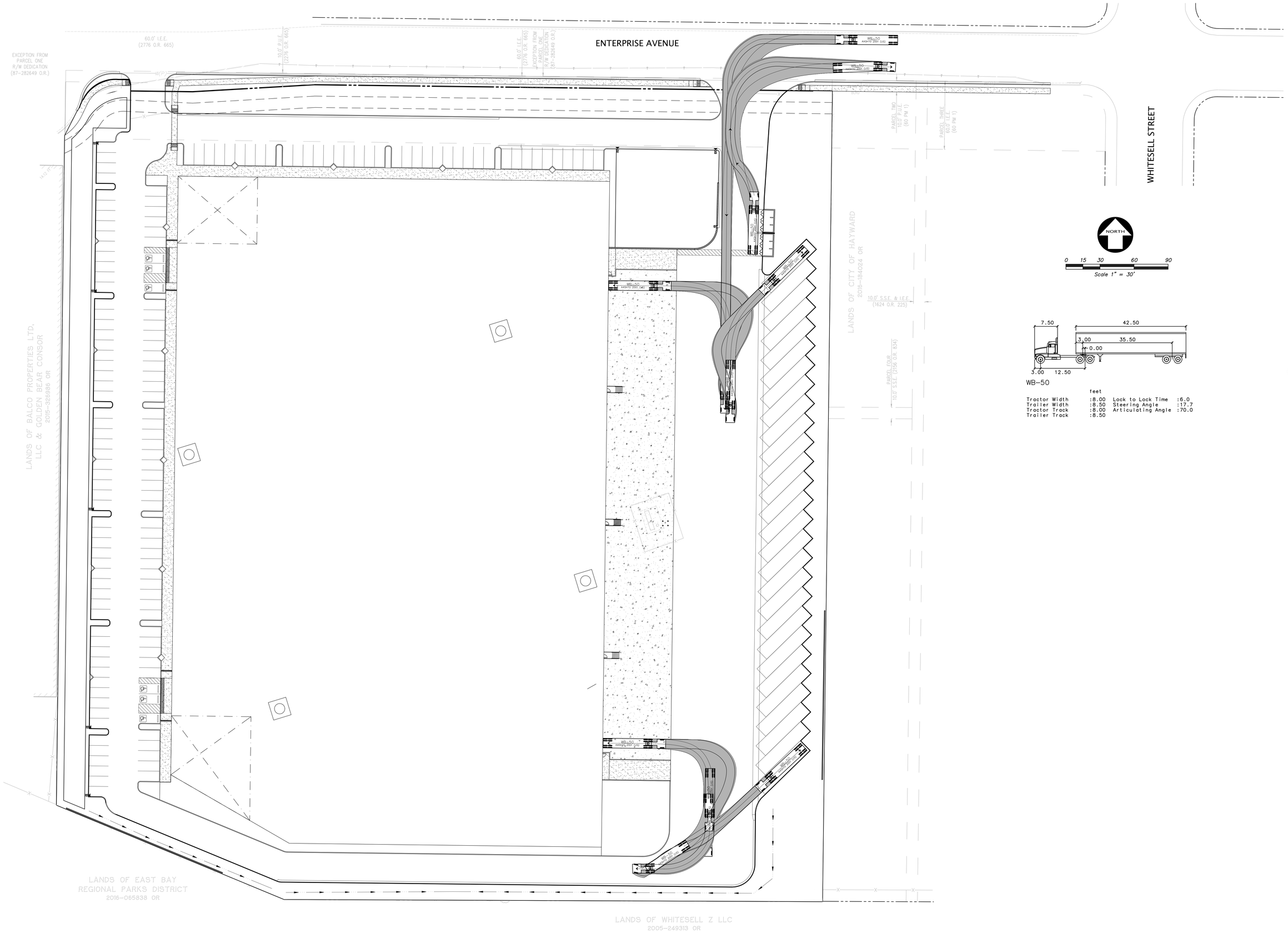

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WB-50 TRUCK TURN EXHIBIT
OF
3636 ENTERPRISE AVENUE
FOR
DERMODY PROPERTIES

HAYWARD, CALIFORNIA

DATE	JUNE, 2021
SCALE	AS SHOWN
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DRAWN	STAFF
JOB NO.	A20709
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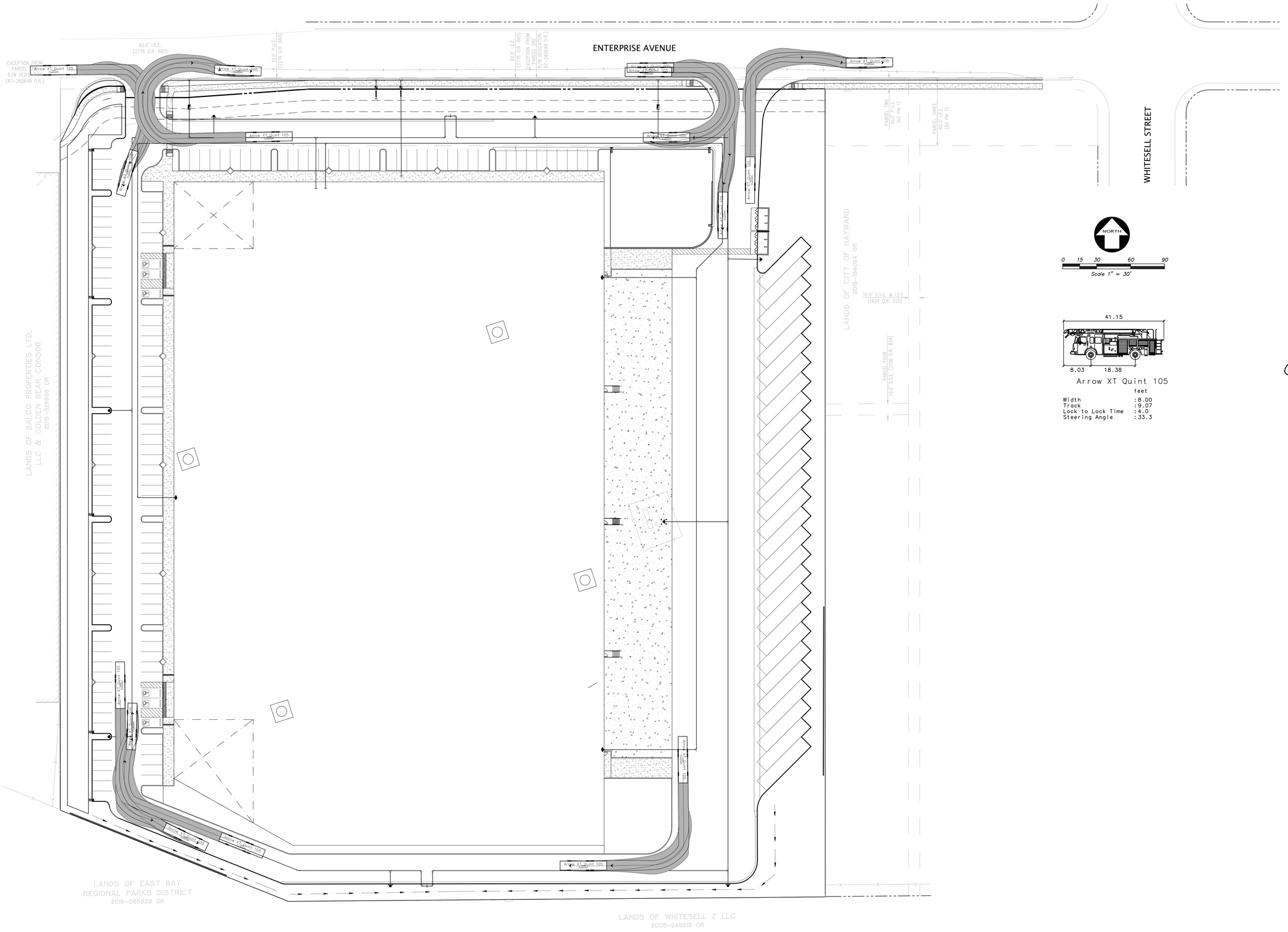

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	PLAN CHECK COMMENT RESPONSE 8/31/2021	

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FIRE TRUCK TURN EXHIBIT
OF 3636 ENTERPRISE AVENUE FOR DERMODY PROPERTIES

HAYWARD, CALIFORNIA

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JOB NO.	A20709
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OF	SHEETS

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ATTACHMENT V

3636 Enterprise Avenue Industrial Project

Initial Study-Mitigated Negative Declaration

prepared by

City of Hayward
777 B Street
Hayward, California 94541
Contact: Ranu Aggarwal, Contract Planner

prepared with the assistance of

Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

July 2022

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
rinconconsultants.com

3636 Enterprise Avenue Industrial Project

Initial Study-Mitigated Negative Declaration

prepared by

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July 2022

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Appendix BOT Botanical Survey Report
Appendix BRA Peer Review of Previous Biological Reports
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Appendix CR Cultural Resources Assessment Report
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Appendix ESA Phase I Environmental Site Assessment
Appendix GEO Geotechnical Investigations
Appendix LSA Biological Resources Assessment Prepared by LSA
Appendix NOI Noise Measurement Data
Appendix PRP Construction Equipment Noise Levels Calculations for Property Boundary
Appendix RPS Phase II Environmental Site Assessment
Appendix TIA Transportation Impact Analysis
Appendix WRA Biological Resource Assessment Prepared by WRA

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Initial Study

1. Project Title

3636 Enterprise Avenue Industrial Project

2. Lead Agency Name and Address

City of Hayward
777 B Street
Hayward, California, 94541

3. Contact Person and Phone Number

Ranu Aggarwal, Contract Planner
510-583-4216

4. Project Location

The proposed project would be located at 3636 Enterprise Avenue on an approximately 10.9-acre site in the City of Hayward identified as assessor parcel number 439-0099-036-02. The site is on the south side of Enterprise Avenue approximately 270 feet west of the intersection of Enterprise Avenue with Whitesell Street. The site is approximately 0.5 mile north of State Route 92 (SR 92) and approximately 1.1 miles east of the San Francisco Bay shoreline. Figure 1 shows the regional context of the project site, and Figure 2 shows an aerial view of the project site and immediate surroundings.

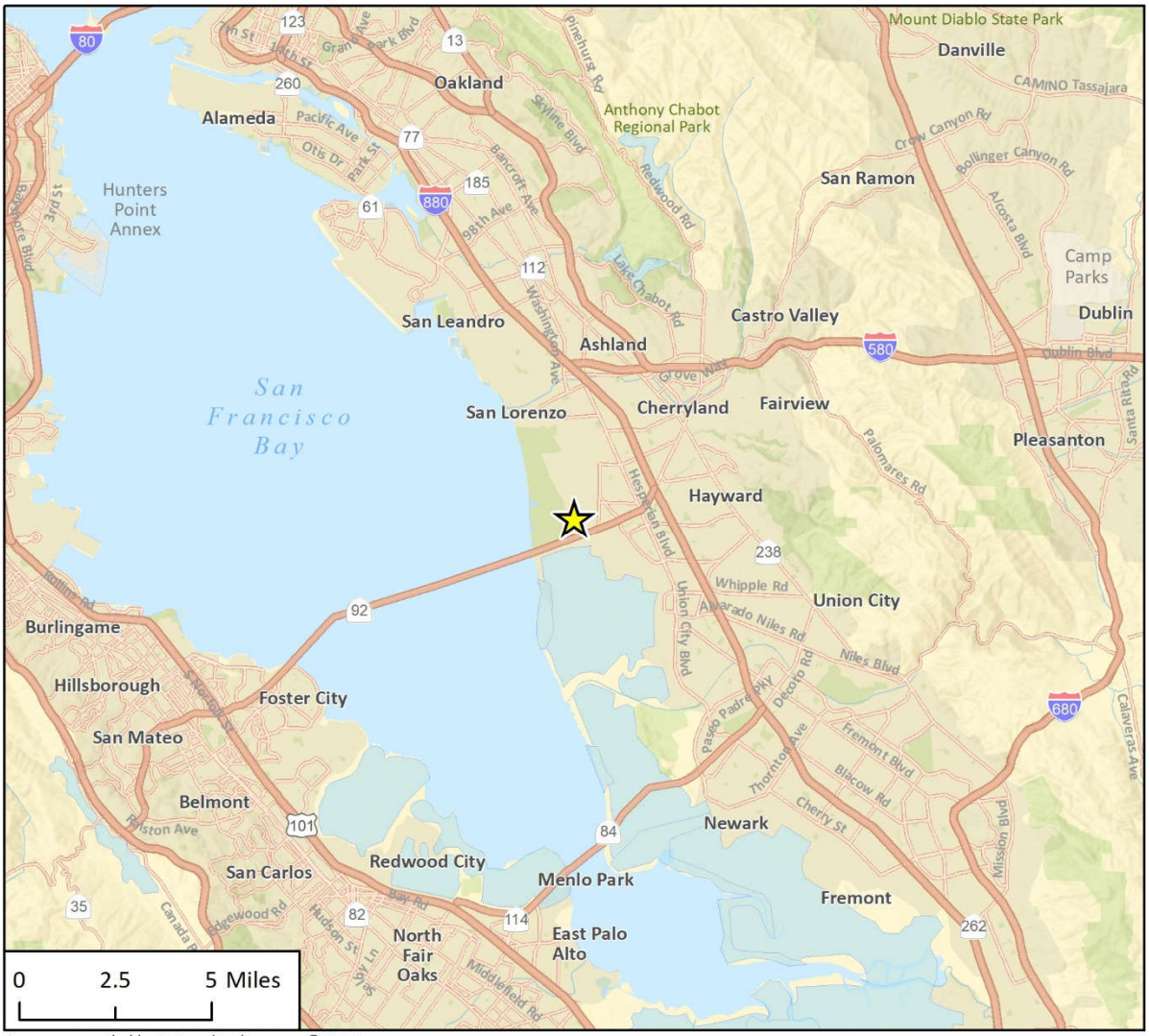
5. Project Sponsor's Name and Address

Dermody Properties
5500 Equity Avenue
Reno, Nevada 89502

6. General Plan Designation

The Hayward 2040 General Plan was adopted by the City of Hayward in July 2014 (City of Hayward 2014a). The Hayward 2040 General Plan establishes a community-based vision for the future of the City, and establishes goals, policies and implementation programs to help the City and greater Hayward community achieve that vision. The General Plan consists of a series of elements, which are similar to chapters. The Land Use and Community Character Element contains the General Plan Land Use Diagram and a description of the City's land use designations. The project site is designated Industrial Corridor (IC).

Figure 1 Regional Location



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Project Location

N

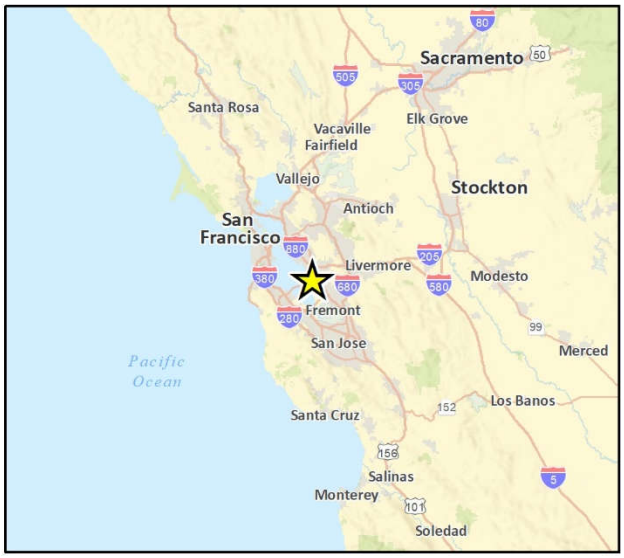

Figure 2 Project Location

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7. Zoning

The Hayward Zoning Ordinance is found in Chapter 10 of the Hayward Municipal Code (HMC). The purpose of the Zoning Ordinance is to promote the public health, safety, general welfare and preserve and enhance the aesthetic quality of the City by providing regulations to ensure an appropriate mix of land uses in an orderly manner. The Zoning Ordinance establishes zoning districts for property within the City. The project site is in the General Industrial (IG) zoning district. The General Industrial (IG) zoning district applies to areas with a variety of parcel sizes and where a wide range of general industrial uses already exist. The zoning district is intended to accommodate the widest variety of industrial uses including heavy industrial and warehousing/distribution uses. Development standards in the General Industrial zoning district focus on well-designed frontages along key corridors and screening with more flexibility in other areas.

8. Description of Project

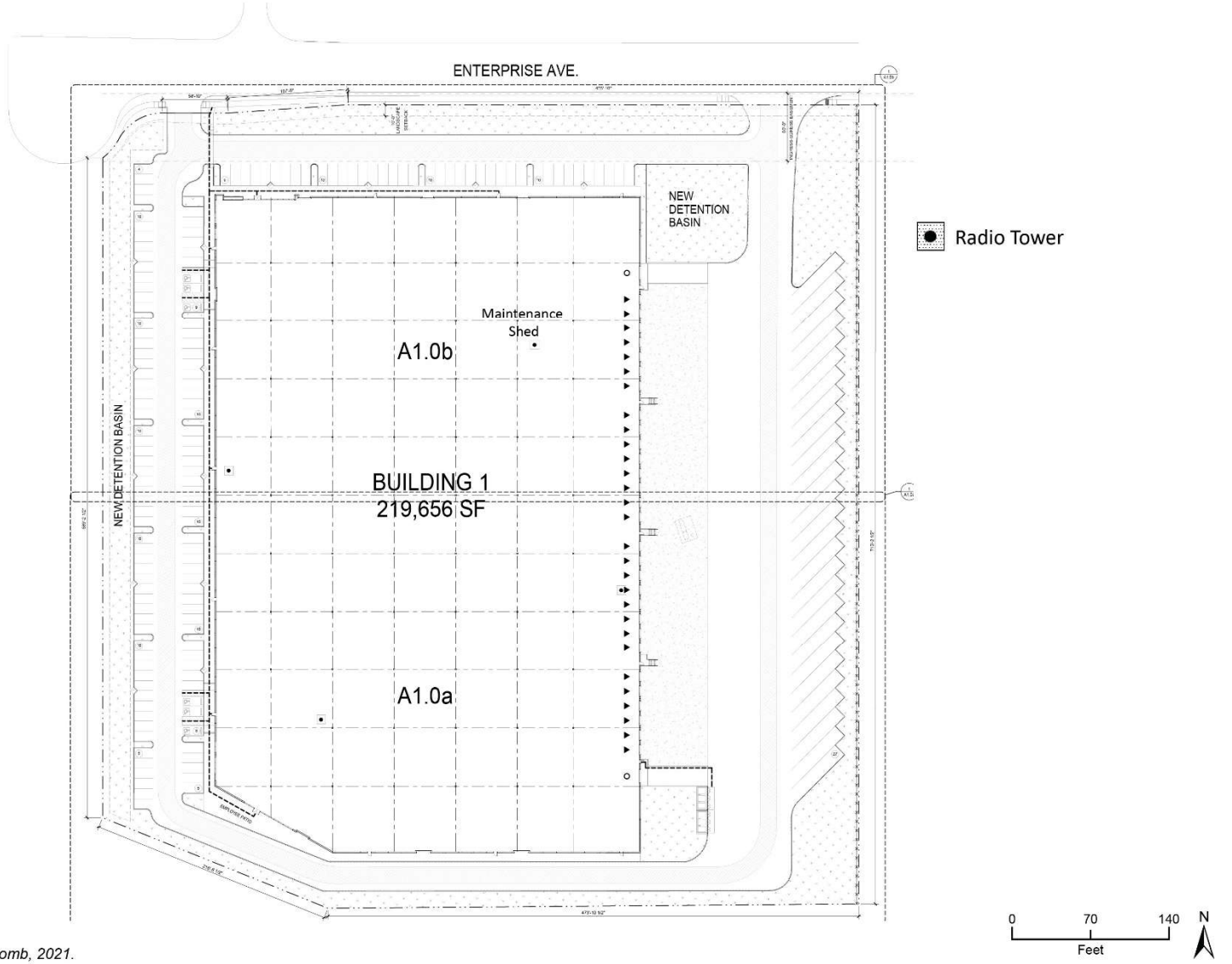
The proposed project would be preceded by the temporary removal of four existing radio towers and the permanent demolition of an existing radio transmitter building on site. Following removal of the towers and transmitter building, the project site would be developed with a new industrial shell building of approximately 219,656 square feet in size and related site improvements including an employee patio, site landscaping, circulation, and parking. Approximately 208,673 square feet of the building would be warehouse space and the other approximately 10,983 square feet would be office space. The four radio towers would be relocated on top of the new industrial building after it is constructed, in roughly the same location and at the same height from grade as existing. The existing radio transmitter building on site would be demolished and the radio transmitter equipment currently inside this building would be relocated to the interior of the proposed industrial building

No specific tenant for the proposed building has been identified at the time of preparation of this IS-MND other than the company that would continue to operate the radio towers upon their relocation atop the proposed building when constructed. While a tenant or tenants are not identified, the proposed industrial building could be used for general industrial and logistics purposes as allowed by the Zoning Ordinance for the IG zoning district. Although the proposed building could be used for industrial activities, neither heavy industrial nor data center uses are proposed as part of this project. Additionally, the site would not be occupied by Amazon Corporation. Figure 3 shows the project conceptual site plan.

Building Architecture and Design

The project would consist of an industrial shell building with an employee patio, landscaping, and vehicular (cars and trucks) circulation areas on an approximately 10.9 acres site. The proposed building would have various architectural details to increase the level of articulation and visual interest on elevations which would be visible from State Route 92 and Enterprise Avenue. The façade of the building would feature integrated wall art at the main entrance for visual aesthetics. The maximum height of the proposed building, not including rooftop radio towers, would be 46 feet. Figure 4 and Figure 5 show conceptual building designs. The maximum height of the radio towers would be the same as the existing height of the towers, which is 229 feet above existing grade on-site.

Figure 3 Conceptual Site Plan



Source: Ware Malcomb, 2021.

Figure 4 Conceptual North Elevation

Source: Dermody Properties

Figure 5 Conceptual Northeast Perspective

Source: Dermody Properties

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Access and Parking

Access to the project site would be provided by two driveways on Enterprise Avenue at the north end of the site, on the north side of the proposed building. The westernmost driveway would be 30 feet in width and the easternmost driveway would be 42 feet in width.

An internal circulation road would be provided on the project site that fully circles the proposed building. The internal circulation road would be designed and constructed to accommodate both passenger vehicles and large trucks. One hundred and fifty-one parking spaces for standard passenger vehicles would be provided on the northern frontage and western boundary of the project site, and 27 angled parking spaces for commercial trucks would be provided on the eastern boundary. Six of the passenger vehicle parking spaces would be Americans with Disabilities Act (ADA) accessible. The angled parking spaces would allow for commercial trucks to enter the site from the northeastern driveway, reverse into the parking spaces, and then circulate around the building clockwise to exit via the northwestern driveway. The internal circulation road would also serve as a fire lane as it would provide access to each side of the proposed building.

The project includes construction of a paved 5-foot-wide sidewalk on the south side of Enterprise Avenue along the project site boundary extending east of the site to the intersection of Enterprise Avenue and Whitesell Street. Sidewalk would also be constructed on-site to provide a pedestrian connection between the proposed building the proposed new sidewalk along Enterprise Avenue. The sidewalk on-site would provide access to proposed bicycle parking, which would be at the northwest corner of the proposed building. Nine exterior bicycle parking spaces would be provided at the northwest corner of the building, near the main entrance. Additionally, eight bicycle parking stalls would be provided inside the proposed building.

Common Space and Landscaping

An employee amenity area of approximately 2,042 square feet would be provided adjacent to the southwest corner of the proposed building. The proposed employee patio area would be paved with concrete and would contain several carousel tables and chairs, as well as trees to provide shade.

Landscaping would be provided along the perimeters of the project site and alongside the building using plant and tree species native to California. For example, landscaping would be provided along the site frontage of Enterprise Avenue, between the proposed sidewalk and on-site parking areas. Two bioretention basins are proposed; one along the western project boundary, and another consisting of a planting area near the northeastern corner of the site. Landscaped areas would occupy 77,629 square feet in total. The proposed landscaping would include planting approximately 115 trees, as well as shrubs, vines, and groundcover plants.

Utilities

Wet utility services to the project site, including water, sanitary sewer, and storm drain would be provided by the City of Hayward. The proposed project would connect into existing potable water infrastructure located underneath Enterprise Avenue. Likewise, new connections would be constructed between the proposed building and existing sanitary sewer main below the surface of Enterprise Avenue. The project would include new on-site stormwater collection and conveyance systems designed to mimic the existing conditions of the site. Portions of the project site drain to the west and northeast; one bioretention treatment area would be located along most of the western side of the proposed building, and the other would be immediately adjacent to the building to the northeast. Runoff from impervious areas of the project, such as proposed parking areas,

would be conveyed into new storm drain inlets and then conveyed to the bioretention areas for treatment via belowground pipe. The bioretention areas would have storm drain inlets that connect to the existing storm drain system adjacent to the project site on Enterprise Avenue. The storm drain facilities would be compliant with the 2015 Municipal Regional Permit of the Regional Water Quality Control Board (RWQCB) and Alameda Countywide Clean Water Program C.3 guidelines. Design plans for the proposed project would comply with the latest Alameda County Flood Control and Water Conservation District's (the District's) Hydrology and Hydraulics Criteria Summary.

Dry utilities include electricity, natural gas, and solid waste and recycling. East Bay Community Energy (EBCE) would supply power to the project site via Pacific Gas and Electric (PG&E) infrastructure. The proposed building would connect to existing electric connections adjacent to the project site on Enterprise Avenue. Currently, electric lines on Enterprise Avenue consist of overheard power lines. The project would involve removing the existing power poles and relocating the existing power line belowground, beneath the surface of Enterprise Avenue. Solid waste collection and recycling would be provided by Waste Management of Alameda County. The project includes a trash enclosure area accessed from the surface parking areas of the project.

Green Building Features

The proposed building would be designed to comply with CALGreen requirements, which includes solar ready roof designs, LED lighting, and low-flow appliances. In addition, the City of Hayward adopted a Reach Code ordinance in March 2020 which encourages all-electric non-residential buildings and has more advanced standards than California Building Code (CBC) requirements. The project would comply with the Reach Code checklist and requirements, including those related to the provision of seven Electric Vehicle (EV) Charging Stations (see Ordinance No. 20-05). In addition, the proposed building would be completely electric, with designated future solar areas to provide the opportunity for future tenants to be net-zero energy. Future tenants may opt to install solar panels or could continue to receive power from the existing provider through the existing local power grid. The landscaping irrigation would be water efficient and compliant with the State's Water Efficient Landscape Ordinance.

Construction and Grading

Construction of the structures and on-site facilities is expected to occur over approximately 10 months and would involve one general phase with the following activities:

1. Demolition and site preparation for rough grading, which would take approximately one month.
2. Grading of the site to prepare it for construction activities, which would involve exporting soil from the site. This phase would take approximately six months.
3. Construction of the structures and onsite amenities, which would take approximately nine months.
4. Paving of site including driveways, onsite amenities, and building walkways with asphalt, which would take approximately one week.
5. Architectural coating, which would take approximately one month.

Because the topography of the site is generally flat, and no underground structures are proposed, minimal grading and subsurface excavation would be required. Approximately 30,000 cubic yards of fill material would be imported during site grading. The fill material would be used to raise the ground surface elevation of the site by up to approximately 14 feet above mean sea level, whereas

much of the site is currently between 7 and 10 feet above mean sea level. Grading would also require the construction of a retaining wall along a portion of the southern project boundary and a retaining wall along a portion of the eastern project boundary. Both walls would be approximately 2 to 3 feet in height. Subsurface excavation would generally consist of shallow trenches for utilities, which would be backfilled following construction completion.

9. Surrounding Land Uses and Setting

The project site is located in an industrial area of Hayward. The site is primarily flat with a berm running along the western portion of the parcel. Vegetation on the site consists primarily of low grasses but also includes a row of shrubs on the west and south perimeters of the site (Figure 8). There are four radio towers in the central part of the site as well as a maintenance shed associated with radio operations (Figure 9). Buried ground wires radiate outward from each radio towers. Similarly, a buried electric utility line connects each tower to the main power grid.

The Hayward wastewater treatment facility is directly north of the parcel on the opposite side of Enterprise Avenue (Figure 6). The property is adjacent to a vacant parcel on the east. Further east, on the opposite side of Whitesell Street, is a trucking company and a packaging manufacturer. A railroad-track spur and a creek are immediately south of the site with the creek running southwest to marshland alongside the San Francisco Bay, to the west and southwest. The creek is channelized between earthen berms south of the project site. A biotechnology operation is to the southeast of the site. To the west is a commercial industrial building which contains an auto body supply store and a moving logistics company.

Regional access to the site is provided via State Route 92, and local access is provided via Enterprise Avenue. According to the City's General Plan the site is surrounded by the Industrial Technology and Innovation Corridor, and according to the City's zoning code, the site is surrounded by General Industrial parcels.

Figure 6 Project Site Looking West from Northeast Interior Corner of Site

Figure 7 Project Site and Radio Tower Lines Looking South from Interior of Site

Figure 8 Western Project Perimeter Looking Southwest from Northwest Corner of Site

Figure 9 Existing Radio Towers Looking Northeast from Southwest Corner of Site

10. Approval Required

The following approvals and permits from the City of Hayward would be required for the proposed project:

- Major Site Plan Review: Due to the size of the project site being greater than 3 acres
- Conditional Use Permit: Due to proposed building's area being greater than 150,000 square feet within the zoning district
- Demolition Permit: Demolition of the existing radio transmitter building
- Grading Permit: Proposed grading of the site
- Building Permit: For construction of the proposed building
- Water and Wastewater Connection Approval: Proposed utility connections to service the proposed building

11. Have California Native American Tribes Traditionally and Culturally Affiliated with the Project Area Requested Consultation Pursuant to Public Resources Code Section 21080.3.1?

On August 20, 2021, the City of Hayward sent the Ione Band of Miwok Indians an Assembly Bill (AB) 52 notification letter via certified mail. Under AB 52, Native American tribes have 30 days to respond and request further project information and request formal consultation. The City did not receive a request for formal consultation under AB 52. Copies of AB 52 correspondence for this project are included in Appendix B.

Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is "Potentially Significant" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Agriculture and Forestry Resources	☐	Air Quality
■	Biological Resources	■	Cultural Resources	☐	Energy
■	Geology/Soils	■	Greenhouse Gas Emissions	■	Hazards & Hazardous Materials
■	Hydrology/Water Quality	☐	Land Use/Planning	☐	Mineral Resources
☐	Noise	☐	Population/Housing	☐	Public Services
☐	Recreation	■	Transportation	■	Tribal Cultural Resources
☐	Utilities/Service Systems	☐	Wildfire	■	Mandatory Findings of Significance

Determination

Based on this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

■ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "less than significant with mitigation incorporated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Ranu Aggarwal	Contract Planner
Printed Name	Title

Environmental Checklist

1 Aesthetics

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	■	☐
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	■	☐
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 a 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?	☐	☐	■	☐
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	☐	☐	■	☐

Impact Analysis

a. Would the project have a substantial adverse effect on a scenic vista?

According to the City's General Plan, the City's scenic resources consist of views of natural topography, open grass and vegetation, the East Bay hills, and the San Francisco Bay shoreline (City of Hayward 2014a). The project site is located next to marshlands associated with the San Francisco Bay. Despite being next to marshlands, the marshlands are generally not visible through the project site from Enterprise Avenue because the marshlands are at a lower elevation than the project site. In other words, the marshlands are topographically below the project site and Enterprise Avenue.

Views of the ridgeline of the Coast Range on the San Francisco Peninsula on the west side of the Bay are visible through the project site from Enterprise Avenue. Construction of the proposed building would obstruct views of the Coast Range ridgeline from portions of Enterprise Avenue. However, Enterprise Avenue dead-ends at a gate across the road in an industrial part of Hayward and is not a street that is routinely traversed or used to view scenic vistas or scenery. Additionally, views of the Coast Range are visible from pedestrian paths in the marshlands west of the project site. Views from

the marshland of the Coast Range are more scenic than views from Enterprise Avenue because the marshlands are the last on-shore point in Hayward to view the Coast Range, and are unobstructed by buildings and development. Because the project would not fully obstruct designated scenic vistas and would only partially obstruct views of a distance ridgeline than can be viewed from other nearby locations, project impacts on scenic vistas would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The closest designated state scenic highway is a portion of I-580 at the northern edge of the City of Hayward, approximately 4.2 miles north of the project site (California Department of Transportation [Caltrans] 2022). Given the distance between the project site and state scenic highway and many intervening buildings, the project site is not visible from I-580.

Although not designated as a state scenic highway, State Route 92 is designated as an Alameda County scenic highway in the Scenic Route Element of the Alameda County General Plan and the project site is just north of and visible from State Route 92. However, there are no rock outcroppings or historic buildings on the project site, and no trees would be removed as part of the project. Proposed landscaping would include planting 115 new trees along the perimeter of the project site, including along the southern project boundary, which is closest to State Route 92.

Thus, the project would not substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, and impacts to scenic resources would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c. Would the project, 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 a 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?

The project is in an urbanized area. Development of the proposed project would comply with City zoning standards, including height regulations, yard and lot area, and front and side setbacks. As detailed in the Project Description of this document, the building would have an exterior height of 46 feet, from the proposed grade at the building foundation, which would not exceed the maximum allowable height of 75 feet in the IG zoning district. The 46-foot height would be similar in size to surrounding existing industrial buildings and would be consistent with the City's Zoning Code. The project would also comply with Hayward Industrial District Design guidelines by incorporating employee amenities and various building materials and colors in the building elevations (City of Hayward 2019b), including areas of glass, concrete painted with several accent colors, and metal screen artwork, as seen in concept in Figure 4 and Figure 5.

Finally, the project would provide landscaping along the perimeters of the proposed building and the project site, consistent with City requirements. The radio towers, while taller than the proposed building, would not increase in height above ground surface compared to existing conditions. Therefore, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

The project site is in an urbanized area with moderate to high levels of existing light typical of industrial areas and highways. The surrounding industrial and roadway uses generate light and glare along the boundaries of the project site, except for the eastern side, which borders a vacant lot, and the southwestern portion of the site that is next to a creek and more distant marshlands. Primary sources of light adjacent to the project site include interior and exterior lighting associated with existing industrial buildings, vehicle headlights, streetlights, and parking lot and site activity area lighting at the adjacent wastewater treatment plant. The site does not currently have substantial sources of glare. The primary source of glare affecting the project site is the sun's reflection from vehicles parked in adjacent parking lots, and from glass and light-colored surfaces on buildings surrounding the northern and western boundaries of the project site.

The project would introduce new sources of light and glare to the area by introducing a new building on the site that would have windows, exterior lighting, parking lot lighting, and internal lighting. Building materials would be required to comply with the California Building Code to ensure that reflecting glare would not be substantial and would not adversely affect daytime or nighttime views in the area. Proposed building design includes windows near the entrance of the building, which would be consistent with façade transparency requirements in Section 10-1.1606 of the Hayward Municipal Code (HMC), and the building would be partially screened by proposed landscaping along the perimeter of the project site.

The project would be required to comply with Section 10-1.1606 of the Hayward Municipal Code, which requires stationary light from the project, such as streetlights in the surface parking areas, be confined to the property and not create light or glare upon adjacent properties or public rights-of-way. Thus, sources of light and glare from the project would be generally similar to existing sources of light and glare on and surrounding the site and would be consistent with other uses in the area. The radio towers would be temporarily removed during construction activities then relocated to the new building's roof. Safety lighting associated with the radio towers would not be a new condition and therefore would not create new sources of substantial light or glare. Therefore, the project would not create a new source of substantial light or glare, and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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2 Agriculture and Forestry Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	■
b. Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	■
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))?	☐	☐	☐	■
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	■
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?	☐	☐	☐	■

Impact Analysis

a. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b. Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?

c. Would the project 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))?

d. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

e. Would the project 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?

The project site is located within an urbanized area of the City of Hayward. The City's General Plan designates the site as Industrial Corridor (IC) and the site is zoned as General Industrial (IG). The project site and adjacent properties do not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) identified with the Farmland Mapping and Monitoring Program, are not enrolled in Williamson Act contracts, and do not support forest land or resources (California Department of Conservation 2018). The project site is not located on or adjacent to agricultural or forest land, and the project would not convert Farmland to non-agricultural uses or forest land to non-forest use. For the above reasons, the proposed project would have no impact with respect to conversion of Farmland to non-agricultural use; conflict with existing agricultural zoning or Williamson Act contracts; and loss of forest land or conversion of forest land to non-forest use.

NO IMPACT

3 Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	■	☐
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?	☐	■	☐	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	■	☐
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	■	☐

Existing Setting

The project site is located in the Southwestern Alameda County subregion of the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). This subregion is bordered on the east by the East Bay hills and on the west by the San Francisco Bay, and most of the area is flat. This subregion is indirectly affected by marine air flow and sea breezes, although less so than regions closer to the Golden Gate Bridge which spans the mouth of the San Francisco Bay at the Pacific Ocean. The climate is also affected by its proximity to the Bay. During warm weather, the Bay cools the air it comes in contact with, while during cold weather the Bay warms the air. The normal northwest wind pattern carries this air onshore during the daytime while bay breezes draw air from the land offshore at night. Wind speeds are moderate in this subregion with annual average wind speeds of approximately seven miles per hour close to the Bay and approximately six miles per hour further inland. Air temperatures are moderated by the subregion's proximity to the Bay and to the sea breeze. Average maximum temperatures are in the mid-70 degrees Fahrenheit (°F) during the summer months and in the high 50°F to low 60°F during the winter months (BAAQMD 2017a).

Air pollutant emissions in the SFBAAB are generated primarily by stationary and mobile sources. Stationary sources can be divided into two major subcategories: point and area sources. Point sources occur at a specific location and are often identified by an exhaust vent or stack. Examples include boilers or combustion equipment that produce electricity or generate heat. Area sources are distributed widely and include those such as residential and commercial water heaters, painting operations, lawn mowers, agricultural fields, landfills, and some consumer products. Mobile sources refer to emissions from motor vehicles, including tailpipe and evaporative emissions, and are classified as either on-road or off-road. On-road sources may be operated legally on roadways and

highways. Off-road sources include aircraft, ships, trains, and self-propelled construction equipment. Air pollutants can also be generated by the natural environment such as when high winds suspend fine dust particles (BAAQMD 2017a).

Air pollution sources in the Southwestern Alameda County subregion include light and heavy industry, and motor vehicles, and pollution potential is relatively high during the summer and fall. When the Pacific high-pressure system dominates, low mixing depths and Bay and ocean wind patterns can concentrate and carry pollutants from other cities to this area, adding to the locally-emitted pollutant mix. The polluted air is then pushed up against the East Bay hills. In the wintertime, the air pollution potential in southwestern Alameda County is moderate. Increasing motor vehicle traffic and congestion in the subregion may increase Southwest Alameda County subregion pollution, as well as that of its neighboring subregions (BAAQMD 2017a).

Regulatory Setting

The U.S. Environmental Protection Agency (U.S. EPA) has set primary national ambient air quality standards (NAAQS) for ozone (O_3), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter with diameters of up to ten microns (PM_{10}) and up to 2.5 microns ($PM_{2.5}$), and lead (Pb). Primary standards are those levels of air quality deemed necessary, with an adequate margin of safety, to protect public health. In addition, California has established health-based ambient air quality standards, known as the California ambient air quality standards (CAAQS) for these and other pollutants, some of which are more stringent than the federal standards.

As the local air quality management agency, the BAAQMD is required to monitor air pollutant levels to ensure that NAAQS and CAAQS are met and, if they are not met, to develop strategies to meet them. Depending on whether or not standards are met or exceeded, the SFBAAB is classified as in "attainment" or "non-attainment." The BAAQMD is in non-attainment for the federal and state ozone standards, the state PM_{10} standard, and the federal and state $PM_{2.5}$ standards (BAAQMD 2017b). Table 1 describes the health effects associated with criteria pollutants for which the BAAQMD is in non-attainment.

Table 1 Health Effects Associated with Non-Attainment Criteria Pollutants

Pollutant	Adverse Effects
Ozone	(1) Short-term exposures: pulmonary function decrements and localized lung edema in humans and animals and risk to public health implied by alterations in pulmonary morphology and host defense in animals; (2) long-term exposures: risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (3) vegetation damage; and (4) property damage.
Suspended particulate matter (PM_{10} and $PM_{2.5}$)[1]	(1) Excess deaths from short-term and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease (including asthma).

[1] More detailed discussion on the health effects associated with exposure to suspended particulate matter can be found in U.S. EPA's Air Quality Criteria for Particulate Matter, October 2004.

Source: U.S. EPA 2018a

The 2017 Clean Air Plan, adopted by BAAQMD as an update to the 2010 Clean Air Plan, provides a regional strategy to protect public health and the climate. To fulfill state ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors (reactive organic gases [ROG] and nitrogen oxides [NO_X]) and reduce transport of ozone and its precursors to neighboring air basins. In addition, the 2017 Clean Air Plan builds upon and enhances the BAAQMD's efforts to reduce emissions of fine particulate matter and toxic air contaminants (TACs) (BAAQMD 2017c).

In 2006, the U.S. EPA reduced the national 24-hour $PM_{2.5}$ standard regarding short-term exposure to fine particulate matter from 65 micrograms per cubic meter ($\mu g/m^3$) to 35 $\mu g/m^3$. Based on air quality monitoring data for the 2006-2008 cycle showing that the region was slightly above the standard, the U.S. EPA designated the SFBAAB as non-attainment for the 24-hour national standard in December 2008. This triggered the requirement for the BAAQMD to prepare a State Implementation Plan (SIP) submittal to demonstrate how the region would attain the standard. However, data for both the 2008-2010 and the 2009-2011 cycles showed that $PM_{2.5}$ levels in the Basin met the standard. On October 29, 2012, the U.S. EPA issued a proposed rule-making to determine that the SFBAAB now attains the 24-hour $PM_{2.5}$ national standard. Based on this, the SFBAAB is required to prepare an abbreviated SIP submittal, which includes an emission inventory for primary (directly-emitted) $PM_{2.5}$, as well as precursor pollutants that contribute to formation of secondary PM in the atmosphere; and amendments to BAAQMD New Source Review (NSR) to address $PM_{2.5}$ (adopted December 2012). However, key SIP requirements to demonstrate how the region will achieve the standard (i.e., the requirement to develop a plan to attain the standard) will be suspended as long as monitoring data continues to show that the SFBAAB attains the standard. In addition to preparing the abbreviated SIP submittal, the BAAQMD has prepared a report entitled *Understanding Particulate Matter: Protecting Public Health in the San Francisco Bay Area* (BAAQMD 2012). The report helps guide the BAAQMD's on-going efforts to analyze and reduce PM in the Bay Area in order to better protect public health.[1] The SFBAAB will continue to be designated as nonattainment for the federal 24-hour $PM_{2.5}$ standard until such time as the BAAQMD elects to submit a "redesignation request" and a "maintenance plan" to the U.S. EPA, and the U.S. EPA approves the proposed redesignation.

Some communities within the Bay Area experience relatively high exposure to TACs as compared to other communities. For this reason, the BAAQMD established the Community Air Risk Evaluation (CARE) program in 2004 to identify impacted communities. The project site is located in the Western Alameda County impacted community of the BAAQMD's Community Health Protection Program. The BAAQMD prioritizes these impacted communities in the design and implementation of air pollution mitigation strategies via the Clean Air Communities initiative (BAAQMD 2014).

Sensitive Receptors

Ambient air quality standards are designed to protect that segment of the public most susceptible to respiratory distress, such as children under 14; the elderly over 65; persons engaged in strenuous work or exercise; and people with cardiovascular and chronic respiratory diseases. The BAAQMD defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and the chronically ill (BAAQMD 2017a). These receptors are generally associated with certain facilities, including

[1] PM is made up of particles that are emitted directly, such as soot and fugitive dust, as well as secondary particles that are formed in the atmosphere from chemical reactions involving precursor pollutants such as oxides of nitrogen, sulfur oxides, volatile organic compounds, and ammonia.

residences, schools, and hospitals. The nearest sensitive receptors are single- and multi-family residences and a school, the California Crosspoint Academy, both located approximately one mile to the east of the project site. The City of Hayward has not yet adopted environmental justice policies or associated thresholds as part of their General Plan; however, the project site is located in an area defined as a disadvantaged community per Senate Bill (SB) 1000 and California Health and Safety Code Section 39711 (California Office of Environmental Health Hazard Assessment 2018).

Air Emission Thresholds

The BAAQMD developed screening criteria in its May 2017 CEQA Air Quality Guidelines to provide lead agencies and project applicants with a conservative indication of whether a project could result in potentially significant air quality impacts. If a project meets the screening criteria, then the lead agency or applicant does not need to perform a detailed air quality assessment of the project's air pollutant emissions. For an industrial park, the Operational Criteria Pollutant Screening Sizes are 541,000 square feet, 61 acres, or 1,154 employees, and the Construction Criteria Pollutant Screening Sizes are 259,000 square feet, 11 acres, or 577 employees. The proposed project would include one industrial building totaling approximately 219,656 square feet, which would not exceed the Operational Criteria Pollutant Screening Size of 553,000 square feet. However, the screening criteria do not apply when a project involves both demolition and construction, which the proposed project includes due to removal of the existing radio tower building on-site. As a result, the BAAQMD significance thresholds for criteria air pollutants, shown in Table 2, are used to evaluate the project's potential air quality impacts.

Table 2 BAAQMD Air Quality Significance Thresholds

Pollutant/Precursor	Construction Emissions (average lbs/day)	Operational Emissions (average lbs/day)
ROG	54	54
NO_X	54	54
PM_{10}	82[1]	82
$PM_{2.5}$	54[1]	54
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	None

lbs/day = pounds per day; ROG = reactive organic gases; NO_X = nitrogen oxides; PM_{10} = particulate matter 10 microns in diameter or less; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter; BAAQMD = Bay Area Air Quality Management District

[1] The construction thresholds for PM_{10} and $PM_{2.5}$ emissions apply to exhaust emissions only.

Source: BAAQMD 2017a

For health risks associated with TAC and $PM_{2.5}$ emissions, the BAAQMD May 2017 CEQA Air Quality Guidelines state a project would result in a significant impact if the one or more of the following thresholds are exceeded (BAAQMD 2017a):

- Non-compliance with Qualified Community Risk Reduction Plan;
- Increased cancer risk of > 10.0 in a million;
- Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute); or
- Ambient $PM_{2.5}$ increase of > 0.3 $\mu g/m^3$ annual average

In addition, a project would have a cumulatively considerably impact associated with health risks from TAC and $PM_{2.5}$ emissions if the aggregate total emissions of all past, present, and foreseeable future sources within a 1,000-foot radius of the fenceline of the source plus the project's contribution exceed one or more of the following thresholds (BAAQMD 2017a):

- Non-compliance with Qualified Community Risk Reduction Plan;
- Increased cancer risk of > 100.0 in a million;
- Increased non-cancer risk of > 10.0 Hazard Index (Chronic or Acute); or
- Ambient $PM_{2.5}$ increase of > 0.8 $\mu g/m^3$ annual average

The BAAQMD provides recommended odor screening distances for the siting of new odor sources, which are shown in Table 3. A significant impact would potentially occur if the project would site a new odor source within the specified distances of existing sensitive receptors.

Table 3 BAAQMD Odor Screening Distances

Land Use/Type of Operation	Screening Distance
Wastewater Treatment Plant	2 miles
Wastewater Pumping Facilities	1 mile
Sanitary Landfill	2 miles
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	2 miles
Chemical Manufacturing	2 miles
Fiberglass Manufacturing	1 mile
Painting/Coating Operations	1 mile
Rendering Plant	2 miles
Coffee Roaster	1 mile
Food Processing Facility	1 mile
Confined Animal Facility/Feed Lot/Dairy	1 mile
Green Waste and Recycling Operations	1 mile
Metal Smelting Plants	2 miles

Source: BAAQMD 2017a

Methodology

The project's construction emissions were estimated using the California Emissions Estimator Model (CalEEMod), version 2020.4.0. CalEEMod uses project-specific information, including the project's land uses, square footages for different uses (e.g., warehouse with office space, parking lot), and location, to model a project's emissions.

Construction emissions modeled include emissions generated by construction equipment used on-site and emissions generated by vehicle trips associated with construction, such as worker and

vendor trips. CalEEMod estimates construction emissions by multiplying the amount of time equipment is in operation by emission factors. Construction of the proposed project was analyzed based on defaults contained in CalEEMod and from project-specific inputs provided by the applicant, such as amount of fill material that would be imported to the site during construction. It is assumed that all construction equipment used would be diesel-powered. The CalEEMod inputs and model results are provided as Appendix CAL to this IS-MND.

This analysis assumes that the project would comply with all applicable regulatory standards because compliance with regulations is a legal requirement. In particular, the project would comply with the 2019 CALGreen, the 2019 Building Energy Efficiency Standards, and the City's Reach Code. BAAQMD Rule 8-3 establishes VOC limits for architectural coatings. Consistent with these limits, interior coatings were assumed to have a VOC content of 50 grams per liter (limit for flat coatings), exterior coatings were assumed to have a VOC content of 100 grams per liter (limit for nonflat coatings), and traffic markings were assumed to have a VOC content of 100 grams per liter (limit for specialty coatings, traffic marking coatings).

Impact Analysis

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

The most recently adopted air quality plan in the Basin is the 2017 Clean Air Plan. The 2017 Clean Air Plan does not include control measures that apply directly to individual development projects. Instead, the control strategy includes measures related to stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-greenhouse gas (GHG) pollutants.

The 2017 Clean Air Plan focuses on two paramount goals (BAAQMD 2017c):

- Protect air quality and health at the regional and local scale by attaining all state and national air quality standards and eliminating disparities among Bay Area communities in cancer health risk from toxic air contaminants; and
- Protect the climate by reducing Bay Area GHG emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050

Under BAAQMD's methodology, a determination of consistency with the 2017 Clean Air Plan should demonstrate that a project (BAAQMD 2017a):

- Supports the primary goals of the 2017 Clean Air Plan;
- Includes applicable control measures from the 2017 Clean Air Plan; and
- Would not disrupt or hinder implementation of a control measure in the 2017 Clean Air Plan.

A project that would not support the 2017 Clean Air Plan's goals is considered inconsistent with the 2017 Clean Air Plan. On an individual project basis, consistency with BAAQMD quantitative thresholds is interpreted as demonstrating support for the 2017 Clean Air Plan's goals. As shown in the discussion under checklist item b (see below), the project construction would result in exceedances of BAAQMD daily thresholds for criteria air pollutants. However, as further discussed in checklist item b, implementation of Mitigation Measures AQ-1a and AQ-1b would reduce emissions to below BAAQMD daily thresholds. As discussed in checklist item c, below, the project would not result in a cancer risk due to toxic air contaminants.

As discussed in Section 8, *Greenhouse Gas Emissions*, the proposed project would result in GHG emissions that are below thresholds established for 40 percent below 1990 levels and 80 percent below 1990 levels by 2030 and 2050, respectively. Therefore, the proposed project would be consistent with the primary goals of the 2017 Clean Air Plan. As shown in Table 4, the project would also be consistent with specific goals and control strategies of the 2017 Clean Air Plan. Therefore, the proposed project would result in a less than significant impact related to consistency with the 2017 Clean Air Plan.

Table 4 Project Consistency with Goals and Applicable Strategies of 2017 Clean Air Plan

Goals and Control Strategies	Evaluation
Goal: Protect air quality and health at the regional and local scale: ▪ Attain all state and national air quality standards ▪ Eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants	**Consistent.** As shown in Table 5, 6, and 7 below, air pollutant emissions generated from project construction would not exceed BAAQMD standards for criteria pollutants with implementation of mitigation measures. Accordingly, construction and operation of the proposed project would not contribute to nonattainment of air quality standards. As discussed later in this section, under CEQA checklist 'c', the proposed project would not expose sensitive receptors to substantial toxic air contaminants.
Goal: Protect the climate: ▪ Reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050	**Consistent.** As described in Section 8, *Greenhouse Gas Emissions*, the GHG emissions generated from the proposed project would not exceed thresholds established to reach emissions of 40 percent below 1990 levels by 2030. As discussed further in Section 8, the proposed project would be generally consistent with the City's Climate Action Plan, which includes goals to reduce GHG emissions to 82.5 percent below 2005 levels by 2050. The project would therefore not exceed thresholds to reduce emissions to 80 percent below 1990 levels by 2050 because the 2005 levels exceed 1990 levels, and the project would be at least 80 percent less than 2005 levels.
Control Strategy: Direct new development to areas that are well served by transit, and conducive to bicycling and walking.	**Consistent**. The project would be located on Enterprise Avenue. There are no bicycle lanes on Enterprise Avenue near the project site, but bicycles are allowed on Enterprise Avenue and the project would include bicycle parking. An existing transit stop is located approximately 0.35 mile north of the project site, near the intersection of Depot Road and Foley Street.
Control Strategy: Reduce demand for vehicle travel, and high-carbon goods and services.	**Consistent.** The proposed building would be occupied by uses allowed in the Industrial General zoning district. The building would not be constructed with stack exhaust systems, and so heavy manufacturing uses generating large quantities of carbon, such as a refinery would not occur on the project site. The project would be used primarily for warehouse storage and not generate demand for high-carbon goods and services.
Control Strategy: Promote energy and water efficiency in both new and existing buildings.	**Consistent.** The proposed building would be required to comply with 2019 CALGreen standards, which include measures for energy and water efficiency. The project would also comply with the City's Reach Code, which goes beyond requirements of CalGreen.

Source: BAAQMD 2017b

LESS THAN SIGNIFICANT IMPACT

b. Would the project 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?

The proposed project would result in temporary construction emissions and long-term operational emissions. Construction activities such as the operation of construction vehicles and equipment over unpaved areas, grading, trenching, and disturbance of stockpiled soils have the potential to generate fugitive dust (PM_{10}) through the exposure of soil to wind erosion and dust entrainment. In addition, exhaust emissions associated with heavy construction equipment would generate criteria air pollutant emissions.

Operational emissions modeled include mobile source emissions (i.e., vehicle emissions), energy emissions, area source emissions, and stationary source emissions. Mobile source emissions are generated by vehicle trips to and from the project site and were estimated using the trip generation rates provided by Kittelson & Associates in the Transportation Impact Analysis (TIA) (Appendix TIA). Emissions attributed to energy use include natural gas consumption for space and water heating. Area source emissions are generated by landscape maintenance equipment, consumer products and architectural coatings.

Construction Emissions

Criteria Air Pollutant Emissions

Project construction would involve demolition, site preparation, grading, building construction, paving, and architectural coating activities that have the potential to generate air pollutant emissions. As described in the project description, construction of the entire project, including the proposed building and surface parking areas would occur over approximately ten months. Table 5 summarizes the estimated maximum daily emissions of criteria air pollutants during construction on the project site. As shown in the table, project construction emissions would exceed BAAQMD daily thresholds of ROG and NOx emissions. Therefore, impacts of project construction would be potentially significant and implementation of mitigation measures AQ-1a and AQ-1b is required.

Table 5 Project Construction Emissions

	Daily Emissions (lbs/day)					
Year	**ROG**	**NO_X**	**CO**	**PM_{10} (exhaust)**	**$PM_{2.5}$ (exhaust)**	**SO_X**
Maximum Daily Emissions[1]	141	77	52	3	3	<1
BAAQMD Thresholds (average daily emissions)	54	54	N/A	82	54	N/A
Threshold Exceeded?	Yes	Yes	N/A	No	No	N/A

[1] See Table 2.1 "Overall Construction-Unmitigated" emissions. CalEEMod worksheets in Appendix CAL. Emission data presented is the highest of summer outputs.

N/A = not adopted (The BAAQMD has not adopted thresholds for construction emissions of CO or SO_X); lbs/day = pounds per day; ROG = reactive organic gases; NO_X = oxides of nitrogen; CO = carbon monoxide; $PM_{2.5}$ = particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM_{10} = particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; SO_x = oxides of sulfur

Fugitive Dust

Site preparation and grading may cause wind-blown dust that could contribute particulate matter into the local atmosphere. The BAAQMD has not established a quantitative threshold for fugitive dust emissions but rather states that projects that incorporate best management practices (BMPs) for fugitive dust control during construction would have a less than significant impact related to

fugitive dust emissions. The project would be required to implement dust control measures during grading and clearing activities per HMC Section 10-8.32, which includes requirements to use watering or dust palliative to contain dust and to immediately remove earth material spilling or accumulating on a public street. Therefore, construction-related fugitive dust emissions would be less than significant.

Operational Emissions

The operational emissions of the proposed project were estimated using CalEEMod and are presented in Table 6 and Table 7, below. As shown in Table 6 and Table 7, the average daily and annual emissions from project operation, including routine testing of the backup diesel generator would not exceed the BAAQMD thresholds. Therefore, project operation would not result in a cumulatively considerable net increase of criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Impacts would be less than significant.

Table 6 Estimated Average Daily Project Operational Emissions

	Average Daily Emissions (lbs/day)			
Emissions Source	**ROG**	**NO_x**	**PM_{10}**	**$PM_{2.5}$**
Area Sources	5	<1	<1	<1
Energy Sources	0	0	0	0
Mobile Sources	3	3	6	1
Stationary Sources[1]	0	0	0	0
Total Proposed Project Emissions	8	3	6	1
BAAQMD Thresholds	54	54	82	54
Threshold Exceeded?	**No**	**No**	**No**	**No**

ROG = reactive organic gases; NO_X = nitrogen oxides; PM_{10} = particulate matter 10 microns in diameter or less; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter; lbs/day = pounds per day; BAAQMD = Bay Area Air Quality Management District

[1] Conservatively assumes maximum permitted operations of 50 hr/year based upon BAAQMD's Regulation 9 Rule 8

Source: See CalEEMod worksheets in Appendix CAL (Table 2.2 "Overall Operational-Mitigated Operational" emissions) and generator calculation sheets. Emissions for area, energy, and mobile sources are the highest of winter and summer emission estimates.

Table 7 Estimated Annual Project Operational Emissions

	Annual Emissions (tons/year)			
Emissions Source	**ROG**	**NO_x**	**PM_{10}**	**$PM_{2.5}$**
Area Sources	1	<1	<1	<1
Energy Sources	0	0	0	0
Mobile Sources	0.5	0.6	1	0.3
Stationary Sources[1]	<1	<1	<1	<1
Total Proposed Project Emissions	1.5	0.6	1	0.3
BAAQMD Thresholds	10	10	15	10
Threshold Exceeded?	**No**	**No**	**No**	**No**

ROG = reactive organic gases; NO_X = nitrogen oxides; PM_{10} = particulate matter 10 microns in diameter or less; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter; BAAQMD = Bay Area Air Quality Management District

[1] Conservatively assumes maximum permitted operations of 50 hr/year based upon BAAQMD's Regulation 9 Rule 8

Source: See CalEEMod worksheets in Appendix CAL (Table 2.2 "Overall Operational-Mitigated Operational" emissions) and generator calculation sheets.

Mitigation Measures

AQ-1a Tier 4 Construction Equipment

Off-road, diesel-fueled construction equipment greater than 50 horsepower (hp) shall meet the California Air Resources Board's Tier 4 Final emissions standards for certified engines or cleaner off-

road heavy-duty diesel engines. Documentation of Tier 4 equipment for project construction shall be submitted to the City prior to the issuance of a grading permit.

AQ-1b Low VOC-Paint

Paint used for the project, such as exterior paint for the building, shall contain between zero and 10 milligrams per liter of volatile organic compounds. Paints and architectural coatings containing volatile organic compounds in concentrations exceeding 10 milligrams per liter shall not be used for the project.

Significance After Mitigation

The emissions from project construction with implementation of Mitigation Measures AQ-1a and AQ-1b were modeled using CalEEMod, similar to the emissions of the project without mitigation measures. As shown in Table 8 below, with implementation of Mitigation Measures AQ-1a and AQ-1b, daily project construction emissions would be below applicable BAAQMD thresholds. Therefore, with implementation of Mitigation Measures AQ-1a and AQ-1b, emissions of criteria pollutants resulting from the proposed project would have a less than significant impact.

Table 8 Project Construction Emissions with Mitigation

	Daily Emissions (lbs/day)					
Year	ROG	NO_X	CO	PM_{10} (exhaust)	$PM_{2.5}$ (exhaust)	SO_X
Maximum Daily Emissions[1]	15	15	57	<1	<1	<1
BAAQMD Thresholds (average daily emissions)	54	54	N/A	82	54	N/A
Threshold Exceeded?	No	No	N/A	No	No	N/A

[1] See Table 2.1 "Overall Construction-Mitigated" emissions. CalEEMod worksheets in Appendix CAL. Emission data presented is the highest of summer outputs.

N/A = not adopted (The BAAQMD has not adopted thresholds for construction emissions of CO or SO_X); lbs/day = pounds per day; ROG = reactive organic gases; NO_X = oxides of nitrogen; CO = carbon monoxide; $PM_{2.5}$ = particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM_{10} = particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; SO_x = oxides of sulfur

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

c. Would the project expose sensitive receptors to substantial pollutant concentrations?

Certain population groups, such as children, the elderly, and people with health problems, are particularly sensitive to air pollution. Sensitive receptors are defined as population groups that are more susceptible to exposure to pollutants and examples include health care facilities, retirement homes, school and playground facilities, and residential areas. The nearest school to the project site is a private academy approximately 1 mile northeast of the site. The nearest public school to the project site is Eden Gardens Elementary School, located approximately 1.2 mile east of the site. The nearest residences to the project site are approximately 1 mile to the east. Given the distance of the sensitive receptors from the project site, the proposed project would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Project construction could generate odors associated with heavy-duty equipment operation and earth-moving activities. Such odors would be temporary in nature, would dissipate quickly with distance, and would be limited to the duration of construction in the vicinity of the project site. The proposed project would be consistent with the existing industrial uses that surround the project site, which include general industrial uses. HMC Section 10-1.150 prohibits the creation of nuisances, including odors, that are detrimental to or incompatible with adjacent properties so as to create dangerous, noxious, or objectionable conditions. In addition, HMC Section 10-1.1607(D) prohibits uses, activities, and processes that emit excessive odors within industrial districts, and HMC Section 10-1.3030(f) requires implementation of adequate safeguards against the emission of odors as part of the conditions of approval for site plan review. Furthermore, the project would be required to adhere to BAAQMD Regulation 7 (Odorous Substances), which sets restrictions on the discharge of odorous substances. Adherence to laws and regulations would ensure that the project operation would not create objectionable odors. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

4 Biological Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
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 Wildlife or U.S. Fish and Wildlife Service?	☐	■	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	■	☐	☐
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?	☐	■	☐	☐
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?	☐	☐	■	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	■	☐
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	■

Information in this section comes from a Biological Resources Assessment prepared by LSA in February 2022 (Appendix LSA), a botanical survey report prepared by LSA in February 2022

(Appendix BOT), a request for jurisdictional delineation prepared by LSA in April 2021 (Appendix DEL), a Biological Resource Assessment prepared by WRA Environmental Consultants in June 2020 (Appendix WRA), and a biological constraints analysis prepared by Moore Biological Consultants in December 2020 (Appendix BIO). The analysis presented herein is based on background literature, resource agency database reviews, a biological reconnaissance survey of the project site conducted on October 28, 2021 by Rincon Consultants, Inc. (Rincon) biologist Anastasia Ennis, and Rincon's peer review of previous biological reports conducted on the property (Appendix BRA).

Existing Setting

The approximately 10.87-acre project site is located in an industrial area of Hayward approximately 1.1 miles east of the San Francisco Bay shoreline and approximately 400 hundred feet from marshland associated with the San Francisco Bay. The site is relatively flat with elevation ranging from approximately 8 to 12 feet (2.4 to 3.7 meters) above mean sea level. The project site is mostly undeveloped, with the exception of a graveled road, four radio broadcasting towers, and a building associated with the four broadcasting towers on site. The site is surrounded by industrial development, to the north, east, and west, including a waste-water treatment plant to the north and railroad tracks that terminate at the southwestern edge of the site. Open space, including undeveloped lots, a creek to the south, and Hayward Regional Shoreline marshlands occur to the south and at the bayfront farther to the west. These marshlands were restored from previous industrial use as salt evaporation ponds. The lot immediately east of the site was previously developed but now consists of an elevated gravel pad. State Route 92 is approximately 0.5 mile south of the site.

Most of the site consists of non-native grasslands with some small coyote brush (*Baccharis pilularis*) shrubs present. At the western edge of the project site a row of coyote brush and olive trees (*Olea europaea*) is growing on a berm up against the building on the adjacent property. Non-native annual grassland communities observed on site are dominated by herbaceous plants such as Italian rye grass (*Festuca perennis*), slender oat grass (*Avena barbata*), and ripgut brome (*Bromus diandrus*). Yellow star-thistle (*Centaurea solstitialis*), pampas grass (*Cortaderia selloana*), bristly oxtongue (*Helminthotheca echiodes*), narrow-leaved plantain (*Plantago lanceolatum*), cheeseweed (*Malva parviflora*), bull thistle (*Cirsium vulgare*), and stinkwort (*Dittrichia graveolens*) are also present in grasslands. Four low-lying depressions, documented in previous biological studies as potential seasonal wetlands (WRA 2020 and Moore Biological Consultants 2020), support hydrophytic vegetation such as alkali heath (*Frankenia salina*), saltgrass (*Distichlis spicata*), and Italian rye grass. Black-tailed jackrabbit (*Lepus californicus*), California ground squirrel (*Otospermophilus beecheyi*), black phoebe (*Sayornis nigricans*), mourning dove (*Zenaida macroura*), European starling (*Sturnus vulgaris*), killdeer (*Charadrius vociferus*), Eurasian collared dove (*Streptopelia decaocto*), American crow (*Corvus brachyrhynchos*), turkey vulture (*Cathartes aura*), and gold-crowned sparrow (*Zonotrichia atricapilla*) were observed within the site during the reconnaissance survey in October 2021.

Regulatory Setting

Federal and State

Regulatory authority over biological resources is shared by federal, state, and local agencies under a variety of laws, ordinances, regulations, and statutes.

The California Department of Fish and Wildlife (CDFW) is a trustee agency for biological resources throughout the State under CEQA and has direct jurisdiction under the California Fish and Game Code (CFGC). Under the California Endangered Species Act (CESA) and the federal Endangered Species Act (FESA), the CDFW and the U.S. Fish and Wildlife Service (USFWS), respectively, have direct regulatory authority over species formally listed as threatened or endangered (and listed as rare for CDFW). Native and/or migratory bird species are protected under the CFGC Sections 3503, 3503.5, and 3511.

Statutes within the Clean Water Act (CWA), CFGC, and California Code of Regulations (CCR) protect wetlands and riparian habitat. The U.S. Army Corps of Engineers (USACE) has regulatory authority over wetlands and waters of the United States under Section 404 of the CWA. The State Water Resources Control Board and the nine Regional Water Quality Control Boards (RWQCBs) ensure water quality protection in California pursuant to Section 401 of the CWA and Section 13263 of the Porter-Cologne Water Quality Control Act. The CDFW regulates waters of the State under the CFGC Section 1600 et seq.

Special-status species are those plants and animals: 1) listed, proposed for listing, or candidates for listing as Threatened or Endangered by the USFWS and the National Marine Fisheries Service (NMFS) under the FESA; 2) listed or proposed for listing as Rare, Threatened, or Endangered by the CDFW under the CESA; 3) recognized as California Species of Special Concern (CSSC) by the CDFW; 4) afforded protection under MBTA or CFGC; and 5) occurring on Lists 1 and 2 of the CDFW California Rare Plant Rank (CRPR) system.

City of Hayward

The project site is regulated by the Hayward 2040 General Plan (City of Hayward 2014a) which outlines goals, policies, and implementation plans for the City. The Natural Resources Element (Part 3), includes goals (NR-1) and policies (NR 1.1-1.6, and NR 1.9) to protect and enhance natural resources, including native wildlife habitat, vegetation communities, sensitive species, shoreline, and migratory bird habitat.

Methods

Literature Review

Rincon biologists reviewed the following agency databases and relevant literature for baseline information on special status species and other sensitive biological resources occurring or potentially occurring at the project site and in the immediate surrounding area.

- CDFW California Natural Diversity Database (CNDDB) (CDFW 2021a) and Biogeographic Information and Observation System (BIOS) (CDFW 2021b)
- CDFW Special Animals List (CDFW 2021c) and Special Vascular Plants, Bryophytes, and Lichens List (CDFW 2021d)
- California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2021)
- USFWS Information for Planning and Consultation (IPaC; USFWS 2021a)
- USFWS Critical Habitat Portal (USFWS 2021b)
- USFWS National Wetlands Inventory (NWI; USFWS 2021c)

- United States Geological Survey (USGS National Hydrography Dataset (NHD, USGS 2021)
- United States Department of Agriculture (USDA) Natural Resources Conservation Services (NRCS) Web Soil Survey (USDA 2021)

Rincon biologists conducted a review of the CNDDB (CDFW 2021a) for recorded occurrences of special-status plant and wildlife taxa in the region prior to conducting the field survey. For this review, the search included all occurrences within the U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle encompassing the project site (*San Leandro*), and the eight surrounding quadrangles (*Las Trampas Ridge, Oakland West, Hunters Point, Hayward, San Mateo, Oakland East, Newark,* and *Redwood Point*). Strictly marine and aquatic species were excluded from further analysis given the terrestrial nature of the project site. Plant species with specific habitat requirements not present at the site, such as chapparal, woodlands, serpentine soils, or higher elevation ranges, were also excluded from this analysis.

Rincon compiled the results of the background literature review into a list of regionally occurring special-status plants and animals and evaluated each species for potential to occur based on habitat conditions and proximity to known occurrences. Rincon Consultants also reviewed the NWI (USFWS 2021c) and the National Hydrography Datasets (USGS 2021) for potential aquatic resources, including jurisdictional waters of the United States or waters of the State.

Rincon compared the results of the background literature review to the analysis presented in previous biological reports (WRA 2020 and Moore Biological Consultants 2020) to confirm that all impacts to biological resources were adequately addressed in the previous biological reports.

Biological Survey

On October 28, 2021, a qualified Rincon biologist conducted a reconnaissance-level survey of the project site to document site conditions, assess the presence of on-site habitat, and evaluate the potential for special-status species and other sensitive biological resources to occur on the project site. Although protocol-level surveys for species were not conducted, wildlife observed during the reconnaissance-level survey were recorded in the biologist field notes.

Impact Analysis

a. Would the project 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 Wildlife or U.S. Fish and Wildlife Service?

Special Status Plants

Fifty-six special-status plant species were identified to have occurrence records within the nine USGS quadrangles containing and surrounding the project site (CDFW 2021a; CNPS 2021; USFWS 2021a). The reported species have specific habitat requirements (e.g., soil type, elevation, hydrologic condition, etc.). The existing conditions (disturbed by regular mowing) and the lack of suitable ecological conditions on the site excluded most species; however, three species have some potential to occur within the project site. One species has moderate potential to occur and has been detected within the project site: Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*). Two species have low potential to occur within the project site: alkali milk-vetch (*Astragalus tener* var. *tener*; CRPR 1B.2) and Contra Costa goldfields (*Lasthenia conjugens;* federally endangered, CRPR

1B.1). The closest occurrence for these two species within five miles of the project site is from 1959 in a location that is now developed. CNDDB lists the alkali milk-vetch occurrence in this location as "possibly extirpated" and the two other occurrences within five miles are "extirpated." Contra Costa goldfields is "presumed extant" but is likely no longer in the now-developed location unless suitable habitat was preserved. That said, it is the only occurrence for this species within a 5-mile radius. Plant species with low potential to occur are not analyzed further.

Congdon's tarplant is a CNPS Rank 1B.1 species (rare, threatened, or endangered in California and elsewhere, seriously endangered in California). This species is found in valley and foothill grasslands in alkaline soils and flowers between May and October. A CNDDB occurrence for this species was recorded at the project site in 2009. While no protocol-level rare plant surveys have been conducted, three site visits conducted for the Biological Resources Assessment (Appendix LSA), and Biological Constraints Assessment (Appendix BIO), as well as Rincon's site visit in October 2021 (Appendix BRA) were conducted during the blooming period for this species, and no Congdon's tarplant was observed. Furthermore, the site is routinely mowed as part of existing broadcasting operations, reducing the likelihood that this species is present within the project site. Project development may impact Congdon's tarplant if it is present within the site which would be a potentially significant impact. Therefore, implementation of Mitigation Measure BIO-1 would be required.

Special Status Wildlife

Forty-seven special-status animal species were identified to have occurrence records within the nine USGS quadrangles containing and surrounding the project site (CDFW 2021a; CNPS 2021; USFWS 2021a). This list was reviewed and refined according to the potential for species to occur on the project site based on the presence and quality of habitats within the project site. Of these, four species have a moderate potential to occur within or immediately adjacent to the site: western snowy plover (*Charadrius nivosus nivosus*), white-tailed kite (*Elanus leucurus*), northern harrier (*Circus hudsonius* [= *cyaneus*]), and salt marsh harvest mouse (*Reithrodontomys raviventris*). One State and federally endangered species, California Ridgway's rail (*Rallus obsoletus obsoletus*), has a low potential to occur adjacent to the site and thus is not analyzed further.

Western snowy plover, a federally threatened species and State species of special concern, nests on sandy beaches, salt pond levees, and shores of large alkali lakes and requires sandy, gravelly, or friable soils for nesting. While no suitable nesting habitat exists within the project site, the plover may nest on levees or salt flats in the nearby Hayward Regional Marsh, and potentially suitable habitat occurs within 250 feet of the project site. Thus, given the suitable nesting habitat adjacent to the project site, western snowy plover has a moderate potential to occur on adjacent parcels during the nesting season such that indirect impacts from construction activities could result in disturbance of plover breeding and nesting. Project activities causing nest abandonment would be potentially significant and would be a violation of CFGC code and the MBTA. Therefore, Mitigation Measure BIO-2 would be required to mitigate impacts to less than significant levels.

White-tailed kite, a State Fully Protected species, occurs in rolling foothills or marshes next to isolated, dense-topped trees suitable for nesting and perching. This species forages in open areas such as the grasslands present within the site and marshes adjacent to the site. Shrubs on the site provide suitable nesting locations for this species. The existing radio towers may also be used for perching while foraging. Thus, given the suitable habitat for foraging and nesting within the project site, white-tailed kite has a moderate potential to occur. Extensive foraging habitat occurs in the undeveloped marshlands to the south and west of the project site; thus, the development of the

project would not cause a significant loss of foraging habitat. Project activities causing nest destruction or abandonment would be potentially significant and would be a violation of CFGC code and the MBTA. Therefore, Mitigation Measure BIO-2 would be required to mitigate impacts to less than significant levels.

Northern harrier (*Circus hudsonius [cyaneus]*) is a State Species of Special Concern found near coastal salt and freshwater marsh that nests and forages in grasslands. This species builds nests on the ground in shrubby vegetation near the marsh edge. Its nests are often constructed near water, and the species forages in a variety of woodland and edge habitats. The site contains suitable grassland habitat within the site and adjacent marshes and some shrubs are present within the site that could provide suitable nesting cover; however, the site is routinely disturbed by mowing and shrubs are adjacent to developed areas. Thus, northern harrier has a moderate potential to forage and nest on or adjacent to the project site such that construction activities could result in disturbance of breeding and nesting activities. Project activities causing nest abandonment would be potentially significant and would be a violation of CFGC code and the MBTA. Therefore, Mitigation Measure BIO-2 would be required to mitigate impacts to less than significant levels.

In addition to western snowy plover, white-tailed kite, and northern harrier, the site could be used by numerous species of migratory birds as nesting habitat. Migratory birds are protected under CFGC Section 3503 and the MBTA. The nesting season generally extends from February 1 through August 31 in California but can vary based upon annual climatic conditions. Thus, construction activities could result in direct impacts to active nests during vegetation removal, or disturbance-related nest abandonment. Impacts to most non-listed bird species through nest destruction or abandonment would not be significant; however, this would be a violation of CFGC code and the MBTA. Therefore, impacts to non-listed special-status birds would be potentially significant and Mitigation Measure BIO-2 would be required to mitigate impacts to less than significant levels.

The salt marsh harvest mouse is a federally and State endangered species found only in and adjacent to tidal and brackish marshes of the San Francisco Bay. This species is known to occur in nearby marshes. The mouse is associated with tidal salt marsh vegetation but can occur in adjacent uplands. Because the project site does not contain tidal marsh and vegetation is routinely mowed, this species would rarely occur within the project site. However, because the project site is adjacent to suitable habitat for salt marsh harvest mouse, the edge of the project site in proximity to marsh habitat to the southwest may provide suitable upland refugia for this species and mice have moderate potential to move into the site. Any impacts from project activities that would result in mouse mortality would be significant. Implementation of Mitigation Measure BIO-3 would be required to mitigate impacts to less than significant levels.

Development of a vacant site, such as the project site, can increase vehicles trips on nearby roads. Under some circumstances the additional vehicle trips can result in increased collisions with wildlife. However, the roads providing the primary access to the project site, such as Enterprise Avenue, Whitesell Street, Clawiter Road, and State Route 92 already contain substantial vehicle trips given the extent of existing development in the project area. The additional trips generated by the project would be in context with the vehicle trips that already occur on these roads and would not introduce a new and substantial increase in potential for wildlife collisions. Therefore, vehicle and wildlife collisions resulting for the project would be a less than significant impact.

Finally, light pollution from construction activities and the proposed development of the site may be considered a potential impact to all wildlife species discussed above that may occur in the adjacent marsh habitat. Artificial lights can disrupt circadian rhythms of wildlife. Flashing safety lights on beacons on radio and communication towers have been known to confuse bird flight and result in

collisions with the tower (Gehring et al. 2009). However, the radio towers on the project site are an existing condition, and the proposed project would not change the approximate location or the height of the towers or the types and numbers of lights on the towers. Nonetheless, new lighting on the proposed building could impact special-status species. Implementation of Mitigation Measure BIO-4 would reduce impacts to less than significant levels.

Mitigation Measures

BIO-1 Rare Plant Preconstruction Survey

Prior to issuance of a grading permit, a qualified botanist will conduct a protocol-level rare plant survey during the blooming period for Congdon's tarplant (June through October). The botanist will also map any sensitive natural communities that may be present on the project site, such as alkali heath marsh. A report detailing the results of the survey will be submitted to the City within 30 days of completion. If Congdon's tarplant or other rare plant species are detected within the project site and project design cannot be altered to avoid impacts, the applicant shall conduct habitat restoration and enhancement in nearby rare plant habitat at a minimum of 1:1 ratio. Nearby habitat for purposes of this mitigation shall consist of habitat in Alameda County, including within incorporated cities. Details of the restoration and enhancement shall be included in a biological resources mitigation and monitoring plan as described in Mitigation Measure BIO-5.

BIO-2 Nesting Bird Avoidance and Minimization Efforts

Project construction shall be conducted outside of the nesting season to the extent feasible (September 1 to January 31). If vegetation removal, grading, or initial ground-disturbing activities are conducted during the nesting season, a qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days prior to vegetation removal or initial ground disturbance. Nesting habitat may include grasslands, shrubs, trees, snags and open ground. The existing radio towers on-site could also be used for nesting birds, and therefore shall also be included in the survey for active nests. The survey shall include the entire project site and up to a 300-foot buffer of the project site for raptor nests and a 250-foot buffer of the project site for western snowy plover nests.

If active nests of protected species are found within project impact areas or close enough to these areas to affect breeding success, the biologist shall establish a species-specific work exclusion zone around each nest that shall be followed by the contractor. Established exclusion zones shall remain in place until all young in the nest have fledged or the nest otherwise becomes inactive (e.g., due to predation). Appropriate exclusion zone sizes vary dependent upon bird species, nest location, existing visual buffers, ambient sound levels, and other factors; an exclusion zone radius may be as small as 50 feet (for common, disturbance-adapted species) or as large as 300 feet or more for raptors. Exclusion zone size may also be reduced from established levels if supported with nest monitoring by a qualified biologist indicating that work activities outside the reduced radius are not adversely impacting the nest. The biologist shall submit a report of the preconstruction nesting bird survey to the City to document compliance within 14 days of its completion.

BIO-3 Salt Marsh Harvest Mouse Avoidance

To avoid impacts to salt marsh harvest mice that may enter the site from adjacent suitable habitat, a pre-activity clearance survey shall be conducted by a qualified biologist immediately prior to vegetation clearing activities, focused on the project site within 100 feet of adjacent marsh habitat

to the southwest. The qualified biologist shall monitor vegetation clearing activities, which shall be conducted using hand-tools within 100 feet of suitable salt marsh harvest mouse habitat. Following vegetation clearing activities, silt fencing shall be installed at the southern edge of the project site to exclude mice from active construction areas. The fence shall be of suitable material to avoid wildlife entanglement and frequent tearing. The bottom edge of the silt fence shall be buried 6 inches below ground. Stakes to support the silt fence shall be installed on the project site side of the fence to discourage wildlife from climbing into the site. The construction contractor shall inspect and maintain the fence daily to repair tears and holes.

BIO-4 Artificial Light Impact Reduction

Impacts from lighting elements used during construction or installed as part of the development project shall be minimized to the greatest extent possible through use of shields, dimming technology, or angling lighting down and away from adjacent sensitive wildlife habitat. The lighting plan shall be prepared by the applicant and reviewed by the City to ensure sufficient efforts have been made to reduce impacts to wildlife.

Significance After Mitigation

Implementation of mitigation measures BIO-1, BIO-2, BIO-3, and BIO-4 would ensure protection of nesting birds, salt marsh harvest mice, and all special status plants and wildlife that may be on or near the site during construction activities. These measures would reduce the potentially significant impacts to special-status species to less than significant levels.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The review of the resource agency databases for sensitive natural communities within the nine USGS quadrangles containing and surrounding the project site identified four sensitive natural communities: northern coastal salt marsh, northern maritime chapparal, serpentine bunchgrass, and valley needlegrass grassland. None of these sensitive natural communities are present within the project site; however, patches of alkali heath marsh, associated with potential seasonal wetlands are present on the western half of the site. Alkali heath marsh is a CDFW sensitive natural community (S3). The alkali heath marsh is associated with the four potential seasonal wetlands identified on the project site (WRA 2020 and Moore Biological Consultants 2020), but because alkali heath marsh may cover a greater area than the extent of the seasonal wetlands, Mitigation Measure BIO-1 requires that a botanist map the location and extent of alkali heath marsh within the project site. Proposed development would result in permanent impacts to this sensitive natural community, and impacts would be potentially significant requiring mitigation.

Mitigation Measure

BIO-5 Habitat Restoration/Enhancement Plan

Prior to issuance of a grading permit, the project applicant shall prepare a site-specific Habitat Restoration/Enhancement Plan (HREP) for review and approval by the City. Where the project applicant cannot avoid impacts to Congdon's tarplant, sensitive natural communities, or jurisdictional habitat (e.g., seasonal wetlands, alkali heath marsh), impacts shall be offset through

habitat restoration and/or enhancement at a minimum ratio of 1:1 (habitat restored and/or enhanced to habitat impacted) in accordance with the HREP and in coordination with regulatory agencies. A qualified biologist shall develop the HREP pursuant to the requirements listed below.

The HREP shall include, at a minimum, the following components:

a. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);
b. Goal(s) of the compensatory mitigation project (i.e., the type/types and area/areas of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type/types to be established, restored, enhanced, and/or preserved);
c. Description of the proposed compensatory mitigation-site (i.e., location and size, ownership status, existing functions and values of the compensatory mitigation-site);
d. Implementation plan for the compensatory mitigation site (the plan will include rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan, including plant species to be used, container sizes, and seeding rates);
e. Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (the plan will include activities, responsible parties, and schedule);
f. Monitoring plan for the compensatory mitigation-site, including no less than quarterly monitoring for the first year; the plan will include performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports;
g. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type;
h. An adaptive management program and remedial measures to address negative impacts to restoration efforts;
i. Notification of completion of compensatory mitigation and agency confirmation; and
j. Contingency measures (e.g., initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

Significance After Mitigation

Implementation of Mitigation Measures BIO-1 and BIO-5 would reduce impacts to the alkali heath marsh sensitive natural community to a less than significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

c. Would the project 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?

Project construction would not involve off-site activities to the south of the site, where there is an existing creek. Therefore, the project would not impact the creek. The proposed project includes bioretention areas to treat stormwater runoff. Treated runoff from a proposed bioretention area along the western boundary of the site would discharge overland toward the creek, providing hydrology similar to existing conditions. Additionally, as the project site is next to the San Francisco Bay marshlands, the site is at the end of the watershed of the creek, near its terminus with the open

water of the San Francisco Bay. Therefore, the project site does not contribute substantially to the hydrology of the creek.

Development of the site would result in fill of four potential seasonal wetlands identified within the site (Appendix WRA; Appendix BIO). These wetlands are likely to be under USACE and/or RWQCB jurisdictions and project impacts would be potentially significant. The project applicant may need to obtain regulatory permits from USACE and/or RWQCB. Therefore, Mitigation Measure BIO-6 would be required to determine the extent of potentially jurisdictional features and which agency could require a full jurisdictional determination and Mitigation Measure BIO-5 would be required to offset impacts to seasonal wetlands through habitat restoration or enhancement. Implementation of Mitigation Measures BIO-5 and BIO-6 would reduce impacts to less than significant levels.

Mitigation Measure

BIO-6 Jurisdictional Delineation and Permit

Prior to project construction, the project applicant shall direct a qualified biologist to delineate those areas on the project site that are under the jurisdiction of USACE and RWQCB. The qualified biologist shall submit the jurisdictional delineation to the City, USACE, and/or RWQCB, as appropriate, for review and approval. If the project cannot be designed to avoid impacts to jurisdictional resources, the project applicant shall obtain appropriate regulatory permits and implement all required mitigation measures as instructed by the regulating agency. Examples of mitigation measures could include, but are not limited to, the following:

- Compensatory mitigation
- Establishing or creating new wetlands off-site
- Purchasing credits with an established wetland mitigation bank

Significance After Mitigation

Implementation of Mitigation Measures BIO-5 and BIO-6 would reduce impacts to jurisdictional waters to a less than significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

d. Would the project 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?

The project site consists mostly of disturbed non-native annual grasslands areas with primarily ornamental and ruderal vegetation. The project site is surrounded on three sides by industrial development; thus, it does not provide a significant corridor connecting areas of suitable habitat. The project would not create a barrier to wildlife movement on a larger scale. Impacts to wildlife movement would be less than significant.

LESS THAN SIGNIFICANT IMPACT

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The proposed project would not require removal of trees because vegetation cover in the project site is a mix of grass and forbs and shrubs. Therefore, the proposed project would not conflict with a

local tree preservation policy or ordinance. Also refer to Section 11, *Land Use and Planning* for project consistency analysis with the City's General Plan policies pertaining to biological resources. As described therein, the proposed project would be consistent with General Plan policies pertaining to biological resources. Therefore, the proposed project would not conflict with local policies and ordinances protecting biological resources. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

There are no Habitat Conservation Plans, Natural Community Conservation Plans, or other similar plans that govern activities on the project site. Therefore, the proposed project would not conflict with any Habitat Conservation Plan, Natural Community Conservation Plan, or other approved plan. The project would have no impact.

NO IMPACT

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5 Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	■
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	■	☐	☐
c. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	■	☐

Existing Setting

According to the Phase I Environmental Site Assessment (ESA) conducted for the project (Appendix ESA), the site consisted of undeveloped land from at least 1928 through 1960. Circa 1966, a small structure of unclear use was located along the western edge of the site. In 1969, the current radio towers and radio transmitter building were constructed. By 1982, the structure along the western edge of the site was no longer present. The site has served as a radio transmission station for KFAX 1100 AM since 1969 and KTRB 860 AM since 2016. Former and current owners/occupants of the site include Argonaut Broadcasting (1969), Salem Broadcasting Company (1984-current), and Pappas Radio of California (2014-2017).

Rincon Consultants prepared a cultural resources study in support of the project in April 2021, which included a cultural resources records search, Sacred Lands File search, historic-period aerial photograph and topographic map review, a field survey, an extended phase I (XPI)archaeological field study (please see Section 18, *Tribal Cultural Resources*, for more information about the XPI and results), and preparation a memorandum to summarize the results (Appendix CR). Rincon requested a search of the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC) on October 21, 2021. The records search would identify previously recorded cultural resources, as well as previously conducted cultural resource studies within the project site and a half-mile radius. The records search also included a review of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the Office of Historic Preservation Historic Properties Directory, the California Built Environment Resources Directory, and the Archaeological Determinations of Eligibility list.

The CHRIS records search and background research identified 2 cultural resources within a 0.5-mile radius of the project site. Resources recorded in the search radius are listed in Table 9 below. No resources are recorded within or adjacent to the project site.

Table 9 Known Cultural Resources

Primary Number	Trinomial	Resource Type	Description	Recorder(s) and Year(s)	Eligibility Status	Relationship to Project Site
P-01-001783	CA-ALA-000623H	Historic Structure	Southern Pacific Railroad	1990 (G. Dais, Dames & Moore); 1994 (Brian Hatoff, Woodward-Clyde Consultants); 1996 (John Snyder, P.S. Preservation Services); 1997 (E. McKee, Caltrans District 4); 1998 E. McKee, Caltrans District 4); 1999 (E. McKee, Caltrans District 4); 1999 (William Kostura, Caltrans District 4); 2001 (Tracy Bakic, Cindy Baker, PAR Environmental Services, Inc.); 2001 (K. Van Citters, K. Bisson, Van Citters: Historic Preservation LLC); 2002 (C. McMorris, A. Blosser, JRP); 2003 (Ward Hill); 2006 (Christopher Canzonieri); 2008 (David Buckley, William Self Associates); 2009 (J. Dougherty, J. P. Glover, PAR Environmental Services); 2009 (T. Martin, K. Frank, GANDA); 2010 (Lisa Holm, Lee Panich, Pacific Legacy, Inc.); 2015 (Kruger Frank, Erica Schultz, GANDA); 2015 (Daniel Shoup, Archaeological Historical Consultants); 2017 (Nicholas Radtkey, InContext)	Multiple*	Outside
P-01-002269	CA-ALA-000681H	Historic Structure	Eastshore Grant Transmission Line	2001 (Cindy Baker, PAR Environmental Services, Inc.)	6Z – found ineligible for NRHP, CRHR, or local listing	Outside

Source: NWIC 2021

*The Central Pacific Railroad/Transcontinental Railroad, Niles-Sacramento Line segment of the Union Pacific Railroad was recommended eligible for listing in the CRHR. In addition, the Southern Pacific Dumbarton Cutoff was recommended eligible for listing in the NRHP as a multi-property resource. One of its contributing elements, the Southern Pacific Dumbarton Bridge, was also recommended individually eligible for the NRHP. Other segments in Alameda County, including the segment adjacent to the project site, have been recommended ineligible for listing in the NRHP and/or CRHR or were recorded without an evaluation.

The term cultural resources includes historical and archaeological resources, as well as human remains. The California Environmental Quality Act (CEQA) requires a lead agency determine whether a project may have a significant effect on historical resources (Public Resources Code [PRC], Section 21084.1) and tribal cultural resources (PRC Section 21074 [a][1][A]-[B]). A historical resource is a resource listed in, or determined to be eligible for listing, in the California Register of Historical Resources (CRHR), a resource included in a local register of historical resources, or an object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (State CEQA Guidelines, Section 15064.5[a][1-3]).

A resource shall be considered historically significant if it:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

In addition, if it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit one or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC, Section 21083.2[a], [b]).

PRC, Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it:

a. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
a. Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
b. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Impact Analysis

a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

The proposed project would be preceded by the temporary removal of the existing four radio towers, and the permanent demolition of the existing radio transmitter building. As discussed in the Cultural Resources Assessment Report included in Appendix CR, the background research and field survey did not identify historical resources in the project site. Site conditions and the presence of radio towers indicate that the project site has been disturbed by previous construction and does not appear to be sensitive for historical cultural resources. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 because historical resources do not occur on the project site. The proposed project would have no impact on historic resources.

NO IMPACT

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

As discussed within the Cultural Resources Assessment Report (Appendix CR), archaeological resources were identified within the project site boundary. However, due to a high level of disturbance, Rincon archaeologist have recommended the site as ineligible for the NRHP, CRHR, and local designation. Nevertheless, the project site is considered sensitive to potentially containing belowground archaeological resources. Construction of the project would require grading and excavation, which could encounter and then disturb or damage buried archaeological resources. Impacts would be potentially significant and implementation of Mitigation Measures CR-1 and CR-2 are required.

Mitigation Measure

CR-1 Worker Environmental Awareness Program

A qualified archaeologist shall be retained to conduct a worker environmental awareness program (WEAP) training for archaeological sensitivity for all construction personnel prior to the commencement of any ground disturbing activities. Archaeological sensitivity training shall include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.

CR-2 Unanticipated Archaeological Resources.

If archaeological resources are encountered during ground-disturbing activities, work within 50 feet of the find shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate significant impacts to archaeological resources.

Significance After Mitigation

Implementation of Mitigation Measures CR-1 and CR-2 would reduce potential impacts to unanticipated archeological resources to less than significant levels. In addition, Mitigation Measure TCR-1 in Section 18, *Tribal Cultural Resources*, would ensure that tribal cultural resources are identified properly and preserved in the event they are uncovered during construction by extending an invitation for a Native American representative to evaluate the find and take appropriate action before construction near the find proceeds or resumes.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

c. Would the project disturb any human remains, including those interred outside of formal cemeteries?

Construction of the project would require grading and excavation, which could encounter and then disturb or damage buried human remains. However, no human remains or cemeteries are known to exist within the project site, but the discovery of human remains is always a possibility during ground disturbing activities. If human remains are found during project construction, the State of California Health and Safety Code Section 7050.5 states that no further disturbance may occur until the county coroner has made a determination of origin and disposition pursuant to Public Resources

Code Section 5097.98. In the event of an unanticipated discovery of human remains, the county coroner would be notified immediately. If the human remains are determined to be prehistoric, the coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a most likely descendant (MLD). The MLD will complete the inspection of the site within 48 hours of being granted access to the site. With adherence to existing regulations, impacts to human remains would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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6 Energy

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	■	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	■	☐

Existing Setting

Energy use relates directly to environmental quality because it can adversely affect air quality and can generate GHG emissions that contribute to climate change. Fossil fuels are burned to create electricity, heat and cool buildings, and power vehicles. Transportation energy use is related to the fuel efficiency of cars, trucks, and public transportation; choice of different travel modes such as auto, carpool, and public transit; and miles traveled by these modes.

Energy use is typically quantified using the British thermal unit (Btu). The Btu is the amount of energy that is required to raise the temperature of one pound of water by 1 degree Fahrenheit. As points of reference, the approximate amount of energy contained in a cubic foot of natural gas, a kilowatt hour (kWh) of electricity, and a gallon of gasoline are 1,000 Btus, 3,400 Btus, and 123,000 Btus, respectively. Natural gas usage is expressed in U.S. therms with one U.S. therm equal to 100,000 Btu.

Electricity and Natural Gas

In 2018, California used 285,488 gigawatt-hours (GWh) of electricity, of which 31 percent was generated by renewable resources (California Energy Commission [CEC] 2019a). California also consumed approximately 12,666 million U.S. therms (MMthm) of natural gas in 2018. Electricity and natural gas service would be provided to the project by Pacific Gas and Electric (PG&E). Table 10 and Table 11 show the electricity and natural gas consumption, respectively, by sector and total for PG&E. Existing electricity use on the project site occurs in association with the radio broadcast towers and building.

Table 10 Electricity Consumption in the PG&E Service Area in 2018

Agriculture and Water Pump	Commercial Building	Commercial Other	Industry	Mining and Construction	Residential	Streetlight	Total Usage
5,831.5	30,148.4	4,265.6	10,518.6	1,593.7	27,700.3	310.6	80,368.7

Notes: All usage expressed in GWh
Source: CEC 2018a

Table 11 Natural Gas Consumption in PG&E Service Area in 2018

Agriculture and Water Pump	Commercial Building	Commercial Other	Industry	Mining and Construction	Residential	Total Usage
37.4	899.1	59.0	1,776.0	190.2	1,832.8	4,794.4

Notes: All usage expressed in millions of therms
Source: CEC 2018b

Petroleum

In 2018, approximately 40 percent of the state's energy consumption was used for transportation activities (United States Energy Information Administration 2020). Californians presently consume over 17 billion gallons of motor vehicle fuels per year (CEC 2020c). Though California's population and economy are expected to grow, gasoline demand is projected to decline from roughly 15.6 billion gallons in 2017 to between 12.1 billion and 12.6 billion gallons in 2030 (a 19 percent to 22 percent reduction) in response to both increasing vehicle electrification and higher fuel economy for new gasoline vehicles (CEC 2018a).

Impact Analysis

a. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

During project construction, energy would be consumed in the form of petroleum-based fuels used to power off-road construction vehicles and equipment on the project site, construction worker travel to and from the project site, and vehicles used to deliver materials to the site. The proposed project would require site preparation and grading, pavement and asphalt installation, building construction, architectural coating, and landscaping and hardscaping.

Energy use during project construction would be temporary in nature, and construction equipment used would be typical of similar-sized construction projects in the region. In addition, the project would utilize construction contractors who are in compliance with applicable CARB regulations that restrict the idling of heavy-duty diesel motor vehicles and govern the accelerated retrofitting, repowering, or replacement of heavy-duty diesel on- and off-road equipment. Electrical power would be consumed to construct the project, and the demand, to the extent required, would be supplied from existing electrical infrastructure in the area. Overall, construction activities would require minimal electricity consumption and would not have an adverse impact on available electricity supplies or infrastructure.

Construction activities would utilize fuel-efficient equipment consistent with state and federal regulations and would comply with state measures to reduce the inefficient, wasteful, or unnecessary consumption of energy. In addition, per applicable regulatory requirements such as CalGreen Code Section 4.408, the project would comply with construction waste management practices to divert a minimum of 50 percent of construction and demolition debris. These practices would result in efficient use of energy necessary to construct the project. Furthermore, in the interest of cost efficiency, construction contractors would not utilize fuel in a manner that is

wasteful or unnecessary. Therefore, project construction would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy. Project construction impacts would be less than significant.

Operation of the proposed project would require energy use in the form of electricity and gasoline consumption. Electricity would be used for heating and cooling systems, lighting, appliances, water use, and the overall operation of the project. Natural gas would not be used or required for project operation. Gasoline consumption would be attributed to vehicular travel to and from the project site.

The project would be required to comply with standards set forth in California Building Code (CBC) Title 24, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation**.** CALGreen (as codified in CCR Title 24, Part 11) requires implementation of energy-efficient light fixtures and building materials into the design of new construction projects. Furthermore, the 2019 Building Energy Efficiency Standards (CBC Title 24, Part 6) requires newly constructed buildings to meet energy performance standards set by the CEC. These standards are specifically crafted for new buildings to achieve energy efficient performance. The standards are updated every three years, and each iteration increases energy efficiency standards. For example, according to the CEC, nonresidential buildings will use about 30 percent less energy due mainly to lighting upgrades (CEC 2018b). Furthermore, the project would continue to reduce its use of nonrenewable energy resources as the percentage of electricity generated by renewable resources provided by PG&E continues to increase to comply with state requirements through Senate Bill 100, which requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

Project operation would increase energy use on the site compared to existing conditions. However, energy use would be in conformance with the latest version of CALGreen and the Building Energy Efficiency Standards. The project would also conform with the City's Reach Code, which has more stringent energy efficiency standards that CALGreen. Additionally, the electricity use would not result in a substantial increase in electricity demand for PG&E because the project consists of a typical industrial building. Moreover, the project would not result in wasteful use of vehicle fuel because the project involves very little on-site vehicle operations. For example, employees would drive to and from work, but leave their cars parked in the proposed surface parking for most of the workday. Similarly, trucks would use the site to load or unload, but would not travel substantial distances on the site requiring large amounts of fuel consumption. Additionally, modern vehicles are designed to achieve fuel efficiency. Therefore, the project would not result in wasteful or unnecessary energy consumption, and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The City's Climate Action Plan was adopted by the Hayward City Council on July 28, 2009 and incorporated into the City's General Plan in 2014. The purpose of the Climate Action Plan is to make Hayward a more environmentally and socially sustainable community. The City's General Plan includes policies comprising the Climate Action Plan that are intended to reduce energy consumption and encourage the use of renewable energy. Some policies are broader and address City-wide programs, but others are applicable to individual projects, such as the proposed project. Policies specifically pertaining to energy efficiency and applicable to the proposed project include

NR-4.1 through NR-4.3, NR-4.6, NR-4.11, NR-4.12, and NR-4.15. Table 12 provides a consistency analysis with these policies.

Table 12 Project Consistency with Applicable Policies of the City's General Plan

Policy	Consistency Evaluation
Policy NR-4.1: Energy Efficiency Measures. The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment.	**Consistent.** The proposed project would be constructed to comply with standards set forth in CBC Title 24, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. CALGreen requires implementation of energy-efficient light fixtures and building materials into the design of new construction projects. Furthermore, the 2019 Building Energy Efficiency Standards (CBC Title 24, Part 6) requires newly constructed buildings to meet energy performance standards set by the CEC. These standards are specifically crafted for new buildings to achieve energy efficient performance. Additionally, all new development projects in Hayward must comply with the Reach Code with specifies energy efficiency requirements above and beyond CalGreen.
Policy NR-4.2: Energy Efficiency Collaboration. The City shall collaborate with partner agencies, utility providers, and the business community to support a range of energy efficiency, conservation, and waste reduction measures, including the development of green buildings and infrastructure, weatherization programs, installation of energy-efficient appliances and equipment in homes and offices, promotion of energy efficiency retrofit programs, use of green power options, and heightened awareness of the benefits of energy efficiency and conservation issues.	**Consistent.** Please see consistency with Policy NR-4.1, above.
Policy NR-4.3: Efficient Construction and Development Practices. The City shall encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources throughout the life-cycle of a structure.	**Consistent.** The project would be constructed to comply with standards set forth in California Building Code (CBC) Title 24 and the Hayward Reach Code, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. The proposed project would also include other measures that reduce or minimize the use of non-renewable resources. For example, the proposed project would include parking spaces designated for electric vehicles, which would encourage EV vehicle use instead of traditional vehicles that consume fuel (a non-renewable resource).
Policy NR-4.6: Renewable Energy. The City shall encourage and support the generation, transmission, use, and storage of locally distributed renewable energy in order to promote energy independence, efficiency, and sustainability. The City shall consider various incentives to encourage the installation of renewable energy projects (i.e., reduced permit fees and permit streamlining).	**Consistent.** The project would support the use of renewable energy sources pursuant to the Hayward Reach Code. The proposed project would also include other measures that reduce or minimize the use of non-renewable resources. For example, the proposed project would include parking spaced designated for electric vehicles, which would encourage EV vehicle use electricity instead of traditional vehicles that consume fuel (a non-renewable resource).
Policy NR-4.11: Green Building Standards. The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of	**Consistent.** Please see consistency with Policy NR-4.1, above.

Policy	Consistency Evaluation
meeting or exceeding the State's zero net energy goals by 2020.	
Policy NR-4.12: Urban Forestry. The City shall encourage the planting of native and diverse tree species to reduce heat island effect, reduce energy consumption, and contribute to carbon mitigation.	**Consistent.** The proposed landscaping would include planting approximately 115 trees (there are no existing trees on the site). Plantings would consist of species native to California. Invasive or non-native species would not be planted.
Policy NR-4.15: Energy Efficient Programs. The City shall promote the use of the Energy Star Portfolio Manager program and energy benchmarking training programs for nonresidential building owners.	**Consistent.** Please see consistency with Policy NR-4.1, above.

Source: City of Hayward 2009

As shown in Table 12 and as demonstrated further in Section 8, *Greenhouse Gas Emissions*, the proposed project would be generally consistent with policies from the City's Climate Action Plan. As described in Section 8, implementation of Mitigation Measure GHG-1 would be required and would reduce emissions to below the BAAQMD threshold of 660 MT of CO_2e annually. Therefore, the proposed project would not interfere with the energy-related measures of the Climate Action Plan. The proposed project would not conflict with or obstruct the state or local plan for renewable energy or energy efficiency. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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7 Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1. 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?	☐	☐	☐	■
2. Strong seismic ground shaking?	☐	■	☐	☐
3. Seismic-related ground failure, including liquefaction?	☐	■	☐	☐
4. Landslides?	☐	☐	☐	■
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	■	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	■	☐	☐
d. Be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	■	☐	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	■
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	■	☐	☐

Existing Setting

Cornerstone Earth Group prepared a Geotechnical Investigation for the proposed project under contract to the project applicant. This section of the Initial Study, including much of the setting and impacts analysis are derived primarily from the Geotechnical Investigation. The Geotechnical Investigation, dated March 2, 2021, is included as Appendix GEO to this Initial Study.

Seismic Setting

Similar to much of California, the project site is located in a seismically active region. The United States Geological Survey (USGS) defines active faults as those that have had surface displacement within the Holocene period (about the last 11,000 years). Surface displacement can be recognized by the existence of cliffs in alluvium, terraces, offset stream courses, fault troughs and saddles, the alignment of depressions, sag ponds, and the existence of steep mountain fronts. Potentially active faults are those that have had surface displacement during the last 1.6 million years, and inactive faults have not had surface displacement within that period. Several faults are within and near the site, including the Hayward Fault, Calaveras Fault, San Andreas Fault and Monte Vista-Shannon Fault. Located approximately 3.8 miles east of the project site, the Hayward Fault is the closest major fault to the project site. The Hayward Fault is one of ten major faults that make up the San Andreas Fault Zone. As a result of its location and geologic setting, the City of Hayward is subject to a variety of seismic and geologic hazards, including fault rupture, strong ground shaking, liquefaction, and landslides. There are no known faults on or adjacent to the project site.

Ground Shaking

Seismically induced ground shaking covers a wide area and is greatly influenced by the distance of the site to the seismic source, soil conditions, and depth to groundwater. The USGS and Associated Bay Area Governments (ABAG) have worked together to map the likely intensity of ground-shaking throughout the Bay Area under various earthquake scenarios. The most intense ground-shaking scenario mapped in the Bay Area assumes a 6.9 magnitude earthquake on the Hayward Fault system. The predicted ground-shaking from such an earthquake would be “very violent” or “violent” throughout the City of Hayward (ABAG 2016).

Liquefaction and Seismically Induced Settlement

Liquefaction is defined as the sudden loss of soil strength due to a rapid increase in soil pore water pressure resulting from seismic ground shaking. Liquefaction potential is dependent on such factors as soil type, depth to ground water, degree of seismic shaking, and the relative density of the soil. When liquefaction of the soil occurs, buildings and other objects on the ground surface may tilt or sink, and lightweight buried structures (such as pipelines) may float toward the ground surface. Liquefied soil may be unable to support its own weight or that of structures, which could result in loss of foundation bearing or differential settlement. Liquefaction may also result in cracks in the ground surface followed by the emergence of a sand-water mixture. Figure 9-2 of the 2040 General Plan Background Report shows that the project site is located in an area of liquefaction potential (City of Hayward 2014b).

Landslides

Landslides result when the driving forces that act on a slope (i.e., the weight of the slope material, and the weight of objects placed on it) are greater than the slope’s natural resisting forces (i.e., the shear strength of the slope material). Slope instability may result from natural processes, such as

the erosion of the toe of a slope by a stream, or by ground shaking caused by an earthquake. Slopes can also be modified artificially by grading, or by the addition of water or structures to a slope. Development that occurs on a slope can substantially increase the frequency and extent of potential slope stability hazards.

Areas susceptible to landslides are typically characterized by steep, unstable slopes in weak soil/bedrock units which have a record of previous slope failure. There are numerous factors that affect the stability of the slope, including: slope height and steepness, type of materials, material strength, structural geologic relationships, ground water level, and level of seismic shaking. The project site is in a generally flat, developed area. Therefore, the project site is not susceptible to landslides.

Expansive Soils

Expansive soils can change dramatically in volume depending on moisture content. When wet, these soils can expand; conversely, when dry, they can contract or shrink. Sources of moistures that can trigger this shrink-swell phenomenon include seasonal rainfall, landscape irrigation, utility leakage, and/or perched groundwater. Expansive soil can develop wide cracks in the dry season, and changes in soil volume have the potential to damage concrete slabs, foundations, and pavement. Special building/structure design or soil treatment are often needed in areas with expansive soils. The Geotechnical Investigation identifies expansive soils as a potential hazard at the project site (see Appendix GEO).

Erosion

Erosion is the wearing away of the soil mantle by running water, wind or geologic forces. It is a naturally occurring phenomenon and ordinarily is not hazardous. However, excessive erosion can contribute to landslides, siltation of streams, undermining of foundations, and ultimately the loss of structures. Removal of vegetation tends to heighten erosion hazards. The City of Hayward enforces grading and erosion control ordinances to reduce these hazards. Although the project site is generally flat, like most soils, the soils within the project site are susceptible to erosion from precipitation and wind.

Impact Analysis

a.1. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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?

According to the California Department of Conservation (DOC) and the Geotechnical Investigation, there are no known faults located on or adjacent to the project site (DOC 2020). The nearest known faults are the Hayward and Calaveras faults which are respectively 3.8 miles and 11.4 miles from the project site, respectively. Therefore, the proposed project would not directly or indirectly result in substantial adverse impacts associated with surface fault rupture. No impact would occur.

NO IMPACT

a.2. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

a.3. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

c. Would the project 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?

The project site is located in an area of relatively high seismic potential. The faults in the area are capable of generating earthquakes that could produce violent to very violent ground shaking at the project site. The U.S. Geological Survey (USGS) Working Group on California Earthquake Probabilities estimates that each region of California will experience a magnitude 6.7 or larger earthquake in the next 30 years. There is a 63 percent chance of at least one magnitude 6.7 or greater earthquake occurring in the Bay Area region before 2036 (Appendix GEO).

The faults considered capable of generating significant earthquakes near the project site include:

- Hayward fault, approximately 3.8 miles from the site
- Calaveras fault, 11.4 approximately miles from the site
- San Andreas fault, approximately 14.7 miles from the site
- Monte Vista-Shannon fault, approximately 15.2 miles from the site

The effects of earthquake-related ground shaking could include damage to the proposed building, as well as damage to infrastructure and utilities, and impacts to workers or people on the project site. However, compliance with the current CBC requirements would ensure that the proposed building would be able to: (1) resist minor earthquakes without damage; (2) resist moderate earthquakes without structural damage, but with some non-structural damage; and (3) resist major earthquakes without collapse, but with some structural as well as nonstructural damage. By adhering to applicable State and City building code requirements, damage from strong seismic ground shaking would be reduced.

According to the Geotechnical Investigation, the project site is not located on an area susceptible to lateral spreading. However, the site is located within a state-designated liquefaction zone (Department of Conservation 2020). The factors known to influence liquefaction potential include grain size, relative density, groundwater conditions, effective confining pressures, and intensity and duration of ground shaking. Loose, saturated, near-surface, cohesionless soils exhibit the highest liquefaction potential, while dense, cohesionless soils and cohesive soils exhibit low to negligible liquefaction potential. The Geotechnical Investigation indicated that several layers could potentially experience liquefaction triggering that could result in post-liquefaction total settlement at the ground surface ranging from approximately ¼- to ¾ inch (Appendix GEO).

Loose unsaturated sandy soils can settle during strong seismic shaking. The project site analyses indicated that the soils on the site above the design groundwater depth of four feet were predominately stiff to very stiff clays and that the potential for seismic settlement is low. However, the Geotechnical Investigation concluded that the project would be at risk of damage from strong seismic ground shaking and the effects of ground shaking, such as liquefaction. Strong seismic shaking would create risk of injury or death to people on-site, particularly during operation of the project when the proposed building is occupied. According to the Geotechnical Investigations, the proposed structures may be supported on shallow foundations provided the specific

recommendations in the Geotechnical Investigation are followed, as modified based on construction monitoring by a Geotechnical Engineer, as applicable. Impacts would be potentially significant, and mitigation would be required.

Mitigation Measure

GEO-1 Geotechnical Considerations

The project applicant shall implement all measures and recommendations set forth in the Geotechnical Investigation prepared by Cornerstone Earth Group in March 2021 (on file with the City of Hayward and included as Appendix GEO). Recommendations include but are not limited to the following topic areas:

- All existing improvements not to be reused for the current development, including all foundations, flat work, pavements, utilities, and other improvements shall be demolished and removed from the site.
- The site shall be stripped of all surface vegetation, as well as existing surface and subsurface improvements that are to be removed within the proposed development area. Surface vegetation and topsoil shall be stripped to a sufficient depth to remove all material greater than three percent organic content by weight.
- All fills shall be completely removed within building areas into a lateral distance of at least five feet beyond the building footprint or to a lateral distance equal to filled depth below the perimeter footing, whichever is greater.
- After site clearing and demolition is complete, and prior to backfilling any excavations resulting from fill removal or demolition, the excavation subgrade and subgrade within areas to receive additional site fills, slabs-on-grade and or pavements shall be scarified to a depth of six inches, moisture conditioned, and compacted in accordance with the compaction section detailed further in Appendix GEO.
- Utility lines constructed within public right of way shall be trenched, betted and shaded, and backfilled in accordance with the local or governing jurisdictional requirements. Utility lines on the project site shall be constructed in accordance with the requirements outlined in Appendix GEO.
- Ponding shall not be allowed adjacent to the building foundation, slabs-on-grade, or pavements. Hardscape surfaces shall slope at least two percent towards suitable discharge facilities; landscape areas shall slope at least three percent towards suitable discharge facilities. Roof runoff should be directed away from the proposed building in closed conduits, to approved infiltration facilities, or onto hardscape surfaces that drain to suitable facilities. Retention, detention or infiltration facility shall be spaced at least 10 feet from the proposed building, and preferably at least five feet from slabs-on-grade or pavement.
- Since the near-surface soils are moderately to highly expansive, the amount of surface water infiltrating these soils near foundations and exterior slab-on-grade shall be reduced. This shall typically be achieved by:
    - Using drip irrigation
    - Avoiding open planting within three feet of the perimeter building or near the top of existing slopes
    - Regulating the amount of water distributed to lawns or planters by using irrigation timers

- Selecting landscape with little to no watering, especially in near foundations
- Other similar measures or techniques developed by a civil or geotechnical engineer and specific to the project site conditions and proposed project design.

Significance After Mitigation

Implementation of Mitigation Measure GEO-1 would reduce impacts related to liquefaction and unstable soils. Impacts would be less than significant with implementation of mitigation.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

a.4. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

The project site and surroundings are generally flat and developed. There are no steep slopes located on or near the site. Therefore, there is no potential for landslides at the site. No impact would occur.

NO IMPACT

b. Would the project result in substantial soil erosion or the loss of topsoil?

Construction of the proposed project would require earthwork activities to prepare the site for the construction of the industrial structure. As the proposed project would disturb over one acre of land, the applicant would be required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ or 2009-0009-DWQ General Permit) to comply with Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) requirements. Compliance with these requirements would include preparation of a Storm Water Pollution Prevention Plan (SWPPP), which would specify Best Management Practices (BMP) to reduce erosion during construction activities. In accordance with HMC Section 10-3.705, the project applicant is also required to prepare and implement an Erosion and Sediment Control Plan to prevent illicit discharge. Appropriate erosion control and permanent site surface drainage elements per the latest California Building Code would also be implemented, which would reduce soil erosion upon completion and operation of the project. With required implementation of these plans, permits, and BMPs, substantial erosion or the loss of topsoil would not occur at the project site during construction. During operation the project site would either be covered in landscaping or impervious surfaces, such as the proposed building and parking lot. Vegetation cover and impervious surfaces would prevent substantial erosion of underlying soils. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

The project site contains highly to very highly expansive soils over its entire area (Appendix GEO). Expansive soils can undergo significant volume change with changes in moisture content. They shrink and harden when dried and expand and soften when wetted. Expansion and shrinkage of soils could damage the proposed building, as well as associated utilities, infrastructure, and parking surfaces. In addition, during occupancy of the proposed building, people could be exposed to risks of injury or death due to failure of the building if damaged from expansive soils. Impacts would be potentially significant and mitigation measures are required.

Mitigation Measure

The applicant shall implement Mitigation Measure GEO-1, above.

Significance After Mitigation

Implementation of Mitigation Measure GEO-1 would reduce impacts related to expansive soils. For example, Mitigation Measure GEO-1 requires that surface runoff and irrigation be avoided near the foundation of the proposed building in order to avoid activating expansion of soils, which generally results from moisture. Impacts would be less than significant with implementation of the mitigation.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The proposed project would not require the use of septic tanks or alternative wastewater disposal systems. The proposed project would connect to the City of Hayward municipal sewer system. There would be no impact.

NO IMPACT

f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Based on findings within the Geotechnical Investigation prepared by Cornerstone Earth Group (Appendix GEO), the proposed project site is underlain by two Holocene geologic units; alluvial fan fine grained facies (Qhff) and bay mud (Qhbm). Neither of these geologic units is considered unique given their abundance in the region. In order to determine the potential for unique paleontological resources to occur on the project site, the analysis relies upon on the results of an online paleontological locality search and review of existing information in the scientific literature concerning known fossils within geologic units mapped for a separate project, located at 25550 Clawiter Road, approximately 0.6 mile east of the proposed project. Using the locality search and research for the adjacent project is appropriate and adequate because paleontological sensitivities are based on geologic units, and given the proximity of the two projects, they occur within the same geologic units.

Fossil collections records for the nearby locality search from the Paleobiology Database and University of California Museum of Paleontology (UCMP) online database were reviewed for known fossil localities in Alameda County (Paleobiology Database 2020; UCMP 2020). Based on available information contained within existing scientific literature and the UCMP database, paleontological sensitivities were assigned to the geologic units underlying the nearby project site. The potential for impacts to scientifically important paleontological resources is based on the potential for ground disturbance to directly impact paleontologically sensitive geologic units. The Society of Vertebrate Paleontology (SVP) has developed a system for assessing paleontological sensitivity and describes sedimentary rock units as having high, low, undetermined, or no potential for containing scientifically significant nonrenewable paleontological resources (SVP 2010). This system is based on rock units within which vertebrate or significant invertebrate fossils have been determined by previous studies to be present or likely to be present.

As mentioned above, the proposed project site is underlain by two Holocene geologic units; alluvial fan fine grained facies (Qhff) and bay mud (Qhbm). The contact between the two units occurs near the eastern property line. These alluvial soils generally consist of clays, sands, silts, and localized gravel layers. Similarly, the nearby project site, located at 25550 Clawiter Road, is entirely mapped as Quaternary Holocene alluvium (Qha), consisting of alluvial gravel, sand, and silt deposited on fans, terraces, or in basins (Dibblee and Minch 2005). Locally, as described within the locality search, middle to late Holocene alluvial (basin) deposits are generally very fine silty clays and clays deposited near the distal edge of alluvial fans and adjacent to Bay Mud, which may extend partially onto the western or southern edge of the site (Appendix GEO). Quaternary young (middle to late Holocene) sedimentary deposits, particularly those younger than 5,000 years old, are generally too young to preserve paleontological resources and are determined to have a low paleontological sensitivity according to SVP standards (SVP 2010). However, middle to late Holocene deposits may grade downward into early Holocene to late Pleistocene deposits that could preserve fossil remains at moderate or unknown depths. Quaternary old (early Holocene to Pleistocene) alluvial sediments have a well-documented record of abundant and diverse vertebrate fauna throughout California. Localities have produced fossil specimens of mammoth (*Mammuthus columbi*), horse (*Equus*), camel (*Camelops*), and bison (*Bison*), as well as various birds, rodents, and reptiles (Agenbroad 2003; Jefferson 2010; Paleobiology Database 2020; Savage 1954; UCMP 2020). Therefore, Quaternary old (early Holocene to Pleistocene) alluvial deposits are assigned a high paleontological sensitivity.

Project-related ground disturbance would involve cut and fill activities and grading for the proposed building foundation and parking lot, as well as excavation for installing utilities. As discussed above, the project site is in an urbanized area and has been previously developed. Given that the proposed project includes raising the elevation across much of the site, deep excavation encountering paleontological resources during project construction is low but not impossible. Encountering a paleontological resource during construction could result in its destruction. Therefore, impacts would be potentially significant and mitigation is required.

Mitigation Measure

GEO-2 Unanticipated Discovery of Paleontological Resources

In the event an unanticipated fossil discovery is made during the course of project development, construction activity shall be halted in the immediate vicinity of the fossil, and a qualified professional paleontologist shall be notified and retained to evaluate the discovery, determine its significance, and determine if additional mitigation or treatment is warranted. Work in the area of the discovery shall not resume until after the find is properly documented and authorization is given to resume construction work. Significant paleontological resources found during construction monitoring shall be prepared, identified, analyzed, and permanently curated in an approved regional museum repository under the oversight of the qualified paleontologist.

Significance After Mitigation

Mitigation Measure GEO- 2 would avoid impacts to paleontological resources in the case of unanticipated fossil discoveries. This measure would apply to all phases of project construction and would reduce the potential for impacts to unanticipated fossils present on site by providing for the recovery, identification, and curation of paleontological resources. Impacts would be less than significant with mitigation.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

8 Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	■	☐	☐
b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	■	☐

Existing Setting

Climate change is the observed increase in the average temperature of the earth's atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period. The term "climate change" is often used interchangeably with the term "global warming," but climate change is preferred because it more broadly encompasses other changes in addition to rising temperatures. The baseline against which these changes are measured originates in historical records identifying temperature changes that have occurred in the past, such as during previous ice ages. The global climate is continuously changing, as evidenced by repeated episodes of substantial warming and cooling documented in the geologic record. The rate of change has typically been incremental, with warming or cooling trends occurring over the course of thousands of years. The past 10,000 years have been marked by a period of incremental warming, as glaciers have steadily retreated across the globe. However, scientists have observed acceleration in the rate of warming during the past 150 years. According to the United Nations Intergovernmental Panel on Climate Change (IPCC), the understanding of anthropogenic warming and cooling influences on climate has led to a high confidence (95 percent or greater) that the global average net effect of human activities has been the dominant cause of warming and that the rate of increase is unprecedented over decades to millennia since the mid-twentieth century (IPCC 2014).

Greenhouse gases (GHGs) are gases that absorb and re-emit infrared radiation in the atmosphere. The gases that are widely seen as the principal contributors to human-induced climate change include carbon dioxide (CO_2), methane (CH_4), nitrous oxides (N_2O), fluorinated gases such as hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). Water vapor is excluded from the list of GHGs because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

GHGs are emitted by both natural processes and human activities. Of these gases, CO_2 and CH_4 are emitted in the greatest quantities from human activities. Emissions of CO_2 are largely by-products of fossil fuel combustion, whereas CH_4 results from off gassing associated with agricultural practices and landfills. Observations of CO_2 concentrations, globally averaged temperature, and sea-level rise are generally well within the range of the extent of the earlier IPCC projections. The recently

observed increases in CH_4 and N_2O concentrations are smaller than those assumed in the scenarios in the previous assessments. Each IPCC assessment has used new projections of future climate change that have become more detailed as the models have become more advanced.

Man-made GHGs, many of which have greater heat-absorption potential than CO_2, include fluorinated gases and SF_6 (California Environmental Protection Agency [CalEPA] 2006). Different types of GHGs have varying global warming potentials (GWPs). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally, 100 years). Because GHGs absorb different amounts of heat, a common reference gas (CO_2) is used to relate the amount of heat absorbed to the amount of the gas emissions, referred to as "carbon dioxide equivalent" (CO_2e), and is the amount of a GHG emitted multiplied by its GWP. CO_2 has a 100-year GWP of one. By contrast, methane has a GWP of 28, meaning its global warming effect is 28 times greater than carbon dioxide on a molecule per molecule basis (IPCC 2014). Emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

Regulatory Setting

In response to an increase in man-made GHG concentrations over the past 150 years, California implemented AB 32, the "California Global Warming Solutions Act of 2006." AB 32 codified the statewide goal of reducing emissions to 1990 levels by 2020 (essentially a 15 percent reduction below 2005 emission levels) and adopted regulations to require reporting and verification of statewide GHG emissions.

On September 8, 2016, the governor signed Senate Bill (SB) 32 into law, which extends AB 32 and requires the State to further reduce GHGs to 40 percent below 1990 levels by 2030. In response, on December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan does not give project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally appropriate quantitative thresholds consistent with a statewide per capita goal of six metric tons (MT) of carbon dioxide equivalents (CO_2e) by 2030 (CARB 2017). As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, subregional, or regional level) but not for individual projects because they include all emissions sectors in the state.

Most individual projects do not generate enough GHG emissions to directly influence climate change. However, physical changes caused by a project can contribute incrementally to cumulative effects that are significant, even if individual changes resulting from a project are limited. The issue of climate change typically involves an analysis of whether a project's contribution towards an impact would be cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines, Section 15064[h][1]).

The City's Climate Action Plan was adopted by the Hayward City Council on July 28, 2009 and incorporated into the City's General Plan in 2014. The purpose of the Climate Action Plan is to make Hayward a more environmentally and socially sustainable community. The Climate Action Plan includes goals to reduce GHG emissions in Hayward.

Methodology

GHG emissions for project construction and operation were calculated using CalEEMod version 2020.4.0. CalEEMod calculates emissions of CO_2, CH_4, and N_2O associated with construction activities, energy use, area sources, waste generation, and water use and conveyance as well as emissions of CO_2 and CH_4 associated with project-generated vehicle trips (i.e., mobile sources). Operational emissions were modeled for the year 2030 to be consistent with the State's next GHG emission reduction milestone target of achieving 40 percent reduction in 1990 GHG emission levels by 2030. Emissions of all GHGs are converted into their equivalent global warming potential in terms of CO_2 (i.e., CO_2e).

Mobile source emissions were calculated based on the project's vehicle miles traveled (VMT), as generated by CalEEMod using project-specific trip generation rates identified in the CEQA Transportation Analysis report (Kittelson & Associates 2022, Appendix TIA). The mobile source emissions were modeled using the most intensive trip generation rate for the project identified in the Transportation Analysis report.

Electricity emissions are calculated by multiplying the energy use times the carbon intensity of the utility district per kilowatt hour (CAPCOA 2021). The project would be served by PG&E. Therefore, PG&E's specific energy intensity factors (i.e., the amount of CO_2, CH_4, and N_2O per kilowatt-hour) are used in the calculations of GHG emissions.

Significance Thresholds

To evaluate whether a project would generate a quantity of GHG emissions that may have a significant impact on the environment, state agencies have developed a number of operational bright-line significance thresholds. Significance thresholds are numeric mass emissions thresholds that identify the level at which additional analysis of project GHG emissions is necessary. Projects that attain the significance target, with or without mitigation, would result in less than significant GHG emissions. Many significance thresholds have been developed to reflect a 90 percent capture rate tied to the 2020 reduction target established in AB 32.

According to the CEQA Guidelines, projects can tier from a qualified GHG reduction plan, which allows for project-level evaluation of GHG emissions through the comparison of the project's consistency with the GHG reduction policies included in a qualified GHG reduction plan. This approach is considered by the Association of Environmental Professionals (AEP) in their white paper, Beyond Newhall and 2020, to be the most defensible approach presently available under CEQA to determine the significance of a project's GHG emissions (AEP 2016). The City of Hayward has developed a Climate Action Plan, which has been adopted as a part of the City's General Plan. However, the Climate Action Plan does not demonstrate a pathway for the City to achieve the 40 percent reduction target by 2030 required by SB 32. Therefore, the Climate Action Plan does not qualify as a GHG reduction plan and thus cannot be used for project tiering. In its 2017 CEQA Air Quality Guidelines, the BAAQMD outlines an approach to determine the significance of GHG emissions associated with land use development projects. For residential, commercial, industrial, and public projects, the thresholds of significance for operational-related GHG emissions are as follows:

- Compliance with a qualified GHG Reduction Strategy
- Annual emissions less than 1,100 metric tons (MT) per year (MT/yr) of carbon dioxide equivalent (CO2e)
- Service person threshold of 4.6 MT CO_2e/SP/yr (residents + employees)

The City has no adopted qualified GHG Reduction Strategy thus it is not appropriate to use the first recommended threshold of significance. The BAAQMD mass emissions threshold of 1,100 MT of CO_2e per year was designed to capture 90 percent of all emissions associated with projects in the Air Basin and require implementation of mitigation so that a considerable reduction in emissions from new projects would be achieved. According to the California Air Pollution Control Officers Association (CAPCOA) white paper, *CEQA & Climate Change*, a quantitative threshold based on a 90 percent market capture rate is generally consistent with AB 32 (CAPCOA 2008).

SB 32, codified in 2016, sets a more stringent emission reduction target of 40 percent below the 1990 level by 2030. Because the previously established threshold of 1,100 MT of CO_2e was not developed to meet the targets established by SB 32, it must be adjusted to meet the new, more stringent emission reduction target of a 40 percent reduction below the 1990 level by 2030. Because BAAQMD has not adopted a threshold for 2030, this analysis uses a "substantial progress" bright-line threshold of 660 MT of CO_2e per year (equivalent to a 40 percent reduction of the 1,100 MT of CO_2e per year threshold based on the State's 2030 target). The bright-line threshold applies best to the proposed project because the City of Hayward does not have a qualified GHG reduction plan and the project is not a residential or mixed-use project for which impacts would be more appropriately evaluated using a service population threshold to reflect per-person emission efficiency.

For the proposed emergency generator, the BAAQMD threshold of 10,000 MT of CO_2e per year for stationary sources is used. Additionally, this analysis qualitatively assesses consistency with local and statewide GHG reduction regulations.

For information purposes, in April 2022 the BAAQMD adopted new GHG thresholds for determining the significance of GHG emissions in environmental review, such as CEQA. However, the BAAQMD has indicated the April 2022 thresholds apply prospectively to environmental review that began or will begin after the April 2022 adoption. Environmental review for the proposed project commenced in 2021, well before the BAAQMD adopted the April 2022 GHG thresholds. Therefore, the newly adopted April 2022 thresholds are not used in this IS-MND.

Impact Analysis

a. Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Construction Emissions

Construction activities would emit GHGs primarily though combustion of fuels (mostly diesel) in the engines of off-road construction equipment and through combustion of diesel and gasoline in on-road construction vehicles and in the commute vehicles of construction workers. Smaller amounts of GHGs would also be emitted indirectly through the energy use embodied in water use for fugitive dust control and lighting for construction activity. Table 13 summarizes GHG emissions that would be generated by project construction activities. As shown therein, project construction would generate approximately 897 MT of CO_2e, or approximately 30 MT of CO_2e per year when amortized over a 30-year period (the assumed life of the project).

Table 13 Estimated Construction GHG Emissions

Year	Project Emissions (MT of CO_2e)
2021	642
2022	255
Total	**897**
Amortized over 30 Years	**30**

See Appendix CAL for CalEEMod worksheets.

Combined Construction and Operational Emissions

Operation of the project would generate vehicle trips, consume energy, and involve other activities that would generate GHG emissions. Table 14 summarizes long-term GHG emissions generated by the project from area sources, energy use, solid waste, water use, and mobile sources and combines construction and operational GHG emissions. As shown therein, the project would generate approximately 1,177 MT of CO_2e per year, which would exceed the threshold of 660 MT of CO_2e per year. Therefore, the proposed project would result in potentially significant impacts and mitigation is required.

Table 14 Combined Annual Emissions of GHGs

Emission Source	Annual Emissions (MT of CO_2e)
Construction	30
Operational	
Area	9
Energy (Electricity only; natural gas is not proposed)	155
Mobile	826
Solid Waste	2
Water	137
Total	**1,177**
Threshold	660
Threshold Exceeded?	**Yes**
Stationary Sources	
Emergency Backup Generators	**2.5**
BAAQMD Stationary Sources Threshold (MT CO_2e per year)	**10,000**
Threshold Exceeded?	**No**

[1] Average vehicle distance was calculated using the Vehicle Miles Traveled (VMT) estimates developed by CalEEMod completed for the project. See Appendix CAL for CalEEMod worksheets.

The mobile source GHG emissions presented in Table 14 are based on the Institute of Transportation Engineers (ITE) trip generation rate for “General Light Industrial”. The ITE trip generation rate for general light industrial is 4.96 trips per 1,000 square feet of building space. As discussed within the Traffic Impact Analysis (TIA) prepared by Kittelson & Associates (Appendix TIA), the average trip rates within the TIA yield more conservative trip generation estimates. According to

the TIA, the project would generate approximately 4.87 daily trips, a slight reduction of the general light industrial ITE category. Nonetheless, operational GHG emissions as shown in Table 14 would be approximately 826 MT of CO_2e, annually. Therefore, GHG emissions of the project would exceed the threshold of 660 MT of CO_2e, annually. Impacts would be potentially significant, and mitigation is required.

Mitigation Measure

GHG-1 Greenhouse Gas Reduction Program

The project applicant shall contract with a qualified professional, such as a GHG specialist or sustainability consultant, to prepare and implement a Greenhouse Gas Reduction Program (GHGRP) that includes on-site GHG reduction measures to reduce the project's total remaining GHG emissions to 660 MT of CO_2e per year or less. Potential options include, but would not be limited to:

- Supply 100 percent of electricity from renewable energy resources. Options include East Bay Community Energy's Renewable 100 plan (100% renewable energy) or PG&E's Regional Renewable Choice (opting to supply 100 percent of annual energy usage) Program.
- Implement a transportation demand program. Program measures may include installation of additional electric vehicle charging stations, unbundled parking costs, additional bicycle amenities (storage, showers, lockers, etc.), carpool or ridesharing programs, free transit passes for employees, electric rideshare vehicles for employees, and construction of additional transit infrastructure at the project site (e.g., bus stop shelter improvements).
- Install water-efficient fixtures such low flow toilets and faucets.
- Implement a zero-waste program or other feasible waste-reduction measures.

After implementation of feasible on-site GHG reduction measures, the project applicant may also implement one of, or a combination of, the following off-site measures to achieve up to 50 percent of the total necessary GHG emission:

- Directly undertake or fund activities that reduce or sequester GHG emissions ("Direct Reduction Activities") and retire the associated "GHG Mitigation Reduction Credits." A "GHG Mitigation Reduction Credit" must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB's most recent *Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation* (CARB 2013). An "Approved Registry" is an accredited carbon registry that follows approved CARB Compliance Offset Protocols. As of April 2021, Approved Registries include American Carbon Registry, Climate Action Reserve, and Verra (CARB 2018). Credits from other sources shall not be allowed unless they are shown to be validated by protocols and methods equivalent to or more stringent than the CARB standards. In the event that a project or program providing GHG Mitigation Reduction Credits to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring GHG Mitigation Reduction Credits specific to the registry involved and shall undertake additional direct investments to recoup the loss.
- Obtain and retire "Carbon Offsets." "Carbon Offset" shall mean an instrument issued by an Approved Registry and shall represent the past reduction or sequestration of 1 MT of CO_2e achieved by a Direct Reduction Activity or any other GHG emission reduction project or activity

that is not otherwise required (CEQA Guidelines Section 15126.4[c][3]). A "Carbon Offset" must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB's most recent *Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation* (CARB 2013). If the project applicant chooses to meet some of the GHG reduction requirements by purchasing offsets on an annual and permanent basis, the offsets shall be purchased according to the City of Hayward's preference, which is, in order of Hayward preference: (1) within the city; (2) within the BAAQMD jurisdictional area; (3) within the State of California; then (4) elsewhere in the United States. In the event that a project or program providing offsets to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring offsets specific to the registry involved and shall purchase an equivalent number of credits to recoup the loss.

- The project's total requisite emission reduction over the project's lifetime shall not be achieved entirely or 100 percent through obtaining carbon offsets.

PLAN REQUIREMENTS AND TIMING

Upon identifying a potential tenant, the applicant shall submit to Development Services Planning Division and Public Works – Environmental Services Division the GHGRP for review and approval prior to issuance of tenant improvements for the first tenant to occupy the space(s). A new GHGRP shall be required for each turnover (i.e., each new tenant) and shall be submitted with applications for tenant improvements. The GHGRP shall either reduce the project's emissions to 660 MT CO_2e per year or shall incorporate all feasible actions to reduce emissions associated with electricity demand, transportation, and waste generation and shall purchase 50 percent carbon offsets. Development Services Planning Division and Public Works – Environmental Services Division shall verify that project plans incorporate required GHG emission reduction measures per the GGRP prior to final design approval. Each emission reduction measure shall include a commitment enforceable by Development Services Planning Division and Public Works – Environmental Services Division.

MONITORING

Development Services Planning Division and Public Works – Environmental Services Division compliance monitoring staff shall confirm inclusion of the required GHG emission reduction measures into the project Conditional Use Permit. Compliance with all components of the GHGRP shall be verified prior to issuance of a Certificate(s) of Occupancy. The tenant shall be required to submit annual reports documenting GHG reduction measures, energy use, water use, solid waste collection, and a bi-annual employee mode of transportation survey. Upon at least three consecutive years of demonstrated compliance, and at the sole discretion of the Development Services Planning Division and Public Works – Environmental Services Division, annual reporting may be suspended until tenant turnover.

Upon demonstrating compliance with a qualified GHG Reduction Strategy such as future updates to the Climate Action Plan adopted by the City of Hayward, the project may indefinitely suspend GHGRP reporting.

Significance After Mitigation

Project GHG emissions from mobile, area, energy, waste generation, water consumption, and stationary equipment would be reduced through compliance with applicable local programs.

Mitigation Measure GHG-1 provides the project applicant a menu of options for specific GHG reductions, including on-site reductions through the use of renewable electricity, and off-site reductions through purchasing off-site reduction credits or carbon offsets. Enrollment in a renewable energy procurement plan such as Renewable 100 would eliminate energy use emissions, such as CO_2 emissions from nonrenewable energy sources. Installing water-efficient fixtures and implementing a zero-waste program would also substantially reduce water and solid waste emissions. Transportation demand management programs may also reduce GHG emissions; however, would require periodic monitoring to ensure reduction measures achieve consistent, lasting reductions.

Potential tenants for the proposed industrial building are unknown but could include warehouse facilities, industrial, and other similar uses permitted or conditionally permitted under the IG zoning district. The emissions and appropriate mitigation may vary widely depending on the specific tenant, therefore, quantifying potential reductions from these additional GHG reduction measures would be speculative until potential tenants are identified. Although reducing project emissions to less than 660 $MTCO_2e$ solely with on-site measures may be infeasible, Mitigation Measure GHG-1 allows for GHG reduction through carbon use of reduction credits and/or carbon offsets to address potential shortfalls. Therefore, mitigation is considered feasible. Impacts would be reduced to less than significant with mitigation incorporated.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

b. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

City of Hayward Climate Action Plan

Hayward's Climate Action Plan was adopted by the Hayward City Council on July 28, 2009 and incorporated into the City's General Plan in 2014. The purpose of the Climate Action Plan is to make Hayward a more environmentally and socially sustainable community. The overall objective of the Climate Action Plan is to reduce Hayward's GHG emissions by:

- 20 percent below 2005 baseline levels by 2020,
- 30 percent below 2005 baseline levels by 2025, and
- 55 percent below 2005 baseline levels by 2030.

The Climate Action Plan includes GHG reduction strategies and actions relating to transportation, land use, energy, solid waste, carbon sequestration, climate change adaptation, and community engagement. The proposed project includes several design features that are consistent with strategies and actions from the City's Climate Action Plan. As shown in Table 15 in Section 11, *Land Use and Planning*, Policy NR-4.3, *Efficient Construction and Development Practices*, calls for the City to encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources throughout the lifecycle of a structure. As shown in Table 15 in Section 11, *Land Use and Planning*, Policy NR-4.11, *Green Building Standards,* requires that newly constructed buildings meet energy efficiency design and operations standards. The proposed project would comply with CALGreen and other green building requirements, such as the City's recently adopted Reach Code for electrification in new construction (adopted March 2020). The City's Reach Code modifies State energy code to further reduce natural gas consumption and expand the requirement for electric vehicle ready parking spaces. Moreover, as described in Section 6, *Energy,* construction and operation of the project would not involve

wasteful use of energy. Therefore, the project would be generally consistent with these policies. In addition, as shown in Table 15 in Section 11, *Land Use and Planning*, Policy NR-2.6, *Greenhouse Gas Reduction in New Development,* calls for the City to reduce potential GHG emissions, including by discouraging new development that is primarily dependent on the private automobile, and promoting new development that is compact, mixed use, pedestrian friendly. As described in Section 17, *Transportation*, the project would generate VMT. However, the VMT generated by the project would be less than significant with implementation of proposed transportation demand management (TDM) measures (Appendix TIA).

The proposed project would support and implement strategies contained in the City's Climate Action Plan. Therefore, the proposed project would not conflict with implementation of the Climate Action Plan. Impacts would be less than significant.

Plan Bay Area 2050

SB 375, signed in August 2008, requires the inclusion of Sustainable Communities' Strategies in Regional Transportation Plans to reduce GHG emissions. The Metropolitan Transportation Commission and the Association of Bay Area Governments (ABAG) adopted a Sustainable Communities' Strategies that meets the GHG reduction targets set forth by CARB. Plan Bay Area 2050 is a state-mandated, integrated long-range transportation, land-use, and housing plan that supports a growing economy, provides more housing and transportation choices and reduces transportation-related pollution in the nine-county San Francisco Bay Area (ABAG 2020). Plan Bay Area 2050 builds on earlier efforts to develop an efficient transportation network and grow in a financially and environmentally responsible way. Plan Bay Area 2050 will be updated every four years to reflect new priorities. The goals of Plan Bay Area 2050 related to GHG emissions include (ABAG 2020):

1. **Climate Protection.** Reduce per capita CO_2 emissions.
2. **Healthy and Safe Communities.** Reduce adverse health impacts.
3. **Open Space and Agricultural Preservation.** Direct development within urban footprint.
4. **Transportation.** Increase non-auto mode share.

Consistent with the site IG (General Industrial) zoning, the proposed project would introduce a new industrial building with warehouse and office uses to project site. Therefore, the proposed project would include development consistent with the growth forecasts used to develop the Plan Bay Area 2050. Although operation of the project would involve new vehicle trips to and from the project site, these vehicle trips would not exceed existing growth forecasts because Plan Bay Area assumed industrial growth for the site, consistent with what is currently proposed. Therefore, overall, the proposed project would not conflict with implementation of the Plan Bay Area 2050. Impacts related to GHG emissions would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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9 Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	■	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	■	☐	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	☐	☐	☐	■
d. Be located on a site that is included on a list of hazardous material 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?	☐	☐	☐	■
e. For a project located in 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?	☐	☐	☐	■
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	■
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	■

This section of the IS-MND is based on a Phase I Environmental Site Assessment (ESA) and a Phase II ESA prepared for the project. The Phase I ESA was prepared by RPS Group in June 2021 and is included as Appendix ESA to this IS-MND. RPS Group prepared the Phase II ESA for the project site in March 2021. The Phase II ESA is included as Appendix RPS to this Initial Study.

Existing Setting

Former Land Uses

According to the Phase I ESA, the site consisted of undeveloped land from at least 1928 through 1960. Circa 1966, a small structure of unclear use was located along the western edge of the site. In 1969, the current radio towers and radio transmitter building were constructed. By 1982, the structure along the western edge of the site was no longer present. The site has served as a radio transmission station for KFAX 1100 AM since 1969 and KTRB 860 AM since 2016. Former and current owners/occupants of the site include Argonaut Broadcasting (1969), Salem Broadcasting Company (1984-current), and Pappas Radio of California (2014-2017).

The surrounding area was undeveloped land from at least 1928 through the 1940s. Since 1952, the north adjacent property has operated as the City of Hayward Water Pollution Control Facility with various structures, tanks, and ponds constructed from the 1960s through the 2000s. From 1966 through 2006, the east-adjacent property (known as the Runnels Property) has operated as a metal finishing and coating business; this property would be subsequently used as equipment staging for the construction of a nearby power plant from 2011-2013 and has been vacant since 2014. Circa 1990, the west-adjacent property was redeveloped into the current commercial/industrial business park.

On-Site Hazards

The Phase I ESA identifies two historical[2] recognized environmental conditions (RECs) associated with the project site:

1) **Abandoned Waste Oil Drums:** Hayward Fire Department (HFD) records include reports and correspondences regarding drums found at the site in 1994. The drums, which contained used oil, were determined to be from a nearby auto repair facility. According to site representatives, the HFD removed the drums and conducted the cleanup of the site, although they were not aware of the specific location that the drums were found. The records mention that soil samples were collected; however, the analytical results were not provided. Nonetheless, the cleanup appeared to be conducted to the satisfaction of the HFD; therefore, the Phase I ESA concludes that no additional assessment appears to be warranted at this time.

2) **Asbestos-Containing Materials (ACMs):** Because the on-site radio transmitter building was constructed before 1981, and due to the presence of vinyl flooring in the building, the OSHA regulations regarding management of presumed ACM (PACM) in building materials applies. The current radio transmitter operator does not have a management program in place to address these regulations, and also has no records of whether ACMs are present. Therefore, ACMs are assumed present and a historical REC, according to the Phase I ESA.

[2] The Phase I ESA uses the term historical to refer to past or prior activities on the site. The term historical, as used in the Phase I ESA, does not refer to historic resources, such as properties appearing on the National Register of Historic Places.

The Phase I ESA also identifies a single REC (non-historical) in connection with the project site. The REC is associated with contamination that has migrated or otherwise affected the project site because of the former land uses at the adjacent property to the east, locally known as the Runnels property. From 1966 through 2006, a metal finishing and coating business operated on the Runnels property. According to the Phase I ESA, this operation on the Runnels property primarily consisted of the application of surface coatings on prefabricated metal materials. This included sandblasting with silicon, nickel slag, or glass beads followed by steam cleaning or chemical treatment. Surface coatings, including paints and high-performance coating such as zinc epoxy urethane, were then sprayed onto the prepared materials. There were various interior and exterior chemical storage areas at this facility where paints, solvents, lubricating oils, hydraulic fluids, and fuels were stored. This facility also operated three underground storage tanks (USTs), including a 1,000-gallon methyl ethyl ketone UST, a 1,000-gallon diesel UST, and a 500-gallon gasoline UST, which were removed in 1993, as well as an oil-water separator (OWS), which was removed in 2009. In the late-1960s to early-1970s, the Runnels Property operations appeared to extend onto the southeastern portion of the project site; it was later determined that waste dumping of sand blast grit was occurring throughout the southeastern portion of the project site, adjacent to the Runnels property.

According to the Phase I ESA, since 1996, the Runnels property has undergone various soil and groundwater investigations, including the installation of five groundwater monitoring wells at this property. Groundwater was determined to have been affected with metals, trichloroethylene (TCE), tetrachloroethene (PCE), and 1,1-dichloroethylene (1,1-DCE). In 1998, nine test holes (TH-1 to TH-9) were advanced in an area along the eastern portion of the project site that is downgradient of a former diesel-powered air compressor and equipment wash down area that was on the Runnels property. Analysis of the soil samples from these test holes revealed total petroleum hydrocarbon as diesel (TPHd) concentrations of up to 640 milligrams per kilogram (mg/kg).

As described in the Phase I ESA, in 2003, three surface soil samples (K-B1, K-B2, and K-B3, as shown in the Phase I ESA) were collected from different areas on the project site. These locations were selected based on a visual survey of the site for blast grit on surface soils throughout the project site. Soil sample K-B2, which was located on the southeastern portion of the project site, contained elevated concentrations of arsenic, chromium, and copper. Soil sample K-B3, which was collected along the project site fence line at the eastern site boundary, contained elevated concentrations of TPHd, TPH as oil, chromium, and zinc.

As discussed in the Phase I ESA, in 2010, a Corrective Action Plan was submitted to and approved by the San Francisco Bay RWQCB. The remedial activities would eventually include abandonment of the remaining groundwater wells; soil sampling throughout the Runnels property, the project site, and the south-adjoining railroad spur; and soil excavation and removal on the Runnels property and the project site. Although cleanup goals were achieved for the KF-A and KF-B excavations[3], residual concentrations of TPH, metals and PAHs remain in soils on the project site. Additionally, the groundwater beneath the site was not assessed for potential impacts as part of the Phase I ESA or earlier remediation activities. Accordingly, for these reasons, the Phase I ESA identifies the prior Runnels property activities as a potential REC for the project site.

In order to further investigate the Runnels property REC identified as a REC in the Phase I ESA, RPS Group prepared a Phase II ESA for the project site in March 2021. The Phase II ESA is included as Appendix RPS to this Initial Study. As described in the Phase II ESA, soil samples were collected and tested for contaminants from seven borings on the project site in March 2021. The soil samples

[3] KF-A and KF-B were the names assigned in the Corrective Action Plan to the remediation excavations conducted on the project site. These names are only relevant in the context of the Corrective Action Plan.

were sent to a certified laboratory for analysis for presence of polycyclic aromatic hydrocarbons (PAH),[4] petroleum hydrocarbons, volatile organic compounds (VOC), and CAM-17 metals. Based on the laboratory analytical results of the soil samples, the soil at the site contains arsenic concentrations above the environmental screening level (ESL) for Direct Exposure Human Health Risk Levels, Commercial/Industrial: Shallow Soil Exposure, Non-Cancer Risk and Cancer Risk and above the ESL for Direct Exposure Human Health Risk Levels, Construction Worker: Any Land Use/Any Depth Soil Exposure, Cancer Risk and Non-Cancer Risk. However, the Phase II ESA also notes that the levels of arsenic concentrations in the project site soil is consistent with those commonly found throughout the northern California region.

Groundwater was also collected and tested from each of the seven borings on the project site. Like the soil samples, groundwater samples were analyzed in a certified laboratory for the presence of contaminants, including PAH, VOCs, and CAM-17 metals, as well as total petroleum hydrocarbons. Based on the laboratory analytical results of the groundwater samples, the groundwater at the project site contains 1,1-dichloroethene, 1,1-dichloroethane, cis-1,2-dichloroethene, trichloroethene, and tetrachloroethene. Trichloroethene concentrations are above the ESL for Groundwater Vapor Intrusion Human Health Risk Levels, Commercial/Industrial: Cancer Risk. The arsenic in soils and the trichloroethene in groundwater at the site are both RECs given that ESLs are exceeded.

Cortese List

The provisions in Government Code Section 65962.5 are commonly referred to as the Cortese List. A property is considered on the Cortese List if it appears on one or more lists or databases maintained by state regulatory agencies, including:

- Department of Toxic Substances Control (DTSC) EnviroStor Database (DTSC 2022)
- DTSC List of Hazardous Waste Facilities Subject to Corrective Action (found in Section 25187.5 of the Health and Safety Code)
- State Water Resources Control Board (SWRCB) GeoTracker Database (SWRCB 2022)
- SWRCB List of Solid Waste Disposal Sites (SWRCB 2016)
- SWRCB List of Active Cease and Desist Orders and Cleanup and Abatement Orders[5]

The above lists and databases were queried on April 22, 2022, in order to determine if the project site appears on the Cortese List. The project site is not included on the Cortese List. The nearest property to the project site that does appear on the Cortese List is the Runnels property, directly east and adjacent to the project site.

Airport Hazards

The closest airport to the project site is the Hayward Executive Airport, located approximately 2 miles northeast of the project site. In addition, the Oakland International Airport is located approximately 7 miles to the northwest. The project site is located within the Airport Influence Area of the Hayward Executive Airport and the Oakland International Airport. However, the project site is

[4] Polycyclic aromatic hydrocarbons are a class of chemicals that occur naturally in coal, crude oil, and gasoline, and are also produced when these substances are burned, as well as burning of other materials or substances such as wood and tobacco.
[5] The List of Active Cease and Desist Orders and Abatement and Cleanup Orders is routinely updated by SWRCB but is an undated document. However, the City accessed the document on April 22, 2022, for purposes of this environmental review, and the document is continuously available at https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/SiteCleanup-CorteseList-CDOCAOList.xlsx

located outside the safety zones for both airports (Alameda County Airport Land Use Commission 2010; 2012).

Regulatory Setting

Department of Toxic Substances Control

As a department of CalEPA, DTSC regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of Resource Conservation and Recovery Act and the California Health and Safety Code.

DTSC also administers the California Hazardous Waste Control Law (HWCL) to regulate hazardous wastes. While the HWCL is generally more stringent than Resource Conservation and Recovery Act, until the USEPA approves the California program, both state and federal laws apply in California. The HWCL lists 791 chemicals and approximately 300 common materials that may be hazardous; establishes criteria for identifying, packaging, and labeling hazardous wastes; prescribes management controls; establishes permit requirements for treatment, storage, disposal, and transportation; and identifies some wastes that cannot be disposed of in landfills.

Government Code Section 65962.5 requires the DTSC, the State Department of Health Services, the SWRCB, and CalRecycle compile and annually update lists of hazardous waste sites and land designated as hazardous waste sites throughout the state. The Secretary for Environmental Protection consolidates the information submitted by these agencies and distributes it to each city and county where sites on the lists are located. Before the lead agency accepts an application for a development project as complete, the applicant must consult these lists to determine if the site at issue is included.

If soil is excavated from a site containing hazardous materials, it is considered a hazardous waste if it exceeds specific criteria in Title 22 of the CCR. Remediation of hazardous wastes found at a site may be required if excavation of these materials is performed, or if certain other soil disturbing activities would occur. Even if soil or groundwater at a contaminated site does not have the characteristics required to be defined as hazardous waste, remediation of the site may be required by regulatory agencies subject to jurisdictional authority. Cleanup requirements are determined on a case-by-case basis by the agency taking jurisdiction.

Regional Water Quality Control Board

RWQCB regulates discharges and releases to surface and groundwater in the project area. The RWQCB generally oversees cases involving groundwater contamination. In the RWQCB, the County of Alameda Department of Environmental Health handles most leaking underground storage tank cases, so the RWQCB may oversee cases involving other groundwater contaminants (i.e., spills, leaks, incidents, and clean-up cases). The RWQCB has established guidelines used to evaluate the potential risk associated with chemicals found in soil or groundwater where a release of hazardous materials has occurred called Environmental Screening Levels. When chemicals are present in soil or groundwater at concentrations below Environmental Screening Levels, they can be assumed to not present a potential environmental concern. Alternative, when a chemical or chemicals are present at concentrations exceeding Environmental Screening Levels, more analysis or precaution is needed as the contamination is a potential environmental concern (RWQCB 2020).

Hayward Fire Department

Hayward Fire Department (HFD) is designated as the City of Hayward's Certified Unified Program Agency (CUPA), which is overseen by the California Environmental Protection Agency and coordinates the regulation of hazardous materials and hazardous wastes in the City. CUPA ensures the consistent application of statewide standards during administrative, permitting, inspection, and enforcement activities associated with hazardous materials and hazardous wastes. If a business operating at the project site would use and store hazardous materials and generate hazardous wastes, CUPA would require the electronic submittal of chemical and facility information, a Hazardous Materials Business Plan, and hazardous waste generator permits to the California Environmental Reporting System online database. If operations at the project site would include the treatment, storage, and/or disposal of hazardous waste, HFDs Hazardous Materials Office would regulate these activities under a tiered permitting system.

CUPA, through the Hazardous Materials Office, regulates USTs containing hazardous materials, including installation, operation and maintenance, temporary closure, and removal and disposal of USTs. Additionally, CUPA holds the responsibility and authority to implement the Aboveground Petroleum Storage Act, which regulates aboveground petroleum storage tanks through administrative requirements, permitting, inspections, and enforcement. Above- or underground storage tanks are managed by the HFD Hazardous Materials Office.

The Hazardous Materials Office administers the California Accidental Release Prevention (CalARP) Program, which aims to reduce the likelihood and impact of accidental releases of regulated toxic and flammable substances through administrative and operational procedures, and facility inspections. If the facility located on the project site would be regulated under the CalARP Program, the facility would file a written Risk Management Plan with the HFD.

Impact Analysis

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Construction of the proposed project would last approximately 10 months, as described in the Project Description section of this IS-MND. Because construction would be temporary, there would be no routine or recurring transport, use, or disposal of hazardous materials. Construction would involve the temporary use of hazardous substances, such as diesel fuel for construction equipment. However, because construction is not routine, potential impacts from construction activities are discussed below for CEQA checklist question 'b.'

During project operation, potential tenants for the proposed building could include warehousing or logistics or other similar industrial uses as allowed by the Zoning Ordinance for IG zoning district. Neither heavy industrial nor data center uses are proposed. Prohibiting these uses would reduce the potential for large quantities of hazardous materials to be stored and used on-site during routine or regular operations of the project. For example, the large quantities of diesel fuel required for on-site generators that accompany typical data center uses would not be stored at the project site.

Maintenance and upkeep of proposed building, landscaping, and operational equipment would occasionally require the use of various solvents, cleaners, paints, oils/fuels, and pesticides/herbicides. In addition, potential hazardous materials, such as fuel, paint products, lubricants, solvents, and cleaning products, could be used and/or stored on-site. However, due to the limited quantities of these materials anticipated to be used by the project, they would not be

hazardous to the public or environment. While heavy industrial uses would not operate on-site, the general industrial uses that would be permissible on-site could involve the use of lesser quantities of hazardous materials than heavy industrial activities. For example, the warehouse could be leased for storage and distribution of general freight, which could include common hazardous materials, such as paint. The transport, use, and storage of hazardous materials during operation of the project would be conducted pursuant to all applicable local, State, and federal laws, including but not limited to Title 49 of the Code of Federal Regulations implemented by Title 13 of the California Code of Regulations, which describes strict regulations for the safe transportation of hazardous materials, and in cooperation with the County's Department of Environmental Health. As required by California Health and Safety Code Section 25507, a business shall establish and implement a Hazardous Materials Business Emergency Plan for emergency response to a release or threatened release of a hazardous material. As required, the hazardous materials would be stored in locations according to compatibility and in storage enclosures (i.e., flammable material storage cabinets and biological safety cabinets) or in areas or rooms specially designed, protected, and contained for such storage, in accordance with applicable regulations.

Under the California Hazard Communication Regulation, chemical manufacturers, distributors, or importers must provide Safety Data Sheets (formerly Material Safety Data Sheets) for each hazardous chemical to downstream users[6] to communicate information on these hazards. All businesses of more than ten employees must comply when employees may be exposed to hazardous substances found in the workplace under normal conditions of use as well as in reasonably foreseeable emergency conditions (i.e., a spill or release of a flammable chemical). Businesses are also required to train employees on protocols in the event of a chemical spill or a leak from a sealed container (California Department of Industrial Relations 2012). Accordingly, Safety Data Sheet would be stored on-site, either within the proposed building or trucks operating at the building for chemical and chemical products used or stored on the project site, such as cleaning products for ongoing maintenance of the proposed building interior. In the event a future tenant proposes to use or store hazardous materials on-site due to a unique or specific industrial process, the applicant or that tenant would be required to obtain a Conditional Use Permit from the City, which would be subject to additional environmental review and mitigation, as applicable. However, based on the logistics design of the project, the proposed project would not routinely use, store, or dispose of hazardous materials.

For these reasons the proposed project would not routinely use, store, or dispose of hazardous materials such that a significant impact would occur. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project 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?

Construction

Project construction would require the use of heavy construction equipment, the operation of which could result in a spill or accidental release of hazardous materials, including fuel, engine oil, engine coolant, and lubricants. Spilled construction fluids could infiltrate the ground surface or become mobilized in stormwater runoff, eventually impacting surface water, groundwater, or soils. However, because project construction would disturb more than one acre, implementation of a

[6] Downstream users are companies or individuals that use chemicals.

stormwater pollution prevention plan (SWPPP) would be required pursuant to State regulations (see Section 10, *Hydrology and Water Quality*). In addition to measures to prevent soil erosion and sedimentation, the SWPPP also must include measures to implement in the event of accidental spills during construction, such as mandatory spill clean-up kits in equipment, as a possible example. Given that spill clean-up measures would be implemented, and that normal operating amounts of construction fluids (e.g., diesel fuel, motor oil, etc.) would be on-site during construction, the operation of construction equipment would not create a significant hazard to the public or the environment.

Because the on-site radio transmitter building was constructed before 1981, and due to the presence of vinyl flooring in the building, there is potential for ACMs to occur on the project site. Project construction would include demolition of the radio transmitter building. During demolition, ACMs, if present could become mobilized as dust or directly handled by construction workers. Exposure to asbestos can cause lung cancer, mesothelioma, and other adverse health effects, including cancers of other internal organs. Friable ACMs are regulated as a hazardous air pollutant under the Clean Air Act. The Bay Area Air Quality Management District (BAAQMD) regulates ACM in Regulation 11, Rule 2, which governs the proper handling and disposal of ACM for demolition activities. As a worker safety hazard, they are also regulated under the authority of Cal/OSHA. If present in the radio transmitter building, ACMs would be abated in accordance with state and federal regulations prior to the start of demolition activities and in compliance with all applicable existing rules and regulations. However, in order to ensure the presence of asbestos is known, Mitigation Measure HAZ-1, which requires asbestos testing and removal, would be required. Adherence to these regulatory requirements if asbestos is detected would ensure that asbestos removal would not result in the release of hazardous materials to the environment that could impair human health. Therefore, the impact related to ACMs would be less than significant with mitigation implemented.

Project construction would involve ground disturbance, such as grading and excavation. For example, excavation would be required to install below ground utilities, such as electric cable or water pipe. Ground disturbance would generate dust, as well as require project construction workers to directly touch or contact on-site soils. Dust could also be carried in wind to off-site receptors, resulting in their exposure to project site soils. Reuse of contaminated soils as fill material on-site could also expose workers to contamination, as well as future employees of the proposed building. As described in *Existing Setting*, the soil at the project site contains arsenic concentrations above the environmental screening level (ESL) for Direct Exposure Human Health Risk Levels, Commercial/Industrial: Shallow Soil Exposure, Non-Cancer Risk and Cancer Risk and above the ESL for Direct Exposure Human Health Risk Levels, Construction Worker: Any Land Use/Any Depth Soil Exposure, Cancer Risk and Non-Cancer Risk. Therefore, exposure to soils during project construction would be a risk to human health, and impacts would be potentially significant. Implementation of Mitigation Measure HAZ-2 would be required to ensure that construction activities are completed in a way that prevents unsafe exposure to contaminated soils.

As described in *Existing Setting*, the Phase II ESA identifies groundwater contamination at the project site as an REC. Page 6 of the Phase II ESA reports that groundwater at the site is encountered at approximately 6.8 feet below ground surface or deeper, depending on the specific location within the project site (see Appendix RPS). Project construction activities would not require excavation to 6.8 feet. Therefore, project construction activities would not encounter groundwater and there would be no risk of exposure to construction workers.

Operation

As described in *Existing Setting*, above, the Phase II ESA identifies groundwater contamination at the project site as an REC. Specifically, trichloroethene concentrations in groundwater beneath the surface of the site exceed the ESL for Groundwater Vapor Intrusion Human Health Risk Levels, Commercial/Industrial: Cancer Risk. Although groundwater is more than 6 feet below ground surface of existing on-site grade, the proposed building would be constructed atop the underlying groundwater. During project operation, vapors from contaminated groundwater could potentially move up through the soil and infiltrate the proposed industrial building, including spaces within the building where employees would be routinely present. The accumulation of vapors in the breathing zone inside the building could present a potential hazard to human health during operation. Therefore, the potential for soil vapor intrusion during operation would be a potentially significant but mitigable impact. Mitigation Measure HAZ-3 would reduce this impact to a less than significant level.

Mitigation Measures

HAZ-1 Project Demolition Activities

In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of the on-site radio transmitter building to determine the presence of asbestos-containing materials (ACMs). At a minimum, vinyl flooring inside of the radio transmitter building shall be sampled and tested for ACMs. Documentation of the survey shall be provided to the City prior to commencement of demolition activities.

All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure. A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above in this mitigation measure. Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than 1 percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

HAZ-2 Soil and Groundwater Vapor Management Plan

The project applicant shall retain a qualified environmental consultant (PG or PE) to prepare a Soil and Groundwater Vapor Management Plan (SSVMP) prior to construction. The SSVMP, or equivalent document, shall be prepared to address onsite handling and management of impacted soils, groundwater, groundwater vapor, or other impacted wastes, and reduce hazards to construction workers and offsite receptors during construction. The SSVMP shall establish remedial measures and/or soil management practices to ensure construction worker safety, the health of future workers and visitors, and the offsite migration of contaminants from the site. These measures and practices may include, but are not limited to:

- Stockpile management including stormwater pollution prevention and the installation of Best Management Practices (BMPs)
- Proper disposal procedures of contaminated materials
- Monitoring and reporting

- A health and safety plan for contractors working at the site that addresses the safety and health hazards of each phase of site construction activities with the requirements and procedures for employee protection. The health and safety plan will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction

The SSVMP shall be submitted to the City prior to the commencement of demolition and construction. The City may also request the applicant submit the SSVMP to the San Francisco Bay RWQCB, at which time the applicant shall submit to the RWQCB. Otherwise, the City shall provide the SSVMP to the RWQCB after receipt from the applicant. The San Francisco Bay RWQCB and the City shall review and approve the SSVMP prior to demolition and grading (construction) and the project applicant shall review and implement the SSVMP prior to demolition and grading (construction). The demolition permit and grading permit and building permit needed for the project shall not be granted or issued until the SSVMP is approved by both the City and the San Francisco Bay RWQCB. If groundwater is encountered during ground-disturbing activities, work in the immediate area shall be halted and a qualified environmental consultant shall be contacted immediately to evaluate the situation. Work may continue on other parts of the project while impacted groundwater investigation and/or remediation takes place.

HAZ-3 Groundwater Vapor Mitigation System

The project applicant shall retain a qualified environmental consultant (PG or PE) to prepare a vapor mitigation system design for the proposed project.

The plan shall include, but is not limited to:

- Design specifications
- Material specifications
- Installation requirements
- Monitoring requirements
- The project applicant shall design and implement engineering measures or institutional controls (e.g., soil/groundwater vapor barrier) to prevent potential vapor intrusion into the proposed building in accordance with the measures included in the DTSC's Vapor Intrusion Guidance Document – Final (October 2011) and Vapor Intrusion Mitigation Advisory, Revision 1 (October 2011).
- Engineering measures or institutional controls shall be submitted to the City's Building Division and Planning Division prior to the issuance of any grading or building permits. Said engineering measures and institutional controls shall be peer reviewed by a qualified third-party contractor hired by the City at the project applicant's expense to confirm such measures and controls comply with applicable regulations. Consultation with the DTSC or a local cleanup agency may be required to confirm the appropriateness of the measures and controls.
- The project applicant and/or contractor shall retain a qualified professional to certify that the accepted measures and controls are properly constructed and functioning. Written verification shall be submitted to the City.
- The efficacy of the measures and controls shall be confirmed and certified by a qualified professional pursuant to the construction quality assurance/quality control testing guidance of the DTSC's Vapor Intrusion Guidance Document – Final (October 2011).

- The project applicant and contractor shall incorporate a sub-slab vapor barrier during construction, the implementation of which would prevent the potential for soil and groundwater vapors from migrating to indoor air.
- The San Francisco Bay RWQCB and the City shall review and approve the Vapor Mitigation System Design prior to construction. The project applicant shall review the Vapor Mitigation System Design and install the system during construction.

Significance After Mitigation

Implementation of Mitigation Measures HAZ-1, HAZ-2, and HAZ-3 would ensure that project demolition would comply with State and local laws regarding ACMs, prepare a SSVMP and vapor mitigation system design for the project. Through these mitigation measures, the proposed project would have a less than significant impact.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

The nearest school to the project site is the California Crosspoint Academy, located approximately one mile to the east. Other nearby schools include Eden Gardens Elementary School, located approximately 1.34 miles east of the project site. Because no schools are located within 0.25 mile of the project site, no impacts would occur.

NO IMPACT

d. Would the project be located on a site that is included on a list of hazardous material 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?

As described in the *Existing Setting* discussion above, the project site is not on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. Therefore, the proposed project would have no impact in this regard.

NO IMPACT

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?

The closest airport is the Hayward Executive Airport, located approximately 2 miles northeast of the project site. In addition, the Oakland International Airport is located approximately 7 miles to the northwest. As described in the *Existing Setting* discussion above, the project site is located outside the safety zones for both airports (Alameda County Airport Land Use Commission 2010; 2012). Therefore, the proposed project would not result in a safety hazard or excessive noise in context with the nearby airports, and the project would not result in a safety hazard or excessive noise for people residing or working in the project area

NO IMPACT

f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Construction of the proposed project would occur within the boundary of the project site and would not lead to street closures which would interfere with emergency evacuations or response. The proposed project does not involve the development of structures that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, including the Hayward Local Hazard Mitigation Plan (City of Hayward 2016b). No streets or property access points would be closed, rerouted, or substantially altered upon implementation and operation of the project. Project construction would require work within the roadway of Enterprise Avenue. However, in the project area, Enterprise Avenue is a dead-end road and not a major throughfare that would be used in evacuation or emergency response. Therefore, the project would have no impacts related to interfering with adopted emergency response plans or evacuations plans.

NO IMPACT

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

As described in Section 20, *Wildfire*, the project site is in a developed urban area and is not within or adjacent to a designated very high wildland fire hazard zone. Because the project site is in an urbanized area of Hayward, wildland fire fuels, such as brush and forest, are not present. Therefore, the project would not expose people or structures to a significant loss, injury, or death involving wildland fires. There would be no impact.

NO IMPACT

10 Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	■	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	■	☐
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:				
(i) Result in substantial erosion or siltation on- or off-site;	☐	☐	■	☐
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	■	☐
(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	☐	☐	■	☐
(iv) Impede or redirect flood flows?	☐	☐	■	☐
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	■	☐	☐
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	■	☐

Existing Setting

Jurisdictional wetlands occur on-site, but there are no lakes or ponds (i.e., open water) or streams or rivers (i.e., flowing waterways). The nearest surface water or waterway to the project site is a creek immediately to the south. The creek flows west through marshland, past the southern boundary of the project site to its confluence with the San Francisco Bay, approximately 1 mile west of the project site. The project site currently contains very little impervious surface which is generally limited to the radio transmitter building; stormwater runoff from portions of the project site either infiltrate the ground surface or flow overland toward the creek. However, stormwater runoff from northern portions of the site either infiltrate the ground surface or flow overland toward Enterprise Avenue and enter the City's existing storm drain system.

A majority of the project site is mapped by the Federal Emergency Management Agency (FEMA) as being in Flood Zone AE (FEMA 2009). Flood Zone AE is a FEMA special flood hazard area with a 1 percent chance of being inundated by a flood event any given year, also commonly known as the 100-year floodplain (FEMA 2020). According to FEMA (2009), the elevation of the surface of flood water during the 100-year flood event on the project site is at elevation 11 feet (North American Vertical Datum of 1988). In other words, areas of the project site at elevations above 11 feet (NAVD 88) on the project site would not be inundated during the 100-year flood event. Portions of the site that are not with Flood Zone AE, such as areas above 11 feet elevation, are within the 0.2 percent chance of flooding, which is also known as the 500-year floodplain (FEMA 2009). These portions of the project site generally coincide with the northeast and northwest corners of the property, which are the most upland portions of the project site.

The project site is underlain by the Santa Clara Valley Groundwater Basin, Santa Clara Valley-East Bay Plain Subbasin (California Department of Water Resources 2022a). The City of Hayward and the East Bay Municipal Utility District are the designated groundwater sustainability agencies for the Subbasin (California Department of Water Resources 2022b). However, the City of Hayward receives its water from the Hetch Hetchy system, which is owned and operated by the San Francisco Public Utilities Commission (SFPUC). Hayward does not currently use groundwater to meet the City's water demand (City of Hayward 2016a).

Regulatory Setting

Federal and State

CLEAN WATER ACT

The EPA implements pollution control programs through the Clean Water Act (CWA). The CWA was officially recognized by congress in 1972 and made it unlawful to discharge a pollutant or pollutants from a point source into navigable waters (see 33 CFR Part 329), unless a permit was obtained. EPA's NPDES permit program controls discharges with the main goal of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters (EPA 2002).

STATE WATER RESOURCES CONTROL BOARD CONSTRUCTION GENERAL PERMIT

Any construction or demolition activity that results in land disturbance equal to or greater than 1 acre must comply with the Construction General Permit (CGP), administered by SWRCB. The CGP requires the installation and maintenance of BMPs to protect water quality until the site is stabilized.

SUSTAINABLE GROUNDWATER MANAGEMENT ACT

The Sustainable Groundwater Management Act (SGMA) of 2014 is intended to provide for sustainable management of groundwater basins and to locally manage groundwater basins while minimizing state intervention to only when necessary. The SGMA requires the creation of Groundwater Sustainability Agencies (GSAs) to implement the SGMA. As described above in *Existing Setting*, the City of Hayward and the East Bay Municipal Utility District are the designated groundwater sustainability agencies for the Santa Clara Valley-East Bay Plain Subbasin. The 2022 Groundwater Management Plan for the Santa Clara Valley-East Bay Plain Subbasin describes the two agencies' groundwater sustainability goals, and the strategies, programs, and activities that support those goals (East Bay Municipal Utility District & City of Hayward 2022). The 2022 Groundwater Management Plan states that the sustainability goal for the Subbasin is to manage and protect the Subbasin in a manner that avoids the following six undesirable results:

- Chronic lowering of groundwater levels, indicating a significant and unreasonable depletion of supply.
- Significant and unreasonable reduction of groundwater storage.
- Significant and unreasonable seawater intrusion.
- Significant and unreasonable degraded water quality.
- Significant and unreasonable land subsidence.
- Depletions of interconnected surface water and groundwater that have significant and unreasonable reductions in beneficial uses of surface water, including beneficial use by ecosystems that depend on groundwater.

Regional and City of Hayward

WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY BASIN

The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the San Francisco Bay RWQCB master water quality control planning document (San Francisco Bay RWQCB 2019). The Basin Plan designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. Chapter 2 of the Basin Plan identifies a range of beneficial uses for waters of the State, such as agricultural uses, uses for wildlife habitat, groundwater recharge, municipal water supply, and recreation, as examples. Chapter 3 of the Basin Plan identifies the water quality objectives for waters of the State, such as bacterial objectives, water-color objectives, dissolved oxygen objectives, pH, water temperature objectives, and salinity. The Basin Plan also includes programs of implementation to achieve water quality objectives. The Basin Plan has been adopted and approved by the State Water Resources Control Board, U.S. EPA, and the Office of Administrative Law.

HAYWARD MUNICIPAL CODE

Hayward Municipal Code (HMC) Chapter 10, Article 8 (Grading and Clearing) provide regulations pertaining to grading and clearing activities. The purpose of Chapter 10, Article 8 is "to safeguard life and property and to implement City plans and policies concerning the protection of both natural and man-made environmental features when grading or clearing activities are undertaken" (HMC Section 10-8.00). In accordance with the regulations, an Erosion and Sediment Control Plan is required for grading or clearing activities that specifies control techniques that would prevent erosion during and after these activities.

Impact Analysis

a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Construction

Project construction would involve ground-disturbing activities and use of heavy construction equipment. Grading and other construction activities associated with the project would have the potential to cause soil erosion and increase sediment loads in stormwater runoff resulting from exposed or disturbed soil. Additionally, spills, leakage, or improper handling and storage of substances such as oils, fuels, chemicals, metals, and other substances used during various construction phases could be collected in stormwater runoff and impact water quality of receiving water bodies, such as the existing creek immediately south of the project site or the San Francisco Bay, including the associated marshlands southwest of the project site.

As part of Section 402 of the CWA, the U.S. EPA has established regulations under the National Pollution Discharge Elimination System (NPDES) program to control both construction and operation (occupancy) stormwater discharges. For the proposed project, the San Francisco Regional Water Quality Control Board (RWQCB) administers the NPDES permitting program and is responsible for developing permitting requirements. The proposed project would be subject to the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) – NPDES Permit Order No. R2-2015-0049, and the provisions set forth in Section C.3 *New Development and Redevelopment*. Under the conditions of the permitting program, the applicant would be required to eliminate or reduce non-stormwater discharges to waters of the U.S., develop and implement a Stormwater Pollution Prevention Plan (SWPPP) for construction activities, and perform inspections of the stormwater pollution prevention measures and control practices to ensure conformance with the site SWPPP. The SWPPP must also include measures to clean-up spills, such as spills of construction equipment fluids. Because the proposed project would disturb at least one acre of land, it must provide stormwater treatment and would be required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ or 2009-0009-DWQ General Permit).

In addition, in accordance with HMC Chapter 10, Article 8 (Grading and Clearing), all grading activities must be conducted in a manner that will minimize the potential for erosion from the site. The project applicant would be required to prepare and implement an Erosion and Sediment Control Plan that specifies control techniques that would prevent erosion during and after construction. With compliance with construction-related water quality and erosion control requirements, construction of the proposed project would not violate water quality standards, substantially alter the drainage pattern of the area such that substantial erosion or siltation would occur and would not degrade water quality. Impacts during construction would be less than significant.

Operation

Following construction of the project, a majority of the project site would consist of impervious surface, such as asphalt parking surfaces and the proposed building. The proposed project would

result an increase in impervious surfaces on the project site and an overall increase in the potential for pollutants to become mobilized in stormwater runoff and discharge to receiving waters. Urban runoff can carry a variety of pollutants, including oil and grease, metals, sediment, and pesticide residues from roadways, parking lots, rooftops, and landscaped areas depositing them into adjacent waterways via the storm drain system.

Water quality in stormwater runoff is regulated locally by the Alameda County Clean Water Program, which includes the C.3 provisions set by the San Francisco Bay RWQCB. Provision C.3 of the MRP addresses post-construction stormwater requirements for new development and redevelopment projects that add and/or replace 10,000 square feet or more of impervious area. Because the proposed project would replace in excess of 10,000 square feet of the impervious surface of the project site, it must comply with the C.3 provisions set by the RWQCB. Therefore, the proposed project must meet certain criteria including: 1) incorporate site design, source control, and stormwater treatment measures into the project design; 2) minimize the discharge of pollutants in stormwater runoff and non-stormwater discharge; and 3) minimize increases in runoff flows as compared to pre-development conditions.

In accordance with the C.3 requirements, the project is designed to direct runoff from roofs and sidewalks into vegetated areas and would include approximately 73,028 square-feet of landscaped and bioretention areas to treat runoff before entering the stormwater system or discharging overland toward the creek southwest of the site. By adhering to the provisions of NPDES Section C.3, the SWPPP, and the stormwater control plan, the proposed project would not result in adverse effects on water quality or erosion during construction or operation. Therefore, the proposed project would not conflict with the applicable water quality control plan or result in substantial erosion or siltation off-site. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

As discussed in Section 19, *Utilities and Service Systems*, the proposed project would receive its water from the City of Hayward. Hayward receives its water from the Hetch Hetchy system, owned and operated by the San Francisco Public Utilities Commission (SFPUC). Hayward does not currently use groundwater to meet the City's water demand (City of Hayward 2016a). Therefore, the proposed project would not rely on groundwater for its water supply and would not increase groundwater usage such that a net deficit in aquifer volume would occur.

Development of the proposed project does not include installation of new groundwater wells or use of groundwater from existing wells. The proposed project would result in approximately 84 percent of the site being developed with impervious surfaces such as asphalt parking and proposed building. To ensure some groundwater recharge, the proposed project includes landscaping and bioretention areas to allow percolation. Overall, the project would not directly extract groundwater or reduce recharge to an extent such that the project would impede sustainable management of a groundwater basin. Impacts related to groundwater would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c.(i) Would the project 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 result in substantial erosion or siltation on- or off-site?

c.(ii) Would the project 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

c.(iii) Would the project 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 that would 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?

The proposed project would not alter the course of a stream or river. Jurisdictional wetlands occur on-site, but there are no streams or rivers (i.e., flowing waterways) on the project site. Project construction activities are not proposed in the creek adjacent to the south end of the project site.

The addition of the proposed industrial building and associated surface parking and driveway area would increase the amount of impervious surface area on-site. However, the proposed project would include on-site bioretention areas to capture and treat runoff prior to discharge into the existing storm drain system or the creek to the south. The bioretention areas would slow the velocity of runoff and allow for infiltration, reducing the amount of runoff that is discharged to the storm-drain system or creek. Therefore, because runoff would be conveyed to bioretention areas, substantial erosion on- or off-site would be avoided, as would flooding. Additionally, the proposed project includes landscaping, which would restore ground cover following construction. The establishment of groundcover would reduce erosion potential of on-site soils. Therefore, the proposed project would not exceed the capacity of stormwater drainage systems or the amount of runoff that could result in flooding. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c.(iv) Would the project 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 impede or redirect flood flows?

The proposed project would not alter the course of a stream or river. The addition of the proposed industrial building and associated surface parking and driveway area would increase the amount of impervious surface area on-site, including within the areas of the project site mapped as 100-year floodplain (i.e., FEMA Flood Zone AE). As described above in the impact analysis for CEQA checklist questions c.(i), (ii), and (iii), runoff from impervious surfaces of the project site would be directed toward bioretention areas. The proposed bioretention areas would have a ponding or pooling effect, slowing the velocity of runoff. Runoff would infiltrate the ground surface within the bioretention areas or continue to discharge into the City's existing storm drain system or the creek south of the project site. Therefore, the additional impervious surface and associated runoff from the project would not impede flood flows.

As described in the *Project Description* of this IS-MND, the proposed project would raise the ground elevation of the project site by several feet, depending on the exact location within the site and existing elevation at that location. After project grading is complete, much of the site would be at elevations above 11 feet (NAVD 88) which is the 100-year floodplain elevation reported by FEMA (2009). Flooding at the site is related to coastal flooding caused by high tide events in conjunction

with a storm surge. Raising the ground level would have an insignificant effect on tidal elevations and storm surges. The project grading would not impede flood flows from the creek to the south, as the site is not the path of flood flow. The flood water that currently inundates the site during a 100-year flood would be redirected outward to other areas. Given that the project site is located at the end or bottom of the watershed of the creek to the south and located in relatively flat marshland areas of the Bay, flood flow would move across marshlands downstream of the site that are currently much closer to floodplain elevation compared to elevations on the project site after grading is completed. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

As described above in the impact analysis for CEQA checklist question c.(iv), proposed grading of the project site during construction would raise most of the site above the 100-year floodplain elevation of approximately 11 feet (NAVD 88). The ground or floor elevation of the proposed building would be approximately 15 feet, which is approximately 4 feet above the FEMA floodplain elevation. Therefore, the proposed building and its contents would not be inundated during a 100-year flood event. Additionally, much of the proposed surface parking and internal circulation driveway would also be at elevations exceeding 11 feet. However, a portion of the internal circulation driveway and surface parking nearest the southern boundary of the project site would be below 11 feet elevation and subject to inundation during a 100-year flood event. Pollutants associated with vehicles, such as motor oil and metals from brake dust can settle and accumulate on asphalt parking surfaces, like that included in the proposed project. During a flood event, pollutants accumulated on the proposed parking surfaces could become mobilized and eventually discharge to surface waters. However, 100-year flood events are typically preceded by substantial precipitation, which is what causes the flood event. The precipitation leading to a flood would first mobilize accumulated pollutants on the proposed parking and driveway areas and convey the pollutants suspended in runoff to the proposed bioretention areas, where the runoff would then be able to infiltrate the ground and filter pollutants or pool/pond in the bioretention areas, where pollutants like metals could settle out before discharge to the City's storm drain system or the creek to the south of the site. Accordingly, inundation for a 100-year flood event would be partial and would not release a substantial amount of pollutants.

According to the California Department of Conservation, the entire project site is in a tsunami hazard zone (2021). The Department of Conservation does not specify the elevations that could be inundated by tsunami, and the depth of inundated would likely depend on the size of the tsunami and the magnitude of the earthquake that causes the tsunami. For purposes of this analysis, it is assumed that a tsunami could briefly inundate the entire project site in shallow water. Likewise, it is assumed the entire project site could be briefly inundated from a seiche event, given the proximity of the site to the San Francisco Bay. The proposed project could be used for general industrial as allowed by the Zoning Ordinance, and hazardous materials could be stored and used on site depending on the building tenant or occupant. Inundation during a tsunami or seiche could result in the release of these materials from their storage areas. Release of hazardous materials during a tsunami or seiche would result in the materials being washed back into the Bay when the tsunami recedes. However, because the proposed project is within 100-year floodplain mapped by FEMA, the project would be subject to HMC Chapter 9, Article 4, which is the City's Flood Plain Management Ordinance. Section 9-4.03 of the Ordinance requires that properties vulnerable to floods, including facilities on such properties, be protected against flood damage at the time of

initial construction. In accordance with Section 9-4.110, the proposed building must be flood-proofed such that the building is substantially impermeable to the passage of water. Project construction must comply with the HMC, including Section 9.4-110, which would reduce the potential for tsunami and seiche water to inundate the building and result in the release of pollutants stored or used inside of the building. Storage of hazardous materials outside of the proposed building is not proposed.

According to the *Hayward Regional Shoreline Adaptation Master Plan* (City of Hayward, et. al 2021), the project site at its existing elevation will be partially inundated from two feet of future sea level rise. Two feet of sea level rise would inundate the western approximately half of the site and the southeast corner of the site. A 100-year storm surge combined with 2 feet of sea level rise could inundate the entire project site at its existing elevation. As described in the first paragraph of this impact analysis, the project would raise the ground elevation of the site by up to approximately 5 feet across most of the project site. Raising the ground elevation would reduce the potential for the site to be inundated from rising sea levels, either routinely or during extreme weather events with storm surges. Nonetheless, sea level rise could exceed two feet into the future, potentially inundating the site. Flood-proofing of the building, as described in the previous paragraph would reduce the potential for water to infiltrate the building and release hazardous materials and other pollutants used or stored inside the building. More severe sea level rise, such as a rise of four feet, could permanently inundate the site. However, permanent inundation would render project operations impossible, and therefore, the building would be vacated, and no hazardous materials or pollutants would be on-site. While storage would generally be inside of the proposed building, there would be potential for industrial uses to include outdoor storage or hazardous materials needed for industrial processes, depending on future tenant needs. Inundation of outdoor storage could result in release of hazardous materials.

Given that the proposed grading would elevate much of the site, including the proposed industrial building above the 100-year floodplain elevation, and the building would be constructed as floodproof compliant with the City's Flood Plain Management Ordinance, release of pollutants from project inundation would be negligible. However, as stated in the prior paragraph, outdoor storage of hazardous materials could result in release during periods of inundation. Accordingly, project impacts would be potentially significant, and implementation of mitigation is required.

Mitigation Measures

HWQ-1 Interior Storage Requirement

All chemicals or other products determined, designated, or otherwise categorized by the State of California as a hazardous material shall not be stored in spaces exterior to the proposed building in quantities exceeding 20 gallons. Storage of hazardous materials in quantities of 20 gallons or more shall be stored in the interior of the proposed building. If safety requirements prevent the storage of materials indoors, the materials shall be stored in a space providing secondary containment in the event of a spill and the space shall be constructed to prevent infiltration of flood waters based on the 100-year flood elevation published by the Federal Emergency Management Agency.

Significance After Mitigation

Implementation of Mitigation Measures HWQ-1 would ensure that hazardous materials used and stored on-site as part of industrial operations or activities are contained in areas preventing their

release in the event of inundation. Through this mitigation measure, the proposed project would have a less than significant impact.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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11 Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	☐	☐	☐	■
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?	☐	■	☐	☐

Impact Analysis

a. Would the project physically divide an established community?

The project would involve the development of a new building, consisting of warehouse and office space, employee patios, and truck circulation areas. The site is currently developed with four radio towers and a radio transmitter building, which would be reinstalled on-site after project construction. The project site is and would continue to be accessible by Enterprise Avenue, and the project would not include new roads or other features that would inhibit movement between or within established communities. The proposed project would have no impact.

NO IMPACT

b. Would the project 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?

The City's General Plan includes numerous policies, many of which do not pertain to environmental resources. Generally, the Natural Resources Element of the General Plan contains the policies that the City has adopted to avoid or mitigate effects on the environment. The policies address a variety of topics, including biological resources, air quality and greenhouse gas reduction, open space, energy resources and efficiency, mineral resources, hydrology and water quality, water conservation, paleontological resources, and scenic resources. A discussion of the project's consistency with applicable General Plan policies is provided in Table 15.

Hayward 2040 General Plan

Pursuant to the City's General Plan, the project site has a land use designation of Industrial Corridor (IC). This IC designation applies to a large industrial area along Hayward's western and southwestern city limits. Typical structures in the IC include office buildings, warehouses, manufacturing plants, research and development facilities, business parks, and corporate campus buildings. The proposed industrial building would be consisted with permitted uses under the IC designation.

The IC designation also includes specifications for development standards, stating that the maximum floor area ratio (FAR) is 0.8. This proposed project involves the development of a new industrial building with a FAR of 0.46 (calculated by dividing the proposed building's square footage [218,656 square feet] by the total site square footage [474,804 square feet]). Thus, the project is consistent with the IC development standards within the City's General Plan.

Table 15 General Plan Consistency

General Plan Goal or Policy	Proposed Project Consistency
NR-1.1 Native Wildlife Habitat Protection. The City shall limit or avoid new development that encroaches into important native wildlife habitats; limits the range of listed or protected species; or creates barriers that cut off access to food, water, or shelter of listed or protected species.	**Consistent.** The proposed project would not result in the loss or encroachment of native habitats. The proposed industrial building would be located adjacent to existing office and industrial development and would not create a barrier or isolate habitat for special-status species. In addition, implementation of mitigation measures BIO-1 and BIO-5 would reduce impacts to the alkali heath marsh sensitive natural community to a less than significant level.
NR-1.2 Sensitive Habitat Protection. The City shall protect sensitive biological resources, including state and federally designated sensitive, rare, threatened, and endangered plant, fish, and wildlife species and their habitats from urban development and incompatible land uses.	**Consistent.** The project applicant would be required to prepare a site-specific Habitat Restoration/Enhancement Plan to avoid Congdon's tarplant, sensitive natural communities, and jurisdictional habitat.
NR-1.6 Migratory Bird Habitat Protection. The City shall support the efforts of the Hayward Area Shoreline Planning Agency and other agencies to preserve and protect tidal flats and salt ponds with low salinity for migratory waterfowl that depend on these areas.	**Consistent.** The proposed project would not require removal of trees. The proposed project includes landscaping, which would incorporate native plants into the planting mix.
NR-1.7 Native Tree Protection. The City shall encourage protection of mature, native tree species to the maximum extent practicable, to support the local eco-system, provide shade, create windbreaks, and enhance the aesthetics of new and existing development.	**Consistent.** Construction of the proposed project would require grading and removal of existing vegetation cover. However, no native trees exist on the project site. Therefore, construction of the project would not substantially impact native tree species.
NR-1.9 Native Plant Species Protection and Promotion. The City shall protect and promote native plant species in natural areas as well as in public landscaping.	**Consistent.** The proposed project includes landscaping using plant and tree species native to California.
NR-1.11 Creek and Floodplain Access Easements. The City shall identify and create opportunities for public access to and maintenance of creek corridors and floodplains through the creation of access easements, where practical.	**Potentially Consistent.** As described in Section 3, *Air Quality*, emissions of criteria pollutants generated from the proposed project would not exceed ambient air quality standards.
NR-2.1 Ambient Air Quality Standards. The City shall work with the California Air Resources Board and the Bay Area Air Quality Management District to meet State and Federal ambient air quality standards in order to protect all residents from the health effects of air pollution.	**Potentially Consistent.** As described in Section 3, *Air Quality*, emissions of criteria pollutants generated from the proposed project would be mitigated to comply with ambient air quality standards.
NR-2.2 New Development. The City shall review proposed development applications to ensure projects incorporate feasible measures that reduce construction and operational emissions for reactive organic gases (ROG), nitrogen oxides (NOX), and particulate matter (PM10 and PM2.5) through project location and design.	**Potentially Consistent.** As described in Section 3, *Air Quality*, emissions of criteria pollutants generated from the proposed project would be mitigated to comply with ambient air quality standards.

General Plan Goal or Policy	Proposed Project Consistency
NR-2.3 Emissions Reduction. The City shall require development projects that exceed Bay Area Air Quality Management District reactive organic gas (ROG), nitrogen oxide (NOX) operational thresholds to incorporate design or operational features that reduce emissions equal to at least 15 percent below the level that would be produced by an unmitigated project.	**Potentially Consistent.** The proposed project would be required to utilize Tier-4 construction equipment and low-VOC paints consistent with Mitigation Measures AQ-1a and AQ-1b. In addition, the proposed industrial building would be constructed consistent with CalGreen Code for energy efficiency.
NR-2.6 Greenhouse Gas Reduction in New Development. The City shall reduce potential greenhouse gas emissions by discouraging new development that is primarily dependent on the private automobile; promoting infill development and/or new development that is compact, mixed use, pedestrian friendly, and transit oriented; promoting energy-efficient building design and site planning; and improving the regional jobs/housing balance ratio.	**Potentially Consistent.** As described in Section 3, *Air Quality*, emissions of criteria pollutants generated from the proposed project would be mitigated to comply with ambient air quality standards. Emissions of GHGs would be mitigated to be below thresholds, as described in Section 8, *Greenhouse Gas Emissions*.
NR-2.10 Zero-Emission and Low-Emission Vehicle Use. The City shall encourage the use of zero-emission vehicles, low-emission vehicles, bicycles and other non-motorized vehicles, and car-sharing programs by requiring sufficient and convenient infrastructure and parking facilities throughout the City.	**Consistent.** The proposed project would not generate substantial sources of TAC, PM2.5 or odors. Additionally, the proposed project is not located adjacent to residential, school, hospital, or other sensitive receptors.
NR-2.16 Sensitive Uses. The City shall minimize exposure of sensitive receptors to toxic air contaminants (TAC), fine particulate matter (PM2.5), and odors to the extent possible, and consider distance, orientation, and wind direction when siting sensitive land uses in proximity to TAC- and PM2.5-emitting sources and odor sources in order to minimize health risk.	**Consistent.** The proposed project would not generate substantial sources of TAC, PM2.5 or odors.
NR-2.17 Source Reduction Measures. The City shall coordinate with and support the efforts of the Bay Area Air Quality Management District, the California Air Resources Board, the U.S. Environmental Protection Agency, and other agencies as appropriate to implement source reduction measures and best management practices that address both existing and new sources of toxic air contaminants (TAC), fine particulate matter (PM2.5), and odors.	**Consistent.** The proposed project would not involve the construction of hospitals, schools, daycare facilities, or elderly housing and convalescent facilities. No new sensitive receptors would be added to the area as a result of the proposed project.
NR-3.2 Interagency Restoration Coordination. The City shall coordinate with Hayward Area Shoreline Planning Agency, East Bay Regional Park District, Bay Conservation and Development Commission, California Coastal Commission, and other federal, state, and regional agencies to identify methods for acquiring and restoring baylands and marsh habitats, expanding the National Wildlife Refuge, and funding the purchase and restoration of wetland habitats.	**Consistent.** The proposed industrial building would be constructed consistent with CalGreen Code for energy efficiency.
NR-4.1 Energy Efficiency Measures. The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment.	**Consistent.** The proposed industrial building would be constructed consistent with CalGreen Code for energy efficiency.

General Plan Goal or Policy	Proposed Project Consistency
NR-4.3 Efficient Construction and Development Practices. The City shall encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources throughout the lifecycle of a structure.	**Consistent.** The proposed industrial building would be constructed consistent with CalGreen Code for energy efficiency.
NR-4.11 Green Building Standards. The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of meeting or exceeding the State's zero net energy goals by 2020.	**Consistent.** The proposed project would not require removal of trees. The proposed project includes landscaping, which would incorporate native plants into the planting mix.
NR-4.12 Urban Forestry. The City shall encourage the planting of native and diverse tree species to reduce heat island effect, reduce energy consumption, and contribute to carbon mitigation.	**Consistent.** The only mineral resource "sector" in the City designated by the State Mining and Geology Board is the La Vista Quarry, located in the area east of Mission Boulevard and Tennyson Road (City of Hayward 2014b). The project site is not in the La Vista Quarry. Therefore, the proposed project would not be incompatible within mining and mineral extraction operations in areas that have been classified by the State Mining and Geology Board as having statewide or regional significance.
NR-5.1 Mineral Resource Protection. The City shall protect mineral resources in undeveloped areas that have been classified by the State Mining and Geology Board as having statewide or regional significance for possible future extraction by limiting new residential or urban uses that would be incompatible with mining and mineral extraction operations.	**Consistent.** The proposed project would not involve withdrawal of groundwater.
NR-6.2 Saltwater Intrusion Prevention. The City shall prohibit groundwater withdrawals in industrial and commercial areas near the Bay shoreline which could result in saltwater intrusion into freshwater aquifers.	**Consistent.** As described in Section 10 *Hydrology and Water Quality*, mandatory implementation of a SWPPP would reduce erosion and the potential for sedimentation of water bodies during grading of the project site.
NR-6.3 Saltwater Slough and Marsh Sedimentation Protection. The City shall ensure that dredging and grading activities do not contribute to sedimentation of saltwater sloughs or marshes.	**Consistent.** As described in Section 10 *Hydrology and Water Quality*, mandatory implementation of a SWPPP would reduce erosion and the potential for sedimentation of waterbodies during project construction. During project operation, base soils susceptible to erosion would not be present because construction disturbance would be planted to restore vegetation cover or developed with impervious surface, such as asphalt parking.
NR-6.5 Erosion Control. The City shall concentrate new urban development in areas that are the least susceptible to soil erosion into water bodies in order to reduce water pollution.	**Consistent.** As described in Section 10 *Hydrology and Water Quality*, the proposed project would utilize on-site bioretention areas to capture and treat stormwater.
NR-6.12 Dual Plumbing Systems. The City shall encourage the installation and use of dual plumbing systems in new buildings to recycle greywater.	**Consistent.** The proposed project would include landscaping consisting of native plant species. No groundwater withdrawal is proposed for landscaping or otherwise.
NR-6.15 Native Vegetation Planting. The City shall encourage private property owners to plant native or drought-tolerant vegetation in order to preserve the visual character of the area and reduce the need for toxic sprays and groundwater supplements.	**Consistent.** The proposed project would be subject to the Bay Friendly Water Efficient Landscape Ordinance.

General Plan Goal or Policy	Proposed Project Consistency
NR-6.16 Landscape Ordinance Compliance. The City shall continue to implement the Bay Friendly Water Efficient Landscape Ordinance.	**Consistent.** As described in Section 7, *Geology and Soils*, the proposed project is underlain by geologic units with low potential to yield substantial paleontological resources.
NR-7.1 Paleontological Resource Protection. The City shall prohibit any new public or private development that damages or destroys a historically- or prehistorically-significant fossil, ruin, or monument, or any object of antiquity.	**Consistent.** As described in Section 7, *Geology and Soils*, the proposed project is underlain by geologic units with low potential to yield substantial paleontological resources, but there is potential to encounter resources during project construction. Mitigation Measure GEO-2 would prevent the destruction of paleontological resources, if encountered during construction.
NR-8.3 Scenic Transportation Corridor Protection. The City shall protect the visual characteristics of transportation corridors that are officially designated as having unique or outstanding scenic qualities, including portions of I-580, I-880, and State Route 92.	**Consistent.** The proposed project must be constructed consistent with non-residential design guidelines.
NR-8.4 Shoreline Views Protection. The City shall maintain and implement residential and non-residential design guidelines in order to protect existing views of the Bay shoreline.	**Consistent.** The proposed industrial building would be located adjacent to existing development and would not create a barrier for views of the Bay shoreline.

City of Hayward Zoning Ordinance

The project site is zoned as General Industrial (IG). The Hayward Municipal Code (HMC) states that within IG subdistricts, warehouses or distribution facilities with more than 150,000 square feet of floor area must obtain a Conditional Use Permit. Since the proposed building would occupy 219,656 square feet of floor space, a Conditional Use Permit is required for this project. Additionally, due to the size of the project site, the proposed project also requires Major Site Plan Review.

The proposed building would adhere to the required height limits, setback requirements, and other requirements of the IG zoning district. Rezoning is not proposed. The project, including future uses, would thus comply with zoning regulations for the IG zoning district. However heavy industrial and data center uses are not proposed as part of this project. Additionally, the site would not be occupied by the Amazon Corporation.

The project would not conflict with the City's General Plan or Zoning Ordinance and would be consistent with the applicable land use designation and zoning district and development standards. Therefore, with implementation of the mitigation measures identified throughout this IS-MND, impacts would be less than significant.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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12 Mineral Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	■
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	■

Impact Analysis

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b. Would the project 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?

The City's General Plan states that Hayward has historically mined stone, limestone, clay, fire clay, halite, and salt (City of Hayward, 2014). The project site contains no active mineral extraction operations. Additionally, the project would involve the development of a building within an industrial area of the City of Hayward and would not result in a loss of available minerals. Thus, the project would have no impact to mineral resources.

NO IMPACT

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13 Noise

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a. 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?	☐	☐	■	☐
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	■	☐
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?	☐	☐	☐	■

Background

Overview of Sound Measurement

Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs. Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment (Caltrans 2013).

Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response, which is most sensitive to frequencies around 4,000 Hertz and less sensitive to frequencies around and below 100 Hertz (Kinsler, et. al. 1999). Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes. A doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB; dividing the energy in half would result in a 3 dB decrease (Crocker 2007).

Human perception of noise has no simple correlation with sound energy. The perception of sound is not linear in terms of dBA or in terms of sound energy. Two sources do not “sound twice as loud” as one source. It is widely accepted that the average healthy ear can barely perceive changes of 3 dBA,

increase or decrease (i.e., twice the sound energy); that a change of 5 dBA is readily perceptible (eight times the sound energy); and that an increase (or decrease) of 10 dBA sounds twice (half) as loud ([10.5x the sound energy] Crocker 2007).

Sound changes in both level and frequency spectrum as it travels from the source to the receiver. The most obvious change is the decrease in level as the distance from the source increases. The manner by which noise reduces with distance depends on factors such as the type of sources (e.g., point or line, the path the sound will travel, site conditions, and obstructions). Noise levels from a point source typically attenuate, or drop off, at a rate of 6 dBA per doubling of distance (e.g., construction, industrial machinery, ventilation units). Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about 3 dBA per doubling of distance (Caltrans 2013). The propagation of noise is also affected by the intervening ground, known as ground absorption. A hard site, such as a parking lot or smooth body of water, receives no additional ground attenuation and the changes in noise levels with distance (drop-off rate) result from simply the geometric spreading of the source. An additional ground attenuation value of 1.5 dBA per doubling of distance applies to a soft site (e.g., soft dirt, grass, or scattered bushes and trees) (Caltrans 2013). Noise levels may also be reduced by intervening structures; the amount of attenuation provided by this "shielding" depends on the size of the object and the frequencies of the noise levels. Natural terrain features such as hills and dense woods, and man-made features such as buildings and walls, can significantly alter noise levels. Generally, a large structure blocking the line of sight will provide at least a 5-dBA reduction in source noise levels at the receiver (Federal Highway Administration [FHWA] 2006). Structures can substantially reduce exposure to noise as well. The FHWA's guidelines indicate that modern building construction generally provides an exterior-to-interior noise level reduction of 20 to 35 dBA with closed windows.

The impact of noise is not a function of loudness alone. The time of day when noise occurs, and the duration of the noise are also important factors of project noise impact. Most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors have been developed. One of the most frequently used noise metrics is the equivalent noise level (L_{eq}); it considers both duration and sound power level. L_{eq} is defined as the single steady A-weighted level equivalent to the same amount of energy as that contained in the actual fluctuating levels over time. Typically, L_{eq} is summed over a one-hour period. L_{max} is the highest root mean squared (RMS) sound pressure level within the sampling period, and L_{min} is the lowest RMS sound pressure level within the measuring period (Crocker 2007).

Noise that occurs at night tends to be more disturbing than that occurring during the day. Community noise is usually measured using Day-Night Average Level (DNL), which is the 24-hour average noise level with a +10 dBA penalty for noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours; it is also measured using Community Noise Equivalent Level (CNEL), which is the 24-hour average noise level with a +5 dBA penalty for noise occurring from 7:00 p.m. to 10:00 p.m. and a +10 dBA penalty for noise occurring from 10:00 p.m. to 7:00 a.m. (Caltrans 2013). Noise levels described by DNL and CNEL usually differ by about 1 dBA. The relationship between the peak-hour L_{eq} value and the DNL/CNEL depends on the distribution of traffic during the day, evening, and night. Quiet suburban areas typically have CNEL noise levels in the range of 40 to 50 dBA, while areas near arterial streets are in the 50 to 60-plus CNEL range. Normal conversational levels are in the 60 to 65-dBA L_{eq} range; ambient noise levels greater than 65 dBA L_{eq} can interrupt conversations (Federal Transit Administration [FTA] 2018).

Vibration

Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent structures. The number of cycles per second of oscillation makes up the vibration frequency, described in terms of Hz. The frequency of a vibrating object describes how rapidly it oscillates. The normal frequency range of most groundborne vibration that can be felt by the human body starts from a low frequency of less than 1 Hz and goes to a high of about 200 Hz (Crocker 2007).

While people have varying sensitivities to vibrations at different frequencies, in general they are most sensitive to low-frequency vibration. Vibration in buildings, such as from nearby construction activities, may cause windows, items on shelves, and pictures on walls to rattle. Vibration of building components can also take the form of an audible low-frequency rumbling noise, referred to as groundborne noise. Groundborne noise is usually only a problem when the originating vibration spectrum is dominated by frequencies in the upper end of the range (60 to 200 Hz), or when foundations or utilities, such as sewer and water pipes, physically connect the structure and the vibration source (FTA 2018). The primary concern from vibration is that it can be intrusive and annoying to building occupants and vibration-sensitive land uses.

Vibration energy spreads out as it travels through the ground, causing the vibration level to diminish with distance away from the source. High-frequency vibrations diminish much more rapidly than low frequencies, so low frequencies tend to dominate the spectrum at large distances from the source. Discontinuities in the soil strata can also cause diffractions or channeling effects that affect the propagation of vibration over long distances (Caltrans 2020a). When a building is impacted by vibration, a ground-to-foundation coupling loss will usually reduce the overall vibration level. However, under rare circumstances, the ground-to-foundation coupling may actually amplify the vibration level due to structural resonances of the floors and walls.

Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared (RMS) vibration velocity. The PPV and RMS velocity are normally described in inches per second (in./sec.). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings (Caltrans 2020a).

Vibration limits used in this analysis to determine a potential impact to local land uses from construction activities, such as blasting, pile-driving, vibratory compaction, demolition, drilling, and excavation, are based on information contained in Caltrans' *Transportation and Construction Vibration Guidance Manual* and the Federal Transit Administration and the FTA *Transit Noise and Vibration Impact Assessment Manual* (Caltrans 2020a; FTA 2018). Maximum recommended vibration limits by the American Association of State Highway and Transportation Officials (AASHTO) are identified in Table 16.

Table 16 AASHTO Maximum Vibration Levels for Preventing Damage

Type of Situation	Limiting Velocity (in./sec.)
Historic sites or other critical locations	0.1
Residential buildings, plastered walls	0.2–0.3
Residential buildings in good repair with gypsum board walls	0.4–0.5
Engineered structures, without plaster	1.0–1.5

Source: Caltrans 2020a

Based on AASHTO recommendations, limiting vibration levels to below 0.2 PPV in./sec. at residential structures would prevent structural damage regardless of building construction type. These limits are applicable regardless of the frequency of the source. However, as shown in Table 17 and Table 18 potential human annoyance associated with vibration is usually different if it is generated by a steady state or a transient vibration source.

Table 17 Human Response to Steady State Vibration

PPV (in./sec.)	Human Response
3.6 (at 2 Hz)–0.4 (at 20 Hz)	Very disturbing
0.7 (at 2 Hz)–0.17 (at 20 Hz)	Disturbing
0.10	Strongly perceptible
0.035	Distinctly perceptible
0.012	Slightly perceptible

Source: Caltrans 2020a

Table 18 Human Response to Transient Vibration

PPV (in./sec.)	Human Response
2.0	Severe
0.9	Strongly perceptible
0.24	Distinctly perceptible
0.035	Barely perceptible

Source: Caltrans 2020a

As shown in Table 17, the vibration level threshold at which steady vibration sources are considered to be distinctly perceptible is 0.035 in./sec. PPV. However, as shown in Table 18, the vibration level threshold at which transient vibration sources (such as construction equipment passbys) are considered to be distinctly perceptible is 0.24 in./sec. PPV. This analysis uses the distinctly perceptible threshold for purposes of assessing vibration impacts.

Although groundborne vibration is sometimes noticeable in outdoor environments, it is almost never annoying to people who are outdoors and the vibration level threshold for human perception

is assessed at occupied structures (FTA 2018). Therefore, vibration impacts are assessed at the structure of an affected property.

Sensitive Receivers

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. The City's General Plan Hazards Element defines noise sensitive receivers as residences, schools, hospitals, libraries, religious institutions, and convalescent homes (City of Hayward 2014). As the project site is located in an industrial and commercial area, no noise-sensitive receivers are located adjacent to the project site or within 1,000 feet. The nearest noise-sensitive receivers are single- and multi-family residences and a school, the California Crosspoint Academy, both located approximately one mile to the east.

Vibration sensitive receivers are similar to noise sensitive receivers, such as residences, and institutional uses, such as schools, churches, and hospitals. However, vibration sensitive receivers also include buildings where vibrations may interfere with vibration-sensitive equipment, affected by levels that may be well below those associated with human annoyance.

Regulatory Setting

The goals and policies contained in the Hayward 2040 General Plan Hazards Element focus on minimizing human exposure to excessive noise by evaluating noise exposure risks and incorporating appropriate mitigation measures (City of Hayward 2014). In support of these goals, the General Plan contains a table of exterior noise compatibility standards for various land uses (shown in Table 19) to determine potential noise exposure impacts. The highest level of exterior noise exposure regarded as "normally acceptable" for office buildings is 70 CNEL and for industrial manufacturing is 75 CNEL.

Table 19 City of Hayward Exterior Noise Compatibility Standards

Land Use Type	Highest Level of Exterior Noise Exposure that is Regarded as "Normally Acceptable"[1] (CNEL)
Residential: Single-Family Homes, Duplex, Mobile Home	60
Residential: Townhomes and Multi-Family Apartments and Condominiums	65
Urban Residential Infill[2] and Mixed-Use Projects[3]	70
Lodging: Motels and Hotels	65
Schools, Libraries, Churches, Hospitals, Nursing Homes	70
Auditoriums, Concert Hall, Amphitheaters	Mitigation based on site-specific study
Sports Arena, Outdoor Spectator Sports	Mitigation based on site-specific study
Playgrounds, Neighborhood Parks	70
Golf Courses, Riding Stables, Water Recreation, Cemeteries	75
Office Buildings: Business, Commercial, and Professional	70
Industrial Manufacturing, Utilities, Agriculture	75

[1] "Normally Acceptable" means that the specified land uses are satisfactory, based upon the assumption that a building involved is of normal conventional construction, without special noise mitigation.

[2] Urban residential infill would include all types of residential development within existing or planned urban areas (such as Downtown, The Cannery Neighborhood, and the South Hayward BART Urban Neighborhood) and along major corridors (such as Mission Boulevard).

[3] Mixed-Use Projects would include all mixed-use developments throughout the City of Hayward.

Source: City of Hayward 2014

For interior noise, Policy HAZ 8.-7 states that for office buildings "the City shall require the design of new office developments and similar uses to achieve a maximum interior noise standard of 45 dBA L_{eq} (peak hour)."

Section 4-1 of the Hayward Municipal Code contains the City's noise regulations as amended by Ordinance 11-03, adopted March 22, 2011. Section 4-1.03-1 establishes residential property noise limits such that noise above 70 dBA between the hours of 7:00 a.m. and 9:00 p.m. is prohibited and a noise level of 60 dBA between the hours of 9:00 p.m. and 7:00 a.m. is prohibited. The noise limit for industrial and commercial properties is 70 dBA for all hours of the day.

Section 4-1.03.4 of the Hayward Municipal Code states that during construction no piece of equipment shall produce a noise level exceeding 83 dBA at 25 feet from the source or 86 dBA outside the property. This section, consistent with General Plan policy HAZ-8.21, also limits construction, alteration, or repair of structures and landscaping activities to the hours below (unless alternative hours are approved by the Chief Building Official):

1. Sundays and holidays between 10:00 a.m. and 6:00 p.m.
2. Monday through Saturday between 7:00 a.m. and 7:00 p.m.

If construction occurs outside of the listed hours, the limits under Section 4-1.03-1 would apply.

The City of Hayward has not adopted a significance threshold to assess vibration impacts during construction and operation. Therefore, the Caltrans guidelines described above are used to evaluate potential construction vibration impacts related to both potential building damage and human annoyance.

Existing Setting

The most common source of noise in the project site vicinity is vehicular traffic from State Route 92, Enterprise Avenue, Whitesell Street, and rail noise from a rail spur to the south of the project site. Ambient noise levels may also be partially comprised from operational noise at the City's Water Pollution Control Facility, which is located across Enterprise Avenue from the project site. To characterize ambient sound levels around the project site, two short-term 15-minute sound level measurements were conducted on October 28, 2021. Short-term measurement (ST) 1 was taken along the northwest corner of the project site, near the shared property line with an existing industrial building; ST 2 was taken near southwest corner of the site near the adjacent open space area and within distance of the existing railroad-track spur. During the hour that the noise analyst was on site on October 28, no trains traveled through on the rail lines. However, two airplanes created overhead noise during both noise measurements and a car horn was noted during ST 1. Table 20 summarizes the results of the noise measurements.

Table 20 Short-Term Noise Monitoring Results

Measurement Location	Measurement Location	Sample Times	Approximate Distance to Primary Noise Source	L_{eq} (dBA)	L_{max} (dBA)
ST 1	Northwest corner of project site, adjacent to Enterprise Ave	9:58 – 10:13 a.m.	Approximately 60 feet to centerline of Enterprise Avenue	50.1	62.4
ST 2	Southwest corner of project site near open space and railroad-track spur	10:22 – 10:37 a.m.	Approximately 370 feet to western edge of railroad-track spur	49.1	57.9

Noise measurement data is provided in Appendix NOI

Methodology

Noise sources associated with operation of the proposed project would consist of low speed on-site vehicular noise, landscaping maintenance, general conversations, and mechanical equipment (e.g., heating, ventilation, and air conditioning [HVAC] units). Due to the distances from the nearest sensitive receptors (approximately 1 mile) and low noise levels associated with general site activities, on-site traffic, and landscape maintenance, these sources are not considered substantial and are not analyzed further.

Trains would not be expected to travel at full speed by the project site as the adjacent railways are located in an urban area in proximity to several at-grade street crossings and primarily consist of a railroad-track spur. Per the Code of Federal Regulations (CFR) Section 213.9(a), the maximum allowable operating speed for freight trains ranges from 10 to 80 miles per hour, depending on track class (Class 1 through Class 5). According to an Association of American Railroads report, in the first 39 weeks of 2019 the average speed of freight trains in the U.S. was 25.7 miles per hour (Journal of Commerce 2019). Additionally, the spur ends near the project site, and therefore it is unlikely trains

would approach the end of the spur at high speeds given that stopping a train requires considerable distance.

The following thresholds are based on City noise standards and Appendix G of the CEQA guidelines. Noise impacts would be significant if:

- **Noise in Excess of Established Standards:** The project would result in the 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.
  - **Temporary:** Construction noise would be significant if:
    - Noise levels exceed 86 dBA outside the property; or
    - Construction noise is generated outside of allowable construction hours as stated in Section 4-1.03.4 of the Hayward Municipal Code.
  - **Permanent:** Operational noise would be significant if:
    - Per Section 4-1.03-1 of the Hayward Municipal Code, if the project's stationary noises sources generated noise levels exceed 70 dBA between the hours of 7:00 a.m. and 9:00 p.m. and a noise level of 60 dBA between the hours of 9:00 p.m. and 7:00 a.m. at residential property limits, or 70 dBA for all hours of the day at industrial and commercial property limits; or
    - For traffic-related noise, impacts would be significant if project-generated traffic would result in exposure of sensitive receivers to an unacceptable increase in noise levels. For purposes of this analysis, a significant impact would occur if project-related traffic increases the ambient noise environment of noise-sensitive locations by 3 dB or more where the ambient noise level exceeds the City Noise Element land use compatibility standards (i.e., those with-project conditions that fall within the "normally unacceptable" or "clearly unacceptable" land use categories). In addition, a significant impact would also occur if project-related traffic increases the ambient noise environment of noise-sensitive locations by 5 dB or more regardless of the ambient noise level under with-project conditions.
- **Vibration:** The project would result in the generation of excessive ground-borne vibration or ground-borne noise levels.
  - This would occur if the project would subject vibration-sensitive land uses to construction-related ground-borne vibration that exceeds the distinctly perceptible vibration annoyance potential criteria for human receivers of 0.24 in./sec. PPV, or the residential structural damage criteria of 0.2 PPV in./sec.
- **Airport Noise:** For a project located in 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, if the project exposes people residing or working in the project area to excessive noise levels.

Impact Analysis

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?

The proposed project could generate temporary noise increases during construction and long-term increases associated with project operation; however, as discussed below, both construction-related and operational noise impacts would be less than significant.

Construction

Construction of the proposed project would require activities such as excavation, grading, and paving. Heavy machinery, such as a backhoe and paver, would be used for these activities. Heavy machinery would generate noise during various stage of construction. The Federal Transit Administration (FTA) has published typical noise levels of numerous pieces of heavy machinery and equipment used for construction (FTA 2018). The typical noise levels of construction equipment, as reported by the FTA, is provided in Table 21. Table 21 also shows expected noise levels at the nearest sensitive receptors, a residence approximately 5100feet from the source.

Table 21 Construction Equipment Noise Levels to Sensitive Receptors

Equipment	Typical Noise Level at 50 Feet from Source (dBA)	Noise Level at 5100 Feet from Source (dBA)
Air Compressor	80	40
Backhoe	80	40
Compactor	82	42
Concrete Mixer	85	45
Concrete Pump	82	42
Concrete Vibrator	76	36
Crane, Derrick	88	48
Crane, Mobile	83	43
Dozer	85	45
Generator	82	42
Grader	85	45
Impact Wrench	85	45
Jack Hammer	88	48
Loader	80	40
Paver	85	45
Pneumatic Tool	85	45
Pump	77	37
Rail Saw	90	50
Rock Drill	95	55
Roller	85	45
Saw	76	36
Scarifier	83	43
Scraper	85	45
Shovel	82	42

Truck	84	44

Source: FTA 2018, Appendix CON

Section 4-1.03.4 of the Hayward Municipal Code states that during construction no individual piece of equipment may produce a noise level exceeding 83 dBA at 25 feet from the source. In addition, construction noise may not exceed 86 dBA outside of the property plane. From the center of the project site to the western property boundary, next to an existing industrial building, is approximately 340 feet. As shown in Table 22, no construction equipment noise would exceed 83 dBA outside the property plane.

Table 22 Construction Equipment Noise Levels to Property Plane

Equipment	Typical Noise Level at 50 Feet from Source (dBA)	Noise Level at 340 Feet from Property Plane (dBA)
Air Compressor	80	63
Backhoe	80	63
Compactor	82	65
Concrete Mixer	85	68
Concrete Pump	82	65
Concrete Vibrator	76	59
Crane, Derrick	88	71
Crane, Mobile	83	66
Dozer	85	68
Generator	82	65
Grader	85	68
Impact Wrench	85	68
Jack Hammer	88	71
Loader	80	63
Paver	85	68
Pneumatic Tool	85	68
Pump	77	60
Rail Saw	90	73
Rock Drill	95	78
Roller	85	68
Saw	76	59
Scarifier	83	66
Scraper	85	68
Shovel	82	65
Truck	84	67

Sources: FTA 2018, Appendix PRP

Construction activities would begin soon after entitlements are granted and would occur over approximately 10 months. Construction would be conducted between the hours of 7 a.m. and 7 p.m. on weekdays, when most people are typically awake. Construction work would not typically or routinely occur on weekends. If circumstances do require occasional construction work on weekends, work would be restricted to Saturdays between the hours of 7:00 AM and 7:00 PM and Sundays between the hours of 10:00 AM and 6:00 PM, unless otherwise approved by the Chief Building Official.

Additionally, there are no sensitive noise receptors, such as residences or nursing homes, within proximity to the project site. The nearest sensitive noise receptors are approximately 5,100 feet away from the project site. As shown in Table 21, noise levels would likely not exceed 55 dBA during

construction activities which is comparable or below noise levels typical of residential neighborhoods. Because construction would occur during the day when people are less sensitive to noise, and because there no sensitive receptors in proximity to the project site, construction noise impacts would be less than significant.

Operation

Employment at the proposed industrial building would generate new vehicle trips and incrementally increase vehicle trips on area roadways, which would increase roadway noise. According to the transportation study prepared for the proposed project, operation of the project would generate approximately 1,070 vehicle trips per day resulting from employee commutes (Appendix TIA). The addition of 1,070 vehicle trips would be a negligible increase in traffic volume on area roadways considering State Route 92 and Whitesell Street are already major transportation and commute routes in Hayward. Generally, a doubling of traffic (i.e., 100 percent traffic increase) increases noise levels by approximately 3 dBA, which is the human level of perception for an increase in noise (FTA 2018). The proposed project would not double traffic on area roadways (see Appendix TIA). Therefore, vehicle trips generated by operation of the project would not generate noticeable increases in ambient noise levels.

The primary on-site noise sources associated with operation of the proposed project would include tractor trailer noise and vehicle circulation noise (e.g., engine startups, alarms, parking) at the on-site parking lots and heating, ventilation, and air conditioning (HVAC) equipment at the proposed building. Typical noise sources associated with parking lots include tire squealing, door slamming, car alarms, horns, and engine start-ups. The proposed project includes 151 parking spaces, located to the west and north of the proposed building. The parking spaces would be as close as approximately 25 feet from the project site property boundary, as would areas where tractor trailers operate. Table 23 shows typical noise levels of various parking lot sources at a distance of 25 feet from parking spaces. These are instantaneous noise levels which would occur for short bursts of time during the use of cars on the project site.

Table 23 Maximum Noise Levels from Parking Lot Activity

Source	Maximum Noise Level (dBA) at 50 Feet*	Maximum Noise Level (dBA) at 25 Feet**
Autos at 14 mph	50	56
Car Alarm Signal	69	75
Car Alarm Chirp	54	60
Car Horns	69	75
Door Slams or Radios	64	70
Talking	36	42
Tire Squeals	66	72

*Source: Gordan Bricken & Associates, 1996. Estimates are based on actual noise measurements taken at various parking lots.
**Based on attenuation rate of 6 dBA per doubling of distance using measurements from 50 feet distance.

As shown in Table 23, parking lot noise sources would exceed 75 dBA at the site boundary, especially tire squeals, car horn, and car alarm noise. Additionally, tractor trailers generate noise levels of 88 dBA at 50 feet (Close & Wesler 1975), which would be approximately 94 dBA at the site boundary, 25 feet away. Car horns and alarms occur less frequently and regularly than other, more

quiet parking lot noises, such as low-speed travel and car doors slamming. Further, the parking spaces and areas where tractor trailers would operate on-site would be more than 5,000 feet away from the nearest sensitive noise receptor, and numerous other industrial and commercial businesses exist between the site and receptors. The proposed parking lot would generate noises similar to parking areas at these businesses, and thus, not substantially increase noise levels at the sensitive receptors. Additionally, the tractor trailer bays and dock would be on the east side of the proposed building. The east side of the building faces the Runnels property, which is vacant and has no sensitive receptors (see Section 9, *Hazards and Hazardous Materials*). Therefore, while operational parking lot noise would exceed noise standards established in HMC Section 4-1.03.1 for industrial property, exceedance would occur only occasionally, such as when a car alarm is triggered, and would not affect noise levels at sensitive noise receptors. Generally, noise would occur on other industrial property, such as the existing logistic center to the west or the existing wastewater treatment plant north of the site.

Mechanical equipment includes HVAC equipment typically located on the roof of a building or within an interior mechanical room. Noise levels from large-scale rooftop-mounted commercial HVAC systems are typically in the range of 60 to 70 dBA L_{eq} at a distance of 15 feet from the source (Illingworth & Rodkin, Inc. 2009). It is assumed that HVAC equipment for the proposed industrial building would not exceed this reference noise level for large-scale commercial facilities. At its closest point, the proposed building would be located approximately 40 feet from the site boundary. At this distance, HVAC equipment would generate an estimated noise level of up to 60 dBA L_{eq}, without accounting for a shielding effect by rooflines and landscaping. Therefore, HVAC equipment noise would not exceed 70 dBA at the site boundary. Additionally, adjoining uses at the boundary are also industrial or undeveloped and less sensitive to noise. Additionally, the nearest sensitive noise receptors are approximately 5,100 feet away from the project site. As shown in Table 21, noise levels of HVAC equipment would not exceed 55 dBA which is compatible with the City's Exterior Noise Compatibility Standards for residential uses.

Overall, operation of the proposed project would not result in noise levels inconsistent with HMC Section 4-1.03.1. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Construction activities known to generate excessive ground-borne vibration, such as pile driving, are not proposed because the warehouse would have a concrete slab foundation and not require piles. The greatest anticipated source of vibration during general project construction activities would be from equipment similar to a dozer, such as an excavator, which may be used within 100 feet of the nearest structures to the west when accounting for setbacks. A dozer would create approximately 0.089 in/sec PPV at a distance of 25 feet (Caltrans 2020a). This would equal a vibration level of 0.02 in/sec PPV at a distance of 100 feet.[7] This would be lower than what is considered a distinctly perceptible impact for humans of 0.24 in/sec PPV, and the structural damage impact of 0.2 in/sec PPV. Additionally, the structure to the west is a logistics center, which is not an area where people sleep or study or conduct other activities especially sensitive to vibration. Therefore, although the vibration from project construction equipment could be perceptible to nearby human receptors, temporary impacts associated with the equipment would be less than significant.

[7] PPV Equipment = PPVRef $(25/D)^n$ (in/sec), PPVRef = reference PPV at 25 feet, D = distance ,and n = 1.1

Operation of the project would not include substantial vibration sources. Therefore, operational vibration impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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?

The closest airport is the Hayward Executive Airport, located approximately 2.0 miles northeast of the project site. In addition, the Oakland International Airport is located approximately 7.0 miles to the northwest. The noise contours from these airports do not reach the project site (Alameda County Community Development Agency 2012). Therefore, construction workers or users of the project site would not be exposed to substantial aircraft noise, and no impacts would occur.

NO IMPACT

14 Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	■	☐
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■

a. Would the project 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)?

The project would not induce substantial unplanned population growth, as there is no planned extension of roads or other infrastructure into currently undeveloped areas. The proposed structure would be constructed within City limits and connected to existing infrastructure systems. The project does not involve any new housing units; thus, it would not directly induce population growth.

The proposed project would develop the site with a warehouse with office space and the ability to operation industrial uses, creating jobs that could indirectly cause population growth by attracting and relocating employees. Although some employees may relocate to the area due to new job opportunities from the proposed project, a substantial change in employment growth in the area would not occur. A substantial change in employment growth would not occur because the project is in an industrial area of Hayward where there is already a robust workforce trained and experienced in industrial and warehouse employment and available to fill open positions. Additionally, given the size of the project, even with full employment, the staffing levels would not represent a substantial number of people in context with the population of Hayward and the surrounding San Francisco Bay Area, which has millions of residents.

As discussed in Section 11, *Land Use and Planning*, the proposed project would incorporate uses that would be consistent with the General Plan's Industrial Corridor land use designation. Regardless of potential indirect population growth due to the project, such growth would not be considered substantial or unplanned because the City has planned for industrial development and growth of the site in its General Plan. Since the proposed project would not result in substantial unplanned population growth, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The project site contains no existing housing. Given that there are currently no people or housing on the project site, the project would not displace existing housing units or people, and the construction of replacement housing elsewhere would be unnecessary. No impact would occur.

NO IMPACT

15 Public Services

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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:				
1 Fire protection?	☐	☐	■	☐
2 Police protection?	☐	☐	■	☐
3 Schools?	☐	☐	■	☐
4 Parks?	☐	☐	■	☐
5 Other public facilities?	☐	☐	■	☐

Impact Analysis

a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

The Hayward Fire Department (HFD) contains nine fire stations and provides fire protection services to the project site. Hayward Fire Station No. 6, at 1401 West Winton Avenue, is approximately 1.95 miles north (driving distance), and is the closest fire station to the project site.

The proposed project involves the development of an approximately 219,656-square-foot industrial warehouse. This project would increase the intensity of on-site development, compared to current conditions, incrementally increasing the demand for fire response services. The City has adopted the 2019 California Fire Code (HMC Section 3-14.01), and the project would be required to comply with City requirements regarding on-site fire prevention, fire access, and water fire-flow.

As discussed in Section 11, *Land Use and Planning*, and Section 13, *Population and Housing*, the proposed project is consistent with the City's General Plan land use designation of Industrial

Corridor and would not generate growth beyond what was forecasted in the General Plan. The development of the proposed industrial building is consistent with surrounding land uses and would not overburden fire protection services, response times, or service ratios such that new or expanded fire facilities would be required. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

The Hayward Police Department (HPD) provides law enforcement services to the City and to the project site. The HPD operates through "Beats," which are specific geographic areas designed to enable officers to respond to calls quickly and efficiently. The project site is in HPD Beat E, which covers the southwestern portion of the City. The nearest police station to the site is the Hayward Police Station, located 3.4 miles northeast (driving distance) at 300 West Winton Avenue.

This project would increase on-site development intensity, incrementally increasing the demand for police services; however, the City anticipated future industrial development within the Industrial Technology and Innovation Corridor in its General Plan. Given the proximity of the Hayward Police Station, the project would not require the construction of new or expanded law enforcement facilities to maintain acceptable service ratios or response times. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

The Hayward Unified School District (HUSD) operates 21 elementary, five middle, and three high schools in Hayward. As described in Section 14, *Population and Housing*, while the project could result in indirect population growth via employee relocation, it would not directly result in substantial unplanned population growth. Thus, the project would not greatly increase the number of students in HUSD-operated schools. Additionally, the project would be required to pay the most current Developer Fees to HSUD, which are $0.66 per square foot at the time of preparation of this IS-MND (HUSD 2020). Pursuant to Senate Bill 50 (which amended Government Code 65995[h]), the payment of these fees would reduce potential impacts to schools to less than significant levels. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

Please see Section 16, *Recreation*, for an analysis of impacts related to parks and recreation resources. As described therein, impacts were found to be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.5. Would the project result in substantial adverse physical impacts associated with the provision of other new or physically altered public facilities, or the need for other new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

As discussed in Section 14, *Population and Housing*, the proposed project would not result in substantial population growth in Hayward or growth beyond that anticipated in the City's General Plan because the City designated the site for industrial development in its General Plan. As discussed in Section 10, *Hydrology and Water Quality,* impacts related to stormwater facilities would be less than significant. As discussed in Section 19, *Utilities and Service Systems,* impacts related to water and wastewater water facilities would be less than significant. Indirect population growth from the project would not be substantial. Therefore, demand for other public facilities, such as libraries, would not be substantial or require the modification or construction of libraries. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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16 Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	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?	☐	☐	■	☐
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?	☐	☐	■	☐

Impact Analysis

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The Hayward Area Recreation and Park District is an independent special use district created to provide park and recreational services for the City (City of Hayward 2019a). As described in Section 14, *Population and Housing*, while the project could result in indirect population growth via employee relocation, it would not result in substantial unplanned population growth because the limited number of employees that would be hired and because there is already a robust industrial workforce available in the area. Thus, the project would not greatly increase the number of residents in the City. Additionally, the minimal population growth that could result would utilize recreational facilities near their residences. Additionally, some employees of the project could use parks near the project site, such as the Hayward Regional Shoreline Park, but such use would consist of walking or other activities that do not result in substantial deterioration. Given the minimal growth that would result, new recreational facilities would not be constructed. Likewise, substantial physical deterioration of recreational facilities from the additional use generated from the project would not occur. Additionally, the proposed project would be required to pay a Park Impact Fee of $0.80 per square foot of the industrial development (City of Hayward 2019c). The Park Impact Fee would be applied to the ongoing maintenance and development of parks and recreational facilities in the City. Therefore, the proposed project would have a less than significant impact with respect to parks and recreational facilities.

LESS THAN SIGNIFICANT IMPACT

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17 Transportation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	■	☐
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	■	☐	☐
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	☐	■	☐	☐
d. Result in inadequate emergency access?	☐	☐	■	☐

The analysis presented herein is derived primarily from a Transportation Impact Analysis (TIA) prepared by Kittelson & Associates for the proposed project, included as Appendix TIA to this IS-MND. The Analysis, dated May 2022, assesses the VMT impact of the project, as well as other transportation related issues, such as consistency with pedestrian and bicycle plans and programs and incompatible vehicle or roadway uses.

Regulatory Setting

Senate Bill 743 and Vehicle Miles Traveled

Senate Bill (SB) 743 was signed into law by Governor Brown in 2013 and tasked the State Office of Planning and Research (OPR) with establishing new criteria for determining the significance of transportation impacts under the California Environmental Quality Act (CEQA). SB 743 requires the new criteria to "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." It also states that alternative measures of transportation impacts may include "vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated."

SB 743 implements changes to the method for performing transportation impact analyses under CEQA. SB 743 requires the Governor's OPR to identify new metrics for identifying and mitigating transportation impacts within CEQA. In January 2018, OPR transmitted its proposed CEQA Guidelines implementing SB 743 to the California Natural Resources Agency for adoption, and in January 2019 the Natural Resources Agency finalized updates to the CEQA Guidelines, which incorporated SB 743 modifications, and are now in effect. SB 743 changed the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway

congestion, while an inconvenience to drivers, is not itself an environmental impact (Public Resource Code, § 21099 (b)(2)). In addition to new exemptions for projects consistent with specific plans, the CEQA Guidelines replaced congestion-based metrics, such as auto delay and level of service (LOS), with VMT as the basis for determining significant impacts, unless the Guidelines provide specific exceptions.

City of Hayward

CEQA Guidelines Section 15064.3(b) indicates that land use projects would have a significant impact if the project resulted in vehicle miles traveled (VMT) exceeding an applicable threshold of significance. In June 2020, the City of Hayward adopted the following thresholds of significance for VMT analysis according to the guidance from OPR:

- Residential: 15 percent below existing average VMT per capita for the City
- Employment – Office: 15 percent below existing regional average VMT per employee
- Employment – Industrial: Below existing regional average VMT per employee
- Retail: Net increase in total regional VMT

Given that the project is an industrial park with primarily industrial uses and other minor supporting uses, it was determined that the Employment-Industrial threshold would be appropriate for the project.

In addition, the City of Hayward has developed screening criteria to provide project applicants with a conservative indication of whether a project could result in potentially significant VMT impacts. If the screening criteria are met by a project, the applicant would not need to perform a detailed VMT assessment for their project.

Project Trip Generation

Table 24 shows the estimated trip generation from the project based on trip generation rates provided in the TIA prepared by Kittelson and Associates, which concludes the project would generate approximately 1,070 new daily trips including 163 weekday AM peak hour trips and 143 weekday PM peak hour trips (Appendix TIA). The trip rate of 1,070 daily trips is based on data provided by the Institute of Transportation Engineers (ITE) for a Light Industrial – Sort land use code (Code 110). Using Code 110 best represents vehicle trips generated by potential warehouse tenant types.

Table 24 Estimated Project Vehicle Trip Generation

Land Use	Size (TSF)	Daily Trips	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Total Net Trips	**219.66**	**1,070**	**143**	**20**	**163**	**20**	**123**	**143**

Notes: TSF = thousand square feet
Source: Appendix TIA

Impact Analysis

a. Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Consistency with Roadway Plans, Policies, and Programs

Traditionally, roadway operations were evaluated based on measurements of vehicle delay, such as Level of Service (LOS). However, in December 2019 California's Third District Court of Appeal ruled that under SB 743, automobile delay may no longer be treated as a significant impact in CEQA analyses (*Citizens for Positive Growth & Preservation v. City of Sacramento*). Additionally, according to CEQA Guidelines Section 15064.3(a), "a project's effect on automobile delay shall not constitute a significant environmental impact." Because significance of traffic-related impacts can no longer be based on LOS, impacts related to consistency with LOS standards are not addressed in this analysis. Consistency with Section 15064.3 of the State CEQA Guidelines is evaluated below under checklist item 'b.'

Consistency with Transit Plans, Policies, and Programs

The project would not degrade local access to bus stops along Clawiter Road, which can be accessed via the local sidewalk network and existing facilities such as ADA curb ramps and crosswalks; there are no active bus stops near the project and no bus stops about the project driveways. Therefore, implementation of the Project would not conflict with plans, programs, and policies regarding transit facilities, or decrease the performance and safety of such facilities. The proposed project would have no impact related to consistency with a transit plans, policies, and programs.

Consistency with Pedestrian and Bicycle Plans, Policies, and Programs

Currently, no pedestrian sidewalks or bicycle lanes are located on the segment of Enterprise Avenue west of Whitesell Street, including along the project site frontage. According to the *Hayward Bicycle & Pedestrian Master Plan*, Enterprise Avenue is not part of the planned bicycle network in Hayward, but Whitesell Street is currently a part of the bicycle network (City of Hayward 2019d). The project would not affect the bicycle route on Whitesell Street. Therefore, the proposed project would not impact existing pedestrian or bicycle facilities. The proposed project includes adding a 5-foot-wide pedestrian sidewalk on the south side of Enterprise Drive extending the length of the site frontage and to the east of the site, meeting existing sidewalk at the intersection of Enterprise Avenue and Whitesell Street. This would improve pedestrian mobility in the area by adding sidewalk to a roadway segment where there currently is no sidewalk or pedestrian facilities.

The proposed project would provide bicycle parking on-site, meeting the California Green Building Code (CalGreen) requirements to provide bicycle parking for 5 percent of the vehicular parking spaces added on a site. Specifically, the project would provide nine short-term bicycle parking spaces and eight-long term bicycle parking spaces. Both short-term and long-term spaces would be in the northwest corner of the site, either within the proposed building or just outside the main entrance to the building. Therefore, the proposed project would improve bicycle mobility or encourage bicycle mode transportation by providing new bicycle facilities on a site where such facilities do not currently exist.

Because the proposed project would not impact existing pedestrian and bicycle facilities and would add these types of facilities to Enterprise Avenue and the project site, impacts of the project related

to consistency with pedestrian and/or bicycle plans, policies, and programs would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

As described in the first paragraph of this section, the potential VMT impacts of the proposed project were evaluated in a TIA prepared by Kittelson and Associates, which is included as Appendix TIA to this IS-MND. The analysis commenced with determining if the proposed project satisfies the City's VMT screening criteria for employment-industrial land uses and projects. According to the TIA, the project does not satisfy the applicable screening criteria because the project site is an area that currently has higher than average VMT compared to the regional average. According to the TIA, the average VMT per employee in Alameda County is 18.15, and the project area has an average VMT per employee of 20.64.

The proposed project consists of a warehouse building that could be used for most of the uses allowed in the General Industrial (IG) zoning district. This proposed project is consistent with other surrounding land uses in the project area, which are primarily industrial or logistics/warehousing. Accordingly, the TIA concludes that vehicle trips generated proposed project would travel a similar average trip length as other trips already generate by industrial land uses in the project area of vicinity. Accordingly, the proposed project would generate VMT at a rate of approximately 20.64 miles per employee. The project VMT would exceeds the regional average VMT in Alameda County, which is approximately 18.15, by approximately 12.1 percent. Impacts would be potentially significant, and implementation of Mitigation Measure TRA-1 is required.

Mitigation Measures

TRA-1 VMT Reduction

The project applicant and/or operator of the facility shall implement a rideshare program, provide employees with promotions and a marketing program encouraging transit use and cycling, and provide transit subsidies for 100 percent of project employees. The rideshare program shall include subsidies for employees who participate in carpool and vanpool programs and provision of prime parking, such as close to the building entrance, for carpool or vanpool vehicles.

Significance After Mitigation

Implementation of Mitigation Measure TRA-1 would reduce impacts to less than significant levels. According to the TIA, implementation of this measure would reduce VMT by approximately 16.3 percent, which would achieve the approximately 12.1 percent VMT reductions needed for project VMT to be below the regional average VMT, reducing VMT to below the significance threshold.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

c. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

Project implementation would occur on existing parcels surrounded by existing warehouse and industrial uses, such as the wastewater treatment plant to the north. Implementation of the project would not alter or affect existing street and intersection networks or involve an incompatible use.

Access and movement through the project site would be designed to support large trucks and vehicles for potential warehouse facilities. Sufficient turning areas and access opportunities for truck and passenger vehicle access are proposed in accordance with City requirements. No new roadways or alterations to existing roadway design would occur, with the exception of adding pedestrian sidewalk to the south side of Enterprise Avenue along the site frontage, east to Whitesell Street. In addition, the proposed project would be required to comply with the City's design standards for vehicular access and circulation and the Fire Code. Therefore, the project would not result in a substantial safety hazard due to a design feature.

While the proposed project would provide pedestrian and bicycle facilities, such as the new sidewalk on Enterprise Avenue and bicycle parking spaces on-site, these active transportation modes would occur in conjunction with vehicle and tractor trailer uses on the site. There would be potential for conflicts between vehicles and pedestrians and cyclists where the proposed site driveways cross the new pedestrian sidewalk. Given that collisions between pedestrians and cyclists and vehicles and trucks could be dangerous, impacts would be potentially significant. Implementation of Mitigation Measure TRA-2 would be required.

Mitigation Measures

TRA-2 Pedestrian and Bicycle Safety

The project applicant shall install signage on the project site where each proposed driveway would cross the new proposed sidewalk along Enterprise Drive. The applicant shall coordinate with the City of Hayward on the specific design and location of the signs; at a minimum, the signage shall alert drivers and truck operators that they are approaching a pedestrian sidewalk and bicycle use area and to use appropriate caution to avoid accidental collisions.

Significance After Mitigation

Required adherence to mitigation would ensure that the project would not conflict with plans, programs, and policies regarding dangerous intersections and designs or incompatible uses. Impacts would be less than significant with implementation of mitigation.

d. Would the project result in inadequate emergency access?

Access to the project site would from two driveways on Enterprise Avenue. The internal circulation on the site would provide access to each side of the building and would be suitable for use by emergency vehicles, such as fire trucks, because the internal circulation is design for operation of large tractor trailers (see Appendix TIA). The internal circulation roads would also serve as fire lines separating the proposed building from wildland fuels because the roads would be asphalt and not contain fire fuels, such as vegetation. The proposed project would be required to comply with all building, fire, and safety codes and specific development plans would be subject to review and approval by the City's Public Works Department and HFD. Required review by these departments would ensure the circulation system for the project site would provide adequate emergency access. In addition, the proposed project would not require temporary or permanent complete closures to roadways. Temporary closures of Enterprise Avenue would be required during construction, but closures would be to one of the two lanes on Enterprise Avenue, ensuring that vehicles can continue to use the road throughout project construction. Additionally, Enterprise Avenue ends just west of the project site. Therefore, Enterprise Avenue is not an emergency access or evacuation route.

Impacts would be temporary during construction and limited to partial closure of Enterprise Avenue. Impacts would therefore be less than significant.

LESS THAN SIGNIFICANT IMPACT

18 Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a Public Resources Code Section 21074 as either a site, feature, place, or 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:				
a. 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	☐	■	☐	☐
b. 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 Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	■	☐	☐

Existing Setting

As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted and expands CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes that "A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is:

1. 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
2. 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 Resources Code Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

Impact Analysis

a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is 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)?

b. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is 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 Resources Code Section 5024.1?

The City of Hayward mailed a notification letter on August 20, 2021 to the one local Native American tribe that has requested notification under AB 52: the Ione Band of Miwok Indians (Appendix AB). Under AB 52, tribes have 30 days from receipt of the letter to respond and request consultation. The tribe responded during that window and did not request formal consultation under AB 52 but instead opted to be informed on results of studies or analysis conducted for the site.

Under contract to the City, an archaeologist from Rincon Consultants conducted a pedestrian archaeological and built environment survey of the project site on October 25, 2021. The site was surveyed using transect intervals spaced approximately 10 meters apart and oriented roughly parallel and generally from east to west. Exposed ground surfaces were examined for artifacts, ecofacts, soil discoloration that might indicate the presence of a cultural midden, soil depressions, and features indicative of the former presence of structures or buildings or historic debris. During the site survey, one low-density lithic scatter was observed within the project site along the western boundary and northwest corner exclusively on top of and along the side of a berm at grade with the adjacent building to the west of the project site. As a result of the presence of an archaeological resource within the project site, Rincon conducted additional investigation in the form of an extended phase I (XPI) Investigation.

Between March 28 and March 30, 2022, Rincon conducted an XPI investigation of the project site using test excavations. The excavations consisted of 16 shovel test pits (STPs) throughout the project site. As discussed within the Cultural Resources Assessment Report (Appendix CR), archaeological artifacts were identified in four STPs (4, 8, 9, and 13). These artifacts were located within the archaeological site boundary delineated from the October 2021 site survey. Disturbances were identified in all STPs which included construction materials such as glass, plastic, foil, metal, asphalt, concrete, milled lumber/wood, and slag as well as natural disturbances such as rocks and roots. These disturbances suggest that the site and October 2021 site survey boundary were disturbed and out of context.

Based on the results of the field survey and XPI, the project site is recommended ineligible for the NRHP, CRHR, and local designation, and it is not considered a historical resource pursuant to CEQA. However, due to the presence of an archaeological resource, the project site is considered sensitive

for archaeological resources, including tribal cultural resources. Project construction would require excavation and grading, which would have the potential to encounter and disturb or damage tribal cultural resources, if present and undetected as construction equipment operates. Damage or destruction of tribal cultural resources during project construction would be a significant impact and implementation of Mitigation Measure TCR-1 is required. Project operation would have no impact on tribal cultural resources because operational activities would occur within the newly constructed built environment, such as the proposed building or within surface parking areas, where tribal cultural resources are clearly not present.

Mitigation Measure

TCR-1 Archaeological and Native American Monitoring

The applicant shall provide written notice in advance of commencement of ground disturbing activities including demolition, site preparation, grading or excavation to a Native American tribal representative from the Ione Band of Miwok Indians. The notice shall include an invitation for the tribal representative to be given access to the project site and retained under contract to conduct monitoring while excavation and ground-disturbing activities are ongoing. Should the Native American tribal representative fail to reply to the invitation or decide that their presence is not required, or necessary, ground-disturbing activities may continue in their absence.

In the event that cultural resources of Native American origin that may be considered tribal cultural resources are identified during construction, all earth disturbing work within 50 feet of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and in consultation with the on-site Native American monitor, if present.

If the archaeologist and Native American monitor determine that the resource is a tribal cultural resource and thus significant under CEQA, a treatment plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American tribes. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the appropriate Native American tribal representative(s). Examples of treatment could include recovery of the resource or resources and curation.

TCR-2 Unanticipated Discovery of Tribal Cultural Resources

In the event that cultural resources of Native American origin that may be considered tribal cultural resources are identified during construction, all earth disturbing work within 50 feet of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and in consultation with the on-site Native American monitor. If the archaeologist and Native American monitor determine that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate Native American tribal representative(s).

Significance After Mitigation

Mitigation Measures TCR-1 and TCR-2 would ensure that tribal cultural resources are identified properly and preserved in the event they are uncovered during construction and would reduce impacts regarding disrupting tribal cultural resources to a less than significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

19 Utilities and Service Systems

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	■	☐
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	■	☐
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	■	☐
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?	☐	☐	■	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	■	☐

a. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

c. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Stormwater

The project would include new on-site stormwater collection and conveyance systems designed to approximate the existing conditions of the site. Portions of the project site drain to the west and the northeast; one bioretention treatment area would be located along the western side of the proposed building, and another bioretention treatment basin would be adjacent to the northeast side of the building. Runoff from proposed impervious areas of the project site, such as proposed building and parking areas, would be conveyed into new storm drain inlets that convey runoff to the bioretention areas. These bioretention areas would contain storm drain inlets that connect to the existing storm drain system adjacent to the project site on Enterprise Avenue. As the new on-site stormwater collection and conveyance systems would approximate existing site conditions, the proposed project would not exceed the capacity of storm drain infrastructure such that new or expanded off-site storm water drainage facilities would be required. Impacts would be less than significant.

Water

The proposed project would receive its water from the City of Hayward. A water main exists within the Enterprise Avenue right-of-way. A lateral connection would be provided from the existing main to the project site, thereby not requiring extension of water infrastructure or service into a new area of the City. The construction activities required for connection to the existing water infrastructure is included in the environmental analysis throughout this report.

The City of Hayward provides water for residential, commercial, industrial, governmental, and fire suppression uses. The City owns and operates its own water distribution system and receives its water from the Hetch Hetchy aqueducts, owned and operated by the San Francisco Public Utilities Commission (SFPUC). Emergency water supplies are available through five groundwater supply wells, pumped monthly to ensure good working order, in case of water supply disruptions (City of Hayward 2021).

The City's Urban Water Management Plan (UWMP) includes water demand projections, water supply reliability, potential supply interruptions, and water conservation planning and implementation. The UWMP projects long-term water demands through 2040 based on expected service area growth for both population and employment. According to the UWMP, the City expects sufficient water supply to meet project demands in normal-year conditions; however, shortfalls are projected in single or multiple dry-year conditions (City of Hayward 2021). The City, SFPUC, and the Bay Area Water Supply and Conservation Agency (BAWSCA) have developed strategies to address projected dry-year supply shortfalls, including dam improvements or replacement projects, groundwater storage and recovery projects, creek recapture, water transfers, and identification of alternative water supplies. The City anticipates revising its water service reliability assessment within the next five years to address uncertainties associated with dry-year conditions, and has also developed a comprehensive Water Shortage Contingency Plan with defined shortage levels and demand reduction actions that the City would implement during shortage periods. As described in Section 11, *Land Use and Planning*, and Section 14, *Population and Housing*, the proposed project is consistent with the General Plan's IC land use designation, and would not generate growth beyond that anticipated in the General Plan. The UWMP is based on growth envisioned in the City's General Plan. Accordingly, because the proposed project is consistent with the General Plan land use designation for the project site, there would be adequate water supply available to serve anticipated growth in Hayward, including the proposed project. Thus, the City would have sufficient

potable water supply to accommodate the anticipated demand increases from the proposed project, and impacts would be less than significant.

Wastewater Generation

The City of Hayward Sewer Collection System collects wastewater from the majority of residential, commercial, and industrial users within incorporated City limits and conveys it to the City-owned Water Pollution Control Facility (WPCF) (City of Hayward 2021). The wastewater collection system is comprised of approximately 350 miles of sewer mains, nine sewage lift stations, and 2.5 miles of force mains. The WPCF provides primary and secondary treatment for up to 18.5 MGD of wastewater, and conveys it to the East Bay Dischargers Authority (EBDA), which disposes of wastewater (City of Hayward 2021). In 2020, the WPCF collected approximately 10.7 MGD, which allows ample capacity for the City to accommodate growth.

The project site is located in an urbanized area within the boundaries of the City of Hayward Sewer Collection System. The project would connect into the existing sewer system and would not require substantial improvements other than improved connections to the sewer systems from the project site, which are included in the environmental analysis.

The proposed project would increase existing wastewater generation on-site through the development of an industrial building. However, the project is consistent with the General Plan's IC land use designation and would not generate growth beyond that anticipated in the General Plan. The EIR prepared for the City's General Plan determined that there was adequate capacity at the WPCF to serve development outlined in the General Plan (City of Hayward 2013), therefore, the WPCF would have adequate capacity to service the proposed project, and no new or expanded wastewater treatment facilities would be required. Impacts would be less than significant.

Electricity, Natural Gas, and Telecommunications

East Bay Community Energy (EBCE) would provide electricity to the project site via Pacific Gas & Electric (PG&E) infrastructure, and the proposed building would connect to existing electric infrastructure adjacent to the project site along Enterprise Avenue. Telecommunications services would be provided by AT&T, SBC Telecom, or other providers, at the discretion of future tenants. Telecommunications are generally available in the project area to serve the surrounding industrial and business park uses.

As described in Section 6, *Energy*, the proposed project would have sufficient supplies of energy and would not require or use natural gas. The proposed project would have a less than significant impact on local electricity and telecommunications providers and no impact on natural gas providers.

LESS THAN SIGNIFICANT IMPACT

d. Would the project 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?

e. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The City of Hayward provides weekly solid waste collection through a franchise agreement with Waste Management of Alameda County, Inc., a private waste management company. Solid waste from Hayward is transported to the Altamont Landfill in Livermore, which has a total capacity of

124.4 million cubic yards, remaining capacity of 65.4 million cubic yards, and an anticipated closure date of 2070 (California Department of Resources Recycling and Recovery 2019). The Altamont Landfill has a maximum daily capacity of 11,150 tons per day.

The project would be required to comply with Section 5.408, *Construction Waste Reduction, Disposal, and Recycling*, of the 2016 California Green Building Standards Code (CALGreen), which requires projects to recycle and/or salvage a minimum of 65 percent of nonhazardous construction and demolition waste; or, to meet a local construction and demolition waste management ordinance (whichever is more stringent). Additionally, Chapter 5, Article 10 of the HMC requires project applicants for demolition and construction projects must recycle 100 percent of asphalt and concrete and 65 percent of other construction or demolition debris.

Operation of the project would also generate solid waste. Solid waste generation was estimated using default data tables from CalEEMod for Industrial Park facilities, as shown in Table 25.

Table 25 Estimated Solid Waste Generation

Land Use	Size	Generation Rate*	Total (tons/year)	Total (tons/day)
Industrial Building	219,656 sf	1.24 tons/1,000 sf/year	272	0.75

Notes: sf = square feet

Rates from CalEEMod (CAPCOA 2017)

The project could generate 272 tons of solid waste per year, or approximately one ton per day. This is well within the capacity of the Altamont Landfill and would not cause the facility to exceed its daily permitted capacity. As discussed above, the project would be required to comply with CALGreen and the HMC requirements for construction waste, thus, minimizing the amount of project construction waste entering the Altamont Landfill. Therefore, project impacts associated with solid waste would be less than significant.

LESS THAN SIGNIFICANT IMPACT

20 Wildfire

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	■
b. 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?	☐	☐	☐	■
c. 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?	☐	☐	☐	■
d. Expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	■

Impact Analysis

a. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

b. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, 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?

c. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project 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?

d. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The project site is in a developed industrial area of the City of Hayward. The project site is not located within or near a Very High Fire Hazard Severity Zone or state responsibility area. The closest Very High Fire Hazard Severity Zone is in Castro Valley, approximately six miles north of the project site (California Department of Forestry and Fire Protection [CalFire] 2007; 2008). The closest state responsibility area is in Garin Regional Park, approximately six miles east of the project site (CalFire 2007; 2008). Given that the project site is not within or near a state responsibility area or Very High Fire Hazard Severity Zone, no wildfire-related impacts would occur.

NO IMPACT

21 Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Does the project:				
a. 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?	☐	■	☐	☐
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	■	☐	☐
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	■	☐	☐

Impact Analysis

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?

Based on the analysis provided throughout this IS-MND, implementation of the proposed project would not substantially degrade the quality of the environment and would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of California

history or prehistory. Biological resources are addressed in Section 4, *Biological Resources.* With implementation of Mitigation Measures BIO-1 through BIO-6, related to conducting a rare plant preconstruction survey, nesting birds and salt marsh harvest mouse avoidance, artificial light reductions, habitat restoration, and jurisdictional delineation and permitting, the proposed project would not substantially reduce wildlife habitat or populations.

Mitigation measures CR-1, CR-2, TCR-1, and TCR-2 have been designed to reduce potential impacts to unknown archaeological and tribal cultural resources. There are no historic resources on the site. Based on the ability of the identified mitigation measures to reduce potential impacts to prehistory resources to less than significant levels, the proposed project's impacts would be less than significant with implementation of the aforementioned mitigation measures.

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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)?

Other projects are either approved or under consideration for approval in the project area, such as the nearby First Industrial Realty-Whitsell Street project, First Industrial Realty-Depot Road, 4150 Point Eden Way warehouse and wetland preserve project, 24550-25550 Clawiter Road warehouse project, and Hayward @ 92 project. These other projects in the area are consistent with the envisioned land uses in the City's General Plan. Cumulative projects are consistent with the growth planned for within the City.

These other projects would impact some of the same resources as the proposed project, such as aesthetics, air quality, biological resources, cultural resources, geology and soils, noise, and water supply, given that they involve construction of warehouse buildings or other similar industrial uses. Cumulative impacts of the proposed project associated with some of the resource areas are addressed in the individual resource sections above: Aesthetics, Air Quality, Cultural Resources, Greenhouse Gases, Geology and Soils, Noise, Water Supply, and Solid Waste (CEQA Guidelines Section 15064(h)(3)). Air Quality and Greenhouse Gas impacts would be less than significant with generator operational restrictions under Mitigation Measure AQ-1a and AQ-1b and a greenhouse gas reduction strategy required under Mitigation Measure GHG-1. Water supply and solid waste impacts would be less than significant. Some of the other resource areas were determined to have no impact in comparison to existing conditions and therefore would not contribute to cumulative impacts, such as Mineral Resources and Agricultural Resources. As such, cumulative impacts in these issue areas would also be less than significant (not cumulatively considerable). The proposed project would generate new VMT that exceeds regional average VMT per employee. However, with the required implementation of Mitigation Measure TR-1, project generated VMT would be reduced below the regional average, and therefore would not contribute to a cumulative increase in the average VMT per employee in the region. The proposed project would not result in a significant contribution to cumulatively considerable impacts, and impacts would be less than significant with implementation of the mitigation measures contained in this IS-MND.

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c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Effects to human beings are generally associated with air quality, noise, seismicity risks, GHG emissions, and hazards and hazardous materials. These resources are most closely related to impacts on humans because they can affect health and quality of life. As discussed in this IS-MND, implementation of the proposed project would result in less than significant environmental impacts with respect to these issue areas with mitigation incorporated. Impacts related to air quality would be reduced through Mitigation Measures AQ-1a and AQ-1b which would reduce daily project construction emissions of criteria pollutants to less than significant levels. The geotechnical recommendations Mitigation Measure GEO-1 and GEO-2 discussed in Section 7, *Geology and Soils*, would ensure that soils and grounds are stable, and that the risk or seismic-related failures or hazards to on-site occupants and uses is minimized. Impacts related with GHG emissions would be reduced through Mitigation Measure GHG-1 which would require a greenhouse gas reduction plan to ensure emissions are below 660 MT annually, achieving GHG emission reduction targets and goals established by the State. Mitigation measures HAZ-1 through HAZ-3 would reduce impacts associated with hazardous materials, ensuring that both project construction workers and on-site occupants would not be exposed to contaminants exceeding applicable ESLs. Wildfire impacts can also directly impact humans and their quality of life. As described above, the project site is in an industrial area not considered to be highly susceptible to wildfire. Accordingly, with implementation of the mitigation measures provided in this IS-MND, the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly. Impacts would be less than significant with mitigation.

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Appendix AB

AB 52 Consultation

Appendix BIO

Biological Constraints Analysis

Appendix BOT

Botanical Survey Report

Appendix BRA

Peer Review of Previous Biological Reports

Appendix CAL

CalEEMod Datasheets

Appendix CR

Cultural Resources Assessment Report

CONFIDENTIAL: On-File at City Offices for Review

Appendix CON

Construction Equipment Noise Levels
Calculations for Sensitive Receptors

Appendix DEL

Request for Jurisdictional Delineation

Appendix ESA

Phase I Environmental Site Assessment

Appendix GEO

Geotechnical Investigations

Appendix LSA

Biological Resources Assessment Prepared by LSA

Appendix NOI

Noise Measurement Data

Appendix PRP

Construction Equipment Noise Level
Calculations for Property Boundary

Appendix RPS

Phase II Environmental Site Assessment

Appendix TIA

Transportation Impact Analysis

Appendix WRA

Biological Resources Assessment Prepared by WSA

Mitigation Monitoring and Reporting Program

The Initial Study-Mitigated Negative Declaration (IS-MND) for the 3636 Enterprise Avenue Industrial Project identifies the mitigation measures that will be implemented to reduce the impacts associated with the project. The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code:

> ...the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting a mitigated negative declaration.

The mitigation monitoring table lists those mitigation measures that may be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and the various City of Hayward departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

The first column identifies mitigation measures that were identified in the IS-MND. The second column, entitled “Action Required,” refers to the monitoring action that must be taken to ensure the mitigation measure’s implementation. The third column, entitled “Monitoring Timing,” refers to when the monitoring will occur to ensure that the mitigation action is complete. The fourth column, “Responsible Agency,” refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The “Compliance Verification” column is where the Responsible Agency verifies that the measures have been implemented.

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
Air Quality						
AQ-1a: Tier 4 Construction Equipment						
Off-road, diesel-fueled construction equipment greater than 50 horsepower (hp) shall meet the California Air Resources Board's Tier 4 Final emissions standards for certified engines or cleaner off-road heavy-duty diesel engines. Documentation of Tier 4 equipment for project construction shall be submitted to the City prior to the issuance of a grading permit.	Verify that all diesel-fueled construction equipment greater than 50 hp meets Tier 4 standards for the during of project construction.	Prior to issuance of building permit issuance, then as needed during construction activities	City of Hayward Planning Division & Public Works Engineering/ Inspections			
AQ-1b: Low VOC-Paint						
Paint used for the project, such as exterior paint for the building, shall contain between zero and 10 milligrams per liter of volatile organic compounds. Paints and architectural coatings containing volatile organic compounds in concentrations exceeding 10 milligrams per liter shall not be used for the project.	Verify that all exterior paints contain between zero to 10 milligrams per liter of VOCs.	Prior to issuance of building permit issuance, then as needed during construction activities	City of Hayward Planning Division & Public Works Engineering/ Inspections			
Biological Resources						
BIO-1: Rare Plant Preconstruction Survey						
Prior to issuance of a grading permit, a qualified botanist will conduct a protocol-level rare plant survey during the blooming period for Congdon's tarplant (June through October). The botanist will also map any sensitive natural communities that may be present on the project site, such as alkali heath marsh. A report detailing the results of the survey will be submitted to the City within 30 days of completion. If Congdon's tarplant or other rare plant species are detected within the project site and project design cannot be altered to avoid impacts, the applicant shall conduct habitat restoration and enhancement in nearby rare plant habitat at a minimum of 1:1 ratio. Nearby habitat for purposes of this mitigation shall consist of habitat in Alameda County, including within incorporated cities. Details of the restoration and enhancement shall be included in a biological resources mitigation and monitoring plan as described in Mitigation Measure BIO-5.	Verify that a qualified biologist has prepared a pre-construction survey during June through October. If Congdon's tarplant or other rare plant species are detected within the project site, project design shall be altered or the applicant shall conduct habitat restoration and	Prior to the issuance of grading permit; as needed during construction to verify buffers established and work is avoiding buffer zones.	City of Hayward Planning Division & Public Works Engineering/ Inspections			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
	enhancement at a minimum 1:1 ratio.					
BIO-2: Nesting Bird Avoidance and Minimization Efforts						
Project construction shall be conducted outside of the nesting season to the extent feasible (September 1 to January 31). If vegetation removal, grading, or initial ground-disturbing activities are conducted during the nesting season, a qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days prior to vegetation removal or initial ground disturbance. Nesting habitat may include grasslands, shrubs, trees, snags and open ground. The existing radio towers on-site could also be used for nesting birds, and therefore shall also be included in the survey for active nests. The survey shall include the entire project site and up to a 300-foot buffer of the project site for raptor nests and a 250-foot buffer of the project site for western snowy plover nests. If active nests of protected species are found within project impact areas or close enough to these areas to affect breeding success, the biologist shall establish a species-specific work exclusion zone around each nest that shall be followed by the contractor. Established exclusion zones shall remain in place until all young in the nest have fledged or the nest otherwise becomes inactive (e.g., due to predation). Appropriate exclusion zone sizes vary dependent upon bird species, nest location, existing visual buffers, ambient sound levels, and other factors; an exclusion zone radius may be as small as 50 feet (for common, disturbance-adapted species) or as large as 300 feet or more for raptors. Exclusion zone size may also be reduced from established levels if supported with nest monitoring by a qualified biologist indicating that work activities outside the reduced radius are not adversely impacting the nest. The biologist shall submit a report of the preconstruction nesting bird survey to the City to document compliance within 14 days of its completion.	Verify that if initial ground disturbing activities occurs between September 1 through January 31, a qualified biologist has prepared a pre-construction survey two weeks prior to start of construction. If active nests are discovered, verify that buffers have been established and work is avoided in in the buffer as appropriate.	Once before construction to review pre-construction survey; as needed during construction to verify buffers established and work is avoiding buffer zones.	City of Hayward Planning Division & Public Works Engineering/ Inspections			
BIO-3: Salt Marsh Harvest Mouse Avoidance						
To avoid impacts to salt marsh harvest mice that may enter the site from adjacent suitable habitat, a pre-activity clearance survey shall be conducted by a qualified biologist immediately prior to vegetation clearing activities, focused on the project site within 100 feet of adjacent marsh habitat to the southwest. The qualified biologist shall monitor vegetation clearing activities, which shall be conducted using hand-tools within 100 feet of suitable salt marsh harvest mouse habitat. Following vegetation clearing activities, silt fencing shall be installed at the southern edge of the project site to exclude mice from active construction areas. The fence shall be of suitable material to avoid wildlife entanglement and frequent tearing. The bottom edge of the silt fence	Verify that a qualified biologist has conducted a pre-activity clearance survey immediately prior to vegetation clearing activities. Verify that silt fencing has been established and	Immediately prior to vegetation clearing activities; daily during construction to inspect and maintain the fence to repair tears and holes	City of Hayward Planning Division & Public Works Engineering/ Inspections			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
shall be buried 6 inches below ground. Stakes to support the silt fence shall be installed on the project site side of the fence to discourage wildlife from climbing into the site. The construction contractor shall inspect and maintain the fence daily to repair tears and holes.	work is avoided in in the buffer as appropriate.					
BIO-4: Artificial Light Impact Reduction						
Impacts from lighting elements used during construction or installed as part of the development project shall be minimized to the greatest extent possible through use of shields, dimming technology, or angling lighting down and away from adjacent sensitive wildlife habitat. The lighting plan shall be prepared by the applicant and reviewed by the City to ensure sufficient efforts have been made to reduce impacts to wildlife.	Verify that sufficient efforts have been made to reduce lighting impacts to wildlife.	Once prior to approval of grading permit.	City of Hayward Planning Division & Public Works Engineering/ Inspections			
BIO-5: Habitat Restoration/Enhancement Plan						
Prior to issuance of a grading permit, the project applicant shall prepare a site-specific Habitat Restoration/Enhancement Plan (HREP) for review and approval by the City. Where the project applicant cannot avoid impacts to Congdon's tarplant, sensitive natural communities, or jurisdictional habitat (e.g., seasonal wetlands, alkali heath marsh), impacts shall be offset through habitat restoration and/or enhancement at a minimum ratio of 1:1 (habitat restored and/or enhanced to habitat impacted) in accordance with the HREP and in coordination with regulatory agencies. A qualified biologist shall develop the HREP pursuant to the requirements listed below. The HREP shall include, at a minimum, the following components: a. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type); b. Goal(s) of the compensatory mitigation project (i.e., the type/types and area/areas of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type/types to be established, restored, enhanced, and/or preserved); c. Description of the proposed compensatory mitigation-site (i.e., location and size, ownership status, existing functions and values of the compensatory mitigation-site); d. Implementation plan for the compensatory mitigation site (the plan will include rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan, including plant species to be used, container sizes, and seeding rates);	Verify that a qualified biologist has prepared a Habitat Restoration/Enhancement Plan (HREP). Where the project applicant cannot avoid impacts to Congdon's tarplant, sensitive natural communities, or jurisdictional habitat verify that habitat restoration and/or enhancement at a minimum ratio of 1:1 is conducted in accordance with the HREP and in coordination with regulatory agencies.	Prior to the issuance of a grading permit.	City of Hayward Planning Division & Public Works Engineering/ Inspections			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
e. Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (the plan will include activities, responsible parties, and schedule); f. Monitoring plan for the compensatory mitigation-site, including no less than quarterly monitoring for the first year; the plan will include performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports; g. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type; h. An adaptive management program and remedial measures to address negative impacts to restoration efforts; i. Notification of completion of compensatory mitigation and agency confirmation; and j. j. Contingency measures (e.g., initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).						
BIO-6: Jurisdictional Delineation and Permit						
Prior to ~~project construction~~ issuance of a grading permit, the project applicant shall direct a qualified biologist to delineate those areas on the project site that are under the jurisdiction of USACE and RWQCB. The qualified biologist shall submit the jurisdictional delineation to the City, USACE, and/or RWQCB, as appropriate, for review and approval. If the project cannot be designed to avoid impacts to jurisdictional resources, the project applicant shall obtain appropriate regulatory permits and implement all required mitigation measures as instructed by the regulating agency. Examples of mitigation measures could include, but are not limited to, the following: ▪ Compensatory mitigation ▪ Establishing or creating new wetlands off-site ▪ Purchasing credits with an established wetland mitigation bank	Verify that a qualified biologist submitted the jurisdictional delineation to the City, USACE, and/or RWQCB. If the project would impact jurisdictional resources, verify the project applicant has obtained appropriate regulatory permits and implement all required mitigation measures as instructed by the regulating agency.	Once before construction to review delineation.	City of Hayward Planning Division & Public Works Engineering/ Inspections			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
Cultural Resources						
CR-1: Worker Environmental Awareness Program						
A qualified archaeologist shall be retained to conduct a worker environmental awareness program (WEAP) training for archaeological sensitivity for all construction personnel prior to the commencement of any ground disturbing activities. Archaeological sensitivity training shall include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.	Verify that a qualified archaeologist conducted WEAP training to all construction personnel.	Prior to the start of any ground disturbing activities.	City of Hayward Planning Division & Public Works Engineering/ Inspections			
CR-2: Unanticipated Archaeological Resources						
If archaeological resources are encountered during ground-disturbing activities, work within 50 feet of the find shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate significant impacts to archaeological resources.	Verify that in the event that archaeological artifacts are encountered during project construction, all work in the vicinity of the find has been halted until such time as the find is evaluated	As needed during construction activities; work must stop immediately if resources are discovered, and consultation initiated as soon as practical	City of Hayward Planning Division & Public Works Engineering/ Inspections			
Geology and Soils						
GEO-1: Geotechnical Considerations						
All existing improvements not to be reused for the current development, including all foundations, flat work, pavements, utilities, and other improvements shall be demolished and removed from the site. ▪ The site shall be stripped of all surface vegetation, as well as existing surface and subsurface improvements that are to be removed within the proposed development area. Surface vegetation and topsoil shall be stripped to a sufficient depth to remove all material greater than three percent organic content by weight. ▪ All fills shall be completely removed within building areas into a lateral distance of at least five feet beyond the building footprint or to a lateral	Verify that building plans incorporate all design and construction criteria specified in the geotechnical report	Once prior to approval of grading permit; periodically on site during grading and construction	City of Hayward Public Works Engineering Division & Planning Division – Development Review Specialist			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
distance equal to filled depth below the perimeter footing, whichever is greater. ▪ After site clearing and demolition is complete, and prior to backfilling any excavations resulting from fill removal or demolition, the excavation subgrade and subgrade within areas to receive additional site fills, slabs-on-grade and or pavements shall be scarified to a depth of six inches, moisture conditioned, and compacted in accordance with the compaction section detailed further in Appendix GEO. ▪ Utility lines constructed within public right of way shall be trenched, betted and shaded, and backfilled in accordance with the local or governing jurisdictional requirements. Utility lines on the project site shall be constructed in accordance with the requirements outlined in Appendix GEO. ▪ Ponding shall not be allowed adjacent to the building foundation, slabs-on-grade, or pavements. Hardscape surfaces shall slope at least two percent towards suitable discharge facilities; landscape areas shall slope at least three percent towards suitable discharge facilities. Roof runoff should be directed away from the proposed building in closed conduits, to approved infiltration facilities, or onto hardscape surfaces that drain to suitable facilities. Retention, detention or infiltration facility shall be spaced at least 10 feet from the proposed building, and preferably at least five feet from slabs-on-grade or pavement. ▪ Since the near-surface soils are moderately to highly expansive, the amount of surface water infiltrating these soils near foundations and exterior slab-on-grade shall be reduced. This shall typically be achieved by: ○ Using drip irrigation ○ Avoiding open planting within three feet of the perimeter building or near the top of existing slopes ○ Regulating the amount of water distributed to lawns or planters by using irrigation timers ○ Selecting landscape with little to no watering, especially in near foundations ○ Other similar measures or techniques developed by a civil or geotechnical engineer and specific to the project site conditions and proposed project design.						
GEO-2: Unanticipated Discovery of Paleontological Resources						

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
In the event an unanticipated fossil discovery is made during the course of project development, construction activity shall be halted in the immediate vicinity of the fossil, and a qualified professional paleontologist shall be notified and retained to evaluate the discovery, determine its significance, and determine if additional mitigation or treatment is warranted. Work in the area of the discovery shall not resume until after the find is properly documented and authorization is given to resume construction work. Significant paleontological resources found during construction monitoring shall be prepared, identified, analyzed, and permanently curated in an approved regional museum repository under the oversight of the qualified paleontologist.	Verify that in the event that fossils are encountered during project construction, all work in the vicinity of the find has been halted until such time as the find is evaluated.	As needed during construction activities; work must stop immediately if resources are discovered, and consultation initiated as soon as possible	City of Hayward Planning Division & Public Works Engineering/ Inspections			
Greenhouse Gas Emissions						
GHG-1: Greenhouse Gas Reduction Plan						
The project applicant shall contract with a qualified professional, such as a GHG specialist or sustainability consultant, to prepare and implement a Greenhouse Gas Reduction Program (GHGRP) that includes on-site GHG reduction measures to reduce the project's total remaining GHG emissions to 660 MT of CO2e per year or less. Potential options include, but would not be limited to: ▪ Supply 100 percent of electricity from renewable energy resources. Options include opting into East Bay Community Energy Brilliant 100 or Renewable 100 plan (carbon-free energy or renewable), East By Community or PG&E's Regional Renewable Choice (opting to supply 100 percent of annual energy usage) Program. ▪ Implement a transportation demand program. Program measures may include installation of additional electric vehicle charging stations, unbundled parking costs, bicycle amenities (storage, showers, lockers, etc.), carpool or ridesharing programs, free transit passes for employees, electric rideshare vehicles for employees, and construction of additional transit infrastructure at the project site (e.g., bus stop shelter improvements). ▪ Install water-efficient fixtures such low flow toilets and faucets. ▪ Implement a zero-waste program or other feasible waste-reduction measures. After implementation of feasible on-site GHG reduction measures, the project applicant may also implement one of, or a combination of, the following off-site measures to achieve up to 50 percent of the total necessary GHG emission:	Review and approve the GHGRP for compliance with the measure.	Prior to issuance of building permit issuance.	City of Hayward Planning Division, Building Division & Public Works Environmental Services and Transportation Divisions			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
▪ Directly undertake or fund activities that reduce or sequester GHG emissions ("Direct Reduction Activities") and retire the associated "GHG Mitigation Reduction Credits." A "GHG Mitigation Reduction Credit" must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB's most recent *Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation* (CARB 2013). An "Approved Registry" is an accredited carbon registry that follows approved CARB Compliance Offset Protocols. As of April 2021, Approved Registries include American Carbon Registry, Climate Action Reserve, and Verra (CARB 2018). Credits from other sources shall not be allowed unless they are shown to be validated by protocols and methods equivalent to or more stringent than the CARB standards. In the event that a project or program providing GHG Mitigation Reduction Credits to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring GHG Mitigation Reduction Credits specific to the registry involved and shall undertake additional direct investments to recoup the loss. ▪ Obtain and retire "Carbon Offsets." "Carbon Offset" shall mean an instrument issued by an Approved Registry and shall represent the past reduction or sequestration of 1 MT of CO_2e achieved by a Direct Reduction Activity or any other GHG emission reduction project or activity that is not otherwise required (CEQA Guidelines Section 15126.4[c][3]). A "Carbon Offset" must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB's most recent *Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation* (CARB 2013). If the project applicant chooses to meet some of the GHG reduction requirements by purchasing offsets on an annual and permanent basis, the offsets shall be purchased according to the City of Hayward's preference, which is, in order of Hayward preference: (1) within the city; (2) within the BAAQMD jurisdictional area; (3) within the State of California; then (4) elsewhere in the United States. In the event that a project or program providing offsets to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring offsets specific to the registry involved and shall purchase an equivalent number of credits to recoup the loss.						

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
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▪ The project's total requisite emission reduction over the project's lifetime shall not be achieved entirely or 100 percent through obtaining carbon offsets. **PLAN REQUIREMENTS AND TIMING** Upon identifying a potential tenant, the applicant shall submit to Development Services Planning & Building Divisions and Public Works – Environmental Services & Transportation Divisions the GHGRP for review and approval prior to issuance of tenant improvements for the first tenant to occupy the space(s). A new GHGRP shall be required for each turnover (i.e., each new tenant) and shall be submitted with applications for tenant improvements ~~or business licenses~~. The GHGRP shall either reduce the project's emissions to 660 MT CO_2e per year or shall incorporate all feasible actions to reduce emissions associated with electricity demand, transportation, and waste generation and shall purchase up to 50 percent carbon offsets. Development Services Planning & Building Divisions and Public Works – Environmental Services and Transportation Divisions, as appropriate, shall verify that project plans incorporate required GHG emission reduction measures per the GGRP prior to final design approval. Each emission reduction measure shall include a commitment enforceable by Development Services Planning Division and Public Works – Environmental Services Division. **MONITORING** Development Services Planning Division and Public Works – Environmental Services & Transportation Divisions, as appropriate, compliance monitoring staff shall confirm inclusion of the required GHG emission reduction measures into the project Conditional Use Permit. Compliance with all components of the GHGRP shall be verified prior to issuance of a Certificate(s) of Occupancy. The tenant shall be required to submit annual reports documenting GHG reduction measures, energy use, water use, solid waste collection, and a bi-annual employee mode of transportation survey. Upon at least three consecutive years of demonstrated compliance, and at the sole discretion of the Development Services Planning Division and Public Works – Environmental Services & Transportation Divisions, as appropriate, annual reporting may be suspended until tenant turnover. Upon demonstrating compliance with a qualified GHG Reduction Strategy such as future updates to the Climate Action Plan adopted by the City of Hayward, the project may indefinitely suspend GHGRP reporting.						

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
Hazards and Hazardous Materials						
HAZ-1 Project Demolition Activities						
In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of the on-site radio transmitter building to determine the presence of asbestos-containing materials (ACMs). At a minimum, vinyl flooring inside of the radio transmitter building shall be sampled and tested for ACMs. Documentation of the survey shall be provided to the City prior to commencement of demolition activities. All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure. A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above in this mitigation measure. Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than 1 percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.	Verify that a pre-demolition survey and sampling was conducted to test for ACMs in accordance with BAAQMD regulations.	Prior to demolition of the on-site radio transmitter building.	City of Hayward Fire Department Hazardous Materials Division & Planning Division			
HAZ-2: Soil and Groundwater Vapor Management Plan						
The project applicant shall retain a qualified environmental consultant (PG or PE) to prepare a Soil and Groundwater Vapor Management Plan (SSVMP) prior to construction. The SSVMP, or equivalent document, shall be prepared to address onsite handling and management of impacted soils, groundwater, groundwater vapor, or other impacted wastes, and reduce hazards to construction workers and offsite receptors during construction. The SSVMP shall establish remedial measures and/or soil management practices to ensure construction worker safety, the health of future workers and visitors, and the offsite migration of contaminants from the site. These measures and practices may include, but are not limited to: ▪ Stockpile management including stormwater pollution prevention and the installation of Best Management Practices (BMPs) ▪ Proper disposal procedures of contaminated materials ▪ Monitoring and reporting ▪ A health and safety plan for contractors working at the site that addresses the safety and health hazards of each phase of site construction activities	Review and approve Construction Soil and Groundwater Vapor Management Plan.	Prior to issuance of grading permit.	City of Hayward Fire Department Hazardous Materials Division & Public Works Engineering Division/Inspections & Planning Division			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
with the requirements and procedures for employee protection. The health and safety plan will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction The SSVMP shall be submitted to the City prior to the commencement of demolition and construction. The City may also request the applicant submit the SSVMP to the San Francisco Bay RWQCB, at which time the applicant shall submit to the RWQCB. Otherwise, the City shall provide the SSVMP to the RWQCB after receipt from the applicant. The San Francisco Bay RWQCB and the City shall review and approve the SSVMP prior to demolition and grading (construction) and the project applicant shall review and implement the SSVMP prior to demolition and grading (construction). The demolition permit and grading permit and building permit needed for the project shall not be granted or issued until the SSVMP is approved by both the City and the San Francisco Bay RWQCB. If groundwater is encountered during ground-disturbing activities, work in the immediate area shall be halted and a qualified environmental consultant shall be contacted immediately to evaluate the situation. Work may continue on other parts of the project while impacted groundwater investigation and/or remediation takes place.						
HAZ-3: Groundwater Vapor Mitigation System						
The project applicant shall retain a qualified environmental consultant (PG or PE) to prepare a vapor mitigation system design for the proposed project. The plan shall include, but is not limited to: ▪ Design specifications ▪ Material specifications ▪ Installation requirements ▪ Monitoring requirements ▪ The project applicant shall design and implement engineering measures or institutional controls (e.g., soil/groundwater vapor barrier) to prevent potential vapor intrusion into the proposed building in accordance with the measures included in the DTSC's Vapor Intrusion Guidance Document – Final (October 2011) and Vapor Intrusion Mitigation Advisory, Revision 1 (October 2011). ▪ Engineering measures or institutional controls shall be submitted to the City's Building Division and Planning Division prior to the issuance of any grading or building permits. Said engineering measures and institutional	Review and approve the Groundwater Vapor Mitigation System design.	Prior to issuance of grading permit.	City of Hayward Fire Department Hazardous Materials Division & Public Works Engineering Division/Inspections & Planning Division			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
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controls shall be peer reviewed by a qualified third-party contractor hired by the City at the project applicant's expense to confirm such measures and controls comply with applicable regulations. Consultation with the DTSC or a local cleanup agency may be required to confirm the appropriateness of the measures and controls. ▪ The project applicant and/or contractor shall retain a qualified professional to certify that the accepted measures and controls are properly constructed and functioning. Written verification shall be submitted to the City. ▪ The efficacy of the measures and controls shall be confirmed and certified by a qualified professional pursuant to the construction quality assurance/quality control testing guidance of the DTSC's Vapor Intrusion Guidance Document – Final (October 2011). ▪ The project applicant and contractor shall incorporate a sub-slab vapor barrier during construction, the implementation of which would prevent the potential for soil and groundwater vapors from migrating to indoor air. ▪ The San Francisco Bay RWQCB and the City shall review and approve the Vapor Mitigation System Design prior to construction. The project applicant shall review the Vapor Mitigation System Design and install the system during construction.						
Hydrology and Water Quality						
HWQ-1 Interior Storage Requirement						
All chemicals or other products determined, designated, or otherwise categorized by the State of California as a hazardous material shall not be stored in spaces exterior to the proposed building in quantities exceeding 20 gallons. Storage of hazardous materials in quantities of 20 gallons or more shall be stored in the interior of the proposed building. If safety requirements prevent the storage of materials indoors, the materials shall be stored in a space providing secondary containment in the event of a spill and the space shall be constructed to prevent infiltration of flood waters based on the 100-year flood elevation published by the Federal Emergency Management Agency.	Verify all hazardous materials exceeding quantities of 20 gallons are stored in the interior of the building or that outside storage areas have secondary containment.	Prior to issuance of occupancy permit and then periodically during operation at the City's discretion.	City of Hayward Fire Department Hazardous Materials Division & Planning Division			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
Transportation						
TRA-1: VMT Reduction						
The project applicant and/or operator of the facility shall implement a rideshare program, provide employees with promotions and a marketing program encouraging transit use and cycling, and provide transit subsidies for 100 percent of project employees. The rideshare program shall include subsidies for employees who participate in carpool and vanpool programs and provision of prime parking, such as close to the building entrance, for carpool or vanpool vehicles.	Verify that building plans incorporate all VMT reduction strategies.	Prior to issuance of occupancy permit and then periodically during operation.	City of Hayward Public Works – Transportation Division and Planning Division			
TRA-2: Pedestrian and Bicycle Safety						
The project applicant shall install signage on the project site where each proposed driveway would cross the new proposed sidewalk along Enterprise Drive. The applicant shall coordinate with the City of Hayward on the specific design and location of the signs; at a minimum, the signage shall alert drivers and truck operators that they are approaching a pedestrian sidewalk and bicycle use area and to use appropriate caution to avoid accidental collisions.	Verify that building plans incorporate all pedestrian and bicycle safety design features.	Prior to issuance of occupancy permit and then periodically during operation.	City of Hayward Public Works – Transportation Division and Planning Division			
Tribal Cultural Resources						
TCR-1: Archaeological and Native American Monitoring						
The applicant shall provide written notice in advance of commencement of ground disturbing activities including demolition, site preparation, grading or excavation to a Native American tribal representative from the Ione Band of Miwok Indians. The notice shall include an invitation for the tribal representative to be given access to the project site and retained under contract to conduct monitoring while excavation and ground-disturbing activities are ongoing. Should the Native American tribal representative fail to reply to the invitation or decide that their presence is not required, or necessary, ground-disturbing activities may continue in their absence. In the event that cultural resources of Native American origin that may be considered tribal cultural resources are identified during construction, all earth disturbing work within 50 feet of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and in consultation with the on-site Native American monitor, if present.	Verify that a written notice was provided to a Native American tribal representative from the Ione Band of Miwok Indians which includes that they be given access to the project site and retained under contract to conduct monitoring while excavation and ground-disturbing activities are ongoing. Verify that in	Prior to the start of ground disturbing activities including demolition, site preparation, grading or excavation; then as needed during construction activities; work must stop immediately if	City of Hayward Planning Division & Public Works Engineering/ Inspections			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
If the archaeologist and Native American monitor determine that the resource is a tribal cultural resource and thus significant under CEQA, a treatment plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American tribes. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the appropriate Native American tribal representative(s). Examples of treatment could include recovery of the resource or resources and curation.	the event that cultural artifacts of Native American origin are encountered during project construction, all work in the vicinity of the find has been halted until such time as the find is evaluated	resources are discovered, and consultation initiated as soon as practical				
TCR-2: Unanticipated Discovery of Tribal Cultural Resources						
In the event that cultural resources of Native American origin that may be considered tribal cultural resources are identified during construction, all earth disturbing work within 50 feet of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and in consultation with the on-site Native American monitor. If the archaeologist and Native American monitor determine that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate Native American tribal representative(s).	Verify that in the event that cultural artifacts of Native American origin are encountered during project construction, all work in the vicinity of the find has been halted until such time as the find is evaluated	As needed during construction activities; work must stop immediately if resources are discovered, and consultation initiated as soon as practical	City of Hayward Planning Division & Public Works Engineering/ Inspections			

Response to Comments

This Response to Comments document provides responses to written comments that were received by the City of Hayward (City) following circulation of the Initial Study-Mitigated Negative Declaration (IS-MND) for the proposed 3636 Enterprise Avenue Industrial Project, hereafter referred to as the proposed project. The IS-MND identifies the likely environmental consequences associated with implementation of the proposed project and recommends mitigation measures to reduce potentially significant impacts.

The California Environmental Quality act (CEQA) does not require formal responses to comments on an IS-MND, but instead requires that the lead agency consider the comments received [CEQA Guidelines Section 15074(b)]. Nevertheless, responses to the comments are included in this document to provide a complete environmental record.

Pursuant to CEQA, lead agencies are required to circulate a Notice of Intent to Adopt a Mitigated Negative Declaration and provide the general public and public agencies with an opportunity to comment on the Draft IS-MND. The IS-MND for the project was circulated for public review for a 30-day review period, from July 29, 2022, to August 29, 2022. During the circulation period, the City received written comment letters from three public agencies:

- Letter 1: Bay Area Air Quality Management District
- Letter 2: California Department of Toxic Substances Control
- Letter 3: San Francisco Bay Conservation and Development Commission

The following table summarizes each comment in the letters and provides the City's written responses. Copies of the comment letters are attached after the table.

Comment (Paraphrased)	Response to Comment
Letter 1: Bay Area Air Quality Management District	
The commenter acknowledges that mitigation measures in the IS-MND reduce air quality emissions to below significance thresholds established by the BAAQMD for determining the significance of impacts for purposes of CEQA. The commenter provides a list of practices or measures that would further reduce fugitive dust and construction exhaust emissions and recommends that these practices or measures be implemented.	The commenter is correct that the IS-MND provides mitigation measures that would reduce all impacts of the project, including air quality impacts, to levels that are less than significant. Specifically, as discussed on pages 36 and 37 of the IS-MND, with implementation of mitigation measures AQ-1a and AQ-1b, construction emissions of the project would be below BAAQMD thresholds, and impacts would be less than significant. According to Section 15126.4(a)(3) of the State CEQA Guidelines, mitigation measures are not required for effects which are found to be less than significant. The air quality impacts would be less than significant with mitigation measures already provided in the IS-MND; therefore, additional mitigation, such as the list of practices or measures recommended by the commenter, are not required in the IS-MND. No revisions to the IS-MND are necessary in response to this comment. Although the list of practices or measures provided by the commenter are not required to become mitigation measures for the project or IS-MND, the City understands that the practices or measures would reduce dust and exhaust. Accordingly, the City has provided the list to the project applicant to implement at their discretion. Additionally, although not thoroughly described in the IS-MND, the City has standard Conditions of Approval that it requires during construction, generally. For example, the City requires project applicants to moisten exposed soils during construction to prevent wind erosion and reduce dust. The City's standard Conditions of Approval would achieve many of the same goals as the list of practices or measures recommended by the commenter.
The commenter acknowledges that the project includes emissions reduction measures throughout operations. The commenter provides a list of practices that would further reduce operational emissions.	The commenter is correct that the project includes emissions reduction measures such as the availability of bike facilities and installation of 7 electric vehicle (EV) charging stations. These would reduce operational emissions of the project. Although the list of practices provided by the commenter are not required to become mitigation measures for the project or IS-MND, the City understands that the practices or measures would reduce operational emissions. Accordingly, the City has provided the list to the project applicant to implement at their discretion. No revisions to the IS-MND are necessary in response to this comment.
The commenter acknowledges that some aspects of the project may require permitting from the Air District and offers a contact to discuss permit requirements.	This comment has been noted and no revisions to the IS-MND are necessary in response to this comment.

Comment (Paraphrased)	Response to Comment
Letter 2: Department of Toxic Substances Control	
The commenter requests that the IS-MND identify a qualified regulatory agency that provided oversight and concurrence that the Phase I and II ESAs were conducted in accordance with industry standards and that the proposed project is protective of human health and the environment.	The IS-MND includes both the Phase I and II environmental site assessments (ESAs) as Appendices ESA and RPS, respectively. Both ESAs were conducted by RPS Group and state that they were conducted in overall accordance with industry standards, including the requirements of ASTM-13 and the federal All Appropriate Inquiries (AAI) standard. Furthermore, CEQA does not specifically require regulatory agency oversight of a Phase I or II ESA investigation. Therefore, both documents provide sufficient and reliable data on which to base the CEQA analysis. No revisions to the IS-MND are necessary in response to this comment.
The commenter suggests that the Soil and Groundwater Vapor Management Plan (SSVMP) and Groundwater Vapor Mitigation System (GVMS) should have oversight from a regulatory agency. The commenter further requests that the groundwater vapor mitigation system should have long-term operations and maintenance, and sampling to ensure that building occupants remain protected.	The IS-MND includes mitigation measures HAZ-2 and HAZ-3 (page, 89-91), which state that the San Francisco Bay RWQCB and the City shall review and approve the SSVMP and GVMS prior to demolition and construction activities. As a regulatory agency, the San Francisco Bay RWQCB would provide oversight for both the SSVMP and GVMS and could recommend long-term operations and sampling to be conducted as part of the approved plan and system. Therefore, no revisions to the IS-MND are necessary in response to this comment.
The commenter suggests that if any buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk.	This comment has been noted and will be taken into account by the project applicant and City staff if demolition should occur that would require a survey for lead-based paints, mercury, or polychlorinated biphenyl caulk. The IS-MND includes Mitigation Measure HAZ-1 (Page 89), which states that a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of the on-site radio transmitter building to determine the presence of asbestos-containing materials (ACMs). No revisions to the IS-MND are necessary in response to this comment.
The commenter suggests that if any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination.	This comment has been noted and will be taken into account by the project applicant and City staff if imported soil would be used during site preparation. No revisions to the IS-MND are necessary in response to this comment.
The commenter suggests that if any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the IS-MND.	As discussed within the Phase I ESA attached to the IS-MND, the site consisted of undeveloped land from at least 1928 through 1960, and in 1969 the current radio towers and radio transmitter building were constructed. The site has served as a radio transmission station for KFAX 1100 AM since 1969 and KTRB 860 AM since 2016. No current or historical site operations with a potential to impact the site were identified. Therefore, no revisions to the IS-MND are necessary in response to this comment.
The commenter states appreciation for the opportunity to comment on the IS-MND and provides a link to apply for lead agency oversight.	This comment has been noted and no revisions to the IS-MND are necessary in response to this comment.

Comment (Paraphrased)	Response to Comment
Letter 3: San Francisco Bay Conservation and Development Commission	
The commenter requests that the project proponent review whether any portion of their project is within the Bay Conservation and Development Commission's Bay or shoreline band jurisdiction, and if so, should apply for a BCDC permit. The commenter provides a link to the BCDC website.	As discussed on Page 40 of the IS-MND, the project site is located approximately 400 feet from marshlands associated with the San Francisco Bay and ranges from 8 to 12 feet above sea level. Based on this, and previous research conducted through the environmental review process, the project is not located within the BCDC bay or shoreline band jurisdiction. No revisions to the IS-MND are necessary in response to this comment.

Appendix A

Comment Letters

RE: [EXT] Re: 3636 Enterprise Avenue Industrial Project MND - Bay Area Air Quality Management District comments

From: Mark Tang <mtang@baaqmd.gov>
Sent: Thursday, August 25, 2022 5:31 PM
To: Ranu Aggarwal <Ranu.Aggarwal@hayward-ca.gov>
Cc: Alison Kirk <AKirk@baaqmd.gov>; Wendy Goodfriend <wgoodfriend@baaqmd.gov>
Subject: 3636 Enterprise Avenue Industrial Project MND - Bay Area Air Quality Management District comments

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Ranu Aggarwal,

We received notice of the **3636 Enterprise Avenue Industrial Project MND** and wanted to send you relevant recommendations and resources for the development of this project. While the project's mitigated impacts do not exceed the Air District Thresholds, these resources and recommendations are helpful to further reduce air pollutants and minimize greenhouse gas emissions with the most up to date best practices for warehouse projects especially for projects located in disadvantaged communities (SB 1000) and within Air District Overburdened Communities (as defined by Air District Regulation 2, Rule 1: General Requirements, Section 2-1-243).

While the project includes some dust mitigation measures to meet Hayward Municipal Code Section 10-8.32, the Air District also recommends implementing all feasible and practical best management practices as prescribed under the Air District's California Environmental Quality Act (CEQA) Thresholds and Guidelines, "Basic Construction Mitigation Measures" and "Additional Construction Mitigation Measures" to reduce construction-related fugitive dust to the greatest extent possible (Table 8-3, page 85). Some examples would include, but not be limited to the following:

- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

We also commend you for taking measures to reduce construction-related exhaust emissions. Measures such as using Tier 4 construction equipment will eliminate most construction-related exhaust emissions. For further emissions reduction, additional measures can be taken at the construction site, including:

- Prohibiting portable diesel generators from construction site where grid power is available, or use of alternatively-fueled generators such as propane or solar electrical power where grid power is not available.

- Requiring newer model engines, no more than eight years old for on-road haul trucks.
- Using EPA SmartWay certified trucks for deliveries and equipment transport.
- Requiring off-road construction equipment to be zero-emission, where available. This requirement should be included in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.

In addition, we commend the project for incorporating emissions reduction measures throughout operations such as the availability of bike facilities and installation of 7 electric vehicle (EV) charging stations. The Air District encourages the Project Sponsor to adopt further project benefits beyond existing requirements and reach codes to further reduce operational emissions. Consider implementing the following best practices and those included in the resources section below to further reduce the project's footprint.

1. Implement a program that incentivizes construction workers and building tenants to carpool, use EVs, or use public transit to commute to and from the site. The program may include the following features:
   - Provide a shuttle service to and from BART
   - Provide preferential parking to carpool vehicles, vanpool vehicles, and EV's
   - Schedule work shifts to be compatible with the schedules of local transit service

2. Install additional charging infrastructure, and at minimum EV-ready infrastructure that will help to:
   - Prohibit or minimize the use of diesel fuel, consistent with the Air District's Diesel Free By '33 initiative (http://dieselfree33.baaqmd.gov/)
   - Transition to a zero-emission fleet domiciled at the project site for Class 2 through 6 trucks by December 31, 2027, for class 7 and 8 trucks by December 31, 2025, or when commercially available, and for delivery vehicles (such as vans) by December 31, 2027
   - Support vehicle electrification, including 100% electric drayage trucks, from the Project's start
   - Support electrification of Transport Refrigeration Units (TRU), from the Project's start

3. Procure 100% renewable energy from the load serving utility:
   - Community Choice Aggregator (East Bay Community Energy); or
   - Investor-Owned Utility (Pacific Gas & Electric)

The Air District strongly recommends that all Mitigation Measures that either directly or indirectly reduce health risks and have air quality benefits, including AQ-1a and AQ-1b be required as conditions of approval. Additionally, the lead agency should ensure that the Mitigation and Monitoring and Reporting Program (MMRP) uphold rigorous enforcement of these measures and maximizes the community benefits from all Mitigation Measures included in the MND.

In conclusion, certain aspects of the Project may require a permit from the Air District (for example, backup diesel generators and asbestos demolition). Please contact Barry Young, Senior Advanced Projects Advisor, at (415) 749-4721 or byoung@baaqmd.gov to discuss permit requirements.

Resources:
The first two documents are similar logistics center/warehouse comment letters that describe Air District recommendations. We are also including additional resource links from other agencies and the Attorney General's office that could be useful in the development of this project.

- BAAQMD CEQA Comment Letter: CenterPoint North Richmond Warehouse Project EIR

- BAAQMD CEQA Comment Letter: Scannell Properties, LLC North Richmond Warehouse Project NOP
- CARB's Concept Paper for the Freight Handbook: Provides practices to minimize community health impacts from warehouses and freight facilities.
- CA Attorney General's Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act: References good neighbor policies, best practices for community engagement, and other requirements such as fully analyzing impacts from truck trips.

Let us know if you have any questions or would like to discuss. Thank you again for your time.

Best,

Mark Tang (he/him/his)
Principal Environmental Planner
Bay Area Air Quality Management District
mtang@baaqmd.gov
(415) 749-4778

Department of Toxic Substances Control

Jared Blumenfeld
Secretary for
Environmental Protection

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

August 29, 2022

Ms. Ranu Aggarwal
City of Hayward
777 B Street
Hayward, CA 94541
Ranu.Aggarwal@hayward-ca.gov

INITIAL STUDY-MITIGATED NEGATIVE DECLARATION FOR 3636 ENTERPRISE AVENUE INDUSTRIAL PROJECT – DATED JULY 2022 (STATE CLEARINGHOUSE NUMBER: 2022070542)

Dear Ms. Aggarwal:

The Department of Toxic Substances Control (DTSC) received an Initial Study-Mitigated Negative Declaration (IS-MND) for the 3636 Enterprise Avenue Industrial Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the IS-MND:

1. The IS-MND states that a Phase I Environmental Site Assessment (ESA) performed at the proposed project site identified two historical recognized environmental conditions (RECs) that included abandoned waste oil drums and asbestos-containing materials (ACM). The Phase I ESA also identified a single non-historical REC known as the Runnels property. A metal finishing and coating business was run on this property from 1966 through 2006. Groundwater at the Runnels property was determined to have been affected with metals, trichloroethylene, tetrachloroethylene, and 1,1-dichloroethylene. Soil contamination associated with the Runnels property included arsenic, chromium,

copper, zinc, petroleum hydrocarbon as diesel, petroleum hydrocarbon as oil, and polyaromatic hydrocarbons.

Based on results of the Phase I ESA, a Phase II ESA for the proposed Project site was prepared in March 2021. Analytical results of samples collected for the Phase II ESA showed elevated levels of arsenic in soil. Based on laboratory analytical results of groundwater samples collected for the Phase II ESA, groundwater at the project site was determined to contain 1,1-dichloroethene, 1,1-dichloroethane, cis-1,2-dichloroethene, trichloroethene, and tetrachloroethene. Trichloroethene concentrations were determined to exceed environmental screening levels. The IS-MND proposes three mitigation measures that include project activities to address hazards related to building demolition, a Soil and Groundwater Vapor Management Plan, and a groundwater vapor mitigation system.

DTSC recognizes the rationale for identification of the three RECs given the historic and current uses of the Project site and adjacent properties. However, the IS-MND does not identify a qualified regulatory agency that has provided regulatory oversight and concurrence that the Phase I and II ESAs were conducted in accordance with industry standards and that the proposed project is protective of human health and the environment.

A regulatory agency such as DTSC or Regional Water Quality Control Board (RWQCB), or a qualified local agency that meets the requirements of Assembly Bill 304 (AB304) should provide regulatory concurrence that the Phase I and II ESAs were conducted in accordance with industry standards and the site is safe for construction and the proposed use with the proposed mitigation measures. The Soil and Groundwater Vapor Management Plan, and a groundwater vapor mitigation system should have oversight from one of the aforementioned regulatory agencies. The groundwater vapor mitigation system should have long-term operations and maintenance, and sampling to ensure that building occupants remain protected.

2. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006

Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers.

3. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material*.

4. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the IS-MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)*.

DTSC appreciates the opportunity to comment on the IS-MND. Should you choose DTSC to provide oversight for any environmental investigations, please visit DTSC's Site Mitigation and Restoration Program page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at DTSC's Brownfield website.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning
and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Reply all Delete Junk Block ...

3636 Enterprise Avenue

Retention: 60 Day Retention Policy-Inbox (60 days) Expires: Sat 10/29/2022 2:47 PM

PK

Pan, Katharine@BCDC <katharine.pan@bcdc.ca.gov>

To: Ranu Aggarwal

Tue 8/30/2022 2:47 PM

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hi Ranu,

I was reviewing the project posted on CEQAnet and saw the posting for the IS-MND for the 363 Enterprise Avenue Industrial Project. I only had a chance to skim the document, but I gathered that the project might be adjacent to tidal marsh. If so, the project proponent should review whether any portion of their project is within the Bay Conservation and Development Commission's Bay or shoreline band jurisdictions. In areas of tidal marsh, the shoreline is defined as the edge of marsh vegetation up to 5 feet above mean sea level. The shoreline band is defined as 100 feet landward from the shoreline. If they have any work or project components taking place within those areas, they should apply for a BCDC permit. They can review the information on our website (https://www.bcdc.ca.gov/forms/forms.html) or get in touch with me or info@bcdc.ca.gov with any questions. Feel free to let me know if you have any questions as well. Thanks!

Katharine Pan
Principal Shoreline Development Analyst
Direct: (415) 352-3650 | katharine.pan@bcdc.ca.gov

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale Street, Ste. 510
San Francisco, CA 94105
Main: (415) 352-3600
www.bcdc.ca.gov | @SFBCDC

Reply | Forward

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: MIN 22-111

DATE: September 22, 2022

TO: Planning Commission

FROM: Assistant City Manager / Development Services Director

SUBJECT

Minutes of the Planning Commission Meeting on June 23, 2022

RECOMMENDATION

That the Planning Commission approve the minutes of the Planning Commission meeting of June 23, 2022

SUMMARY

The Planning Commission held a meeting on June 23, 2022

ATTACHMENTS

Attachment I Draft Minutes of June 23, 2022

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS AND VIRTUAL (ZOOM) PARTICIPATION
Thursday, June 23, 2022, 7:00 p.m.

Due to Chair Oquenda being absent, Vice Chair Ali-Sullivan facilitated the Planning Commission meeting as Chair.

The Planning Commission meeting was called to order at 7:00 p.m. by Chair Ali-Sullivan. The Planning Commission held a hybrid meeting in the Council Chambers and virtually via Zoom.

CALL TO ORDER Pledge of Allegiance led by Chair Ali-Sullivan

ROLL CALL

Present:	COMMISSIONERS:	Bonilla Jr., Goldstein, Lowe, Roche, Stevens
	CHAIRPERSON:	Ali-Sullivan
Absent:	COMMISSIONER:	None
	CHAIRPERSON:	Oquenda

Staff Members Present: Buizer, Claussen, Lens, Lochirco, Madhukansh, Ochinero, Schmidt, Vigilia

PUBLIC COMMENTS

There were none.

PUBLIC HEARING

[Item continued from June 9, 2022] For agenda item No. 1, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

1. Proposed Mixed-Use Development of 314 Rental Apartments, including 19 Units Affordable to Very Low and Low-Income Households, 7,100 Square Feet of Ground Floor Retail Space, and related Site and Frontage Improvements at 22330 Main Street (APN 428-0061-061-03, 428-0061-061-04) Requiring an Addendum of a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program and Approval of a Major Site Plan Review, Administrative Use Permit, and Density Bonus Application No. 202003725; Nick Clayton for Project Management Advisors, Inc. (Applicant); Amit Goel for Goel Hayward MF LLC (Owner).

Planning Manager Lochirco provided a synopsis of the staff report and PowerPoint presentation. He noted that there was one subsequent change per the applicant's request since the previous Planning Commission meeting held on June 9, 2022, which was the

applicant would provide an enhanced community benefit and has agreed to contribute $10,000 prior to building permit issuance intended to be used to improve and maintain the existing city-owned parcel at Hazel Avenue and Main Street. This location was presently being used by the neighborhood as an open space area and community garden. Mr. Lochirco pointed out that this request would be updated as Condition of Approval No. 26 reflected in Attachment III Conditions of Approval.

Commissioner Comments

Mr. Amit Goel, project applicant, stated that taking into consideration community interest and being a good team player with the community, his firm worked closely with labor groups and entered into labor agreements and hoped to earn the support of the Planning Commission.

Commissioner Roche shared concerns from current residents which was expressed through a letter about the garbage bin location and a fire lane entrance located next to the property and asked if there was a way to address this.

Mr. Lochirco responded that part of the requirement for the placement of the garbage area was to allow vehicles along that internal drive area connecting McKeever Avenue and Maple Street to have access to the trash area.

Mr. Vince Chupka, Regional Director with Humphreys and Partners Architects, responded to Commissioner's Roche's question that the trash enclosure was not a storage area and that it was a pick-up area designated for pick-up days; noting that each building in the proposed project has its own trash storage inside. He exemplified that the larger building has two trash storage spaces inside which are fed by chutes, where residents can enter a small room and feed the trash down the chute, the trash receptacle is stored on the ground level of the parking structure. Mr. Chupka stated that the smaller building has a similar space near the elevator lobby which has a pair of doors that open up to the outside. The concept was that on trash pick-up day, the bins will be rolled out from the buildings and taken to the staging area for pick-up. Mr. Chupka stated that since the walls were removed for the two neighboring properties, the applicant will be putting up a masonry wall which could be a useful sound barrier and that the height recommendation for this was 6 feet tall. Mr. Chupka confirmed for Commissioner Roche that it was the project applicant's intent to make the proposed development a livable area for the surrounding neighborhood as well.

Commissioner Roche asked if the two inconsistencies in the Arborist's Report had been addressed. Ms. Darya Barar, Arborist with Hortscience Bartlett Consulting, spoke about how the appraised value of the trees is determined, indicating that the calculation took into account the species and size of the tree and other factors that are present such as the

location of the tree and its condition. She underscored that the values could change dramatically when location and condition factors are taken into consideration. Ms. Barar disclosed that the appraisal in the Arborist's Report was prepared based on the 9th edition which was acceptable to the City of Hayward. In regard to community questions raised about usage of Silva Cells, Ms. Barar noted that these were best used underneath sidewalk or structural soil for new trees and not recommended for existing trees as this would require extensive excavation to reach the root removing 90% of the root ball.

Commissioner Roche asked the applicant if the concerns of the Prospect Hill Neighborhood Association had been addressed. Mr. David Bowlby, project consultant with the Bowlby Group, shared that the applicant's team had many interfaces and meetings with the Prospect Hill Neighborhood Association regarding the issues and concerns expressed by the residents. He shared that the dedication of specific funds towards the community garden and implementation of a dog run were results of conversations with residents. With regards to issues of traffic and parking, the applicant's team explained to residents the Transportation Demand Management Plan (TDM) to deal with these challenges and underscored options to implement a Parking Permit Program if parking issues persisted in the future. Mr. Bowlby stated that concerns raised about density were policy based and could be addressed by the city. He expressed that he was mindful that the neighborhood was changing and that there would be impacts to the neighborhood, but the applicant team was striving to ensure that the project will be a part of the community fabric with minimal impacts.

Commissioner Bonilla Jr. encouraged the applicant to continue meeting with the community to ensure that their voice was incorporated, especially with the construction of walls and other things in the vicinity.

Mr. Bowlby clarified for Commissioner Bonilla Jr., that the $10,000 contribution would be a donation to the community park as the land was a city-owned parcel and not associated with the Hayward Area Recreation and Park District (HARD), and the applicant wanted to ensure the funds could be used for further improvement of the community garden. Mr. Lochirco indicated for Commissioner Bonilla Jr. since the condition of approval is specific to the park, the City Council could make a determination on the use of funds for improvements to this space. Mr. Lochirco underscored that the parcel was not maintained by HARD and that it is a vacant city-owned parcel that the Prospect Hill Neighborhood Association has been working with on behalf of the community to make it an accommodating space for the residents of the neighborhood to garden. He commented that the City Council has recognized the importance of maintaining this community space and that the contribution by the applicant will further support the initiative.

Chair Ali-Sullivan opened the Public Hearing at 7:30 p.m.

Mr. Vince Sugrue, representing Hayward residents who work for the Mechanical Craft Unions: Sheet Metal Workers, UA Local 342, IBEW Local 595, and Sprinkler Fitters Local 483, expressed that he was proud of the proposed project, commended the developer Mr. Amit Goel for working hard to partner with local labor groups, and was excited to be a part of the project. Mr. Sugrue appreciated his gratitude to the Planning Commission and staff for their advocacy and supported the approval of the project.

Mr. John Dalrymple (Zoom participant) commended the Planning Commission and City Council for their approach with the project and how it fits the vision for the downtown; commended the developer for addressing the challenges expressed at the previous Planning Commission meeting with the community and implementing community benefits; stated that the proposed project will allow for broader apprenticeship programs; and looked forward to helping build the project.

Ms. Ro Aguilar (Zoom participant), Hayward resident, complimented the Planning Commission and staff on the exemplary project that offered infill rental development situated near transit; complimented the developer for exceeding the requirements of the city's affordable housing code to get the maximum number of affordable units and for using the density bonus, and for incorporating mixed family sizes. Ms. Aguilar was dismayed that only 16 of the 314 units were affordable units due to the low city requirement, when the need was greater. She stressed that since the city is currently revising the Affordable Housing Ordinance, it had the opportunity to revise the language that governs the percentage of low and very low units included in a development. She urged that the Planning Commission recommend raising the percentage from 6% to at least 15% and require on the ground units and not have an option to pay in-lieu fees for developments over 20 units. Ms. Aguilar stated that the 15% inclusionary housing requirement should apply to all types of housing which will help grow and strengthen the middle class.

Mr. Pekon Gupta (Zoom participant) commented that he was thankful for the donation of $10,000 to the city park. He shared that in the City of Palo Alto, there were numerous sidewalk designs where large existing trees had been saved and contrasted that with the Arborist Report for the proposed project which he indicated did not include options for tree preservation. He requested that the developer consider revising the proposal and consider different mechanisms for saving certain trees at the project site.

Chair Ali-Sullivan closed the Public Hearing at 7:41 p.m.

Commissioner Lowe expressed she was pleased that the applicant worked with local unions and with the surrounding neighborhood in resolving some of the issues and concerns that had been raised. Commissioner Lowe made a motion to approve the project per staff recommendation, the motion was seconded by Commissioner Stevens.

Commissioner Bonilla Jr. commented he was excited about this project and appreciated the agreement reached with labor groups and the input received from the community. He agreed with Ms. Aguilar's sentiments about the affordable housing requirements being too low to address the needs of the community. He urged future developments to include more affordable housing units than required. Commissioner Bonilla Jr. expressed his support of the project as it met community needs and encouraged continued community input as the project is built.

Commissioner Roche said that she agreed with her colleagues supporting the building of this project and indicated that the project was reflective of the developer listening to the concerns of the Planning Commission, local labor groups and neighborhood associations. She emphasized the need to reevaluate the Affordable Housing Ordinance but was glad that the proposed project would exceed the current requirement. Ms. Roche liked that the community benefit had increased and recommended that developer continue communications with the surrounding community, monitoring the traffic challenges and implementing the TDM as residents move into the building. Commissioner Roche expressed her support of the project.

Commissioner Goldstein was delighted that the developer had worked out an agreement with labor groups and the neighborhood and indicated that the project was beautiful which satisfied a need in the community. He underscored how valuable the labor union groups are to the city, and that the developer's ability to come to an agreement on prevailing wages makes it possible for members of the labor groups to contribute back to the community. The inclusion of local labor in the project translates into laborers not having to commute greater distances for prevailing wages. He commented that the apprenticeship programs provide opportunities to individuals who have faced setbacks to turn their lives around. Commissioner Goldstein underscored that there were big housing goals for the city to meet and that the policy on affordable housing requirements for the city fell on the Planning Commission and the City Council to figure out the right formula without overburdening prospective developers. He stressed the importance of future generations being able to afford to live in the same communities as their parents and not being forced to move away due to housing costs. Commissioner Goldstein expressed his support of the project.

Chair Ali-Sullivan stated that he was excited about the proposed project as it would move the city forward and supported the project. He thanked city staff for their monumental work on the project and thanked the applicant for his willingness to have discussions with the community which will yield a broad benefit to the community. Mr. Ali-Sullivan thanked labor groups for their advocacy in standing up for Hayward residents and families, and for having good jobs in the community.

Commissioner Lowe confirmed for Planning Manager Lochirco that the motion included the three changes that staff and the applicant requested related to the conditions of approval.

A motion was made by Commissioner Lowe, seconded by Commissioner Stevens, to approve the project per staff recommendation.

The motion passed with the following roll call votes:

AYES:	Commissioners Bonilla Jr., Goldstein, Lowe, Roche, Stevens Chair Ali-Sullivan
NOES:	None
ABSENT:	Chair Oquenda
ABSTAIN:	None

WORK SESSION

2. Work Session on the Housing Resources, Sites Inventory and Housing Plan of the 2023-2031 Housing Element.

Principal Planner Schmidt provided a synopsis of the staff report and introduced Brenna Weatherby with Rincon Consultants who discussed population demographics in Hayward, characteristics of housing stock and affordability, and resources and inventory per the Regional Housing Needs Allocation (RHNA).

Commissioner Goldstein commented on the stellar presentation by staff and asked with regards to the identification of the available units, how many are owned by the City of Hayward or other municipal agencies. Principal Planner responded that out of all the parcels, there would be fifteen. Commissioner Goldstein asked if the option to hold the land in trust rather than selling to the developers had been explored, commenting that this would keep the properties in the city's possession and potentially reduce the cost of housing development.

Principal Planner Schmidt responded that this was a practice exercised by the Bay Area Rapid Transit (BART) where the agency holds the land, and they lease the property to developers. Ms. Schmidt indicated that the city has not explored this for city properties yet, but this could be shared with the City Manager. Commissioner Goldstein requested that staff pass the suggestion to the City Council for discussion.

Commissioner Goldstein stated that BART Board Director Elizabeth Ames pointed out to him that there is a lack of median priced properties, and asked staff if median income individuals were more likely to use public transit compared to individuals from low to very-low-income

households. Principal Planner Schmidt indicated that this information could have been gathered by BART, underscoring that the city prioritized creating mixed income communities. She stated that 100% affordable projects were needed to meet RHNA numbers and shared that Hayward was unique in that it did have a few of these projects built.

Commissioner Goldstein commented that inclusionary mixed housing had provided greater opportunity for people to access public safety, fresh food, shopping opportunities, and transportation. He furthermore noted that mixed housing types were built faster in comparison to holding off and waiting for a low-income housing developer, which would benefit the community as a whole.

Commissioner Stevens stated that neighboring community members had expressed concern about the development project on Main Street at the previous Planning Commission meeting, related to the density and scale of the project; however, nothing could be done at that stage since the Downtown Specific Plan had already been established. He suggested to the general public that the current Work Session on the Housing Element served as an opportunity to change the context of the city. Mr. Stevens expressed that the city has surrendered a lot of local control to the state and that the state is presently dictating development conditions. Commissioner Stevens commented that as things move forward, community members may become frustrated as they see how their communities have changed, and he encouraged residents to educate themselves and become involved in this process.

Commissioner Roche was impressed by the creativity of staff in reaching out to the community. She asked how the Housing Element would preserve the anonymity of information of the low-income population at risk of being unhoused. Principal Planner Schmidt indicated that the references within the Housing Element were tied to the work done by the Housing Division and the Community Services Division; she cited the following programs as examples: Displacement Study, Lets House Hayward Plan of the Navigation Center, and Shallow Rent Subsidy Program. Ms. Schmidt elaborated that the Housing Element outlines specifically education and outreach components to inform individuals of the programs that exist.

Commissioner Roche shared the value of hosting events to bring individuals out such as a movie night and then providing information on housing with the community.

Commissioner Lowe asked for clarification on H-3 Preservation of At-Risk Affordable Housing of the Housing Element and asked how the city would assist property owners in maintaining the affordability of certain units. Senior Planner Schmidt underscored that the city's Inclusionary Housing Ordinance was affordable in perpetuity; however, the affordable housing units which received funding 45 to 55 years ago may have covenants that will soon expire. If these affordable housing units received tax credits, federal grant monies from the

Housing and Urban Development (HUD) agency to build or significantly rehabilitate these units in the past, and covenants had to be recorded for a certain number of years, then some of these units may be eligible to be converted to market-rate housing within the next eight-year cycle. Ms. Schmidt noted that Planning and Housing Division staff will monitor eligible properties and will approach property owners to gauge interest in if they would like to apply for grant money or tax credits to upgrade the units, such as the installation of electric vehicle chargers or solar panels. If the owners were to do so, then the covenants for the affordable housing units could be extended. This process requires staff monitoring the at-risk units in conjunction with positioning property owners to understand what they are eligible to apply for and how to extend the affordability.

Principal Planner Schmidt noted for Commissioner Lowe that it was anticipated that five developments would be eligible in the next cycle. She added that the City Manager's Office is responsible for working with the property owners with support from Development Services. Ms. Schmidt elaborated that the funds used were Housing Choice Vouchers, federal and state funds, home funds, and trust funds. She indicated that the Housing Division receives an alert approximately one year in advance for properties with expiring covenants.

Commissioner Bonilla Jr. asked staff to clarify what was meant when 50% of renters were classified as being cost burdened. Principal Planner Schmidt said that being officially cost burdened meant that someone pays more than 30% of their income on housing, and it included utilities and all housing costs bundled. She pointed out that this rate was not unique to Hayward and that there were probably other communities with a higher cost burdened rate.

Commissioner Bonilla Jr. asked what the level of confidence was to meet RHNA requirements in the next eight years. Principal Planner Schmidt stated that the city's responsibility was to plan for the housing needs requirement, and it was the developer's duty to build the units. The city was demonstrating that it can accommodate the RHNA requirements; sharing that there were many municipalities who were unable to satisfy the requirement and would have to rezone. She stated that while it was possible to build all of the units per the RHNA requirement, she did not think it was likely to occur.

Commissioner Bonilla Jr. emphasized that it was important to recognize that there was a need in our community to build housing due to the 18% increase in population growth and that the city would have to work and be aggressive and deliberate with decisions being made. Mr. Bonilla Jr. stated that with the figures on RHNA allocations, there was a need to be intentional with building mixed inclusive income communities.

In response to Commissioner Bonilla's comment that the housing mix was not referenced, Principal Planner Schmidt noted that the assumption from Housing and Community

Development is that higher density are rental units and lower density are home ownership.

Chair Ali-Sullivan opened public comment period at 8:49 p.m.

Ms. Ro Aguilar (Zoom participant), echoed the concerns by Commissioner Bonilla Jr. on the percentages of rental units versus home ownership. She stressed that the path to promote and encourage lower-income people into the middle class was through home ownership; questioned the findings of the BART study mentioned by Commissioner Goldstein; and stated that the reason for the current housing crisis is not due to loss of control to the state on housing as Commissioner Stevens said, but due to local municipalities failing to provide affordable housing for their residents. Ms. Aguilar stated that people may get angry with adding low-income housing, but this was the responsibility and duty of the city. She was thankful for the opportunity to advocate for inclusionary owner-occupied housing.

Chair Ali-Sullivan closed public comment period at 8:53 p.m.

Vice Chair Ali-Sullivan thanked staff for their presentation and for the discussion on a complex topic.

APPROVAL OF MINUTES

3. Approval of the Minutes of the Planning Commission Meeting from May 26, 2022.

A motion was made by Commissioner Goldstein, seconded by Commissioner Stevens to approve the Planning Commission Meeting Minutes from May 26, 2022.

The motion passed with the following roll call vote:

AYES:	Commissioners Goldstein, Roche, Stevens, Lowe Chair Ali-Sullivan
NOES:	None
ABSENT:	Chair Oquenda
ABSTAIN:	Commissioner Bonilla Jr.

STAFF AND COMMISSION ANNOUNCEMENTS

Planning Manager Lochirco announced that city staff city staff and the Hayward Residential Design Study team would lead a series of five walk-shops on June 25, 2022 and June 27, 2022 to be held in various neighborhoods; the purpose of the walk-shops was for community members to point out features of their neighborhood that they like, do not like, share ideas about the design and the future of housing in Hayward. Design professionals will also

participate from the consultant team, staff will help facilitate conversations, and Spanish translation will be available. Mr. Lochirco encouraged all to attend and to be a part of the process as the Objective Design Standards are developed.

Planning Manager Lochirco noted future Planning Commission meeting dates for Chair Ali-Sullivan which were on July 14, 2022, and there were no items currently scheduled for July 28, 2022.

Commissioner' Announcements:

Commissioner Goldstein shared that on June 25, 2022, a team of volunteers will be working on emergency communications in the San Leandro Marina area from noon to 2 p.m. and the work they perform can be informative on how to survive and recover in a big disaster.

Chair Ali-Sullivan thanked staff for their support in helping him chair his first Planning Commission meeting.

Commissioner Bonilla Jr. wished everyone a Happy Pride Month.

Commissioner Lowe commended the City Council Members and staff who planned the Juneteenth Celebration on Saturday, June 18, 2022 and hoped that this would become an annual event.

ADJOURNMENT

Chair Ali-Sullivan adjourned the meeting at 9:00 p.m.

APPROVED:

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Briggitte Lowe, Secretary
Planning Commission

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS AND VIRTUAL (ZOOM) PARTICIPATION
Thursday, June 23, 2022, 7:00 p.m.

ATTEST:

_____
Jacquelyn Jacobs for Avinta Madhukansh-Singh
Planning Commission Secretary
Office of the City Clerk