



CITY OF
HAYWARD
HEART OF THE BAY

September 26, 2013

Alameda County Clerk
1106 Madison Street, 1st Floor
Oakland, CA 94607

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration for Conditional Use Permit Application No. PL-2012-0069 and Vesting Tentative Tract Map Application No. PL-2013-0070 (VTM 8129) – Located on Two (2) Parcels Totaling 11.33 Acres and Located at 22301 Foothill Boulevard Between City Center Drive and Hazel Avenue in the Downtown Area, Hayward

Dear Mr. O'Connell,

Please post this letter with the attached Mitigated Negative Declaration and Initial Study for a period of 20 days to conform to CEQA Guideline Section 15072.

The Planning Commission of the City of Hayward has scheduled a public hearing on Thursday, October 17, 2013, at 7:00 p.m., Council Chambers, 2nd Floor, City Hall, 777 B Street, Hayward, to obtain citizen input on the proposed project and the Mitigated Negative Declaration and Initial Study. A copy of the staff report can be viewed on the City's website at www.hayward-ca.gov after October 11, 2013. Planning Commission action at the hearing will be the final decision in this matter unless appealed to the City Council or called up by a Councilmember.

If the Mitigated Negative Declaration is approved, a copy will be sent to the General Business Division of your office for recordation. If you have any questions, please contact me at (510) 583-4210 or e-mail me at damon.golubics@hayward-ca.gov.

Sincerely,

Damon Golubics
Senior Planner

**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

777 B STREET, HAYWARD, CA 94541-5007

TEL: 510/583-4200 • FAX: 510/583-3649 • TDD: 510/247-3340 • WEBSITE: www.hayward-ca.gov



CITY OF HAYWARD MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

Project title: @ The Boulevard; Conditional Use Permit Application No. PL-2012-0069 and Vesting Tentative Map Application No. PL-2013-0070 (Map No. 8129).

Description of project: The project calls for a mixed-use development with 194 townhome units and 16,800 square feet of retail on 11.33 acres of land. The project is an in-fill development, and the project site currently consists of paved surface parking lots, a parking garage, and a vacant commercial office building. The surface lots, existing office building and existing parking structure will be removed as part of the construction of the Project.

Project review involves consideration of a vesting tentative map, conditional use permit and site plan review.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project, with the mitigation measures identified in the attached initial study checklist, will not have a significant effect on the environment.

FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources. A lighting plan will be required to ensure that light and glare do not affect area views. Also, compliance with the City's Design Guidelines will ensure visual impacts are minimized. Landscape plans will also be required to ensure that structures are appropriately screened.
3. The project will not have an adverse effect on agricultural land since the subject site is not used for such purposes, does not contain prime, unique or Statewide important farmland.
4. The project will not result in significant impacts related to changes in air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.

5. The project, proposed on properties surrounded by other residential development and within an urbanized area, will not result in significant impacts to biological resources. Any trees removed are required to be replaced as per the City's Tree Preservation ordinance.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.
7. The project will not result in significant impacts to geology and soils. The project is located west of the Hayward fault, which poses potential risk to any development in the city of Hayward. Recommendations of the project geotechnical engineer will be required to be incorporated into project design and implemented throughout construction, to address such items as seismic shaking. Construction will also be required to comply with the California Building Code standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will be required to meet all water quality standards as part of the normal development review and construction process, to be addressed in a Stormwater Pollution Prevention Plan and Erosion Control Plan that utilize best management practices. Drainage improvements will be required to accommodate stormwater runoff, so as not to negatively impact the existing downstream drainage system of the Alameda County Flood Control and Water Conservation District.
10. The project is consistent with the overall density supported by the Hayward General Plan. In addition, the project will be required to be consistent with the City of Hayward's Design Guidelines.
11. The project will not result in any long-term noise impacts. Construction noise will be mitigated through restriction on construction hours, mufflers, etc., to be approved as part of the future building permits for the homes and commercial structures..
12. The project will not result in significant impacts related to population and housing in that the amount of development proposed is within the range of development analyzed in the Hayward General Plan.
13. The project will not result in a significant impact to public services in that development is at least as intensive as that proposed was analyzed in the Hayward General Plan EIR and found to have less-than-significant impacts.

III. PERSON WHO PREPARED INITIAL STUDY:



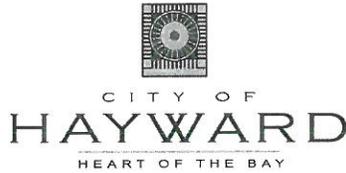
Damon Golubics, Senior Planner
Dated: September 26, 2013

I. COPY OF ENVIRONMENTAL CHECKLIST IS ATTACHED

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4200

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting it in writing.
- Provide a copy to the Alameda County Clerk's Office.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



**DEPARTMENT OF DEVELOPMENT SERVICES
Planning Division**

INITIAL STUDY CHECKLIST

Project Title: @ The Boulevard

Lead agency name/address: City of Hayward / 777 B Street, Hayward, CA 94541

Contact person: Damon Golubics, Senior Planner

Project location: 22301 Foothill Boulevard, Hayward, CA 94541

Project sponsors

Name and Address: Mark Butler, Integral Communities, 675 Hartz Avenue, Suite 202, Danville, CA 94526

Existing General Plan Designation: CC-ROC

Existing Zoning: Central City – Commercial (CC - C)

Project description: The project calls for mixed-use development with 194 residential units and 16,800 square feet of retail on 11.33 acres of land. The 194 residential units will consist entirely of townhomes. The Project also provides a significant amount of open space, including a park. The project is an infill development, and the project site currently consists of paved surface parking lots, a parking garage, and a vacant commercial office building. All existing buildings (the surface lots, the parking garage and the office building) will be removed as part of the construction of the Project.

Requested Local Approvals: The following actions by the Lead Agency are necessary to carry out the project:

- **Conditional Use Permit:** The Central City – Commercial zoning permits retail uses and residential dwelling units above first-floor commercial by right, and conditionally permits residential development, including multi-family units, on the first floor. Processing of a conditional use permit is required in order to allow for residential dwelling units on the first floor.
- **Site Plan Review:** The zoning regulations require that when a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. Since the current site development is that of an office use, the proposed mixed use development of 16,800 square feet of retail and 194 townhomes on 11.33 acres of land requires review of the proposed site plan.

- Vesting Tentative Map: (Vesting Tentative Tract Map No. 8129) A condominium map for Lots 1 through 23. The total number of residential condominium dwelling units shall be no more than 194 units for lots 1 through 23.
- Building Permit: (Hayward Municipal Code 07-17) The City of Hayward Development Services Department would review the proposed construction activities.
- Encroachment Permit: [Hayward Municipal Code, Article 2 (Streets)] The City of Hayward Public Works Department would review proposed construction activities associated with the project's utility, driveway and traffic control improvements within Foothill Boulevard, Hazel Avenue and City Center Drive.

Surrounding land uses and setting: The project site is near other similarly-zoned properties, including residential, mixed use and commercial properties.

Other public agencies whose approval is required: Alameda County Flood Control and Water Conservation District and the Hayward Area Recreation and Park District.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of 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 in 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 "potentially significant unless mitigated" 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 potentially 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.


Damon Golubics, Senior Planner


Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? Comment <i>There are no designated scenic vistas in the vicinity of the project and the project is not located within or visible from a designated scenic vista; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? Comment: <i>The project is not located within a state scenic highway. No scenic resources exist in the area, and the project site is located in an urbanized setting, and the surrounding area is entirely developed; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? Comment: <i>The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project will create a different massing of building that may be visible from existing neighborhoods surrounding the site. The project includes a proposed landscape plan that will result in more greenery than currently exists on the project site. The project site is located in an urbanized setting, and the surrounding area is entirely developed. The project will add a different visual character of the site and area but this aesthetic change is considered less than significant; no mitigation is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? Comment <i>The project site is fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building parking lot lighting and building lighting. The project will comply with the City's Municipal Code and design requirements relating to aesthetics, light and glare. The mixed use project proposes lighting to public streets abutting the project site, the internal street system of the project, interior pathways and each townhome</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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will have exterior building lights. The applicant's preliminary lighting plan strategically illuminates the project site with little light spillage onto adjacent properties, therefore the proposed project lighting will have a less than significant impact ; no mitigation is required.

II. AGRICULTURE AND FOREST RESOURCES:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:

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

Comment *The project site is in a substantially urbanized area, which includes residential and commercial land uses consistent with the Hayward General Plan and Zoning Map. The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project site is not zoned for agricultural uses, and there are no agricultural resources in the area. The project does not involve any Prime Farmland, Unique Farmland or Farmland of Statewide Importance; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? **Comment** *The project is not located in an agricultural zoning district nor is it subject to a Williamson Act contract. The project site is not zoned for agricultural uses nor*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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is it under a Williamson Act contract; thus, no impact.

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))? **Comment:** *The project site is in a substantially urbanized area, which includes residential and commercial land uses consistent with the Hayward General Plan and Zoning Map. The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project site is not zoned for agricultural uses, and there are no agricultural resources in the area. The project does not involve the rezoning of forest land or timberland; . thus, no impact.*

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d) Result in the loss of forest land or conversion of forest land to non-forest use? **Comment:** *There are no forest lands in this area, and the project does not involve the loss of forest land or involve conversion of forest land. Since the project does not involve the loss of forest land or involve conversion of forest lands, there is no impact.*

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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? **Comment:** *The project does not involve, nor is it located near, any commercially operated agricultural lands. The project is not located near any forest land. There is no impact to Farmland or forest land. The project does not involve changes to the environment that could result in conversion of Farmland or forest land; thus no impact.*

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III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? **Comment:** *The Bay Area Air Quality Management District*

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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(BAAQMD) has established screening criteria as part of its CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria (thresholds of significance; 1999 and 2011), the proposed project screens below what would require additional evaluation; therefore the proposed project will not violate any air quality standard; thus no impact.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? **Comment:** The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of their CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria (thresholds of significance; 1999 and 2011), the proposed project screens below what would require additional evaluation According to a September 10, 2013 air quality study performed by Urban Crossroads, there are two types of air quality impacts to evaluate with any development project; construction and operation air quality impacts. An evaluation of the operational aspects of the project reveals that the proposed development would not exceed any applicable threshold. Construction activities associated with the project would exceed the BAAQMD threshold for NOx. In order to reduce construction impacts to below the BAAQMD's threshold for NOx, the September 10, 2013 air quality study recommended that during construction activity, all diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better. The project will implement this mitigation measure, and as a result, all impacts will be less than significant with mitigation.

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Mitigation Measure 1: All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? **Comment:** The proposed project complies with the BAAQMD's CEQA Guidelines (thresholds of significance; 1999 and 2011). The

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proposed project meets the screening criteria in Table 3-1 of the Air District's CEQA Guidelines; thus, it can be determined that the project would result in a less-than-significant cumulative impact to air quality from criteria air pollutants and precursor emissions.

d) Expose sensitive receptors to substantial pollutant concentrations? **Comment:** *The proposed project complies with the BAAQMD's CEQA Guidelines (thresholds of significance; 1999 and 2011). The mixed-use project is located in an already developed area that will not involve exposing sensitive receptors to substantial pollutant concentrations; thus the impact is less than significant.*

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e) Create objectionable odors affecting a substantial number of people? **Comment:** *The project is not considered a use that would create objectionable odors nor is it located in proximity to an existing source of objectionable odors. The mixed-use development will not create any objectionable odors; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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IV. BIOLOGICAL RESOURCES -- 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 Game or U.S. Fish and Wildlife Service? **Comment:** *The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project will not cause any additional land within or outside the project site to be paved or otherwise developed. The site is not adjacent to or in the vicinity of any significant biological resources as it is an infill site and the flood control channel is a concrete culvert. The project will therefore not affect any listed species. The project site is located in an area that is largely developed and does not contain plant or wildlife special-status species; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? Comment: <i>The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project will not cause any additional land within or outside the project site to be paved or otherwise developed. The site is not adjacent to or in the vicinity of any significant biological resources as it is an infill site. The project will not affect any habitats. The project area is largely developed and the flood control channel is a concrete culvert which does not contain any riparian habitat or sensitive natural communities; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Comment: <i>The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project will not cause any additional land within or outside the project site to be paved or otherwise developed. The site is not adjacent to or in the vicinity of any significant biological resources as it is an infill site. The project will not affect any wetlands since the project site is located in an urban setting, which contains no wetlands; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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? Comment: <i>The project site is not adjacent to or in the vicinity of any significant biological resources, as it is an infill site. The project site, located in an urban setting, will not interfere with the movement of any migratory fish or wildlife species; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Comment: <i>The project will comply with all local policies and ordinances, and considering the project site is a fully</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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developed site, the project will not affect any biological resources; thus, no impact.

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?

Comment: *In order to accommodate the development request, only five (5) existing on-site trees located on the project site along Hazel Avenue will be saved. All other trees on the site will be removed. A tree appraisal report has been submitted in conjunction with the project and "the majority of the mature trees on the site are in various levels of decline due to a number of factors." Some of those factors include lack of water to trees, poor maintenance and disease. A "tree mitigation plan" has also been submitted pursuant to the City's Tree Preservation ordinance along with a "preliminary landscape plan." The landscape plan shows replace tree type, species and locations for planning on the site. Lastly, the tree mitigation plan includes an appraisal of trees to be removed and remain on-site consistent with the Tree Preservation ordinance. Consistent with this ordinance, an application for a Protected Tree Removal or Cutting permit shall be required as a condition of approval for the use permit and subdivision request. All replacement trees shall be equal in size and species or value as required by ordinance. Also, there are no habitat conservation plans affecting the property, specifically, the project site is not located in an area covered by an adopted Habitat Conservation Plan or Natural Community Conservation Plan. Since the project proponent will be required to comply with all provisions of the City's Tree Ordinance, the proposed impact is less than significant.*

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? **Comment:** *There are no historical resources associated with the improvements on the site or the affected parcels. Moreover, the project site has already been fully developed, and the existing buildings are of relatively recent origin and are of no significant historical or cultural significance. Due to extensive prior disturbance, there is a very low likelihood of impacting archeological or paleontological resources or disturbing human remains. In addition, the surrounding properties have no historical significance. Should any disturbance occur below developed areas, a remote possibility exists that historical or cultural resources might be discovered. If that should occur, standard measures should be taken to stop all work adjacent to the find and contact the City of Hayward Development Services Department for ways to preserve and record the uncovered materials. If standard procedures are followed in the event cultural/historical resources are uncovered at the project site, the proposed impact is less than significant.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? **Comment:** *No known archaeological resources exist on the site, which has already been fully developed. Due to extensive prior disturbance, there is a very low likelihood of impacting archeological resources. Should any disturbance occur below developed areas, a remote possibility exists that historical or cultural resources might be discovered. If that should occur, standard measures should be taken to stop all work adjacent to the find and contact the City of Hayward Development Services Department for ways to preserve and record the uncovered materials. If standard procedures are followed in the event cultural/historical resources are uncovered at the project site, the proposed impact is less than significant.*

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c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? **Comment:** *No known paleontological resources exist on the site, which has*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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already been fully developed. Due to extensive prior disturbance, there is a very low likelihood of impacting paleontological resources. There are no unique geological features on or near the site; thus, no impact.

d) Disturb any human remains, including those interred outside of formal cemeteries?

Comment: *There are no records of any human remains located on the project site nor cemeteries nearby. In the event that human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluating accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act. Due to extensive prior disturbance, there is a very low likelihood of disturbing human remains. Standard procedures for grading operations would be followed during development, which require that if any such remains or resources are discovered, grading operations are halted and the resources/remains are evaluated by a qualified professional and, if necessary, mitigation plans are formulated and implemented. These standard measures will be conditions of approval should the project be approved; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: *The State of California Fault Zone is located about 300 feet southwest of the nearest project site boundary. The*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>Hayward fault is mapped approximately 800 feet southwest of the site. A geotechnical investigation performed by Berlogar, Stevens & Associates on February 10, 2012 concluded that the project site shows no evidence of faulting and the likelihood of a surface fault rupture at the project site is low; thus, impacts related to fault rupture are expected to be less than significant. .</i></p>				
<p>ii) Strong seismic ground shaking? Comment: <i>The project site is near, but not located in, both the California Fault Zone and the Hayward Fault. However, the proposed buildings will be designed and constructed to withstand ground shaking in the event of an earthquake; specifically, the project requires a building permit which would involve the mandatory implementation of design features to minimize seismic-related hazards. An earthquake of moderate to high magnitude could cause considerable ground shaking at the site; however, all structures will be designed using sound engineering judgment and adhere to the latest California Building Code (CBC) requirements, thus the impact is considered less than significant.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>iii) Seismic-related ground failure, including liquefaction? Comment: <i>The site is located within a State of California liquefaction seismic hazard zone. The site is underlain by Older Alluvium as shown in on Plate 3, Geologic Map (geotechnical investigation performed by Berlogar, Stevens & Associates dated February 10, 2012). Borings indicate the site is underlain predominately by very stiff to hard clayish soil. A lens of gravelly and silty sand was encountered at a depth of 20 feet in boring (B1). There is a potential that lens of gravelly and silty sand at the site could liquefy during an earthquake. However, the amount of settlement caused by liquefaction of these lenses should be muted at the ground surface due to the cap of clayish soil. Lateral spreading is unlikely since the sandy material is not</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>believed to be a continuous layer. A design level geotechnical evaluation shall be conducted and submitted for review and approval prior to issuance of building permits and if liquefaction is determined to be probable, measures as recommended by the project geotechnical consultant shall be implemented. Such measures, such as special foundation construction, will reduce the significance of liquefaction-related impacts to a level of insignificance.</i></p> <p>Mitigation Measure 2: <i>Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design of the project.</i></p>				
<p>iv) Landslides? Comment: <i>The project site consists of flat lots not subject to landslides. Due to the relatively flat site topography, landslides are not likely; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Result in substantial soil erosion or the loss of topsoil? Comment: <i>Although the project would result in an increase in impervious surface, the project site is relatively flat and erosion control measures that are typically required for such projects, including but not limited to gravelling construction entrances and protecting drain inlets, will address such impacts. Therefore, the potential for substantial erosion or loss of topsoil is considered insignificant.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>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? Comment: <i>The site is relatively flat and such impacts are not anticipated.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? Comment: <i>According to the Due-Diligence Geotechnical Investigation, the site is underlain with predominately very stiff to hard clayish soil. The assessment recommends that a design-level geotechnical investigation be performed and recommendations thereof be incorporated into</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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the project design and construction. Provided the recommendations of a design-level geotechnical assessment are followed, the impacts of the expansive soils will be mitigated to a less than significant level.

Mitigation Measure 3: All recommendations outlined in a design-level geotechnical investigation shall be incorporated in the final design in order to mitigate for the presence of expansive soils on the project site.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Comment : The project will be connected to an existing sewer system with sufficient capacity and does not involve septic tanks or other alternative wastewater; thus, no impact.

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VII. GREENHOUSE GAS EMISSIONS --
Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Comment: A September 10, 2013 study of the project performed by Urban Crossroads concluded that while the project would produce GHG emissions, these emissions will be significantly less than the currently entitled land use. This study used the California Emissions Estimator Model (CalEEMod) to evaluate the GHG impacts. The Bay Area Air Quality Management District (BAAQMD) recommends using the CalEEMod model in lieu of the Urban Land Use Emissions Model (URBEMIS) in calculating project greenhouse gas emission and evaluating air quality, as required by the BAAQMD. The BAAQMD has established screening criteria as part of their CEQA guidance to assist in determining if a proposed project could result in operational-related impacts to Greenhouse Gases. Based on the Urban Crossroads study, it has been determined that the project does not exceed the applicable threshold for operational greenhouse gas emissions using CalEEMod. Urban Crossroads used both the 1999 and 2011 BAAQMD thresholds of significance and the project will not exceed any of these thresholds. The operational threshold (impact) was below 4.6MT of CO₂e/SP/year, which is less than the allowable maximum daily thresholds; thus the impact is

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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considered less-than-significant.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? **Comment:** *The September 10, 2013 Urban Crossroads study concluded that Project's GHG emissions will not exceed any applicable thresholds (1999 or 2011 thresholds) articulated by the BAAQMD. Moreover, the project will be in compliance with the City of Hayward Green Building Ordinance. As discussed in VIIa above, the project will not exceed the threshold for operation greenhouse gases; thus no impact.*

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VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? **Comment:** *The project is an infill residential project that does not involve the transport or use of hazardous materials; thus, no impact.*

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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? **Comment:** *The site contains an underground fuel tank that will be removed during construction of the project. The applicant's Phase I and II environmental reports confirm that there has been no fuel leakage on the project site. Phase I and Phase II assessments were conducted on the subject property by Haley and Aldrich and although the property has an underground diesel storage tank used for powering a back-up generator for the previous office use and a former auto repair facility, no hydrocarbon-related compounds were detected in boring samples taken on-site. It is the opinion of Haley and Aldrich that the underground storage tank or the former auto repair facility has not impacted soil or groundwater quality at the site, therefore no further environmental assessment is warranted; therefore, no impact..*

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c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? **Comment:** *The project will not emit hazardous materials or substances, thus no impact.*

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? <u>Comment:</u> <i>The project site has been analyzed through Phase I and Phase II environmental reports, which conclude that no contamination or hazardous substances are present on the project site. The project site is not on any list compiled pursuant to Government Code section 65962.5; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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 for people residing or working in the project area? <u>Comment:</u> <i>The project is not located within an airport land use plan area or within two miles of a public airport; therefore, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? <u>Comment:</u> <i>The site is not located within the vicinity of a private air strip and therefore, no such impacts would occur as a result of the project.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? <u>Comment:</u> <i>The project would not interfere with an adopted emergency response plan or emergency evacuation plan. In fact, the project would result in an improved on-site water system, thereby improving fire-fighting capabilities. Therefore, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? <u>Comment:</u> <i>The project site is located within an urban setting, away from areas with wildland fire potential, and outside the City's Urban Wildlife Interface zone. Therefore, no such impacts related to wildland fires are anticipated.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements? **Comment:** *The project will comply with all water quality and wastewater discharge requirements of the city; thus, no impact.*

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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? **Comment:** *The project will be connected to the existing water supply and will not involve the use of water wells and will not deplete groundwater supplies or substantially interfere with groundwater recharge; thus, no impact.*

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c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? **Comment:** *The project site is an infill site. All drainage from the site is required to be treated before it enters the storm drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates; thus, no impact.*

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d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? **Comment:** *The project site is an infill site. All drainage from the site is required to be treated before it enters the storm drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates; thus, no impact.*

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e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
polluted runoff? Comment: <i>The project site is a previously developed infill site. All drainage from the site is required to be treated before it enters the storm drain system and there is sufficient capacity to handle any drainage from the property; thus, the impact is considered less than significant.</i>				

f) Otherwise substantially degrade water quality? Comment: <i>The project site has been analyzed through Phase I and Phase II environmental reports, which did not identify any impacts to surface or groundwater quality. There will be an increase in open space that currently exists on the site as part of the project, including implementation of a Provision C.3 storm water treatment system, which will actually improve groundwater quality. The project site is an infill. All drainage from the site is required to be treated before it enters the storm drain system; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Comment: <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Comment: <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Comment: <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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j) Inundation by seiche, tsunami, or mudflow? Comment: <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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X. LAND USE AND PLANNING -- Would the project:

a) Physically divide an established community? Comment: <i>The project is proposed in a developed urban setting and would not divide an established</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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community; thus, no impact

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? **Comment:** *The project involves construction of 194 townhomes and 16,800 square feet of retail space, which is consistent with the General Plan and does not exceed the maximum permitted density. The Central City – Commercial zoning permits retail uses and residential dwelling units above first-floor commercial by right, and conditionally permits residential development on the first floor. Processing of a conditional use permit is currently underway allowing for residential dwelling units on the first floor. The proposed uses are also consistent with surrounding adjacent abutting uses, which consists of mixed-use, commercial and residential uses; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Conflict with any applicable habitat conservation plan or natural community conservation plan? **Comment:** *The project site is not covered by any habitat conservation plan or natural community conservation plan; thus, no impact.*

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XI. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? **Comment:** *There are no known mineral resources on the project site; thus, no impact.*

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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? **Comment:** *The project site is not identified as a site known to have mineral resources and there are no known mineral resources on the project site; thus, no impact.*

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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XII. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Comment: *Temporary construction noise will be controlled by the Hayward Noise Ordinance, and specifically, the project will comply with the construction hours specified in the City's Noise Ordinance. Individual living units will need to be designed to standards called out in the Hayward General Plan for noise impacts. A qualified consultant will need to complete future noise readings, and if such readings result in indoor or outdoor noise levels that exceed the standards contained in Appendices M and N of the City of Hayward General Plan, then design of the units should incorporate sound attenuation features that are to be in accordance with the consultant's and/or architect's recommendations and be confirmed via actual readings prior to project finalization and/or C of Os on units. Efforts to reduce noise level of all dwelling units to be in compliance with standards in the General Plan will reduce the significance of noise-related impacts to a level of insignificance.*

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Mitigation Measure 4: *Prior to issuance of a Building Permit, the applicant shall conduct acoustical analysis by a qualified consultant to ensure that indoor or outdoor noise levels of each new residential unit does not that exceed the standards contained in Appendices M and N of the City of Hayward General Plan. If those standards are exceeded, the design of the units should incorporate sound attenuation features that are to be in accordance with the consultant's and/or architect's recommendations and be confirmed via actual readings prior to project finalization and/or C of Os on units.*

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? **Comment:** *No significant vibration impacts are anticipated for the project site; thus, no impact.*

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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? **Comment:** *The*

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. Under the project site's previous use, more than 1,000 individuals worked at the site. The proposed residential and retail uses will not produce noise levels in excess of the vehicle traffic produced by those using Foothill Boulevard. The mixed use development project is in the City Central – Commercial (CC-C) zoning district and will not involve an increase in the ambient noise levels in the area; thus, no impact.</i>				

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Comment: Existing residential development nearby will experience a slight increase in ambient noise levels during the construction of the proposed project, construction is limited to the allowable hours per the City's Noise Ordinance; thus the impact is considered less-than-significant and no mitigation is required.

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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? **Comment:** The project is not located within an airport land use plan area or within two miles of a public airport; thus, no impact.

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f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? **Comment:** The project is not located within the vicinity of a private air strip; thus, no impact.

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XIII. POPULATION AND HOUSING --

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? **Comment:** The project will not, either directly or indirectly, induce substantial population growth. The project involves the construction of 194 new residential units, however, the residential development is consistent with the

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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density established by the City's General Plan; thus, no impact.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? **Comment:** *The project will not displace any existing housing, as the project site currently consists of only commercial uses; thus, no impact.*

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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? **Comment:** *The project will not displace any existing housing, as the project site does not currently consist of any residential uses; thus, no impact.*

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XIV. PUBLIC SERVICES --

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection? **Comment:** *No such facilities are required and therefore, no such impacts are expected to occur.*

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Police protection? **Comment:** *No such facilities are required and therefore, no such impacts are expected to occur.*

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Schools? **Comment:** *The project site is within the Stobridge Elementary School, Bret Harte Middle School and Hayward High School attendance areas of the Hayward Unified School District. The developer will be required to pay school impact mitigation fees, which, per State law, is considered full mitigation. Such measures would reduce such impacts to levels of insignificance.*

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Parks? **Comment:** *The project proponent would be required to dedicate parkland and/or pay park dedication in-lieu fees. Such measures would reduce such impacts*

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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to levels of insignificance.

Other public facilities? **Comment:** *The project's residents will not be numerous enough to have any material effect on the need for any other public facilities. Approval of the project may impact long-term maintenance of roads, streetlights and other public facilities; however, the project does not exceed density envisioned by the General Plan thus the impact is considered less than significant.*

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XV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? **Comment:** *The project includes amenities and private spaces for residents, including a park. The project proposes to include some amenities and common areas within the development for residents. The developer will be required to pay applicable park in-lieu fees; thus the impact is considered less-than-significant.*

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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? **Comment:** *The project proposes to include some amenities and common areas within the developments, as well as a park. The developer will also be required to pay applicable park in-lieu fees. The project proposes a new bicycle and pedestrian pathway along the western boundary of the site adjacent to San Lorenzo Creek. This new recreational facility is well integrated into the project design and doesn't create any adverse physical effect on the environment on the adjacent creek; in fact, the proposed path respects the existing site topography and existing infrastructure controlling creek flow through this part of the City. Also, the Hayward Area Recreation and Park District (HARD) submitted project comments that the path provides a needed link in this section of San Lorenzo Creek and is pathway supported by their agency. Construction of the pathway/sidewalk may have minimal short-term environmental effects but once complete any impacts associated with this new pathway or recreational facility would be considered*

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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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less-than-significant.

XVI. TRANSPORTATION/TRAFFIC --

Would the project:

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

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Comment: *The project will not conflict with any plan regarding the circulation system. The applicant commissioned a traffic study analyzing the project, which was completed by TJKM Transportation Consultants on September 26, 2013. This study concluded that the project will generate approximately 2,680 daily weekday trips, including 117 a.m. peak hour trips and 257 p.m. peak hour trips. The conclusion of the traffic study was that the project will not cause a significant impact to any study intersection and thus should not disrupt the existing transportation system; thus the impact is considered less than significant.*

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

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Comment: *The applicant commissioned traffic study analyzing the project completed by TJKM Transportation Consultants on September 26, 2013, concluded that the project will not cause any significant impacts on traffic because all intersections will continue operating at the same level of service ("LOS") after the project that these intersections currently operate under the existing conditions. The same conclusion was reached under "near term plus project" and "cumulative plus project" conditions. Under "cumulative plus project" conditions, the Foothill Boulevard / City Center Drive intersection is expected to operate at LOS E during the p.m. peak hour, and the A Street / Mission Boulevard intersection is expected to operate at LOS F during both a.m. and p.m. peak hours. TJKM*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>concluded that the LOS E and F condition at these intersections are not significant impacts because the increases in delay due to project traffic is less than 5.0 second, which is the City's standard measure of significance. Therefore, the addition of project traffic is not expected to result in a significant impact. No level of service will be impacted by the construction of the new residential units and new retail/commercial space on an existing infill lot. The Alameda County Transportation Commission does not have an adopted level of service standard for intersections. In absence of such a standard the City has defaulted to the level of service standard in the General Plan. Using that standard as a guide, along with the SR 238 Corridor Improvement Project EIR, TJKM determined that there are less than significant traffic impacts. .</p>				

<p>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? Comment: <i>The project involves no change to air traffic patterns; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<p>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?)? Comment : <i>The project has been designed to meet all City requirements, including site distance and will not increase any hazards; thus no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<p>e) Result in inadequate emergency access? Comment: <i>The project is on a completely accessible infill site and will not result in inadequate emergency access; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<p>f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? Comment <i>The project does not involve any conflicts or changes to policies, plans or programs related to public transit, bicycle or pedestrian facilities; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:

<p>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Comment: <i>The project will not exceed wastewater treatment requirements; thus no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Comment: <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Comment: <i>There is sufficient capacity to accommodate the proposed project; thus, the impact is considered less than significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Comment: <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project' s projected demand in addition to the provider' s existing commitments? Comment: <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project' s solid waste disposal needs? Comment: <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? Comment: <i>The project will be subject to the regulations stipulated in Chapter 5, Article 1 Solid Waste Collection and Disposal in the City's Municipal Code. There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Comment: *The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project will not result in development of any currently undeveloped land. The project will have no impact on the environment, as this infill project exclusively calls for the development of land that has already been developed; thus, the project will have no impact and specifically will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.*

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)?

Comment: *The proposed mixed-use development is consistent with the density of development identified in the City's General Plan. An evaluation was done of past projects, the effects of other nearby current projects, and the effects of probable future projects in the immediate vicinity of the subject properties in crafting this Initial Study and it was determined and there were no foreseeable cumulatively considerable impacts associated with the development request and other adjacent projects (past, present and future); thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Comment: *The project will not have any environmental impacts therefore will not cause substantial adverse effects on human beings; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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@ The Boulevard

Mitigation Monitoring and Reporting Program

Conditional Use Permit Application No. PL-2012-0069
Vesting Tentative Tract Map Application No. PL-2013-0070
(VTM 8129);
Integral Communities (Applicant/Project Sponsor)

September 26, 2013

Mitigation 1

Significant environmental Impact: *The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of their CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria (thresholds of significance; 1999 and 2011), the proposed project screens below what would require additional evaluation. According to a September 10, 2013 air quality study performed by Urban Crossroads, there are two types of air quality impacts to evaluate with any development project; construction and operation air quality impacts. An evaluation of the operational aspects of the project reveals that the proposed development would not exceed any applicable threshold. Construction activities associated with the project would exceed the BAAQMD threshold for NOx. In order to reduce construction impacts to below the BAAQMD's threshold for NOx, the September 10, 2013 air quality study recommended that during construction activity, all diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better. The project will implement this mitigation measure, and as a result, all impacts will be less than significant with mitigation.*

Mitigation Measure: All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: During all phases of project construction

Mitigation 2

Significant environmental Impact: *The site is located within a State of California liquefaction seismic hazard zone. The site is underlain by Older Alluvium as shown in on Plate 3, Geologic Map (geotechnical investigation performed by Berlogar, Stevens & Associates dated February 10, 2012). Borings indicate the site is underlain predominately by very stiff to hard clayish soil. A lens of gravelly and silty sand was encountered at a depth of 20 feet in boring (B1). There is a*

potential that lense of gravelly and silty sand at the site could liquefy during an earthquake. However, the amount of settlement caused by liquefaction of these lenses should be muted at the ground surface due to the cap of clayish soil. Lateral spreading is unlikely since the sandy material is not believed to be a continuous layer. A design level geotechnical evaluation shall be conducted and submitted for review and approval prior to issuance of building permits and if liquefaction is determined to be probable, measures as recommended by the project geotechnical consultant shall be implemented. Such measures, such as special foundation construction, will reduce the significance of liquefaction-related impacts to a level of insignificance.

Mitigation Measure: Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design of the project.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: Prior to issuance of a Building Permit for the project

Mitigation 3

Significant environmental Impact: *According to the Due-Diligence Geotechnical Investigation, the site is underlain with predominately very stiff to hard clayey soil. The assessment recommends that a design-level geotechnical investigation is performed and recommendations thereof are incorporated into the project design and construction. Provided the recommendations of a design-level geotechnical assessment are followed, the impacts of the expansive soils will be mitigated to a less than significant level.*

Mitigation Measure: All recommendations outlined in a design-level geotechnical investigation shall be incorporated in the final design in order to mitigate for the presence of expansive soils on the project site.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: Prior issuance of a Building Permit for the project

Mitigation 4

Significant environmental Impact: *Temporary construction noise will be controlled by the Hayward Noise Ordinance, and specifically, the project will comply with the construction hours specified in the City's Noise Ordinance; therefore, any impacts will be less than significant. Individual living units will need to be designed to standards called out in the Hayward General Plan for noise impacts. Future noise readings by a qualified consultant will need to be done and if such readings result in indoor or outdoor noise levels that exceed the standards contained in Appendices M and N of the City of Hayward General Plan, then design of the units should incorporate sound attenuation features that are to be in accordance with the consultant's and/or architect's recommendations and be confirmed via actual readings prior to project finalization and/or C of O's on units. Efforts to reduce noise level of all dwelling units to be in compliance with standards in the General Plan will reduce the significance of noise-related impacts to a level of insignificance.*

Mitigation Measure: Prior to issuance of a Building Permit, the applicant shall conduct acoustical analysis by a qualified consultant to ensure that indoor or outdoor noise levels of each new residential unit does not that exceed the standards contained in Appendices M and N of the City of Hayward General Plan. If those standards are exceeded, the design of the units should incorporate sound attenuation features that are to be in accordance with the consultant's and/or architect's recommendations and be confirmed via actual readings prior to project finalization and/or C of Os on units.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: Prior to issuance of a Building Permit for the project