

**24493 Clawiter Road Industrial Building Project
(Planning Application No. 202003389)
Initial Study/Mitigated Negative Declaration
City of Hayward, Alameda County, California**

Prepared for:

City of Hayward

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ACRONYMS AND ABBREVIATIONS

µg/m ³	micrograms per cubic meter
°C	degrees Celsius (Centigrade)
°F	degrees Fahrenheit
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ADT	Average Daily Traffic
AFY	acre-feet per year
APN	Assessor's Parcel Number
AQP	Air Quality Plan
ARB	California Air Resources Board
BAAQMD	Bay Area Air Quality Management District
BGS	below ground surface
BMP	Best Management Practice
BSG	Below Site Grade
CAL FIRE	California Department of Forestry and Fire Protection
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
CAP	Climate Action Plan
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNG	compressed natural gas
CO	carbon monoxide
CO ₂ e	carbon dioxide equivalent
COC	contaminants of concern
CPT	Cone Penetration Test
CRHR	California Register of Historical Resources
dB	decibel
dBA	A-weighted decibel
DPM	diesel particulate matter
DTSC	California Department of Toxic Substances Control
du	dwelling unit
EBCE	East Bay Community Energy

Acronyms and Abbreviations

EBMUD	East Bay Municipal Utility District
ESA	Environmental Site Assessment
ESL	Environmental Screening Levels
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHSZ	Fire Hazard Severity Zone
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GHG	greenhouse gas
GIS	Geographic Information System
GP	General Plan
HARD	Hayward Area Recreation and Park District
HREC	Historic Recognized Environmental Condition
HWCL	California Hazardous Waste Control Law
ITE	Institute of Transportation Engineers
kBTU	kilo-British Thermal Unit
kWh	kilowatt-hour
L _{dn}	day/night average sound level
L _{eq}	equivalent sound level
LHMP	Local Hazard Mitigation Plan
L _{max}	maximum noise/sound level
LOS	Level of Service
LRA	Local Responsibility Area
LTA	Local Transportation Assessment
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
MMRP	Mitigation Monitoring and Reporting Program
mph	miles per hour
MRP	Municipal Regional Permit
MT	metric tons
MUTCD	Uniform Traffic Control Devices
NAHC	Native American Heritage Commission
NFHL	National Flood Hazard Layer
NO _x	oxides of nitrogen
NWIC	Northwest Information Center
NFA	No Further Action
OEHHA	California Office of Environmental Health Hazard Assessment

PG&E	Pacific Gas and Electric Company
PM	particulate matter
PM ₁₀	particulate matter, including dust, 10 micrometers or less in diameter
PM _{2.5}	particulate matter, including dust, 2.5 micrometers or less in diameter
PPV	peak particle velocity
PRC	Public Resources Code
PV	photovoltaic
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental Condition
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SFPUC	San Francisco Public Utilities Commission
SLCP	Short-lived Climate Pollutant
SLIC	Spills, Leaks, Incidents, and Cleanups
SMP	Site Management Plan
SRA	State Responsibility Area
State Water Board	California State Water Resources Control Board
SUSMP	Standard Urban Storm Water Mitigation Plan
SWPPP	Storm Water Pollution Prevention Plan
TAC	toxic air contaminant
TAZ	Traffic Analysis Zone
TCR	Tribal Cultural Resources
TDM	Transportation Demand Management
TIS	Traffic Impact Study
UCMP	University of California Museum of Paleontology
UGB	Urban Growth Boundary
UPRR	Union Pacific Railroad
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tanks
UWMP	Urban Water Management Plan
VMT	Vehicle Miles Traveled
VOC	volatile organic compound
WMAC	Waste Management of Alameda County
WMI	Waste Management, Inc.
WPCF	Water Pollution Control Facility
WSA	Water Supply Assessment

WSAP	Water Shortage Allocation Plan
ZEV	Zero Emission Vehicle

SECTION 1: INTRODUCTION

1.1 - Purpose

The purpose of this Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) is to identify any potential environmental impacts that would result from implementation of the 24493 Clawiter Road Industrial Building Project (proposed project) in the City of Hayward, California. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15367, the City of Hayward has discretionary authority over the proposed project and is the Lead Agency in the preparation of this Draft IS/MND and any additional environmental documentation required for the proposed project. The intended use of this document is to determine the level of environmental analysis required to adequately analyze the project pursuant to the requirements of CEQA and to provide the basis for input from public agencies, organizations, and interested members of the public.

The remainder of this section provides a brief description of the project location and the primary project characteristics. Section 2 includes an environmental checklist that provides an overview of the potential impacts that may result from project implementation, elaborates on the information contained in the environmental checklist, and provides justification for each checklist response. Section 3 contains the List of Preparers.

1.2 - Project Location

The project site is located in the City of Hayward, in Alameda County, California (Exhibit 1). The 9.90-acre site is currently developed with an operating structural steel manufacturing facility. The project site is located at 24493 Clawiter Road, and is identified as Assessor's Parcel Number (APN) 439-20-2-4. (Exhibit 2) The site is bounded by Clawiter Road on the east, a concrete recycling facility to the south, the Union Pacific Railroad (UPRR) on the west, and other large industrial buildings to the north.

The site is located on the *Hayward, California*, United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map, Township T3S, Range R2W Section S30 (Latitude 37-38-32.00N, Longitude 122-07-13.00W) (Exhibit 3).

1.3 - Environmental Setting

The site is developed with two industrial buildings and associated parking areas. It is located in an intensively-developed industrial area, characterized by surrounding industrial uses, the UPRR, and convenient access to the nearby Interstate 880 (I-880) and State Route 92 (SR-92). The project site is completely developed and hardscaped, consisting of an office building connected to a large manufacturing plant and warehouse that borders Clawiter Road to the east and the UPRR to the west. The original plant built on the site in the early 1960s, was constructed for the Continental White Cap corporation, a manufacturer of vacuum closure jar lids for food products. This business

was discontinued in 1997 at this location.¹ The most recent use, ConXtech Manufacturing Operations, which fabricates steel beams and columns for structural applications, was vacated in June, 2021. Grasses and trees grow along the northern, western and southern boundary fence lines, and a landscaped area is provided along the Clawiter Road entrance. The site is located within 6,000 feet of the runway at the Hayward Executive Airport.

1.3.1 - Land Use and Zoning Designations

The project site is zoned Industrial General (IG) by the City of Hayward Municipal Code as shown in Exhibit 4 and is located in the Hayward 2040 General Plan's Industrial Technology and Innovation Corridor (Exhibit 3) and within the Zone 6 Safety Compatibility Zone in the Hayward Airport Land Use Compatibility Plan.

1.4 - Project Description

The proposed project consists of a 157,725-square-foot, 50-foot-tall, 1-story tilt-up concrete building (Exhibit 5). The existing manufacturing and warehouse structure would be demolished. The proposed building would be developed speculatively, providing a distribution warehouse for a tenant that has not yet been identified. Both warehouse and office space would be provided, as well as employee amenities such as picnic tables, outdoor areas, and bicycle parking. The building would be built to meet the City of Hayward Municipal Code's Industrial Design Guidelines per Section 10-1.1606 (R), which requires preparation of a Sustainability Plan. This plan will incorporate Duke Realty's Industrial Building Sustainability Standards Guideline, and the building would achieve Leadership in Energy and Environmental Design (LEED™) certification from the U.S. Green Building Council. The building would have a floor area ratio (FAR) of 0.31. Table 1 identifies the key elements of the proposed project.

Table 1: Proposed Project Components

Use	Area	Number
Industrial/warehouse	149,965 square feet	—
Ground Floor Office	3,880 square feet	—
Mezzanine Office	3,880 square feet	—
Total square footage	157,725 square feet	—
Building footprint	153,535 square feet	—
Open space	55,484 square feet	—
Total site area	9.9 acres/432,677 square feet	—
Automobile parking spaces	—	77 stalls
Trailer parking spaces	—	65 stalls
Source: HPA Architecture, June 2019.		

¹ WP & HB White Foundation. 2013. The History of White Cap. Our Past. Website: <http://www.wpandhbwhitefoundation.org>. Accessed May 25, 2021.

Design and Appearance

The building would be constructed of concrete tilt-up panels, painted in a variety of colors to provide visual interest. The proposed colors include white, and different shades of gray and green. Large windows would have blue glazing. Elevations of the proposed project are shown in Exhibit 6a and 6b.

Landscaping

Five percent of the site must be landscaped in accordance with Hayward Municipal Code requirements. To meet these requirements, the proposed project would include bioretention areas in the landscaped open space at the frontage on Clawiter Road, and shade trees would be planted along the open space at the frontage along Clawiter Road, and along portions of the south and west portion of the lot. Design, construction, operation and maintenance of the on-site bioretention areas would be in compliance with the 2015 Municipal Regional Permit (MRP) of the San Francisco Bay Regional Water Control Board (San Francisco Bay RWQCB) and the Alameda Countywide Clean Water Program. The proposed project would include the removal of 19 existing trees, which would be replaced with the following: eight silk tree (*Albizia Julibrissin*), 10 eucalyptus Silver Dollar (*Eucalyptus Cinera*), 7 madrone (*Arbutus 'Marina'*), 31 fruitless olive (*Olea Europaea "Swan Hill"*), 10 Guadalupe palm (*Brahea Edulis*), and 12 bottlebrush (*Callistemon Vinimalis*). Various drought-tolerant shrubs and grasses, with flowering perennials for accents, would also be planted around the building, the bioretention area, and the perimeter of the site. Vines are proposed to cover one face of the building.

Circulation

Regional access to the project site is provided by I-880 and SR-92. The proposed project site is located on Clawiter Road, a north-south collector street. Two driveways off Clawiter Road are proposed for access to the project site: the northern proposed driveway would utilize the existing northern driveway; the second proposed driveway would be a new, narrower, 35-foot-wide driveway to replace the existing the 66-foot-wide southern driveway, and would be located closer to the southern edge of the property.

The project applicant would implement the following Transportation Demand Management (TDM) measures in order to reduce the proposed project's regional Vehicle Miles Traveled (VMT):

- Carpool incentive through a matching program to help drivers find carpool;
- Financial incentives to encourage transit usage by employees, including providing free transit passes to employees;
- On-site bicycle facilities such as secure bicycle storage, locker, and shower; and
- A TDM Monitoring Report submitted to the City each year to ensure compliance.

Utilities

The site is currently served by all required utilities. Water and sanitary sewer would be accessed through existing connections to lines in Clawiter Road. An existing storm drain connection would be maintained along the Clawiter Road frontage.

1.5 - Required Discretionary Approvals

The City of Hayward (City) has discretionary authority over the proposed project and is the CEQA Lead Agency for the preparation of this Draft IS/MND. In order to implement the proposed project, the applicant would need to secure the following permits/approvals:

- Approval of the ISMND
- Site Plan Review
- Administrative Use Permit, for the outdoor storage of trailers for an area that is between 25 percent and 50 percent of the lot area
- 1.6 Required Ministerial ApprovalsDemolition permit
- Grading permit
- Building permit

1.6 - Intended Uses of this Document

This Draft IS/MND has been prepared to determine the appropriate scope and level of detail required in completing the environmental analysis for the proposed project. This document will also serve as a basis for soliciting comments and input from members of the public and public agencies regarding the proposed project. The Draft IS/MND will be circulated for a minimum of 20 days, during which comments concerning the analysis contained in the Draft IS/MND should be sent to:

Richard Patenaude, AICP, Consulting Planner
Development Services/Planning Division
777 B Street
Hayward, CA 94541
Phone: 510.583.4200
Email: Richard.patenaude@hayward-ca.gov



Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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5 2.5 0 5
Miles

Exhibit 1 Regional Location Map

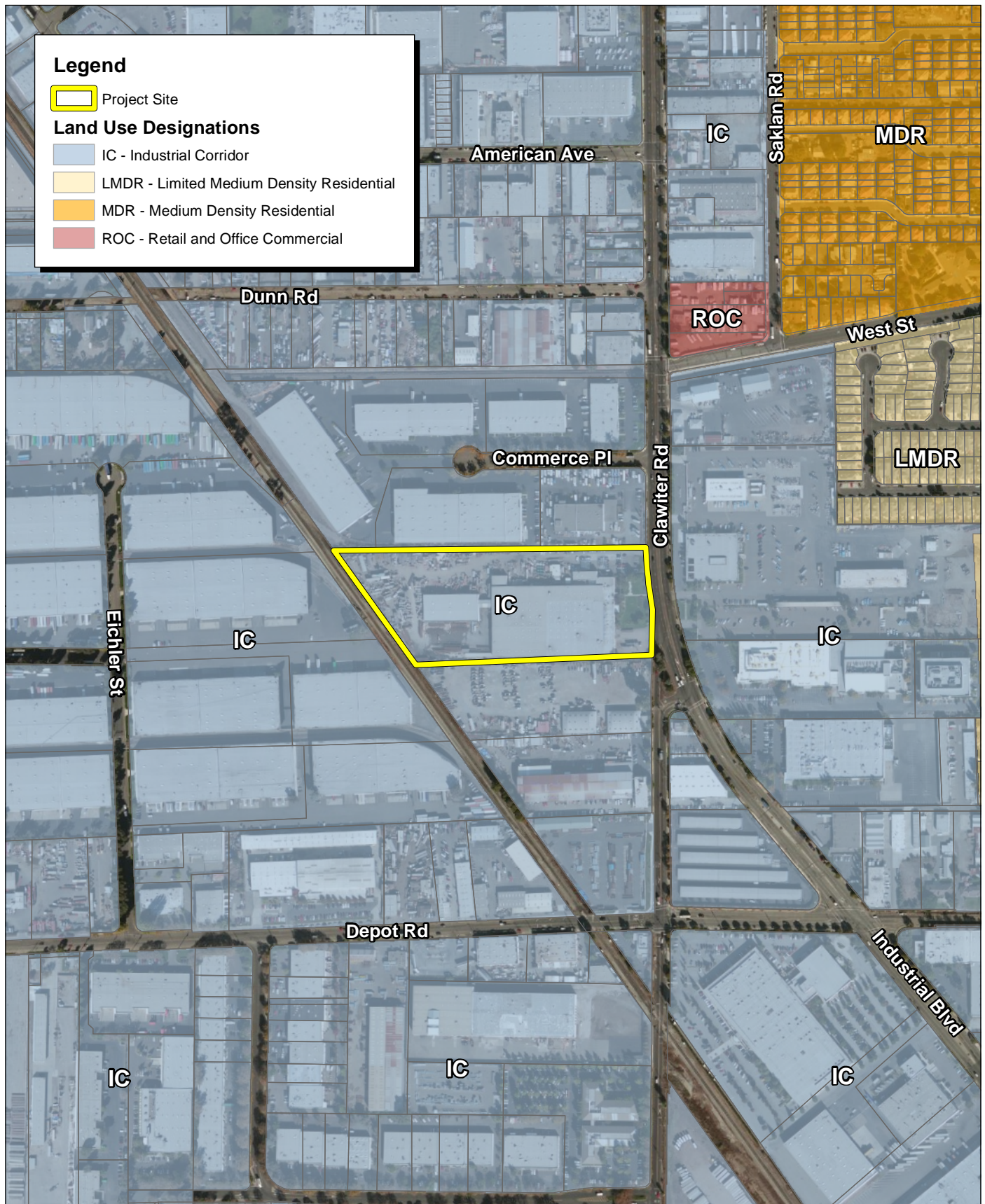
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Source: ESRI Aerial Imagery.



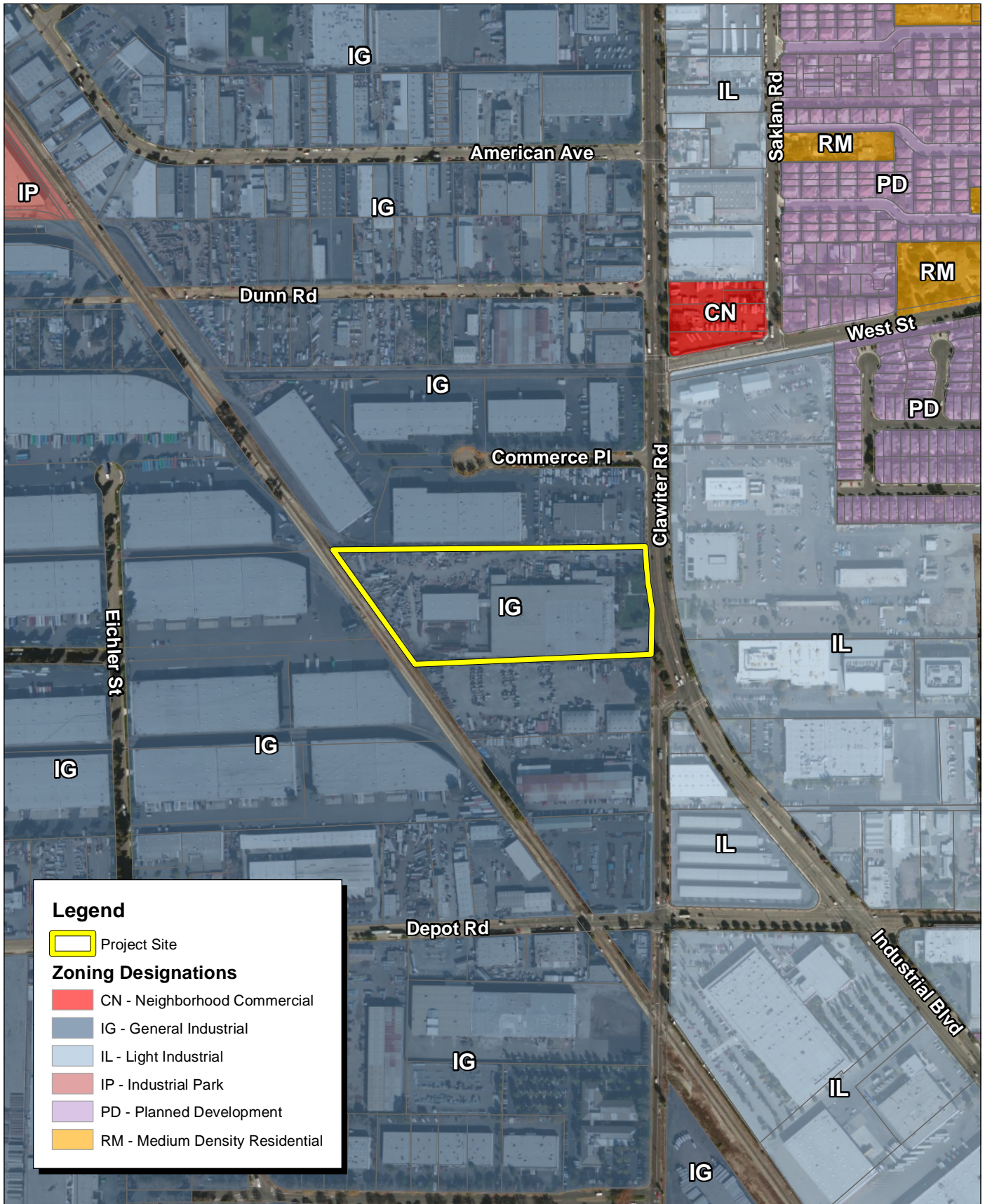
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Source: ESRI Aerial Imagery, City of Hayward.



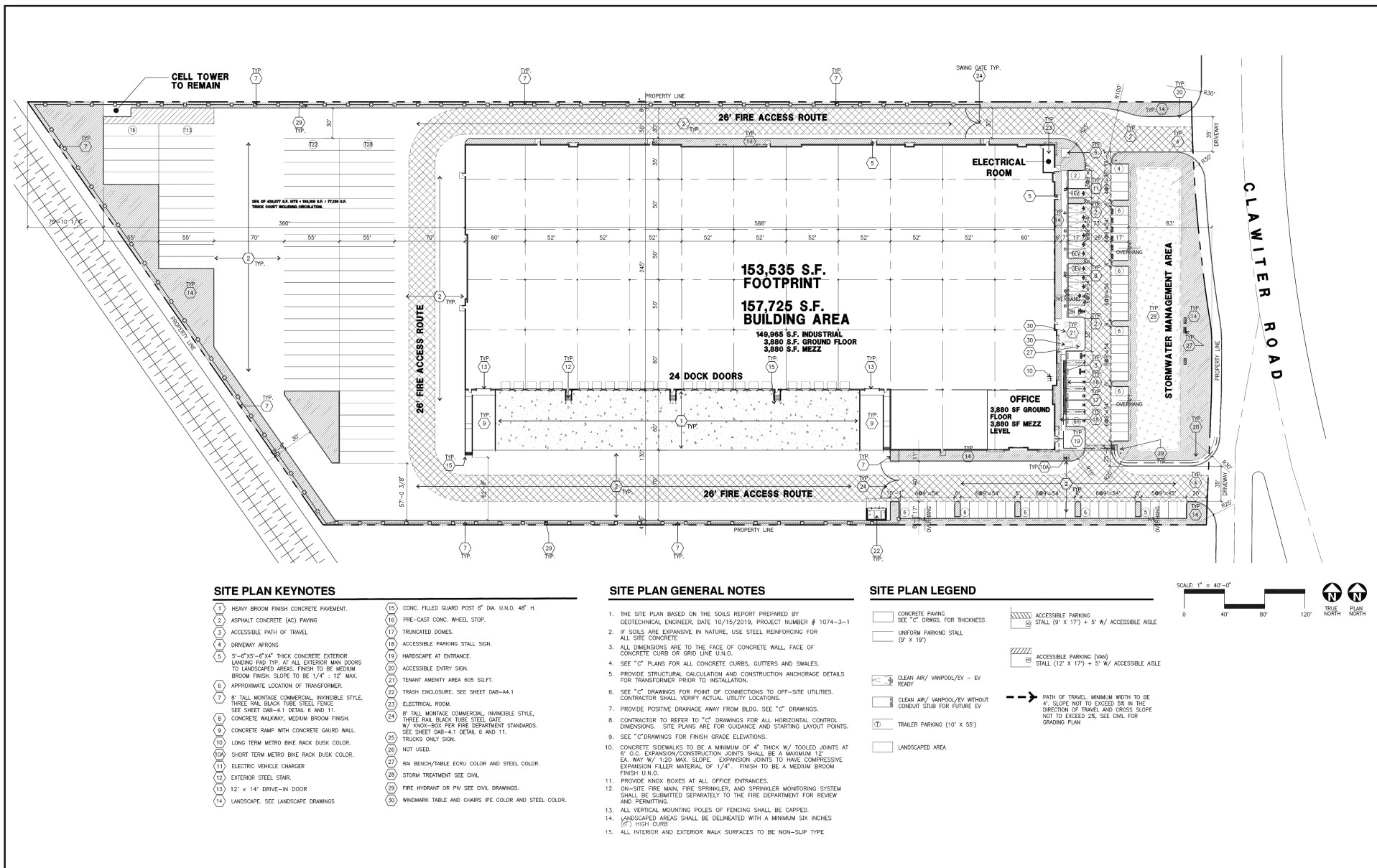
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Source: ESRI Aerial Imagery. City of Hayward.



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Source: HPA Architecture, June 3, 2019.

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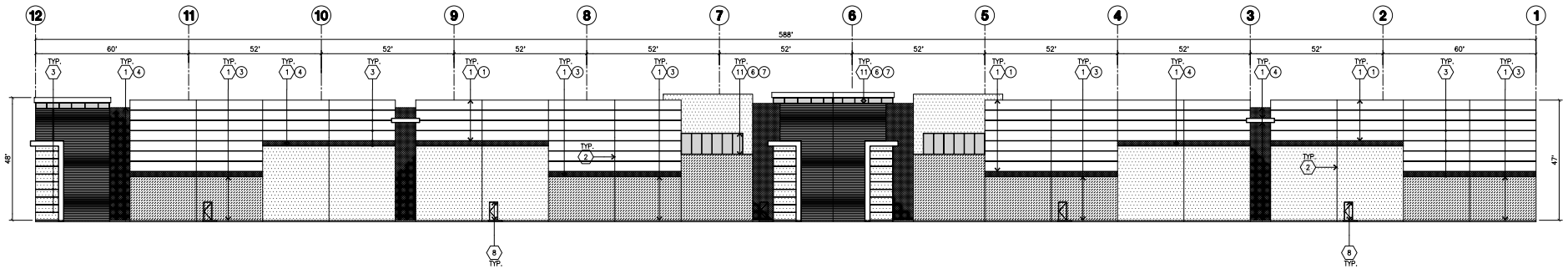


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Exhibit 5
Site Plan

CITY OF HAYWARD
24493 CLAWITER ROAD INDUSTRIAL BUILDING
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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NORTH ELEVATION
scale: 1" = 20'-0"

ELEVATION COLOR LEGEND/SCHED.

ALL MOCK UP PAINT AND EXTERIOR MATERIAL TO BE APPROVED PRIOR TO FULL APPLICATION ON BUILDING. SEE ENLARGED MOCK UP PLAN.

- ① CONCRETE TILT-UP PANEL. COLOR : SW 7006 EXTRA WHITE
 - ② CONCRETE TILT-UP PANEL. COLOR : SW 6231 ROCKY CANDY
 - ③ CONCRETE TILT-UP PANEL. COLOR : SW 7071 GRAY SCREEN
 - ④ CONCRETE TILT-UP PANEL. COLOR : SW 0077 CLASSIC FRENCH GRAY
 - ⑤ CONCRETE TILT-UP PANEL. COLOR : SW PEWTER GREEN
 - ⑥ GLAZING COLOR : BLUE GLAZING
 - ⑦ MULLIONS COLOR : CLEAR ANODIZED ALUMINUM
 - ⑧ CANOPY MATERIAL : SHERWIN-WILLIAMS SW 7006 EXTRA WHITE
- DOOR COLORS : MATCH BUILDING COLOR

GLAZING LEGEND

NOTE: ALL EXTERIOR AND INTERIOR GLAZING SHALL BE TEMPERED.

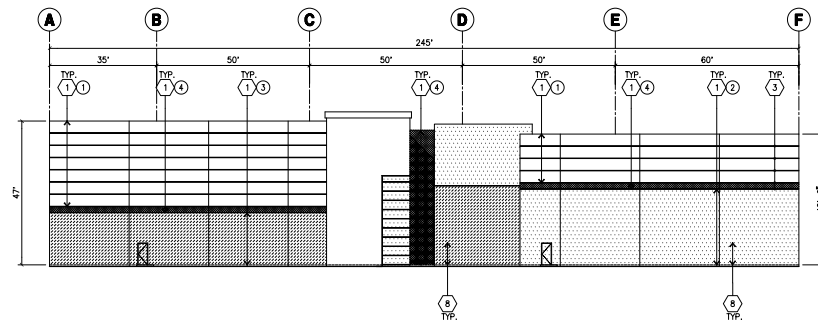
- INSULATED VISION GLASS
- SPANDREL GLASS WITH CONCRETE BEHIND
- SINGLE LITE VISION GLASS

IV : INSULATED VISION GLASS
1/4" VISTACOL PACIFICA + 1/4" SOLARBAN 60 CLEAR
1" INSULATED GLASS UNIT WITH 1/2" AIRSPACE AND 1/4" LITES
U: 0.27 SHGC: 0.21 VLT: 26%
MINIMUM V TO BE 0.42 PER 2016 CEC TABLE 140.3-B

SC : SPANDREL WITH CONCRETE BEHIND
1/4" VISTACOL PACIFICA WITH WARM GRAY OPACICOAT PAINTED ON REFLECTIVE.
INSTALLED ON CONCRETE.

V : VISION GLASS
1/4" VISTACOL PACIFICA
MULLIONS : ANODIZED CLEAR.

NOTE: GLASS PROPOSED TRANSFORMER ON THE BUILDING FRONTAGE WILL BE TRANSPARENT HIGHER THAN 80 PERCENT AND WILL HAVE AN EXTERNAL REFLECTANCE OF LESS THAN 15 PERCENT.



WEST ELEVATION
scale: 1" = 20'-0"

Source: HPA Architecture, June 3, 2019.

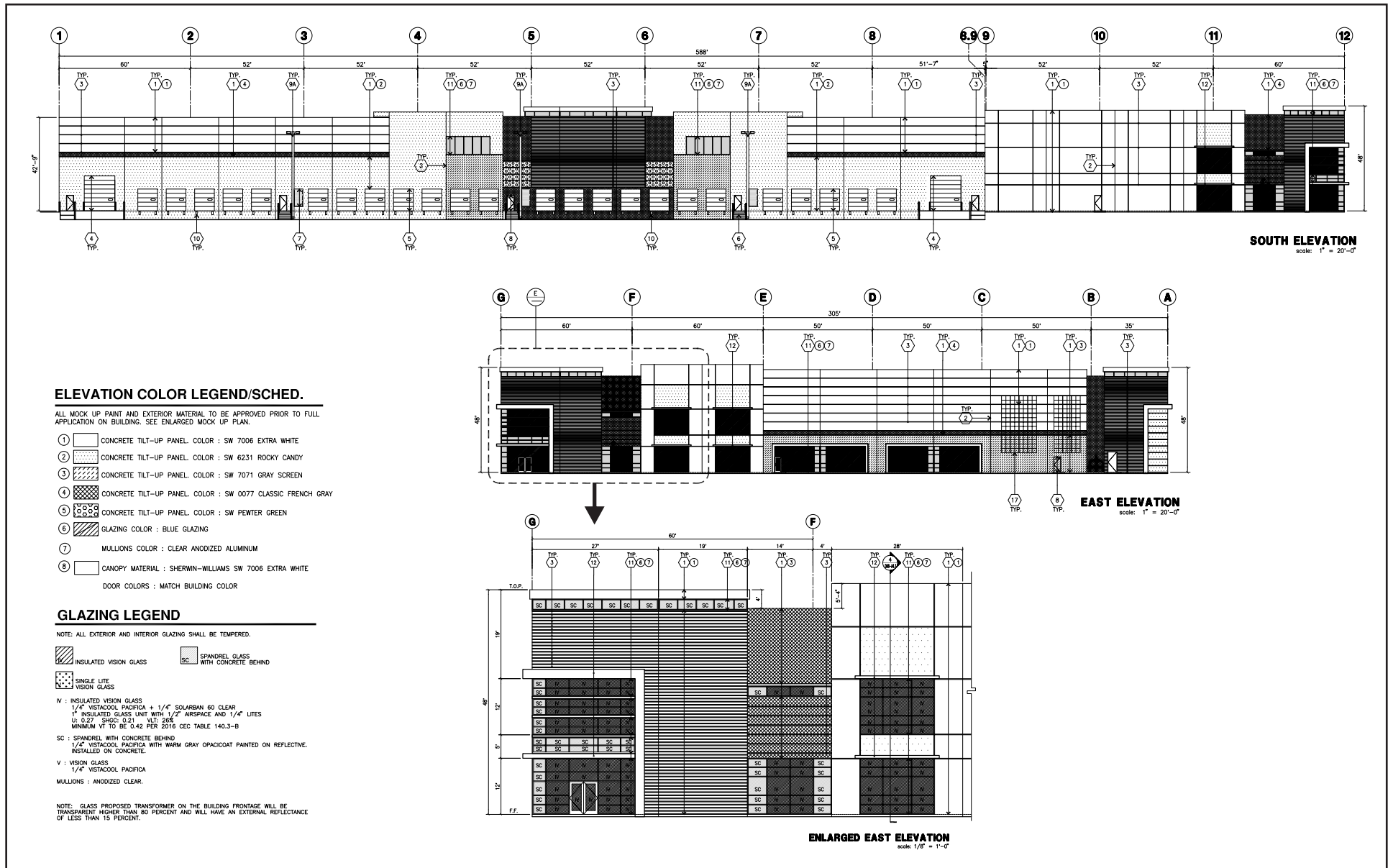
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Exhibit 6a
Elevations

CITY OF HAYWARD
24493 CLAWITER ROAD INDUSTRIAL BUILDING
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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Source: HPA Architecture, June 3, 2019.

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Exhibit 6b
Elevations

CITY OF HAYWARD
 24493 CLAWITER ROAD INDUSTRIAL BUILDING
 INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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SECTION 2: ENVIRONMENTAL CHECKLIST AND ENVIRONMENTAL EVALUATION

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 checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Energy	
<input checked="" type="checkbox"/> Geology/Soils	<input type="checkbox"/> Greenhouse Gas Emissions	<input checked="" type="checkbox"/> Hazards/Hazardous Materials	
<input checked="" type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Mineral Resources	
<input type="checkbox"/> Noise	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Public Services	
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation	<input type="checkbox"/> Tribal Cultural Resources	
<input type="checkbox"/> Utilities/Services Systems	<input type="checkbox"/> Wildfire	<input type="checkbox"/> Mandatory Findings of Significance	
Environmental Determination			

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 measure 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.

Date: 9/10/21

Signed: Leigha Schmidt

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.1 Aesthetics <i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?	<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 building within a State Scenic Highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Setting

The City of Hayward 2040 General Plan identifies the following scenic vistas and resources: scenic views in higher elevations in the hills, portions of the shoreline that provide scenic vistas of the San Francisco Bay and/or views to the East Bay hills, as well as portions of I-580, I-880, and SR-92. Based on the project location, as shown in Exhibit 1, and intervening topography and development, these vistas and resources are not visible from the project site.

The proposed project is located within the City's Industrial Technology and Innovation Corridor, and is surrounded on all sides by industrial operations of various sizes with no consistent or uniform design theme. The project site, and the entire corridor, are not located within an area designated in the General Plan as scenic.

The following General Plan Land Use goals refer to the Industrial Technology and Innovation Corridor:²

- LU-6.6: The City shall encourage property owners to upgrade existing buildings, site facilities, and landscaped areas to improve the economic viability of properties and to enhance the visual character of the Industrial Technology and Innovation Corridor.

² Hayward 2040 General Plan Land Use and Community Character Goal 6 Industrial Technology and Innovation Corridor. 2014. Website: <https://www.hayward2040generalplan.com/goal/LU6>. Accessed April 14, 2021.

- LU-6.7: The City shall encourage developments within the Industrial Technology and Innovation Corridor to incorporate the following design strategies:
 - Provide attractive on-site landscaping and shade trees along street frontages and within employee and visitor parking lots.
 - Screen areas used for outdoor storage, processing, shipping and receiving, and other industrial operations with a combination of landscaping and decorative fences or walls.
 - Encourage consistent architectural façade treatments on all sides of buildings.
 - Screen rooftop equipment with roof parapets.
 - Design shipping and receiving areas and driveways to accommodate the turning movements of large trucks.
 - Coordinated and well-designed signage for tenant identification and way-finding.
 - Incorporate attractive building and site lighting to prevent dark pockets on the site.
 - Provide pedestrian walkways to connect building entrances to sidewalks.
 - Use landscaped buffers with trees and attractive sound walls to screen adjacent residential areas and other sensitive uses.

The proposed project would support these goals by employing several of the strategies listed in goal LU-6.7 such as providing open space around the entire property boundary; planting shade and screen trees, as well as accent trees that would enhance the visual character of the area; applying consistent architectural façade treatments on all sides of buildings; and install lighting around the property perimeter and throughout the site to prevent dark pockets.

Would the project:

a) Have a substantial adverse effect on a scenic vista?

No impact. The proposed project is not located in or near a scenic vista.

The proposed project site is located in an urban area that is not within the hills nor the shoreline area of Hayward. The scenic portion of I-580 is located approximately 3.7 miles northeast of the proposed project, and the scenic portion of I-680 is located approximately 11 miles east of the proposed project. In addition, the scenic portion of the federally designated SR-92 is located approximately 9.3 miles southwest of the proposed project site, in San Mateo County.³ Therefore, there would be no adverse effect on a scenic vista.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?

No impact. The proposed project is located within a completely urban, developed area which is not within a State Scenic Highway. Therefore, it would not damage scenic resources including trees, rock outcroppings, or historic buildings withing a State Scenic Highway.

³ California Department of Transportation (Caltrans). California State Scenic Highways. 2021. Website: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983>. Accessed April 13, 2021.

- c) **In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

No impact. The proposed project is located within an urban area, and would be consistent and compatible with surrounding development. The proposed project would not degrade the existing visual character or quality of public views of the site and its surroundings. Furthermore, the proposed project is an industrial building which would conform with the General Plan land use designation of Industrial Corridor (IC) and zoning of General Industrial (IG) for the site.⁴ Nor would it conflict with policies of the General Plan that aim to protect hillside views, shoreline views, and scenic routes because the site is not located in any area designated by the General Plan as a hillside or shoreline view, or a scenic route.⁵

- d) **Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

Less than significant impact. The proposed project is an industrial building that would replace an existing industrial structure. The applicant has submitted a photometric plan, in conformance with the Hayward Municipal Code, which requires that exterior and parking lot lighting will not cast direct light or glare upon adjacent properties or public right-of-way. The proposed building would be constructed of tilt-up concrete panels painted in shades of gray. Windows would have blue glazing. The building would not significantly increase light or glare, and it would not affect day or nighttime views in the area.

Mitigation Measures

None.

⁴ City of Hayward Zoning. 2016. Website: <https://www.hayward-ca.gov/sites/default/files/City%20of%20Hayward%20Zoning%20Map.pdf>. Accessed April 13, 2021.

⁵ Hayward 2040 General Plan Natural Resources Goal 8 Scenic Resources. 2014. Website: <https://www.hayward2040generalplan.com/goal/NR8>. Accessed April 13, 2021.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.2 Agriculture and Forestry Resources <i>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:</i>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

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 Department 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 (ARB).

Setting

The proposed project site is located within an urban, industrial area and is zoned as General Industrial (IG).⁶ The property is completely paved and there are no Farmlands of any kind, agriculture, forestlands, or timber lands, or Timber Production zoning designations or uses on-site. 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?**

No impact. The California Department of Conservation designates the project site as Urban and Built-Up Land.⁷ Therefore, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

- b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

No impact. The zoning designation for the project site is General Industrial,⁸ and no zoning change is proposed. Therefore, the proposed project is not in conflict with existing zoning for agricultural use.

The project site is not under a Williamson Act contract. Therefore, the proposed project would not conflict with existing Williamson Act contracts.

- 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))?**

No impact. The zoning designation for the project site is General Industrial,⁹ and no change to the zoning is proposed. Therefore, the proposed project would not conflict with zoning of forest land, timberland, or Timberland Production.

- d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

No impact. The project site is urban and completely built-up. No forest land is present on-site. therefore, the proposed project would not result in loss of forest land or conversion of forest land to non-forest use.

⁶ City of Hayward Zoning. 2016. Website: <https://www.hayward-ca.gov/sites/default/files/City%20of%20Hayward%20Zoning%20Map.pdf>. Accessed April 13, 2021.

⁷ California Department of Conservation, California Important Farmland Finder. Website: <https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed April 14, 2021.

⁸ City of Hayward Zoning. 2016. Website: <https://www.hayward-ca.gov/sites/default/files/City%20of%20Hayward%20Zoning%20Map.pdf>. Accessed April 13, 2021.

⁹ City of Hayward Zoning. 2016. Website: <https://www.hayward-ca.gov/sites/default/files/City%20of%20Hayward%20Zoning%20Map.pdf>. Accessed April 13, 2021.

- 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?

No impact. The proposed project is an industrial building which would replace an existing industrial building. No Farmland or forest land is present on-site or surrounding area. Therefore, it would not change the existing environment, it would not result in conversion of Farmland to non-agricultural use, and it would not result of conversion of forest land to non-forest use.

Mitigation Measures

None.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.3 Air Quality <i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.</i> <i>Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable Air Quality Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Where available, the significance criteria established by the applicable air quality management district 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?

Less than significant impact with mitigation incorporated. The United States Environmental Protection Agency (EPA) and the ARB designate air basins where ambient (monitored) pollutant concentration levels are above the applicable air quality standards as “nonattainment” areas. If ambient pollutant concentration levels are below the applicable air quality standards, then the area is an “attainment” area. If there is inadequate or inconclusive data to make a definitive attainment designation, then the areas are considered “unclassified.”

The project site is located in the San Francisco Bay Area Air Basin (Air Basin), where air quality is regulated by the Bay Area Air Quality Management District (BAAQMD). The United States Environmental Protection Agency (EPA) and ARB have classified the Air Basin as nonattainment for the State ozone standards, the State particulate matter with aerodynamic diameter less than 10 microns (PM₁₀) standards, and the State particulate matter with aerodynamic diameter less than 2.5 microns (PM_{2.5}) standards. In addition, the EPA has classified the Air Basin as nonattainment for federal 8-hour ozone and PM_{2.5}. The region is attainment or unclassified for all other ambient air quality standards. BAAQMD prepares air quality plans that include projected emissions inventories

and account for emissions reductions strategies in order to demonstrate how the region will achieve the ambient air quality standards by the given deadlines.

In April 2017, BAAQMD adopted their 2017 Clean Air Plan, which serves as the regional Air Quality Plan (AQP) for the Air Basin for attaining federal ambient air quality standards. The primary goals of the 2017 Clean Air Plan are to protect public health and to protect the climate. The 2017 Clean Air Plan acknowledges that the BAAQMD's two stated goals of protection are closely related. As such, the 2017 Clean Air Plan identifies a wide range of control measures intended to decrease both criteria pollutants¹⁰ and greenhouse gas (GHG) emissions.¹¹ The 2017 Clean Air Plan also accounts for projections of population growth provided by Association of Bay Area Governments (ABAG) and VMTs provided by the Metropolitan Transportation Commission, and identifies strategies to bring regional emissions into compliance with federal and State air quality standards. A project would be judged to conflict with or obstruct implementation of the 2017 Clean Air Plan if it would result in substantial new regional emissions not foreseen in the air quality planning process.

The BAAQMD does not provide a numerical threshold of significance for project-level consistency analysis. Therefore, the following criteria will be used for determining a project's consistency with the AQP.

- **Criterion 1:** Does the project support the primary goals of the AQP?
- **Criterion 2:** Does the project include applicable control measures from the AQP?
- **Criterion 3:** Does the project disrupt or hinder implementation of any AQP control measures?

Criterion 1

The primary goals of the 2017 Clean Air Plan, the current AQP to date, are to:

- Attain air quality standards;
- Reduce population exposure to unhealthy air and protecting public health in the Bay Area; and
- Reduce GHG emissions and protect the climate.

A measure for determining whether the project supports the primary goals of the AQP is if the proposed project would not result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the air quality plans. This measure is determined by evaluating whether the proposed project was reasonably accounted for in the AQP.

The applicable General Plan for the proposed project is the Hayward 2040 General Plan (General Plan). The General Plan was adopted in 2014, which was prior to the BAAQMD's adoption of the latest 2017

¹⁰ The EPA has established National Ambient Air Quality Standards (NAAQS) for six of the most common air pollutants—carbon monoxide, lead, ground-level ozone, particulate matter, nitrogen dioxide, and sulfur dioxide—known as “criteria” air pollutants (or simply “criteria pollutants”).

¹¹ A GHG is any gaseous compound in the atmosphere that is capable of absorbing infrared radiation, thereby trapping and holding heat in the atmosphere. By increasing the heat in the atmosphere, GHGs are responsible for the greenhouse effect, which ultimately leads to global warming.

AQP. The project site is located in the General Plan's Industrial Technology and Innovation Corridor and zoned IG, General Industrial, by the City of Hayward Municipal Code.

The Industrial Technology and Innovation Corridor designation is described in the General Plan as a crescent-shaped corridor located along the western and southwestern edge of the City's Urban Limit Line that has attracted a variety of warehouse and distribution facilities, food manufacturing companies, bio-technology firms, and high technology businesses. The General Plan identifies this designation as the main employment area of the City and as an economic asset that needs to be protected and enhanced. Additionally, the General Plan lists allowable uses under the Industrial Technology and Innovation Corridor designation. The Industrial Technology and Innovation Corridor designation is intended for employee-intensive uses, such as professional office, corporate campuses, research and development, traditional and specialized manufacturing, throughout the Industrial Technology and Innovation Corridor.¹² As described in the Land Use Analysis in Section 2.11, below, the proposed project would be consistent with the Industrial Technology and Innovation Corridor designation. Therefore, the proposed project would be consistent with the land use assumptions used in the AQP. Furthermore, as discussed in Impact 3(b), the project's long-term construction and operational-related emissions would not exceed BAAQMD regional thresholds of significance on an average daily or annual basis. Because development of the project site has been reasonably accounted for in the AQP and because the proposed project would not exceed BAAQMD regional thresholds of significance on an average daily or annual basis, the proposed project would be consistent with the first criterion.

Criterion 2

The 2017 Clean Air Plan contains control measures to reduce air pollutants and GHGs at the local, regional, and global levels. Along with the traditional stationary, area, mobile source, and transportation control measures, the 2017 Clean Air Plan contains many control measures designed to protect the climate and promote mixed use, compact development to reduce vehicle emissions and exposure to pollutants from stationary mobile sources. The 2017 Clean Air Plan also includes an account of the implementation status of control measures identified in the prior 2010 Clean Air Plan.

Table 2 lists the relevant Clean Air Plan policies to the project and evaluates the project's consistency with the policies. As shown below, the proposed project would be consistent with applicable measures.

¹² City of Hayward. 2014. Hayward 2040 General Plan, Land Use Element. Website: <https://www.hayward2040generalplan.com/goal/LU6>. Accessed May 18, 2021.

Table 2: Project Consistency with Applicable Clean Air Plan Control Measures

Control Measure	Project Consistency
Buildings Control Measures	
BL1: Green Buildings	Consistent. The proposed project would not conflict with implementation of this measure. The proposed project will comply with the latest energy efficiency standards and incorporate applicable energy efficiency features designed to reduce project energy consumption.
BL4: Urban Heat Island Mitigation	Consistent. The proposed project would provide landscaping that would serve to reduce the urban heat island effect and would include the planting of shade trees. The proposed project would provide 36,213 square feet of landscaped area, well above the required amount of 21,634 square feet.
Energy Control Measures	
EN1: Decarbonize Electricity Generation	Consistent. The project applicant would, at a minimum, be required to conform to the energy efficiency requirements of the California Building Standards Code, also known as Title 24, which was adopted to meet an Executive Order in the Green Building Initiative to improve the energy efficiency of buildings through aggressive standards. The 2019 Title 24 Standards are the current State building regulations, which went into effect on January 1, 2020. Proposed buildings that would receive building permits after January 1, 2020, would be subject to the 2019 Title 24 Standards, including the proposed project. In addition to the 2019 Title 24 Standards, the project applicant would be required to comply with the City of Hayward’s Reach Code, which requires new nonresidential development to be constructed as all-electric or mixed-fuel accompanied with a rooftop solar system. The proposed project would provide mixed-fuel.
EN2: Decrease Electricity Demand	
Natural and Working Lands Control Measures	
NW2: Urban Tree Planting	Consistent. The proposed project would provide landscaping that exceed City standards. The proposed project would incorporate 36,213 square feet of landscaped area. Plantings would include trees, shrubs, and groundcover along all sides of the project site, including Industrial Boulevard and Clawiter Road and the Southern Pacific Railroad.

Control Measure	Project Consistency
WA3: Green Waste Diversion	Consistent. The waste service provider for the project will be required to meet the Assembly Bill 341 (AB 341) and Senate Bills 939 (SB 939) and SB 1374 requirements that require waste service providers to divert green waste. All plant refuse generated during operations of the proposed project would be recycled off-site by the waste service provided.
WA4: Recycling and Waste Reduction	Consistent: The waste service provider for the project will be required to meet the AB 341, SB 939 and SB 1374, the Alameda County Waste Management Authority Mandatory Recycling Ordinance 2012-01, and the City of Hayward Construction and Demolition Debris Recycling Ordinance requirements that require waste to be recycled.
Stationary Control Measures	
SS36: Particulate Matter from Track-out	Consistent with Mitigation. Mud and dirt that may be tracked out onto the nearby public roads during construction activities shall be removed promptly by the contractor based on BAAQMD's requirements. Mitigation Measure (MM) AIR-1, identified under Impact 3(b), would implement Best Management Practices (BMPs) recommended by BAAQMD for fugitive dust emissions during construction.
SS37: Particulate Matter from Asphalt Operations	Consistent. Asphalt used during the construction of the proposed project would be subject to BAAQMD Regulation 8, Rule 15-Emulsified and Liquid Asphalts. Although this rule does not directly apply to the project, it does limit the reactive organic gas (ROG) content of asphalt available for use during construction through regulating the sale and use of asphalt. By using asphalt from facilities that meet BAAQMD regulations, the proposed project would be consistent with this Clean Air Plan measure.
Transportation Control Measures	
TR9: Bicycle and Pedestrian Access and Facilities	Consistent. There are existing sidewalks along the project frontage on Clawiter Road and Industrial Boulevard. While the proposed project would not dedicate additional space outside of the public right-of-way specifically for bicycle or pedestrian facilities, it would not limit or obstruct pedestrian or bicycle access alongside the project site; therefore, the proposed project would not conflict with and be consistent with the BAAQMD's effort to encourage planning for bicycle and pedestrian facilities.
Source: Bay Area Air Quality Management District (BAAQMD). 2017. Final 2017 Clean Air Plan. April 19. Website: https://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en . Accessed May 19, 2021.	

In summary, the proposed project would not conflict with any applicable measures under the 2017 Clean Air Plan after the implementation of Mitigation Measure (MM) AIR-1; therefore, the proposed project would be consistent with Criterion 2 after incorporation of mitigation.

Criterion 3

The proposed project would not preclude the extension of a transit line or bike path, propose excessive parking beyond parking requirements, or otherwise create an impediment or disruption to implementation of any AQP control measures. As shown in Table 2 above, the proposed project would incorporate several AQP control measures as project design features. Considering this information, the proposed project would not disrupt or hinder implementation of any AQP control measures. The project is therefore consistent with Criterion 3.

Summary

As addressed above, the proposed project would be consistent with all three criteria after the incorporation of MM AIR-1. Thus, the proposed project would not conflict with the 2017 Clean Air Plan. Therefore, impacts associated with conflicting with or obstructing implementation of the 2017 Clean Air Plan would be less than significant with mitigation.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?

Less than significant impact. This impact is related to the cumulative effect of a project's regional criteria pollutant emissions. By its nature, air pollution is largely a cumulative impact resulting from emissions generated over a large geographic region. The nonattainment status of regional pollutants is a result of past and present development within the Air Basin, and this regional impact is a cumulative impact. Therefore, new development projects (such as the proposed project) within the Air Basin would contribute to this impact only on a cumulative basis. No single project would be sufficient in size, by itself, to result in nonattainment of regional air quality standards. Instead, a project's emissions may be individually limited, but cumulatively considerable when evaluated in combination with past, present, and future development projects.

Potential localized and regional impacts would result in exceedances of State or federal standards for NO_x, particulate matter (PM₁₀ and PM_{2.5}), or CO. NO_x emissions are of concern because of potential health impacts from exposure to NO_x emissions during both construction and operation and as a precursor in the formation of airborne ozone. PM₁₀ and PM_{2.5} are of particular concern during construction because of the potential to emit exhaust emissions from the operation of off-road construction equipment and fugitive dust during earth-disturbing activities (construction fugitive dust). CO emissions are of particular concern during project operation because operational CO hotspots are related to increases in on-road vehicle congestion.

ROG emissions are also important because of their participation in the formation of ground-level ozone. Ozone is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections and that can cause substantial damage to vegetation and other materials. Elevated ozone concentrations result in reduced lung function, particularly during vigorous physical activity. This health problem is particularly acute in sensitive receptors such as the sick, elderly, and young children.

The cumulative analysis focuses on whether a specific project would result in cumulatively considerable emissions. According to Section 15064(h)(4) of the CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that the project's incremental effects would be cumulatively considerable. Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the proposed project would result in regional emissions that exceed the BAAQMD regional thresholds of significance for construction and operations on a project level. The thresholds of significance represent the allowable amount of emissions each project can generate without generating a cumulatively considerable contribution to regional air quality impacts. Therefore, a project that would not exceed the BAAQMD thresholds of significance on the project level also would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts. Construction and operational emissions are discussed separately below.

Construction Emissions

During demolition and construction activities, fugitive dust would be generated from site grading and other earthmoving activities. The majority of this fugitive dust would remain localized and would be deposited near the project site. However, the potential for health impacts from fugitive dust exists unless control measures are implemented to reduce the emissions from this source. Exhaust emissions would also be generated from the operation of the off-road construction equipment and from on-road construction worker vehicles, vendor trucks, and haul trucks.

Construction Fugitive Dust

As previously mentioned, fugitive dust (PM₁₀ and PM_{2.5}) would be generated primarily during earthmoving activities, such as grading, but would also be generated during all construction activities, including demolition. However, fugitive dust emissions generated from on-site construction activities, including demolition, would largely remain localized near the project site. The BAAQMD does not recommend a numerical threshold for fugitive dust particulate matter emissions. Instead, the BAAQMD bases the determination of significance for fugitive dust on considering the control measures to be implemented. If all appropriate emissions control measures are implemented for a project as recommended by the BAAQMD, then fugitive dust emissions during demolition and construction are not considered significant.

As required by MM AIR-1, the proposed project would implement Best Management Practices (BMPs) recommended by BAAQMD for fugitive dust emissions during demolition and construction. Therefore, with mitigation, short-term construction impacts associated with fugitive dust emissions would not violate an air quality standard or contribute substantially to an existing or projected air quality violation.

Construction Air Pollutant Emissions: ROG, NO_x, PM₁₀, and PM_{2.5}

CalEEMod, Version 2020.4.0, was used to estimate the proposed project's construction emissions. CalEEMod provides a consistent platform for estimating construction and operational emissions from a wide variety of land use projects and is the model recommended by the BAAQMD for estimating project emissions. Estimated construction emissions are compared with the applicable thresholds of

significance established by the BAAQMD to assess ROG, NO_x, exhaust PM₁₀, and exhaust PM_{2.5} construction emissions to determine significance for this criterion.

Construction of the proposed project is expected to start in January 2022 and to conclude in February 2023. For the purpose of this analysis, construction of the proposed project was assumed to correspond to these dates. If the construction schedule moves to later years, construction emissions would likely decrease because of improvements in technology and more stringent regulatory requirements that would affect future construction equipment. The duration of construction activity and associated equipment represent a reasonable approximation of the expected construction fleet as required by CEQA Guidelines.

As shown in Table 3, the proposed project would be constructed in a total of 299 workdays. For a more detailed description of the construction parameters used in estimating air pollutant emissions modeling, please refer to Appendix A.

Table 3: Preliminary Construction Schedule

Phase	Phase Start Date	Phase End Date	Total Number of Working Days per Week	Total Number of Working Days
Demolition	1/3/2022	1/28/2022	5	20
Site Preparation	1/29/2022	2/4/2022	5	5
Grading	2/5/2022	2/16/2022	5	8
Building Construction	2/17/2022	1/4/2023	5	230
Paving	1/5/2023	1/30/2023	5	18
Architectural Coating	1/31/2023	2/23/2023	5	18

Source: Duke Realty. 2021. Request for Information. April 19.

The calculations of pollutant emissions from the construction equipment account for the type of equipment, horsepower, and load factors of the equipment, along with the duration of use. Average daily construction emissions are compared with the significance thresholds in Table 4.

Table 4: Construction Emissions (Unmitigated Average Daily Rate)

Parameter	Air Pollutants ¹ (tons)			
	ROG	NO _x	PM ₁₀ (Exhaust)	PM _{2.5} (Exhaust)
Project Construction				
Demolition (2022)	0.03	0.40	0.01	0.01
Site Preparation (2022)	0.01	0.01	<0.01	<0.01
Grading (2022)	0.01	0.08	<0.01	<0.01

Parameter	Air Pollutants ¹ (tons)			
	ROG	NO _x	PM ₁₀ (Exhaust)	PM _{2.5} (Exhaust)
Building Construction (2022-2023)	0.27	2.28	0.10	0.09
Paving (2023)	0.01	0.08	<0.01	<0.01
Architectural Coating (2023)	0.87	0.01	<0.01	<0.01
Total Emissions (tons)	1.20	2.94	0.12	0.12
Daily Average				
Total Emissions (lbs)	2,402	5,870	249	234
Average Daily Emissions (lbs/day) ²	8	20	1	1
Significance Threshold (lbs/day)	54	54	82	54
Exceeds Significance Threshold?	No	No	No	No
Notes: lbs = pounds ROG = reactive organic gases NO _x = oxides of nitrogen PM ₁₀ = particulate matter 10 microns in diameter PM _{2.5} = particulate matter 2.5 microns in diameter ¹ Totals may not add up due to rounding. Calculations use unrounded totals. ² Calculated by dividing the total lbs of emissions by the total number of nonoverlapping working days of construction (299 workdays). Source: CalEEMod Output (see Appendix A).				

As shown in Table 4, the construction emissions from all construction activities are below the recommended thresholds of significance; therefore, project construction would have less than significant impact related to emissions of ROG, NO_x, exhaust PM₁₀, and exhaust PM_{2.5}. As previously discussed, the proposed project would implement MM AIR-1 for dust control BMPs recommended by the BAAQMD to reduce potential impacts related to fugitive dust emissions during project construction. Therefore, project construction would have a less than significant impact.

Operational Emissions

Operational Air Pollutant Emissions: ROG, NO_x, PM₁₀, and PM_{2.5}

Operational emissions would include area, energy, and mobile sources. Area sources include emissions from architectural coatings, consumer products, and landscape equipment, while energy sources include emissions from the combustion of natural gas for water and space heating. Mobile sources include exhaust and road dust emissions from the vehicles that would travel to and from the project site. Pollutants of concern include ROG, NO_x, PM₁₀, and PM_{2.5}.

It should be noted that in addition to the 2019 Title 24 Standards, the project applicant would be required to comply with the City of Hayward's Reach Code, which requires new non-residential development to be constructed as all-electric or mixed-fuel accompanied with a rooftop solar system. In the absence of information regarding the future tenant and the potential need for natural

gas hook-ups, the air quality modeling utilized herein assumed the proposed project to be a traditional mixed-fuel development but does not incorporate the use of rooftop solar panels, thereby providing for a conservative assessment.

Project operations were analyzed starting in 2023, the first calendar year following construction operations. The major sources for proposed operational emissions of ROG, NO_x, PM₁₀, and PM_{2.5} include motor vehicle traffic, use of natural gas, and the occasional repainting of buildings. As discussed in Section 2.11, Project Description, the 9.9-acre project site is currently developed with an operating structural steel manufacturing facility. The proposed project would construct a new 157,725 square foot (sf), 50-foot-tall, 1-story tilt-up concrete building.

Assumptions used to estimate proposed emissions were consistent with those presented in the Draft Local Transportation Analysis (LTA) prepared by Hexagon Transportation Consultants, Inc. for the proposed project.¹³ According to the LTA, the proposed project would demolish an approximately 140,833-square foot steel manufacturing facility. Therefore, existing emissions from the on-site manufacturing facility were estimated and shown here to illustrate net emission estimates resulting from the implementation of the proposed project. Operational emissions of the respective pollutants were calculated using CalEEMod, Version 2020.4.0. For detailed assumptions used to estimate emissions, see Appendix A. The estimated net daily emissions are presented in Table 5, while net annual emissions from project operations are presented in Table 6.

Table 5: Maximum Daily Operational Emissions (Unmitigated)

Emissions Source	Pounds per Day			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Area	3.93	<0.01	<0.01	<0.01
Energy	0.01	0.10	0.01	0.01
Mobile (Motor Vehicles)	1.62	5.98	13.53	3.65
<i>Existing Land Use Emissions</i>	<i>6.02</i>	<i>4.73</i>	<i>7.36</i>	<i>2.04</i>
Total Daily Project Emissions	(0.21)	1.35	6.18	1.61
Thresholds of Significance	54	54	82	54
Exceeds Significance Threshold?	No	No	No	No
Notes: ROG = reactive organic gases NO _x = nitrous oxides. PM ₁₀ = particulate matter 10 microns or less in diameter PM _{2.5} = particulate matter 2.5 microns or less in diameter Source: CalEEMod Output (see Appendix A).				

¹³ Hexagon Transportation Consultants, Inc. 2021. 24993 Clawiter Road Development. May 14.

Table 6: Annual Operational Emissions (Unmitigated)

Emissions Source	Tons per Year			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Area	0.72	<0.01	<0.01	<0.01
Energy	<0.01	0.02	<0.01	<0.01
Mobile (Motor Vehicles)	0.30	1.03	2.37	0.64
<i>Existing Land Use Emissions</i>	<i>1.07</i>	<i>0.82</i>	<i>1.29</i>	<i>0.36</i>
Estimated Net Annual Project Emissions	(0.05)	0.23	1.08	0.28
Thresholds of Significance	10	10	15	10
Exceeds Significance Threshold?	No	No	No	No
Notes: ROG = reactive organic gases NO _x = oxides of nitrogen PM ₁₀ = particulate matter 10 microns or less in diameter PM _{2.5} = particulate matter 2.5 microns or less in diameter Source: CalEEMod Output (see Appendix A).				

As shown in Table 5 and Table 6, the proposed project would not exceed the BAAQMD's thresholds of significance during operation, indicating that ongoing project operations would not be considered to have the potential to generate a significant quantity of air pollutants. Therefore, long-term operational impacts associated with criteria pollutant emissions generated by the proposed project would be less than significant.

Operational Carbon Monoxide Hotspot

The CO emissions from traffic generated by the project are a concern at the local level. Congested intersections can result in the potential for high, localized concentrations of CO, known as a CO hotspot.

The BAAQMD recommends a screening analysis to determine whether a project has the potential to contribute to a CO hotspot. The screening criteria identify when site-specific CO dispersion modeling is necessary. The proposed project would result in a less than significant impact to air quality for local CO if the following screening criteria are met:

1. The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans; or
2. The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; or

3. The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

As indicated in the LTA prepared for the proposed project,¹⁴ the proposed project would result in a net increase of 488 daily trips, with a net increase of 53 trips in the AM peak-hour and a net increase of 95 trips in the PM peak-hour. According to the Existing Plus Project intersection volumes contained in the LTA, the intersection of Winton Avenue and Hesperian Boulevard would be the intersection to experience the greatest peak-hour traffic volumes with 5,306 vehicles during the PM peak-hour. Thus, the proposed project would not cause nearby roadways or intersections to exceed the BAAQMD's CO screening criteria. Therefore, and the proposed project would have a less than significant impact related to CO.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than significant impact. To determine potential health risk and chronic non-cancer hazards imposed on nearby sensitive receptors, a project-specific health risk assessment was performed for the proposed project. The BAAQMD defines a sensitive receptor as the following: "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 people with illnesses. Examples include schools, hospitals, and residential areas." As specified by the BAAQMD, health risk and hazard impacts should be analyzed for sensitive receptors within a 1,000-foot radius of the project site.¹⁵ The closest sensitive receptor to the project site is a single-family residential neighborhood starting approximately 705 feet east of the project site, along Continental Avenue. No other sensitive receptor types, as defined by the BAAQMD, are found within 1,000 feet of the project site. It should be noted that the Maximally Impacted Sensitive Receptor (MIR) during project construction could be a nearby sensitive receptor that is not within the previously identified residential neighborhood. This situation is due to the combination of the prevailing meteorological conditions, the direction of the MIR to the project site, and the amount of emissions generated at the project site during project construction.

The following four criteria were applied to determine the significance of project emissions to sensitive receptors:

- **Criterion 1:** Construction of the project would not result in an exceedance of the health risk significance thresholds.
- **Criterion 2:** The cumulative health impact would not result in an exceedance of the cumulative health risk significance thresholds.

¹⁴ Hexagon Transportation Consultants, Inc. 2021. 24993 Clawiter Road Development. May 14.

¹⁵ Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. Website: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed April 11, 2021.

- **Criterion 3:** Operation of the project would not result in an exceedance of the health risk significance thresholds.
- **Criterion 4:** A CO hotspot assessment must demonstrate that the project would not result in the development of a CO hotspot that would cause an exceedance of the CO ambient air quality standards.

Criterion 1: Project Construction Toxic Air Pollutants

An assessment was made of the potential health impacts to surrounding sensitive receptors resulting from toxic air contaminants (TAC) emissions during construction. A summary of the assessment, performed by FirstCarbon Solutions (FCS) in May 2021, is provided below, while the detailed assessment is provided Attachment A.

Diesel particulate matter (DPM) has been identified by the ARB as a carcinogenic substance. Major sources of DPM include off-road construction equipment and heavy-duty delivery truck and worker activities. For purposes of this analysis, DPM is represented as exhaust emissions of PM_{2.5}.

It should be noted that the potential exists for airborne asbestos exposure during demolition activities due to the presence of structures that predate the federal prohibition of asbestos-containing materials. Any demolition of existing buildings and structures would be subject to BAAQMD Regulation 11, Rule 2 (Asbestos Demolition, Renovation, and Manufacturing),¹⁶ which is intended to limit asbestos emissions from demolition or renovation of structure and the associated disturbance of asbestos-containing waste material generated or handled during these activities. By complying with BAAQMD Regulation 11, Rule 2, thereby minimizing the release of airborne asbestos emissions, demolition activity would not result in a significant impact to air quality.

Moreover, as noted in the Apex Environmental Summary for the proposed project dated November 12, 2020, which details the results of the Phase I and II Environmental Site Assessments, chemicals of concern at the project site include petroleum hydrocarbons, benzene, ethylbenzene, toluene, xylenes, and volatile organic compounds (VOCs). As detailed therein, since 1990, numerous remedial actions have been completed at the project site including over-excavation of contaminated soils, operation of soil vapor and groundwater extraction and treatment systems, and in-situ bioremediation treatment at various locations on the project site. Results from groundwater monitoring indicate that previous remedial activities have been successful in decreasing the concentrations of chemicals of concern throughout the site, and the San Francisco Bay Regional Water Quality Control Board determined the project site met the Low-Threat Closure Criteria for Solvent Cases and issued a no further action determination on July 16, 2018. As such, the previously stated chemicals of concern were not included in the air dispersion modeling utilized for this health risk assessment.

¹⁶ Bay Area Air Quality Management District (BAAQMD). 1998. Regulation 11, Rule 2. Website: <https://www.baaqmd.gov/~media/dotgov/files/rules/reg-11-rule-2-asbestos-demolition-renovation-and-manufacturing/documents/rg1102.pdf?la=en>. Accessed August 27, 2021.

Estimation of Construction DPM Emissions

Construction DPM emissions were estimated using CalEEMod, Version 2020.4.0, as described under the discussion for Impact 3(b). As presented in Table 3, the proposed project's construction is anticipated to occur from January 2022 through February 2023 (1.14 years). Construction emissions were calculated for each construction activity, as displayed in Table 4.

The emissions generated on-site were assumed to be distributed as an area source over the entire project site with an emission release height of 5 meters (the physical height of the emission stack plus the increase in emission height associated with the heated nature of the exhaust). Off-site emissions generated by the exhaust from the various construction vehicles was represented as a line source as the traffic travels along Industrial Boulevard. On-site and off-site emissions generated during project construction were modeled with a working schedule of 8 hours per day, 5 days per week, as provided in Table 3. Table 7 presents the unmitigated project DPM construction on-site and off-site emissions.

Table 7: Project DPM Construction Emissions

Scenario	On-site DPM—Area (tons/year)	Off-site DPM—Road Segments (tons/year) ¹	Total Local DPM Emissions (tons/year)
Project	1.10 E-01	1.71E-04	1.11E-01
<p>Notes: DPM = diesel particulate matter ¹ The off-site emissions are adjusted to represent the construction vehicle travel route from within approximately 1,000 feet of the project site. Source: CalEEMod Output and Construction Health Risk Assessment Calculations; see Appendix A.</p>			

Estimation of Cancer Risks

Cancer risks are estimated as the upper-bound incremental probability that an individual will develop cancer due to exposure to potential carcinogens over a specified exposure duration. The estimated risk is expressed as a probability. For example, a risk level of 10 in a million implies a likelihood that up to 10 people in a population of one million equally exposed people could contract cancer if exposed continuously (24 hours per day) to the levels of TACs over a specified duration of time. The cancer risk attributed to a chemical is calculated by multiplying the chemical intake or dose at the human exchange boundaries (e.g., lungs) by the chemical-specific cancer potency factor (CPF). This risk is an excess cancer risk that is in addition to any environmental cancer risk borne by a person not exposed to these air toxics.

The BAAQMD has developed a set of guidelines for estimating cancer risks resulting from exposure to TACs.¹⁷ As part of this guidance, the American Meteorological Society and EPA Regulatory Model (AERMOD), Version 19191, air dispersion model was used to estimate the DPM concentrations affecting nearby sensitive receptors during project construction by inputting the estimated

¹⁷ Bay Area Air Quality Management District (BAAQMD). 2020. BAAQMD Health Risk Assessment Modeling Protocol. Website: https://www.baaqmd.gov/~media/files/ab617-community-health/facility-risk-reduction/documents/baaqmd_hra_modeling_protocol_august_2020-pdf.pdf?la=en. Accessed June 3, 2021.

construction DPM emissions and representative meteorological data to transport and disperse the construction emissions. Meteorological data from the Oakland Airport were obtained from the ARB to perform the dispersion calculations. To assess impacts to off-site sensitive receptors, receptor locations were placed at locations of existing residences, schools, and daycares located within approximately 1,000 feet of the project boundary. The guidelines require using the ARB Hotspots Analysis and Reporting Program (HARP2) software to identify the cancer risk associated with DPM emissions generated during construction activities. Table 8 provides the assumptions used in the HARP2 analysis.¹⁸

Table 8: HARP2 Modeling Assumptions

Parameter	Assumption
Model	HARP2 (RAST)
Pollutant	DPM as PM _{2.5} Exhaust
Analysis Type	Cancer, Chronic Non-cancer Hazard
Receptor Type	Individual Resident (Infant, child, adult) Worker
Exposure Duration	2 years (actual construction duration is 1.14 years; however, the next highest year in the HARP2 program, 2 years, was selected to provide a conservative estimate of health risks)
Start Age	Third trimester for infants 2 years old for children 17 years old for adults 17 years old for workers
Intake Rate Percentile	RMP using Derived Method
Pathways	Inhalation, soil ingestion, dermal, mother's milk
Deposition	0.02 m/s

Estimation of Non-Cancer Chronic Hazards

The hazard characterization for non-cancer health hazards from TACs is expressed as a Hazard Index. The Hazard Index is a ratio of the predicted concentration of the proposed project's emissions to a concentration considered acceptable to public health professionals, termed the reference exposure limit. For purposes of this assessment, the TAC of concern is DPM for which the OEHHA has defined a reference exposure limit for DPM of 5 µg/m³. The principal toxicological endpoint assumed in this assessment was through inhalation.

¹⁸ Note that the HARP2 program does not provide an exposure duration of 1.14 years; therefore, the next duration increment, 2 years, was selected to provide a conservative estimate of health impacts.

Estimation of Annual Average PM_{2.5} Concentrations

The BAAQMD also recommends a threshold for annual average PM_{2.5} air concentrations. The San Francisco Bay Area Air Basin is currently designated as a nonattainment area for PM_{2.5}. Potential health impacts from exposures to PM_{2.5} include:

- Short-term exposure (hours/days): irritation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravate existing lung disease, causing asthma attacks and acute bronchitis; those with heart disease can suffer heart attacks and arrhythmias.

Long-term exposure (years): reduced lung function; chronic bronchitis; changes in lung morphology; death.

Estimation of Health Risks and Hazards from Project Construction

Table 9 provides the estimated health and hazard impacts from construction emissions at the MIR for each sensitive receptor age group. As shown in Table 9, the proposed project's construction DPM emissions would not exceed the BAAQMD's cancer risk threshold for any of the sensitive receptor age groups analyzed. As such, without mitigation, the proposed project's construction would result in a significant health risk.

Table 9: Estimated Health Risks and Hazards—Unmitigated Construction

Sensitive Receptor Age Group	Cancer Risk ⁽¹⁾ (risk per million)	Chronic Non-Cancer Hazard Index ⁽¹⁾	Annual PM _{2.5} Concentration (µg/m ³) ⁽¹⁾
Infant	3.8	0.003	0.013
Child	0.5	0.003	0.013
Adult	0.1	0.003	0.013
Worker	1.5	0.019	0.122
BAAQMD Thresholds of Significance	10	1	0.3
Exceeds Individual Source Threshold?	No	No	No
Notes: µg/m ³ = micrograms per cubic meter PM _{2.5} = particulate matter, including dust, 2.5 micrometers or less in diameter ⁽¹⁾ The Maximally Impacted Sensitive Receptor (MIR) was located at an existing residence approximately 5 meters from the eastern boundary of the project Source: Appendix A.			

Criterion 2: Cumulative Health Risk Assessment

The BAAQMD recommends assessing the potential cumulative impacts from sources of TACs within 1,000 feet of a project. For a project-level analysis, BAAQMD provides several tools for use in screening potential sources of TACs. The BAAQMD-provided tools used to assess the potential cumulative impacts from TACs are described below:

- **Health Risks for Local Roadways.** The BAAQMD pre-calculated concentrations and the associated potential cancer risks and PM_{2.5} concentration increases for each county within their jurisdiction for roadways that carry at least 30,000 average daily trips. For certain areas, the BAAQMD also included local roadways that meet BAAQMD's "major roadway" criteria of 10,000 vehicles or 1,000 trucks per day. The latest available screening tool is in the form of a Geographic Information System (GIS) raster file.
- **Freeway Screening Analysis Tool.** The BAAQMD prepared a GIS tool that contains pre-estimated cancer risk and PM_{2.5} concentration increases for highways within the Bay Area. State Route 92 is approximately 1,305 meters (4,280 feet) southeast of the proposed project, and Interstate 880 is located approximately 2,048 meters (6,717 feet) east of the proposed project.
- **Stationary Source Risk and Hazard Screening Tools.** The BAAQMD prepared a GIS tool¹⁹ with the location of permitted stationary sources. For each emissions source, the BAAQMD provides conservative estimates of cancer risk and PM_{2.5} concentrations. Based on the GIS tool's information, one BAAQMD-permitted stationary source is within 1,000 feet of the MIR.
- **Rail Screening Tools.** The BAAQMD prepared GIS tools that contains estimated cancer risks and PM_{2.5} concentrations from railroad operations at any point within the Air Basin. The closest rail line to the MIR is the Union Pacific line approximately 620 meters (2,034 feet) southwest of the project site.

The cumulative health risk results, including health risks from the existing stationary source, are summarized during project construction in Table 10. Cumulative health risk results shown therein are representative of the health risks to the MIR, which would experience the highest concentration of pollutants.

Table 10: Summary of the Cumulative Health Impacts at the MIR During Construction

Source	Source Type	Distance from MIR ⁽¹⁾ (feet)	Cancer Risk (per million)	Chronic HI	PM _{2.5} Concentration (µg/m ³)
Project					
Mitigated Project Construction	Diesel Construction Equipment	705	3.8	0.003	0.013
Stationary Sources					
Facility 22481 Optiscan	Generator	630	<0.1	0.000	0.000
Facility 3164 Pacific Gas and Electric Company	Generator	340	6.6	0.011	0.007

¹⁹ Bay Area Air Quality Management District (BAAQMD). 2018. Permitted Stationary Sources Risk and Hazards. Permitted Stationary Sources Risk and Hazards. Website: <https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=2387ae674013413f987b1071715daa65>. Accessed June 6, 2021.

Source	Source Type	Distance from MIR ⁽¹⁾ (feet)	Cancer Risk (per million)	Chronic HI	PM _{2.5} Concentration (µg/m ³)
Facility 106671 Pacific Gas and Electric Company	Gasoline Dispensing Facility	340	0.1	0.000	0.000
Facility 23533 Intarcia Therapeutics, Inc.	Generator	440	0.3	0.000	0.000
Roadways					
Existing Local Roadways		10	1.0	N/A	0.021
Rail					
Existing Rail Lines		2,034	1.8	N/A	0.002
Freeway					
Existing Freeways		1,305	6.0	N/A	0.104
Cumulative Health Risks					
Cumulative Total with Project Construction			20	<1	0.1
BAAQMD's Cumulative Thresholds of Significance			100	10	0.8
Threshold Exceedance?			No	No	No
Notes: MIR = Maximally Impacted Sensitive Receptor HI = Hazard Index µg/m ³ = micrograms per cubic meter N/A = no data available (1) The MIR represents a single-family residence approximately 705 feet east of the project site. (2) Assumes emissions remain constant with time. Source: Appendix A.					

As noted in Table 10, the cumulative impacts from project construction and existing sources of TACs would be less than the BAAQMD's cumulative thresholds of significance. Thus, the cumulative health risk impacts from project construction would be less than significant with mitigation.

Criterion 3: Project-Specific Toxic Air Contaminants During Operation

As previously described, the proposed project is expected to generate an estimated new 488 daily vehicle trips beyond what is currently experienced under existing uses, principally from passenger vehicles traveling to and from the project site. Because nearly all passenger vehicles are gasoline-fueled, the proposed project would not generate significant amounts of DPM emissions during operation. Nonetheless, as an industrial warehouse use, project operations would involve trucking activities, which would constitute approximately 3 percent of the total vehicle trips generated by the proposed project or an estimated 29 daily truck trips. Due to the small number of daily truck trips and the predominantly gasoline-fueled passenger vehicle trips, the proposed project would not result in significant health impacts to nearby sensitive receptors during operation. Moreover, as an

industrial warehouse project, the proposed project would not introduce new sensitive receptors to existing TAC concentrations. This impact would be less than significant.

d) Result in other emission (such as those leading to odors) adversely affecting a substantial number of people?

Less than significant impact. As stated in the BAAQMD 2017 Air Quality Guidelines, odors are generally regarded as an annoyance rather than a health hazard. The ability to detect odors varies considerably among the populations and is subjective. The BAAQMD does not have a recommended odor threshold for construction activities. However, the BAAQMD recommends operational screening criteria that are based on the distance between receptors and types of sources known to generate odors. For projects within the screening distances, the BAAQMD has the following threshold for project operations:

An odor source with five or more confirmed complaints per year averaged over 3 years is considered to have a significant impact on receptors within the screening distance shown in Table 3-3 [of the BAAQMD's guidance].

Two circumstances have the potential to cause odor impacts:

1. A source of odors is proposed to be located near existing or planned sensitive receptors, or
2. A sensitive receptor land use is proposed near an existing or planned source of odor.

Projects that would site an odor source or a receptor farther than the applicable screening distance, shown in Table 11 below, would not likely result in a significant odor impact.

Table 11: Odor Screening Distances

Land Use/Type of Operation	Project 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

Land Use/Type of Operation	Project Screening Distance
Confined Animal Facility/Feed Lot/Dairy	1 mile
Green Waste and Recycling Operations	1 mile
Source: Bay Area Air Quality Management District (BAAQMD). 2017. Final 2017 Clean Air Plan. April 19. Website: https://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_proposed-final-cap-vol-1-pdf.pdf?la=en . Accessed April 11, 2021.	

Project Construction

Diesel exhaust and ROG emissions would be emitted during construction of the proposed project, which are objectionable to some; however, emissions would disperse rapidly from the project site and therefore would not create objectionable odors affecting a substantial number of people. As such, construction odor impacts would be less than significant.

Project Operation

Land uses typically associated with odors include wastewater treatment facilities, waste disposal facilities, agricultural operations, or other operations listed in Table 11. The proposed project would introduce a new warehouse facility and is not expected to produce any offensive odors that would result in odor complaints. During project operations, odors would primarily consist of exhaust from construction equipment and vehicles traveling to and from the site. These occurrences would not produce objectionable odors affecting a substantial number of people. Furthermore, as a warehouse facility, the proposed project would not place sensitive receptors near existing odor sources. Therefore, operational impacts associated with the proposed project's potential to create odors would be less than significant.

Mitigation Measures

- MM AIR-1** During construction, the following air pollution control measures shall be implemented:
- Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or more as needed.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - All vehicle speeds on unpaved roads and surfaces shall be limited to 15 miles per hour.
 - All roadways, driveways, and sidewalks shall be paved as soon as possible.

- 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). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted with the telephone number and person to contact both at the City of Hayward and at the office of the General Contractor regarding dust complaints. This person shall respond and take corrective action within 2 business days of a complaint or issue notification. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.4 Biological Resources <i>Would the project:</i>				
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 United States Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Setting

This section evaluates potential effects on biological resources that may result from project implementation. Prior to the field survey, FCS Biologist reviewed the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB), a special-status species and plant community account database; the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) system; and the California Native Plant Society (CNPS) Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California database for the *Hayward*,

California, USGS 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles (Appendix C). An on-site assessment of biological resources was completed by FCS on April 23, 2021.

The site is composed of developed land with two industrial buildings (portions of which are currently vacant), and impervious surfaces cover most of the remaining areas of the site. The site is located in an intensively-developed industrial area and is bounded by the UPRR and highly trafficked roadways. Ruderal vegetation and trees are present along the western boundary fence. The eastern site boundary includes a landscaped front entrance area. Vegetation observed on the site included: Italian thistle (*Carduus pycnocephalus*), fennel (*Foeniculum vulgare*), curly dock (*Rumex crispus*), coyote brush (*Baccharis pilularis*), pampas grass (*Cortaderia selloana*), slender oat (*Avena barbata*), bristly ox tongue (*Helminthotheca echinoides*), and Himalayan blackberry (*Rubus armeniacus*).

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 United States Fish and Wildlife Service?**

Less than significant impact with mitigation incorporated. Special-status plant and wildlife species typically occur in undeveloped areas. Although it is less likely, it is also possible for them to occur within developed areas. The site is an infill site located in an area that has undergone an extensive history of development built out with industrial and commercial uses. The project site contains characteristics of land that has been developed or disturbed, including disturbed soils and large areas of impervious surfaces.

Special-status Plant Species Potentially Occurring within the Project Site

The potential for plant species to occur on the project site was evaluated based on the presence of suitable habitats, soil types, and occurrences recorded by the USFWS, CNPS, or CNDDDB listings in the generally vicinity of the site, as well as a site survey conducted by a qualified Biologist. A total of 11 special-status plant species were evaluated for their potential to occur within the project site (Table 1; Appendix B). Because of the highly disturbed nature of the project site and overall lack of suitable habitat (meadows, grasslands, serpentine soils, etc.), all 11 special-status plant species were determined to have no potential to occur within the project site; therefore, no special-status plant species would be impacted by project construction.

Special-status Wildlife Species Potentially Occurring within the Project Site

Based upon the types of habitat that each special-status wildlife species requires, 27 special-status wildlife species were evaluated for their potential to occur within the project site (Table 2; Appendix B). Because of the highly urbanized nature of the project site, coupled with an overall lack of suitable habitat (marshes, meadows, riparian vegetation, etc.), the potential for special-status wildlife species to occur on-site is limited to nesting birds and roosting bats, as described below. Potential impacts to nesting birds/roosting bats would be considered significant given their status under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Sections 3503.5, 2000, and 4150.

The project site and its adjacent areas contain vacant and occupied buildings, as well as ornamental trees and shrubs that may provide potential habitat for special-status bird and bat species. These species include Cooper's hawk (*Accipiter cooperii*), northern harrier (*Circus hudsonius*), white-tailed kite (*Elanus leucurus*), pallid bat (*Antrozous pallidus*), western mastiff bat (*Eumops perotis californicus*), hoary bat (*Lasiurus cinereus*), as well as bird species protected by the MBTA and other special-status birds covered by Fish and Game Code Section 3503.5 and/or the California Endangered Species Act (CESA).

Additionally, Sections 2000 and 4150 of the California Fish and Game Code states that it unlawful to take or possess a number of species, including bats, without a license or permit as required by Section 3007. Additionally, Title 14 of the California Code of Regulations states it is unlawful to harass, herd, or drive a number of species, including bats. To "harass" is defined as "an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering."

Construction activities could disturb nesting and breeding birds and roosting bats in buildings, trees, and shrubs within and around the construction site. Potential impacts on special-status and migratory birds and bats that could result from the construction and operation of the project include the destruction of eggs or occupied nests/roosts, mortality of young, and the abandonment of nests/roosts with eggs or young birds or bats prior to fledging. If these species were found to be present, impacts to these species could be significant, depending on species. Implementation of MM BIO-1 would reduce impacts to migratory and nesting birds to a less than significant level. In addition, implementation of MM BIO-2 would reduce impacts to special-status bat species to a less than significant level.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?

No impact. The project site does not contain riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW or USFWS. The project site is an infill site within urbanized context of the City of Hayward and contains impervious surfaces disturbed soils, and ruderal vegetation. The proposed project would not have a substantial adverse effect any riparian habitat; therefore, there would be no impacts from project construction or operation.

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?

No impact. The project site or surrounding areas do not contain jurisdictional drainages, wetlands, or hydrophytic vegetation; therefore, no United States Army Corps of Engineers (USACE), RWQCB, or CDFW jurisdictional areas are located on-site. As such, the proposed project would not directly or indirectly remove, fill or hydrologically interrupt State or federally protected wetlands. No impacts would result from project construction or operation.

- 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 wildlife nursery sites?**

Less than significant impact. The proposed project would not interfere with the movement of migratory fish, migratory wildlife corridors, or the use of wildlife nursery sites. The project site is in a built out industrial area with the City of the Hayward with multiple barriers to wildlife migration. As such, the impact on migratory fish and wildlife would be less than significant.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Less than significant. An Arborist Report was prepared for the site by Hort Science on November 10, 2020 (Appendix C). The report evaluated 22 trees that were at least 4-inches' in trunk diameter and 10 feet in height, as well as 10 off-site trees. Eleven different species were observed, which are typical of developed properties within the City of Hayward. Of the 22 trees evaluated, 20 are "Protected" according to the City of Hayward's criteria, including trees planted along the public right-of-way, trees with a single stem 8 inches in diameter or larger as measured 54 inches above the ground, multi-trunked trees with diameters of the three largest stems adding up to at least 8 inches and certain native species 4 inches in diameter or larger.²⁰

Based on current plans, 19 on-site trees would be removed due to project construction; the remaining 22 trees would be preserved. Of the 19 trees scheduled to be removed, 17 are protected. The project applicant would be required to adhere to the City's tree ordinance, which includes the procurement of a tree removal permit for the seven protected trees scheduled for removal. In order to preserve the remaining three protected trees, MM Bio-3 requires the applicant to implement the Arborist's tree preservation guidelines during construction, as annotated in the Arborist Report (Pages 8-11; Appendix C). Compliance with the City's tree ordinance and the Arborist's tree preservation measures would ensure that impacts to protected and preserved trees affected by the proposed project would be less than significant.

- 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?**

No impact. No Habitat Conservation Plans, Natural Community Conservation Plans, or other local, regional, or State habitat conservation plans apply to the project site. Therefore, the proposed project would not result in any conflicts with adopted plans.

²⁰ Protected Trees. City of Hayward. <https://www.hayward-ca.gov/your-government/departments/landscape-maintenance-division/programs/protected-trees>. Accessed May 19, 2021.

Mitigation Measures

MM BIO-1 Nesting Birds

Construction activities that occur during the nesting season (generally February 1 to August 31) would disturb nesting sites for birds protected by the Migratory Bird Treaty Act (MBTA) and the Fish and Game Code, if present. No action is necessary if no active nests are found or if construction occurs during the nonbreeding season.

Implementation of the following avoidance and minimization measures would minimize impacts to raptors and other protected nesting birds.

- To prevent impacts to the Fish and Game Code and/or MBTA-protected birds, nesting raptors, and their nests, removal of trees shall be limited to only those necessary to construct the proposed project.
- If possible, construction work (including tree and vegetation removal) should occur outside the nesting season (generally between February 1 and August 31). If construction (including tree and vegetation removal) cannot be conducted outside the nesting season, pre-construction surveys shall be conducted not less than 7 days before the start of work to verify the absence of active nests.
- If an active nest of a special-status bird species is located during pre-construction surveys, the United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest.
- For nests of all species protected under Fish and Game Code, construction activities shall be restricted as necessary to avoid disturbance of the nest until the young have left the nest, or the agencies deem disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet around an active raptor nest and an appropriate radius around an active migratory bird nest depending on the species and disturbance level) or alteration of the construction schedule.
- A qualified Biologist shall provide appropriate protection buffer sizes and locations, and the applicant shall physically mark the protection buffers using signs, environmentally sensitive area fencing, pin flags, and/or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently.

MM BIO-2 Roosting bats

Potential direct and indirect impacts could occur to roosting bats during the construction of the proposed project due to the removal of potential roosting habitat. These activities could potentially subject bats to risk of death or injury, and they are likely to avoid using the area until such construction activities have dissipated or ceased. Relocation, in turn, could cause hunger or stress among individual bats by displacing them into adjacent territories belonging to other

individuals. Implementation of the following avoidance and minimization measures would minimize impacts to roosting bats.

A qualified Wildlife Biologist shall conduct a survey for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the work area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (e.g., Anabat).

Visual surveys will include trees within 100 feet of project construction activities. Not more than 2 weeks prior to building demolition, the applicants for development on the project parcel shall ensure that a qualified Biologist (i.e., one familiar with the identification of bats and signs of bats) survey buildings proposed for demolition for the presence of roosting bats or evidence of bats. If no roosting bats or evidence of bats are found in the structure, demolition may proceed. If the Biologist determines or presumes bats are present, the applicant in coordination with the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. Building demolition shall only commence after the Biologist verifies 7 to 10 days later that the exclusion methods have successfully prevented bats from returning. To avoid impacts on nonvolant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from May 1 through October 1. Exclusion efforts shall be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young).

MM BIO-3 The following methods shall be used to preserve the three remaining “Protected” trees:

1. Establish a Tree protection zone for each tree to be preserved. Tree Protection Zone should be identified by the Consulting Arborist based on the species tolerances, tree condition, trunk diameters, and the nature and proximity of the proposed disturbances.
 - Street tree No. 143 should have Tree Protection Zone fencing installed around the edges of its tree basin.
 - European olives No. 142 and 144 should have Tree Protection Zone fencing installed that the edges of their driplines.
2. Provide supplemental irrigation prior to and during the demolition and construction phases.
3. Any changes to the plans affecting the trees should be reviewed by the Consulting Arborist with regard to tree impacts. These include, but are not limited to, site plans, improvement plan, utility and drainage plans, grading plans, landscape and irrigation plans, and demolition plans.

4. Plan for tree preservation by designing adequate space around trees to be preserved. This is the Tree Protection Zone. No grading, excavation construction or storage of materials should occur within that zone. Route underground services including utilities, sub-drains, water or sewer around the Tree Protection Zone.
5. Irrigation systems must be designed so that no trenching severs roots larger than 1-inch in diameter within the Tree Protection Zone.
6. Tree Preservation Guidelines prepared by the Consulting Arborist, which include specification for tree protection during demolition and construction, should be included on all plans.
7. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.
8. Do not lime the subsoil within 50 feet of any tree identified for preservation. Lime is toxic to tree roots.
9. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundation, footings and pavement on expansive soils near trees should be designed to withstand differential displacement.
10. Ensure adequate but not excessive water is supplied to trees; in most cases occasional irrigation will be required. Avoid directing runoff toward trees.

The applicant shall comply with all other recommendations from the Arborist's report.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.5 Cultural Resources and Tribal Cultural Resources				
<i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i>				
d) 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) 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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Setting

This section describes the existing cultural resources setting and potential effects from project implementation on the project site and its surrounding area. Descriptions and analysis in this section are based on information provided by the California Native American Heritage Commission (NAHC), Northwest Information Center (NWIC), National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Historic Landmarks list, California Points of Historical Interest list, and California Historical Resources Inventory. Non-confidential records search results and other correspondence is included in Appendix C.

Northwest Information Center

A record search and literature review for the project site and its 0.50-mile radius were conducted on May 6, 2021, at the NWIC located at Sonoma State University in Rohnert Park, California, for the project site and a 0.50-mile radius beyond the project boundaries. The purpose of this review was to access existing cultural resource survey reports, archaeological site records, historic aerial photographs, and historic maps and evaluate whether any previously documented prehistoric or historic archaeological sites, architectural resources, cultural landscapes, or other resources exist within or near the project area.

The results from the NWIC indicate that there are no previously known cultural resources in the project site and one resource (P-01-003312) located within a 0.50-mile of the project area. In addition, six area-specific survey reports are on file within the NWIC for the project site and 0.50-mile search radius. Of the six reports, one report (S-33061) is located within the project site indicating that portions of the project site have previously been surveyed for cultural resources. A records search map identifying the project boundaries and 0.5-mile search radius and the relevant non-confidential records search results are included in Appendix C.

Pedestrian Survey

On April 22, 2021, FCS Senior Archaeologist, Dr. Dana DePietro and FCS Historian, Ti Ngo, conducted a pedestrian survey of the project site for the presence of unrecorded cultural resources. The project site is completely developed and hardscaped, consisting of an office building connected to a large warehouse that borders Clawiter Road to the east and the UPRR to the west and large industrial sites to the north and south. The project site itself is completely surrounded by parking lots, associated infrastructure, and landscaping elements. Although the warehouse on-site is older than 50 years in age and is thus eligible for inclusion on the CRHR, its historical use and architectural merit does not warrant it to be considered a potential historic resource under CEQA.

The survey began in the northeast corner of the roughly rectangular project site and moved west. Given the fully-developed nature of the site, visibility of native soils was almost non-existent. During the survey, all areas of the exposed ground surface were examined for prehistoric artifacts (e.g., fire-affected rock, milling tools, flaked stone tools, tool-making debris, ceramics), soil discoloration and depressions that might indicate the presence of a cultural midden, faunal and human osteological remains, and features indicative of the former presence of structures or buildings (e.g., postholes, standing exterior walls, foundations) or historic debris (e.g., glass, metal, ceramics). All areas of proposed development were inspected for culturally modified soils or other indicators of potential historic or prehistoric resources. No historic or prehistoric cultural resources or raw materials commonly used in the manufacture of tools (e.g., obsidian, Franciscan chert, etc.) were found in these areas. Soils did not contain artifacts or any materials consistent with prehistoric midden soils.

Native American Heritage Commission

On April 15, 2021, FCS contacted the NAHC to determine whether any sacred sites were located within the site or project vicinity. A response was received on April 26, 2021, indicating that the Sacred Lands File search failed to indicate presence of Native American cultural resources within the project site. The NAHC included a list of 12 tribal representatives available for consultation. To

ensure that all Native American knowledge and concerns over potential Tribal Cultural Resources (TCRs) that may be affected by the proposed project are addressed, a letter containing project information was sent to each tribal representative on May 10, 2021. No responses have been received to date. NAHC correspondence and copies of the NAHC letters can be found in Appendix C.

Historic Resources Assessment

A section of the central industrial building was constructed in 1963, is more than 50 years old, and has not previously been evaluated for historic significance. Properties more than 50 years in age are considered potentially eligible for listing in the NRHP, CRHR, or local listing and, consequently, could be considered historic resources under CEQA Guidelines. Using information obtained from the NWIC, BERD, CDNC, historic aerial photographs, City building permit records, and historic City directory records, an FCS Historian evaluated the building against the following CRHR eligibility criteria, which are based on NRHP Standards A–D:

- **Criterion 1: Event.** It is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- **Criterion 2: Person.** It is associated with the lives of persons important to local, California, or national history.
- **Criterion 3: Architecture.** It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values.
- **Criterion 4: Information Potential.** It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

The assessment concluded that the central industrial building does not appear to meet any of the criteria for historic and/or architectural significance required for listing on the CRHR. As such, it should not be considered a historical resource under CEQA. The building also does not appear to possess sufficient artistic merit or historical association to meet a local standard for historical importance. FCS prepared a California Department of Parks and Recreation (DPR) recordation form for the structure, which can be found in Appendix C.

Assembly Bill 52

Assembly Bill (AB) 52 specifies that a project that may cause a substantial adverse change to defined TCRs may result in a significant effect on the environment. AB 52 requires tribes interested in development projects within a traditionally and culturally affiliated geographic area to notify a lead agency of such interest and to request notification of future projects subject to CEQA prior to determining whether a Negative Declaration (ND), Mitigated Negative Declaration (MND), or Environmental Impact Report (EIR) is required for a project. The lead agency is then required to notify the tribe within 14 days of deeming a development application subject to CEQA complete to notify the requesting tribe as an invitation to consult on the proposed project. AB 52 identifies examples of mitigation measures that would avoid or minimize impacts to TCRs. AB 52 makes the above provisions applicable to projects that have a Notice of Preparation (NOP) or a Notice of Intent

(NOI) to adopt an ND/MND circulated on or after July 1, 2015. AB 52 amends Public Resource Code Section 5097.94 and adds Public Resource Code Sections 21073, 21074, 2108.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3, relating to Native Americans.

Cultural Resources

Would the project:

- a) **Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?**

Less than significant impact. CEQA Guidelines Section 15064.5 defines “historical resources” as resources listed in the CRHR, a local register, determined significant by the lead agency, or determined to be eligible by the California Historical Resources Commission for listing in the CRHR. The criteria for eligibility are generally set by the National Historic Preservation Act of 1966, which established the NRHP and which recognizes properties that are significant at the federal, State, and local levels. To be eligible for listing in the NRHP and CRHR, a district, site, building, structure, or object must possess integrity of location, design, setting, materials, workmanship, feeling, and association relative to American history, architecture, archaeology, engineering, or culture.²¹ In addition, unless the property possesses exceptional significance, it must be at least 50 years old to be eligible.

The records search conducted at the NWIC for the project site determined that there are no previously known historical resources within the project site, and one located within 0.50 mile of the project boundary. The proposed project would not impact the resource located within a 0.5-mile radius of the project boundaries. Historical aerial photographs show the warehouse on the project site was constructed after 1958 and is older than 50 years in age. Although it is eligible for inclusion on the CRHR, its historical use and architectural merit does not warrant it to be considered a potential historic resource under CEQA.

- b) **Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

Less than significant impact with mitigation incorporated. Section 15064.5 of the CEQA Guidelines defines significant archaeological resources as resources that meet the criteria for historical resources, as discussed above, or resources that constitute unique archaeological resources. A project-related significant adverse effect could occur if a project were to affect archaeological resources that fall under either of these categories.

Results from the NWIC indicate that there are no archaeological resources within the project site or the 0.5-mile radius of the project boundary. A pedestrian survey of the project site conducted by FCS on April 22, 2021, failed to identify any indications of archaeological resources within the project site. All areas of the project site were inspected for culturally modified soils or other indicators of potential historic or prehistoric resources. No historic or prehistoric artifacts, cultural resources, or

²¹ National Register of Historic Places. 2020. Publications of the National Register of Historic Places. Website: <https://www.nps.gov/subjects/nationalregister/publications.htm>. Accessed May 1, 2020.

raw materials commonly used in the manufacture of tools (e.g., obsidian, Franciscan chert, etc.) were found within the project site. While the records search and survey data indicate the likelihood of encountering archaeological resources during project construction is low, there is always a possibility that subsurface excavation may encounter previously undiscovered prehistoric archaeological resources. Such resources could consist of but are not limited to stone, bone, wood, or shell artifacts or features, including hearths and structural elements. Implementation of MM CUL-1 would ensure that this potential impact is reduced to a less-than-significant level.

In addition, MM CUL-1 sets forth the steps to be taken should any significant cultural resources be discovered during construction activities. Implementation of MM CUL-1 would ensure that potential impacts on archaeological resources are reduced to a less-than-significant level. As such, the proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 with the implementation of Standard Condition 2.5 and MM CUL-1. Impacts would be less than significant with mitigation incorporated.

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

Less than significant impact with mitigation incorporated. There are no records of historic cemeteries, Native American burial sites or other evidence that human remains may exist within the project site. The project site has been significantly disturbed and developed. Therefore, the potential for the disturbance of any human remains is considered low. While it is highly unlikely that human remains exist within or near the project site, there is always a possibility that subsurface construction activities associated with the proposed project, such as grading or trenching, could potentially damage or destroy previously undiscovered human remains. In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 must be followed. MM CUL-2 further specifies the procedures to follow in the event human remains are uncovered. Along with compliance with required guidelines and statutes, implementation of MM CUL-2 would reduce potential impacts on human remains to a less-than-significant level.

Tribal Cultural Resources

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

d) 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

Less than significant impact with mitigation incorporated. A review of the CRHR, local registers of historic resources, the NWIC records search results, and NAHC Sacred Lands File search results failed to identify any previously listed TCRs that may be adversely affected by the proposed project. As such, no known eligible or potentially eligible TCRs would be adversely affected. Should any undiscovered TCRs be encountered during project construction, MM CUL-1 and MM CUL-2, which

address the inadvertent discovery of cultural resources and human remains, would be implemented, and would reduce potential impacts on TCRs to less than significant level.

- e) **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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Less than significant impact with mitigation incorporated. On May 10, 2021, the City of Hayward sent out AB 52 notification letters to tribal representatives on the consultation list determined by the NAHC. No responses have been received to date. NAHC correspondence and copies of the NAHC letters can be found in Appendix C.

Mitigation Measures

MM CUL-1 Inadvertent Discovery of Cultural Resources. In the event that significant cultural resources are discovered during construction activities, operations shall stop within a 100-foot radius of the find and an Archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology shall be consulted to determine whether the resource requires further study. The lead agency shall require the standard inadvertent discovery clause to be included on the grading plans to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. The qualified Archaeologist shall make recommendations to the lead agency concerning appropriate measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with CEQA Guidelines, Section 15064.5. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA Guidelines.

MM CUL-2 Accidental Discovery of Human Remains. In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and Section 5097.98 must be followed. During the course of project development, if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and

the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for appropriate treatment and disposition of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code Section 5097.98.

2. Where the following conditions occur, the landowner or his or her authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission.
 - The descendant identified fails to make a recommendation.
 - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:

When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project site, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. The applicant may develop a plan for treating or disposing of, with appropriate dignity, the human remains, and any items associated with Native American Burials with the appropriate Native Americans as identified by the NAHC.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.6 Energy <i>Would the project:</i>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Would the project:

- a) **Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

Less than significant impact. Energy use consumed by the proposed project was estimated and includes natural gas, electricity, and fuel consumption for the proposed project construction and operation. Energy calculations are included as part of Appendix A.

Construction Impacts

The anticipated construction schedule was assumed to begin in January 2022 and conclude in February 2023. If the construction schedule moves to later years, construction fuel consumption would likely decrease because of improvements in technology and more stringent regulatory requirements as older, less efficient equipment is replaced by newer, cleaner, and alternatively powered equipment. The proposed project would require site preparation, grading, building construction, architectural coating, and paving activities. Project construction would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., site clearing and grading), and the actual construction of the building. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks.

The types of on-site equipment used during construction of the proposed project could include gasoline- and diesel-powered construction and transportation equipment, including trucks, bulldozers, frontend loaders, forklifts, and cranes. If unmitigated, construction equipment is estimated to consume a total of 33,819 gallons of diesel fuel over the entire construction duration (Appendix A).

Fuel use associated with construction vehicle trips generated by the proposed project was also estimated. Construction trips include construction worker trips, haul truck trips for transport of demolished material and building construction material transport, and vendor trips for construction

material deliveries. Fuel use from these vehicles traveling to the project site was based on (1) the projected number of trips the proposed project would generate during construction, (2) average trip distances by trip type, and (3) fuel efficiencies estimated in the ARB Emissions Factors (EMFAC) mobile source emission model. The specific parameters used to estimate fuel usage are included in Appendix A. Under an unmitigated construction scenario, the proposed project would generate an estimated 613,080 VMT and consume a combined 31,043 gallons of gasoline and diesel for vehicle travel during construction.

Other equipment could include construction lighting, field services (office trailers), and electrically driven equipment such as pumps and other tools. Singlewide mobile office trailers, commonly used in construction staging areas, generally range from 160 square feet to 720 square feet. A typical 720-square-foot office trailer would consume approximately 10,241 kilowatt-hour (kWh) during project construction (Appendix A).

The overall construction schedule and process are already designed to be efficient to avoid excess monetary costs. For example, equipment and fuel are not typically used wastefully due to the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. Nonetheless, it is anticipated that the project's construction would not result in wasteful, inefficient, and unnecessary energy consumption. Construction-related energy impacts would be less than significant.

Operational Impacts

The proposed project would consume energy as part of building operations and transportation activities. Project energy consumption is summarized in Table 12.

Table 12: Estimated Annual Project Energy Consumption

Energy Type	Annual Consumption
Electricity	721,871 kWh/year
Natural Gas	355,556 kBTU/year
Vehicle Fuel Consumption	260,472 gallons
Notes: kWh = kilowatt-hour kBTU = kilo-British Thermal Unit VMT = Vehicle Miles Traveled ¹ Operational Fuel Consumption based on EMFAC2017 Emissions Inventory, Vehicle Classification (Fleet Mix) EMFAC2007 Categories. The calculations are for the year 2023, the proposed project's first full year of operation, and for Alameda County where the proposed project is located (Appendix A).	

Operation of the proposed project would consume an estimated 721,871 kWh of electricity and an estimated 355,556 kilo-British Thermal Unit (kBTU) of natural gas on an annual basis. The proposed project's buildings would be designed and constructed in accordance with the State's Building Energy Efficiency Standards. These standards are widely regarded as some of the most advanced building

energy efficiency standards and compliance would ensure that building energy consumption would not be wasteful, inefficient, or unnecessary.

Project-related vehicle trips would consume an estimated 260,472 gallons of gasoline and diesel annually. Moreover, the proposed project is located in the City's Industrial Technology and Innovation Corridor and would provide distribution warehousing development with convenient access from SR-92. Transportation fuel consumption would not be wasteful, inefficient, or unnecessary. Impacts would be less than significant.

b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Less than significant impact. The proposed project would be served with electricity provided by East Bay Community Energy (EBCE) or Pacific Gas and Electric Company (PG&E) for those who opt-out of EBCE electric service. PG&E currently provides customers with two power service options, including Solar Choice and Regional Renewable Choice.²² EBCE currently provides three power service options. The Bright Choice option consists of 60 percent renewable sources, the Renewable 100 plan consists of 100 percent solar and wind sources, and the Brilliant 100 plan consists of 100 percent carbon-free including hydroelectric sources.²³ As a conservative estimate, it was assumed that the proposed project would be served by PG&E. In 2019, PG&E obtained nearly 30 percent of its electricity from eligible renewable energy sources (12.7 percent solar, 9.5 percent wind, 1.5 percent geothermal, 3.7 percent biomass and biowaste, and 2.3 percent eligible hydroelectric), while the remaining electricity was sourced from nuclear, natural gas, and large hydroelectric. As reported by PG&E in their 2020 Corporate Responsibility and Sustainability Report, PG&E's 2019 eligible renewable energy percentage decreased in 2019; however, PG&E anticipates meeting the State's Renewables Portfolio Standard (RPS) requirements for the current compliance period.²⁴ Furthermore, PG&E would be required to meet future legislative targets codified by SB 100, including 60 percent of electricity sold to end users in California being generated from renewable energy sources by 2030.

The proposed project would be designed in accordance with Title 24, California's Energy Efficiency Standards for Nonresidential Buildings, as applicable. These standards include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., heating, ventilation, and air conditioning [HVAC] and water heating systems), and indoor and outdoor lighting. In addition to the 2019 Title 24 Standards, the project applicant would be required to comply with the City of Hayward's Reach Code, which requires new non-residential development to be constructed as all-electric or mixed-fuel accompanied with a rooftop solar system. As previously noted, the project would provide mixed-fuel.

As such, the proposed project would comply with existing State energy efficiency standards and with energy conservation policies contained in the Hayward 2040 General Plan. These include but are not

²² Pacific Gas & Electric Company (PG&E). 2021. Community Renewable Programs for your home. Website: https://www.pge.com/en_US/residential/solar-and-vehicles/options/solar/solar-choice/which-program-is-best-for-you.page. Accessed May 18, 2021.

²³ East Bay Community Energy (EBCE). 2021. Compare Your Options. Website: <https://ebce.org/compare-plans-residential/>. Accessed May 18, 2021.

²⁴ Pacific Gas & Electric Company (PG&E). 2020. 2020 Corporate Responsibility and Sustainability Report. Website: https://www.pgecorp.com/corp_responsibility/reports/2020/assets/PGE_CRSR_2020.pdf. Accessed May 18, 2021.

limited to the following energy resources and efficiency goals as per the Natural Resources Element of the General Plan:²⁵

Natural Resources Element

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.

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.

As such, the proposed project would not conflict with State or local renewable or energy efficiency objectives. Impacts would be less than significant.

Mitigation Measures

None required.

²⁵ City of Hayward. 2012. Hayward 2040 General Plan Natural Resources Element. Website: <https://www.hayward2040generalplan.com/goal/NR4>. Accessed May 18, 2021.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.7 Geology and Soils <i>Would the project:</i>				
a) Directly or indirectly cause 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 type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Setting

The analysis in this section is based on the Preliminary Geotechnical Engineering Investigation prepared by Moore Twining Associates, Inc. in January 2021. The Geotechnical Services Report is provided in Appendix E. Paleontological information was obtained from an investigation performed by Kenneth L. Finger, PhD. (Appendix E).

The native soils on the site consist of interbedded layers of lean clays with varying amounts of sand, sandy lean clays, silty sands, poorly graded sands with silt and gravel, and clayey sands that extended to depths ranging from about 11 to 15 feet Below Site Grade (BSG). These layers are underlain by lean clays or fat clays with varying amounts of sand that extend to the maximum depth explored, about 51.5 feet BSG.

The near surface clayey soils include expansive soils with a low to moderate plasticity and low expansion potential. Due to the presence of expansive soils, concrete slabs on grade are recommended to be underlain by a minimum of 18 inches of imported, non-expansive fill.

Groundwater was encountered in all of the test borings drilled during the field investigation at depths ranging from about 10 to 13 feet BSG and the Cone Penetration Test (CPT) soundings encountered groundwater at depths ranging from about 9 to 11 feet BSG. Previous studies of the site report groundwater at depths ranging from about 7.3 feet to about 15.24 feet BSG.

Soils with high moisture contents were encountered directly above the groundwater which was generally encountered between the depths of about 9 and 12 feet.

A records search of the University of California Museum of Paleontology (UCMP) database was conducted Dr. Kenneth Finger for the project site. The site is located on Holocene to latest Pleistocene alluvium (Qu) geological units. Because of the developed nature of the site, a paleontological walkover survey was not conducted. The nearest vertebrate locality identified by the UCMP database is approximately 3 miles to the northeast of the project site.

Would the project:

- a) **Directly or indirectly cause 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.**

No impact. The site is not located in an Alquist-Priolo special studies zone. The nearest active fault with surface rupture is the Hayward fault, which is located about 3.2 miles northeast of the site.²⁶ Therefore, the potential for fault rupture at the site is considered low. No impact would occur.

- ii) **Strong seismic ground shaking?**

Less than significant impact with mitigation incorporated. The Preliminary Geotechnical Engineering Investigation indicates that the project site is located within a seismically active region of California. and may be subject to strong ground shaking during an earthquake. MM GEO-1 would ensure project design and construction reflects the most recent California Building Code requirements for reducing

²⁶ Moore Twining Associates, Inc. 2020. Preliminary Geotechnical Engineering Investigation Proposed Warehouse 24493 Clawiter Road Hayward, Alameda County, California. January 31.

seismic hazards. The implementation of MM GEO-1 would reduce impacts to a level of less than significant.

iii) Seismic-related ground failure, including liquefaction?

Less than significant impact with mitigation incorporated. The project site is mapped in a liquefaction hazard zone by the California Geological Survey, as cited in the geotechnical investigation. Liquefaction and seismic settlement are conditions that can occur under seismic shaking from earthquake events. Liquefaction describes a phenomenon in which a saturated, cohesionless soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movements of the soil mass, combined with loss of bearing can result in the event of liquefaction.

The Moore Twining liquefaction analyses indicate that numerous layers of granular soils, with thicknesses ranging from less than a foot to about 7 feet thick, are susceptible to liquefaction as a result of the Maximum Considered Earthquake. The results of the seismic settlement analyses predict total seismic settlements ranging from about 0.25 to 1.5 inches and a differential seismic settlement of 0.75-inch. The majority of the liquefiable zones typically occur below a depth of 28 feet BSG. However, there are thin layers of soil (typically less than 1 foot thick) which are susceptible to liquefaction within 12 feet BSG. Due to the limited thickness of these layers and the fine-grained behavior indicated by the CPT data, the potential impacts of liquefaction of relatively shallow thin layers (if realized) are anticipated to be limited to seismic settlement. MM GEO-1 requires engineering specifications to address this and would reduce the impact to less than significant.

iv) Landslides?

No impact. The project site is characterized by flat relief and does not contain slopes susceptible to landslides. This condition precludes the possibility of inundation by landslides as a result of a seismic event. No impact would occur.

b) Result in substantial soil erosion or the loss of topsoil?

Less than significant impact with mitigation incorporated. The proposed project would involve ground-disturbing activities such as grading and excavation that have the potential to cause erosion and loss of topsoil. Accordingly, the proposed project would be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) during construction in accordance with State requirements. The SWPPP would identify structural and nonstructural BMPs intended to prevent erosion during construction. These requirements are reflected in MM HYD-1a. Impacts would be less than significant.

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?

Less than significant impact with mitigation incorporated. The site is located in a liquefaction hazard zone established by the California Department of Conservation, according to the geotechnical

report. The geotechnical investigation found that the liquefaction potential on the site in the event of a Maximum Considered Earthquake to be limited to thin layers of soil, typically less than 1 foot thick. The potential impacts of liquefaction of the relatively shallow soil layers are anticipated to be limited to seismic settlement ranging from about 0.25 to 1.5 inches and a differential seismic settlement of 0.75-inch over 40 feet. These effects would be reduced to a less than significant impact with the implementation of MM GEO-1.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

Less than significant impact with mitigation incorporated. Expansive soils were encountered during the geotechnical investigation. The Preliminary Geotechnical Engineering Investigation states that the result of expansion index tests conducted on the near surface sandy lean clay soil samples indicated expansion indices of 30 and 33. Due to the presence of expansive soils, concrete slabs on grade are recommended to be underlain by imported, non-expansive fills. MM GEO-1 requires a design-level geotechnical report which would specify the amount and placement of fill; implementation of the design-level specifications would reduce potential impacts to less than significant.

- 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?**

No impact. The proposed project would be served sanitary sewer service by the City of Hayward. Septic tanks or alternative wastewater disposal systems would not be used. No impact would occur.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Less than significant impact with mitigation incorporated. The project site is located on undivided Holocene-latest Pleistocene alluvium. Sediments of a latest Pleistocene age typically have a low potential but high sensitivity for significant paleontological resources. Implementation of MM GEO-2, which includes construction worker training and implementation of procedures in the event of inadvertent discovery would mitigate potential impacts to paleontological resources during construction to less than significant.

Mitigation Measures

MM GEO-1 Prior to issuance of building permits for any structure on the project site, the applicant shall prepare and submit building plans to the City of Hayward for review and approval that demonstrate compliance with the latest adopted edition of the California Building Standards Code and with all recommendations included in the design-level geotechnical report. These standards include seismic design requirements and soil engineering requirements to address liquefaction potential.

MM GEO-2 Construction workers shall be trained prior to beginning construction to recognized fossil bones and teeth and know how to proceed should any be encountered. The

training shall be conducted by a qualified Paleontologist. In the event that fossils or fossil-bearing deposits are discovered during construction activities, excavations within a 15-foot radius of the find shall be temporarily halted or diverted. The applicant shall retain a qualified Paleontologist to examine the discovery. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The Paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The Paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the applicant determines that avoidance is not feasible, the Paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The plan shall be submitted to the City of Hayward Director of Development Services for review and approval prior to implementation, and the applicant shall adhere to the recommendations in the plan.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.8 Greenhouse Gas Emissions <i>Would the project:</i>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Would the project:

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

Less than significant impact. Both construction and operational activities have the potential to generate GHG emissions. The proposed project would generate GHG emissions during temporary (short-term) construction activities such as site preparation and grading, running of construction equipment engines, movement of on-site heavy-duty construction vehicles, hauling materials to and from the project site, asphalt paving, and construction worker, vendor, and haul truck motor vehicle trips.

Long-term, operational GHG emissions would result from project-generated vehicular traffic, on-site combustion of natural gas, operation of any landscaping equipment, off-site generation of electrical power over the life of the proposed project, the energy required to convey water to and wastewater from the project site, and the emissions associated with the hauling, and disposal of solid waste from the project site.

The 2017 BAAQMD Thresholds contain the following for GHGs:

For land use development projects (including residential, commercial, industrial, and public land uses and facilities), the threshold is compliance with a qualified GHG Reduction Strategy; or annual emissions less than 1,100 metric tons per year of carbon dioxide equivalent (CO₂e); or 4.6 metric tons CO₂e/service population/year (residents + employees).

It should be noted that the BAAQMD's thresholds of significance were established based on meeting the 2020 GHG targets set forth in the AB 32 Scoping Plan. For developments that would occur beyond 2020, the bright-line threshold of significance (1,100 MT CO₂e/year) was adjusted to a "substantial

progress” threshold that was calculated based on the GHG reduction goals of SB 32/Executive Order B-30-15 and the projected 2030 Statewide population and employment levels.²⁷ Although the BAAQMD does not have an adopted threshold for 2030, the BAAQMD is currently recommending evaluation of GHG significance based on 2030 GHG targets established in SB 32. Therefore, a bright-line threshold of 660 MT CO₂e/year for projects in the Air Basin is needed for the region to meet 2030 GHG targets established in SB 32.²⁸ To determine significance for Impact GHG-1, the project’s GHG emissions are assessed against the following thresholds: 1,100 MT CO₂e/year for the 2023 operational year and 660 MT CO₂e/year for the 2030 operational year.

Project Construction

The proposed project would emit GHG emissions during construction from the off-road equipment, worker and vendor vehicles, and any hauling that may occur. Appendix A includes detailed construction assumptions. The BAAQMD does not presently provide a construction-related GHG generation threshold but recommends that construction-generated GHGs be quantified and disclosed. Table 13 presents the total GHG emissions generated during all construction activities. In the absence of a construction emission threshold, construction GHG emissions are amortized over the expected lifetime of the project (30 years). The proposed project’s amortized construction GHG emissions are then added to the proposed project’s operational GHG emissions in Table 14.

Table 13: Construction Greenhouse Gas Emissions

Construction Phase	MT CO ₂ e
Demolition (2022)	91
Site Preparation (2022)	9
Grading (2022)	11
Building Construction (2022)	563
Building Construction (2023)	7
Paving (2023)	16
Architectural Coating (2023)	4
Total Construction Emissions	701
Emissions Amortized Over 30 Years¹	23
Notes: MT CO ₂ e = metric tons of carbon dioxide equivalent ¹ Construction GHG emissions are amortized over the 30-year lifetime of the project. Source: CalEEMod Output (Appendix A).	

²⁷ Association of Environmental Professionals (AEP). 2016. Final White Paper Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California. Website: https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf. Accessed May 19, 2021.

²⁸ Ibid

As shown in Table 13, the project construction is estimated to generate approximately 701 MT CO₂e over the entire duration of project construction; however, as noted earlier, the BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, because construction would be temporary and would not result in a permanent increase in emissions, the proposed project construction would not interfere with the implementation of AB 32 or SB 32. In the absence of a construction GHG emissions threshold, the total GHG emissions generated during construction were amortized based on the assumed life of the development (30 years) and added to the operational emissions to determine the total emissions from the proposed project. Finally, the net change in GHG emissions was determined by subtracting the GHG emissions from the existing site operations from the proposed project's GHG emissions.

Project Operation

Operational or long-term emissions occur over the life of a project. The major sources for operational GHG emissions include:

- **Motor Vehicles:** These emissions refer to GHG emissions contained in the exhaust from the cars and trucks that would travel to and from the project site. Vehicle trips associated with project operations would primarily include employee and vendor trips to and from the proposed industrial building. Trip generation rates, vehicle fleet mix, and travel distances used in estimating mobile source emissions were consistent with those presented in the LTA prepared for the proposed project by Hexagon Transportation.²⁹
- **Natural Gas:** These emissions refer to the GHG emissions when natural gas is burned on the project site. Natural gas uses could include heating water, space heating, dryers, stoves, or other uses.
- **Indirect Electricity:** These emissions refer to those generated by off-site power plants to supply the electricity required for the project. Both PG&E and EBCE are potential electricity suppliers to the proposed project. PG&E was chosen as the utility providing electricity and natural gas service to the proposed project as a conservative estimate. GHG emissions from energy consumption were calculated using PG&E's energy intensity factors for CO₂, N₂O, and CH₄.
- **Water Transport:** These emissions refer to those generated by the electricity required to transport and treat the water to be used on the project site.
- **Waste:** These emissions refer to the GHG emissions produced by decomposing waste generated by the proposed project.

A more detailed description of the assumptions used to estimate project-generated GHG emissions and detailed modeling results are included in Appendix A. Operational GHG emissions by source are shown in Table 14. For buildings in general, it is reasonable to look at a 30-year time frame, since this is a typical interval before a new building requires the first major renovation.³⁰ Therefore, this analysis includes construction emissions amortized over the anticipated life of the project (30 years).

²⁹ Hexagon Transportation Consultants, Inc. 2021. 24993 Clawiter Road Development. May 14.

³⁰ International Energy Agency (IEA). 2008, July. Energy Efficiency Requirements in Building Codes, Energy Efficiency Policies for New Buildings.

As presented in Table 13, project construction emissions were calculated as 701 MT CO₂e for the entire construction duration. When amortized over 30 years, construction emissions equal 23 MT CO₂e per year.

The estimated total net annual project GHG emissions, including existing and proposed project operational emissions and amortized construction emissions, were compared with the bright-line threshold of 1,100 MT CO₂e/year to determine significance at project buildout in the year 2023. The estimated total net annual GHG emissions generated by the project in the year 2030 were compared with the applicable threshold of 660 MT CO₂e/year.

Table 14: Operational Greenhouse Gas Emissions

Emission Source	Year 2023 Total Emissions (MT CO ₂ e per year)	Year 2030 Total Emissions (MT CO ₂ e per year)
Area	<1	<1
Energy	87	87
Mobile (Vehicles)	2,058	1,682
Waste	44	44
Water	56	56
Amortized Construction Emissions	23	23
Project Emissions	2,268	1,892
<i>Existing Land Use Emissions</i>	<i>1,524</i>	<i>1,331</i>
Annual Net Project Emissions	744	561
Applicable BAAQMD Threshold (MT CO₂e/year)	1,100	660
Does project exceed threshold?	No	No
Notes: MT CO ₂ e = metric tons of carbon dioxide equivalent ¹ Construction GHG emissions are amortized over the 30-year lifetime of the project. Source: CalEEMod Output (Appendix A).		

As shown in Table 14, the proposed project's combined net operational emissions and amortized construction emissions would not exceed the BAAQMD recommended thresholds for GHG emissions. Therefore, the proposed project's generation of GHG emissions would not significantly impact the environment.

b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than significant impact. Significance for this impact is determined by project compliance with the City of Hayward Climate Action Plan (CAP).

The City adopted its CAP in 2009. The CAP includes nine strategies to guide the City's effort in reducing GHG emissions. Of the nine strategies presented in the CAP, two strategies focus on reducing emissions from transportation and three strategies address emissions reductions from building energy use. One strategy focuses on reducing waste-related emissions, and one strategy on maximizing carbon sequestration within the City. In 2014, the City integrated the CAP into its 2040 General Plan. As part of the integration, new and modified actions were developed along with an update to the estimated reductions associated with these actions. The overall GHG emissions reduction goals of the CAP are as follows:

- 20 percent below 2005 baseline levels by 2020.
- 62.7 percent below 2005 baseline levels by 2040.
- 82.5 percent below 2005 levels by 2050.
- Work with the community to develop a plan that may result in the reduction of community-based GHG emissions to achieve carbon neutrality by 2045.³¹

In June 2020, these goals were revised to reflect State goals of achieving carbon neutrality by 2045. The City's current goals are to reduce GHG emissions by:

- 30 percent below 2005 baseline levels by 2025
- 55 percent below 2005 baseline levels by 2030
- 100 percent below 2005 levels by 2045.

The CAP 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 CAP. For instance, Policy LU-1.8, Green Building and Landscaping Requirements, states the City's intention to maintain and implement green building and landscaping requirements for private development. 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 non-renewable resources through the life of a development. Policy NR-2.6, Greenhouse Gas Reduction in New Development, calls for the City to reduce potential GHG emissions by promoting infill development and energy-efficient building design. The proposed project is an infill redevelopment project that would be required to comply with Part 11, Title 24, of the California Building Code and other green building requirements.

Policy M-1.6, Bicycle, Walking, and Transit Amenities, encourages the development of facilities and services to enable bicycle, walking, transit use, and Policy M-6.2, Encourage Bicycle Use, and encourage bicycle use in all neighborhoods. In addition, Policy NR-2.10, Zero Emission and Low-Emission Vehicle Use, calls for the City to encourage the use of zero emission vehicles, low-emission vehicles, and alternative modes of transportation by requiring sufficient and convenient parking facilities. The proposed project would include bicycle parking facilities, such as secure bicycle

³¹ City of Hayward. 2021. Climate Action Plan. Website: <https://www.hayward-ca.gov/services/city-services/climate-action>. Accessed May 19, 2021.

storage, lockers, and showers, as well as Clean Air/electric vehicle (EV) preferential parking spaces in accordance with the requirements of the City's Municipal Code, which would facilitate the use of bicycling and electric vehicles as means of transportation for employees.

Policy HQL-8.4, Urban Heat Island Effects, promotes planting shade trees with substantial canopies to shade parking lots and reduce heat island effects. In compliance with the Hayward Municipal Code, the proposed project would involve landscaping at least 5 percent of the site. The proposed project would also include planting shade trees along the open space at the frontage along Clawiter Road and portions of the south and west portions of the site, which would reduce heat island effects.

PFS-7.12, Construction and Demolition Waste Recycling, requires new development to salvage or recycle asphalt and concrete and all other non-hazardous construction and demolition materials to the maximum extent practicable. In accordance with Part 11, Title 24, of the California Building Code, the proposed project would be required to divert at least 65 percent of its construction and demolition waste.

Given the above discussion, the proposed project would support and implement the applicable measures of the City's CAP, and impacts would be less than significant.

Summary

As presented above, the proposed project would be consistent with the applicable measures and policies of the City of Hayward CAP. Furthermore, because the proposed project would generate GHG emissions below the significance threshold adjusted for substantial contributions in 2030, as discussed under Impact 8(a), and is consistent with the City's CAP which was updated to reflect legislative reduction targets codified by SB 32, the proposed project would not conflict with the reduction measures proposed in SB 32. Considering this information, the proposed project would not conflict with any applicable plan, policy, or regulation of an agency adopted to reduce the emissions of GHGs with mitigation.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.9 Hazards and Hazardous Materials <i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Setting

This section is based on the Phase I Environmental Site Assessment (Phase I ESA) Report prepared by Apex Companies³² in 2020 and the Phase II ESA Report prepared concurrently by Apex in February 2020.³³ The complete reports are provided in Appendix F.

³² Apex Companies, Phase I Environmental Site Assessment Report, 2020. February.

³³ Apex companies, Phase II Environmental Site Assessment Report, 2020. March.

The Phase 1 ESA report identified three release areas in the northern portion of the site: (1) the former waste thinner tanks area; (2) the former dry sump area; and (3) the former virgin and reclaimed thinner tanks area. A fourth area was also identified where the impacted soil from on-site excavation areas were stockpiled and treated via bioremediation. In the southern portion of the site, three release areas were identified, and subsequently remediated. In 2004, the San Francisco Bay RWQCB concurred that the additional remedial activities had been effective, and that no additional remediation was necessary in the southern area.

Various remedial actions occurred on the Subject Property from 1991 to 2014, which included over-excavating contaminated soil, soil vapor and groundwater extraction and treatment systems, and in situ bioremediation treatment at various northern portions of the site.

The site received a no further action (NFA) letter by the San Francisco Bay RWQCB on April 21, 2010, for the leaking underground storage tank (LUST) case associated with the six former underground storage tanks (USTs). The LUST case was only closed administratively, in order to continue to address contamination at the site under the Spills, Leaks, Incidents, and Cleanups (SLIC) (Case No. 01S0534).

The site received an official NFA letter from the San Francisco Bay RWQCB on July 16, 2018, stating that site investigation and remedial action for site pollutants is completed and no further action is required.

However, before the San Francisco Bay RWQCB approved Site Closure, they required the property owner to perform a soil vapor intrusion investigation. This investigation detected ethylbenzene and total xylenes in groundwater with concentrations above current (July 2019) RWQCB Environmental Screening Levels (ESLs) in wells W24 and MW9R located near the former sump area. Although ethylbenzene and total xylenes were not detected in soil vapor, high concentrations of vinyl chloride, PCE, and benzene were detected above current and former ESLs while helium was detected in three samples.

Upon review of these environmental records on the Subject Property, Apex identified the following:

- HREC: The former closed LUST case associated with the site is considered a historical recognized environmental condition (HREC). An HREC is any environmental condition that would have been considered a REC in the past but is no longer considered a REC based on subsequent assessment or regulatory closure with no required controls (such as, property use restrictions, activity and use limitations, institutional controls, or engineering controls). This LUST case was closed only for the case to be opened under SLIC Program with the San Francisco Bay RWQCB. Since this is a closed case that is linked with the HREC below, Apex considered this a HREC.
- REC: The closed CPS-SLIC case for the project site is considered a recognized environmental condition (REC) due to past release of hazardous substances that affected soil and groundwater. This is not considered a HREC because at the time the Phase I ESA was conducted, the regulatory screening levels had changed making soil vapor and groundwater concentrations a potential threat to future commercial workers.

Based on the identification of the RECs above, Apex recommended conducting a Phase II investigation to assess the potential presence of impacted groundwater, soils, and soil vapor beneath the project site where historical sampling indicated elevated concentrations of chemicals were present, and to determine whether impacted soils constitute a risk to future construction or trench workers handling soil in the upper 10 feet of soil on the project site.

Apex provided the following summary of the Phase I and Phase II ESA findings:³⁴

- Contaminants of concern (COCs) include total petroleum hydrocarbons (TPH), benzene, ethylbenzene, toluene, and xylenes (collectively BTEX), and VOCs.
- In 1990 and 1991, White Cap removed all six underground tanks and a dry sump from the project site and over-excavated contaminated soil. Since 1990, numerous remedial actions have been completed at the project site including: over-excavation of contaminated soil, operation of soil vapor and groundwater extraction and treatment systems, and in situ bioremediation treatment at various locations in the northern portions of the project site.
- Results from over twenty years of groundwater monitoring indicate that previous remedial activities have been successful in decreasing the concentrations of COCs throughout the project site and limiting the extent of the impacted groundwater plume. Currently, impacted groundwater remains in the north-central portion of the project site within the former dry sump area.
- In 2018 the San Francisco Bay RWQCB determined the site met the Low-Threat Closure Criteria for Solvent Cases and issued a NFA determination on July 16, 2018. Based on the data reviewed, low concentrations of VOC-impacted groundwater, soil, and soil vapor remain beneath the site.
- The Phase II Report recommended measures to protect worker health and the air quality within the proposed building, including the preparation of a Site Management Plan (SMP), limiting excavations to depth above 9 feet below ground surface (BGS), and installation of a passive sub-slab venting system with an engineered vapor barrier. These recommendations are incorporated in the mitigation measures proposed below, in more detail.

Regulatory Setting

Department of Toxic Substances Control

As a department of the California Environmental Protection Agency (Cal/EPA), the California Department of Toxic Substances Control (DTSC) regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. The DTSC regulates hazardous waste in California primarily under the authority of Resource Conservation and Recovery Act (RCRA) and the California Health and Safety Code. The DTSC also administers the California Hazardous Waste Control Law (HWCL) to regulate hazardous wastes. While the HWCL is generally more stringent than RCRA, until the EPA approves the California program, both State and federal laws apply in California. The HWCL lists 791 chemicals and approximately 300 common

³⁴ Apex Companies, LLC. 2020. Environmental Summary 24493 Clawiter Road, Hayward, California. November 12.

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 California State Water Resources Control Board (State Water Board), and the California Department of Resources Recycling and Recovery (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 any development project as complete, the applicant must consult these lists to determine whether the site at issue is included. If any 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 California Code of Regulations. 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

The 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 LUST cases, so the RWQCB may oversee cases involving other groundwater contaminants; i.e., Spills, Leaks, Incidents, and Cleanup cases. In the case of spills at a project site, the responsible party would notify the County of Alameda, RWQCB, or DTSC and a lead agency would be determined.

Hayward Fire Department

The Hayward Fire Department is designated as the City of Hayward's Certified Unified Program Agency (CUPA), which is overseen by Cal/EPA 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 operated 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, the Fire Department's 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 City of Hayward Clawiter Road Industrial Project 90 administrative requirements, permitting, inspections, and enforcement. Any above- or underground storage tanks present at the project site

would be managed by the Hayward Fire Department Hazardous Materials Office. The Hazardous Materials Office administers the California Accidental Release Prevention (Cal/ARP) 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 Cal/ARP Program, the facility would file a written Risk Management Plan with the Hayward Fire Department.

Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Less than significant impact. The proposed project would develop a 157,725-square-foot warehouse that would be used as a distribution center for shipping goods by truck. Construction activity as part of the proposed project would involve the use of hazardous materials, such as diesel fuels and gasoline. The proposed project would be required to comply with federal, State, and local regulations pertaining to the handling of hazardous construction materials.

Operational uses would not routinely transport, use, or dispose of hazardous materials. Therefore, impacts would be less than significant.

- 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?**

Less than significant impact with mitigation incorporated. Construction activity as part of the project could routinely use hazardous materials, such as diesel fuels and gasoline. However, the proposed project would be required to comply with federal, State, and local regulations pertaining to the handling of hazardous construction materials.

The chemicals in the untreated soil, soil vapor and groundwater on the site could pose risks to construction workers during redevelopment and or intrusive activities at the site, such as grading, excavation, trenching and backfilling activities, and utility repair. Implementation of MM HAZ-1 would reduce risks of encountering or releasing contaminated groundwater by requiring an SMP, while implementation of MM HAZ-2 would limit exposure to contaminated soil or groundwater. Therefore, impacts would be less than significant with mitigation.

Soil vapor containing hazardous chemicals could infiltrate the proposed building, presenting a health hazard to workers inside the building. Implementation of MM HAZ3 requires the installation of a barrier that would prevent soil vapor from entering the building, reducing the potential impact to less than significant.

- c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

No Impact. The closest school to the project site is the Life Chiropractic College, located approximately located approximately 0.3 mile southeast of the project site. The next closest school is

California Crosspoint Academy, approximately 0.5 miles southeast of the project site. Therefore, the proposed project would not be located within 0.25-mile of a school.^{35,36} No impact would occur.

- 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?**

Less than significant impact. The project site is not in a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5: it is not a hazardous waste facility, designated as hazardous waste property, or hazardous waste disposal site. Furthermore, the San Francisco Bay RWQCB issued a NFA letter for the LUST. Therefore, the proposed project would not create a significant hazard to the public or the environment. Impacts would be less than significant.

- 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?**

Less than significant impact. The project site is located approximately 4,500 feet south of the Hayward Executive Airport and within the Airport Influence Area.³⁷ The Federal Aviation Administration (FAA) Southwest Regional Office Obstruction Evaluation Group conducted and aeronautical study which concluded that the proposed structure does not exceed obstruction standards and would not be a hazard to air navigation.³⁸

The project site is not located within the Hayward Executive Airport Community Noise Equivalent Level (CNEL) contours. It is located within the 60 CNEL contour of the Oakland International Airport noise compatibility zone.³⁹ However, the proposed project is replacing an existing industrial building and the potential noise impacts would not change from the existing use to the proposed use. Impacts would be less than significant.

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Less than significant impact. The City does not have an adopted emergency response plan or an emergency evacuation plan. The proposed project would be served by two driveways along Clawiter Road. These driveways would provide sufficient width for emergency access. Additionally, the project does not propose any changes (lane reductions or narrowing, permanent road closures, etc.)

³⁵ Hayward Unified School District School Site Locator. 2018. Website: <http://apps.schoolsitelocator.com/index.html?districtCode=41834>. Accessed April 29, 2021.

³⁶ San Lorenzo Unified School District My School Locator. 2021. Website: https://www.slzsd.org/apps/pages/index.jsp?uREC_ID=1208407&type=d&pREC_ID=1445802. Accessed April 29, 2021.

³⁷ Hayward Executive Airport. 2012. Airport Land Use Compatibility Plan. Website: https://www.acgov.org/cda/planning/generalplans/documents/HWD_ALUCP_082012_FULL.pdf. August 2012. Accessed April 15, 2021.

³⁸ Federal Aviation Administration Southwest Regional Office Obstruction Evaluation Group. 2021. Determination of No Hazard to Air Navigation. January 25.

³⁹ Hayward Executive Airport. 2012. Airport Land Use Compatibility Plan. Website: https://www.acgov.org/cda/planning/generalplans/documents/HWD_ALUCP_082012_FULL.pdf. August 2012. Accessed May 5, 2021.

to major roadways that would function as evacuation routes, such as Isabel Avenue. Impacts would be less than significant.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No impact. The project site is surrounded on four sides by urban, industrial development and infrastructure; there are no areas susceptible to wildland fires near the project site. This condition precludes the possibility of exposure to wildland fire hazards. No impact would occur.

Mitigation Measures

- MM HAZ-1** A Site Management Plan (SMP) shall be prepared prior to any earthwork on the site. The SMP would outline precautionary steps to be taken during demolition, construction, grading or other intrusive activities at the site, including excavation, trenching and backfilling, and utility repair. The SMP shall also provide groundwater management actions for dewatering or excavations below the water table. The SMP shall be completed and approved by the City prior to issuance of any grading or building permit.
- MM HAZ-2** Excavations shall be limited to depths above 9 feet below ground surface (BGS) to avoid exposure to and handling of potentially impacted groundwater.
- MM HAZ-3** A passive sub-slab venting system with and engineered vapor barrier shall be installed to prevent soil vapor from entering the proposed building. The applicant shall work with the Regional Water Quality Control Board (RWQCB) to determine final design requirements for this barrier.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.10 Hydrology and Water Quality <i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Setting

As described in Section 2.9, Hazards and Hazardous Materials, the groundwater at the project site has been impacted by hazardous materials introduced to the site by manufacturing activities. Various remedial actions occurred on the proposed project site from 1991 to 2014 which included over-excavating contaminated soil, soil vapor and groundwater extraction and treatment systems, and in situ bioremediation treatment at various northern portions of the site.

The San Francisco Bay RWQCB required the property owner to perform a soil vapor intrusion investigation, which detected ethylbenzene and total xylenes in groundwater with concentrations above current (July 2019) RWQCB ESLs in wells W24 and MW9R located near a former sump area. Although ethylbenzene and total xylenes were not detected in soil vapor, high concentrations of vinyl chloride, PCE, and benzene were detected above current and former ESLs while helium was detected in three samples. Section 2.9, Hazards and Hazardous Materials, provides greater detail about the level of existing groundwater contamination on the proposed project site.

Would the project:

- a) **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?**

Less than significant impact with mitigation incorporated. The proposed project would include the construction of bioretention areas in the landscaped open space at the frontage on Clawiter Road; these areas would allow for on-site retention and passive treatment of stormwaters prior to release into the City's storm drain system.

Design, construction, operation and maintenance of the on-site bioretention areas would be in compliance with the 2015 Municipal Regional Permit (MRP) of the San Francisco Bay RWQCB and the Alameda Countywide Clean Water Program.

To ensure continued compliance with the MRP and RWQCB and Alameda County programs, the proposed project would provide low impact development source control measures and hydromodification management as per MRP Provision C.3.c and C.3.g.⁴⁰ The project plans shall identify BMPs appropriate to the uses conducted on-site to limit the entry of pollutants into stormwater runoff to the maximum extent practicable, such as bioretention areas that would be provided in the landscaped open space at the frontage on Clawiter Road with sufficient capacity to accommodate runoff from storm events in compliance with C.3 guidelines. Designs shall comply with the latest Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics criteria summary. The on-site storm drain and stormwater treatment systems shall be owned and maintained by the property owner. All storm drain inlets must be labeled "no dumping—drains to bay" using the City approved specifications. These items would help meet waste discharge requirements and prevent the degradation of surface and groundwater quality.

The chemicals in the untreated soil, soil vapor and groundwater on the site could pose risks to construction workers during redevelopment and or intrusive activities at the site, such as grading, excavation, trenching and backfilling activities, and utility repair. Accordingly, the proposed project would be required to prepare and implement a SWPPP during construction in accordance with State requirements. The SWPPP would identify structural and nonstructural BMPs intended to prevent erosion during construction, as required by MM HYD-1. In addition, MM HAZ-1 would require the implementation of an SMP during construction to protect worker's health from hazardous chemicals

⁴⁰ California State Water Resources Control Board (State Water Board) San Francisco Bay Regional Water Quality Control Board (RWQCB). 2015.

that could be contained in groundwater. Implementation of these measures would reduce potential impacts to less than significant.

- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

Less than significant. According to the Hayward 2015 Urban Water Management Plan (UWMP), the City of Hayward does not obtain any of their regulated water supply from groundwater. However, the City maintains five emergency groundwater wells with a combined short-term pumping capacity of about 13.6 million gallons per day. These wells are only meant to be used in the short-term, in emergency scenarios, and therefore would not be affected by the day-to-day operation of the proposed project. Impacts would be less than significant.

- c) Substantially alter the existing drainage pattern of 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;**

Less than significant impact with mitigation incorporated. The proposed project would involve ground-disturbing activities such as grading and excavation that have the potential to cause erosion and loss of topsoil. Accordingly, the proposed project would be required to prepare and implement a SWPPP during construction in accordance with State requirements. The SWPPP would identify structural and nonstructural BMPs intended to prevent erosion during construction. These requirements are reflected in MM HYD-1. With implementation of MM HYD-1, impacts would be less than significant.

- (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;**

Less than significant. The proposed project would install an on-site storm drainage system, and would also construct in-ground bioretention areas in the landscaped open space at the frontage on Clawiter Road. As required by the MRP and C.3 guidelines, the on-site bioretention areas would ensure that the rate or amount of post-construction surface runoff would not exceed pre-project conditions, and would not therefore result in flooding on- or off-site. Therefore, impacts would be less than significant.

- (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**

Less than significant impact with mitigation incorporated. The proposed project would install an on-site storm drainage system, including bioretention areas in the landscaped open space at the frontage on Clawiter Road, which are designed to ensure that the rate or amount of post-construction surface runoff would not exceed pre-project conditions, and would not therefore result in runoff that would exceed the capacity of existing or planned stormwater drainage systems or

provide substantial additional sources of polluted runoff. The proposed project would also be required to prepare and implement a SWPPP during construction in accordance with State requirements. The SWPPP would identify structural and nonstructural BMPs intended to prevent erosion during construction. These requirements are reflected in MM HYD-1. These measures would ensure that the proposed project would not create runoff that would exceed the capacity of stormwater drainage systems. Impacts would be less than significant.

(iv) impede or redirect flood flows?

Less than significant. According to FEMA's National Flood Hazard Layer (NFHL) Viewer, the proposed project is not located in a flood hazard zone. As described above, the proposed project would install an on-site storm drainage system, including bioretention areas that would retain stormwater and ensure that post-construction flows would not exceed existing conditions. As such, the proposed project would not impede or redirect flood impacts would be less than significant.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than significant. According to FEMA's NFHL Viewer, the proposed project is not located in a flood hazard zone.⁴¹ The proposed project is located 20 miles from the Pacific Ocean, a condition that precludes inundation by tsunami or seiche. Therefore, impacts would be less than significant.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than significant. The proposed project would be routinely inspected per the Hayward Clean Water Program to ensure that pollution is not occurring through the release of stormwaters.⁴² The proposed project would not involve the use of groundwater supply and therefore would not conflict with sustainable groundwater management. Therefore, impacts would be less than significant.

Mitigation Measures

MM HYD-1 Prior to issuance of demolition permits for the proposed project, the City of Hayward shall verify that the applicant has prepared a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide Construction General Permit. The SWPPP shall be designed to address the following objectives: (1) all pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity are controlled; (2) where not otherwise required to be under a Regional Water Quality Control Board (RWQCB) permit, all non-stormwater discharges (e.g., chemicals) are identified and either eliminated, controlled, or treated; (3) site Best Management Plans (BMPs) are effective and result in the reduction or elimination of pollutants in stormwater discharges and

⁴¹ Federal Emergency Management Agency (FEMA). 2021. FEMA's National Flood Hazard Layer (NFHL) Viewer. Website: <https://www.fema.gov/flood-maps/national-flood-hazard-layer> Accessed May 21, 2021.

⁴² City of Hayward, 2021. Clean Water Program. Website: <https://www.hayward-ca.gov/services/city-services/clean-water-program> Accessed May 21, 2021.

authorized non-stormwater discharges from construction activity; and (4) stabilization BMPs installed to reduce or eliminate pollutants after construction are completed. The SWPPP shall be prepared by a qualified SWPPP developer. The SWPPP shall include the minimum BMPs required for the identified Risk Level. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook—Construction or the Caltrans Stormwater Quality Handbook Construction Site BMP Manual.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.11 Land Use and Planning <i>Would the project:</i>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Setting

The project site zoning designation is General Industrial⁴³ and is located within the City's Industrial Technology and Innovation Corridor in the General Plan. The site is surrounded on all sides by industrial operations of various sizes, with the nearest residential area located across Industrial Boulevard approximately 1,000 feet to the northeast. The proposed project, an industrial building, is consistent with the zoning designation for its site and with City policies for its location and vicinity.

Would the project:

a) Physically divide an established community?

No impact. The proposed project is located within an industrial area with no residential areas on-site or in its immediate vicinity. The residential community nearest to the project site is located approximately 1,000 feet to the northeast, across Industrial Boulevard and beyond an additional industrial area. Therefore, the proposed project would not 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?

No impact. The project site is zoned as General Industrial, and the proposed project is an industrial building that will maintain the current zoning designation and land use. Furthermore, it is located within the General Plan-designated Industrial Technology and Innovation Corridor. Therefore, the proposed project would not cause significant environmental impact due to conflict with any City's land use plan, policy, or regulation.

Mitigation Measures

None.

⁴³ City of Hayward Zoning. 2016. Website: <https://www.hayward-ca.gov/sites/default/files/City%20of%20Hayward%20Zoning%20Map.pdf>. Accessed April 13, 2021.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.12 Mineral Resources <i>Would the project:</i>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Setting

The site is not located in a mineral resource area. According to the General Plan, the only designated mineral resource "sector" of regional significance in the City is the La Vista Quarry, located in east of Mission Boulevard and Tennyson Road, approximately 3.7 miles southeast of the project site. The quarry is no longer active, and the City is planning a new 50-acre hillside park at this location.⁴⁴

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?**

No Impact. There are no known mineral resources at the project site and its immediate vicinity.⁴⁵ Therefore, the proposed project would not result in the loss of availability of known mineral resources that would be valued by 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?**

No Impact. No known mineral resource recovery site is delineated in the General Plan at the project site or its immediate vicinity.⁴⁶ Therefore, the proposed project would not result in the loss of the availability of any locally-important mineral resource recovery sites.

Mitigation Measures

None.

⁴⁴ City of Hayward La Vista Park. 2021. Website: <https://www.hayward-ca.gov/content/la-vista-park>. Accessed April 14, 2021.

⁴⁵ Hayward 2040 General Plan Natural Resources Goal 5 Mineral Resources. 2014. Website: <https://www.hayward2040generalplan.com/goal/NR5>. Accessed April 14, 2021.

⁴⁶ Ibid

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.13 Noise <i>Would the project result in:</i>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Characteristics of Noise

Noise is defined as unwanted sound. Sound levels are usually measured and expressed in decibels (dB), with 0 dB corresponding roughly to the threshold of hearing. Most of the sounds that we hear in the environment do not consist of a single frequency, but rather a broad band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. Noise is typically generated by transportation, specific land uses, and ongoing human activity.

The standard unit of measurement of the loudness of sound is the dB. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. A change of 3 dB is the lowest change that can be perceptible to the human ear in outdoor environments. While a change of 5 dBA is considered to be the minimum readily perceptible change to the human ear in outdoor environments.

Since the human ear is not equally sensitive to sound at all frequencies, the A-weighted decibel scale (dBA) was derived to relate noise to the sensitivity of humans, it gives greater weight to the frequencies of sound to which the human ear is most sensitive. The A-weighted sound level is the basis for a number of various sound level metrics, including the day/night sound level (L_{dn}) and the CNEL, both of which represent how humans are more sensitive to sound at night. In addition, the equivalent continuous sound level (L_{eq}) is the average sound energy of time-varying noise over a sample period and L_{max} is the maximum instantaneous noise level occurring over a sample period.

Regulatory Framework

The City of Hayward has established noise and land use compatibility standards in the General Plan Hazards Element.⁴⁷ According to the policies of the Hazards Element of the General Plan, noise environments up to 75 dBA CNEL are considered “normally acceptable” for industrial land use developments. The City also limits the hours of construction to 10:00 a.m. to 6:00 p.m. on Sundays and holidays, and 7:00 a.m. to 7:00 p.m. any other day. The City has established a required vibration impact analysis for proposed projects in which heavy-duty construction equipment would operate within 200 feet of an existing structure or sensitive receptor. The City also requires a vibration impact analysis for new commercial projects that would be located within 200 feet of an existing major freeway or railroad line.

The City of Hayward establishes its general noise performance standards in the City of Hayward Municipal Code, Chapter 4, Article 1.⁴⁸ The City establishes that noise levels in industrial property should not exceed 70 dBA as measured at the project property plane adjoining other commercial or industrial land uses. In addition, as measured at any receiving residential land use, industrial land use operational noise levels shall not exceed 70 dBA between 7:00 a.m. and 9:00 p.m., and not exceed 60 dBA between 9:00 p.m. and 7:00 a.m.

The City has also established noise performance standards for construction activities. These standards require that no individual device or piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet from the source. The noise ordinance also establishes that during construction the noise level at any point outside of the property plane shall not exceed 86 dBA. For purposes of this analysis, these noise performance standards are assumed to be maximum noise levels, the noise metric L_{max} .

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?**

Short-Term Construction Impacts

Less than significant impact. For purposes of this analysis, a significant impact would occur if construction activities would result in a substantial temporary increase in ambient noise levels in excess of the City’s noise performance standards for construction noise. The City’s standards require that no individual device or piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet from the source. The noise ordinance also establishes that during construction the noise level at any point outside of the property plane shall not exceed 86 dBA. In addition, the City has established permissible hours for construction activity of 10:00 a.m. to 6:00 p.m. on Sundays and holidays, and 7:00 a.m. to 7:00 p.m. any other day.

⁴⁷ City of Hayward, 2014. Hayward General Plan 2040. July 1.

⁴⁸ City of Hayward, 2021. Hayward Municipal Code. https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=15488
Accessed on May 5, 2021.

Construction-related Traffic Noise

Impacts from project construction activities would be a function of the noise generated by construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities. One type of short-term noise impact that could occur during project construction would result from the increase in traffic flow on local streets, associated with the transport of workers, equipment, and materials to and from the project site.

The transport of workers and construction equipment and materials to the project site would incrementally increase noise levels on access roads leading to the site. Because workers and construction equipment would use existing routes, noise from passing trucks would be similar to existing vehicle-generated noise on these local roadways. Typically, a doubling of the Average Daily Traffic (ADT) hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels; which, as discussed in the characteristics of noise discussion above, is the lowest change that can be perceptible to the human ear in outdoor environments. Project-related construction trips would not be expected to double the hourly or daily traffic volumes along any roadway segment in the project vicinity. For this reason, short-term intermittent noise from construction trips would not be expected to result in a perceptible increase in hourly- or daily average traffic noise levels in the project vicinity. Therefore, short-term construction-related noise impacts associated with the transportation of workers and equipment to the project site would be less than significant.

Construction Equipment Operational Noise

The second type of short-term noise impact is related to noise generated during construction on the project site. Construction is completed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These variation sequential phases would change the character of the noise generated on the site and therefore, the noise levels surrounding the site as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Typical operating cycles for construction equipment involve 1 or 2 minutes at full power followed by 3 or 4 minutes at low power settings. Impact equipment such as pile drivers are not expected to be used during the construction of this project.

The site preparation phase, which includes excavation and grading of the site, tends to generate the highest noise levels because the noisiest construction equipment is earthmoving equipment. Earthmoving equipment includes excavating machinery and compacting equipment, such as bulldozers, draglines, backhoes, front loaders, roller compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full power followed by 3 or 4 minutes at lower power settings.

According to the City's noise ordinance, no individual device or piece of construction equipment is permitted to produce a noise level exceeding 83 dBA at a distance of 25 feet from the source. A characteristic of sound is that each doubling of sound sources with equal strength increases a sound level by 3 dBA. Assuming that multiple pieces of construction equipment operate at some distance from the other equipment, a reasonable worst-case combined noise level during this phase of

construction would be 90 dBA L_{max} at a distance of 25 feet from the acoustic center of a construction area. This would result in a reasonable worst-case hourly average of 86 dBA L_{eq} . The acoustic center reference is used, because construction equipment must operate at some distance from one another on a project site, and the combined noise level as measured at a point equidistant from the sources would (acoustic center) be the worst-case maximum noise level. The effect on sensitive receptors is evaluated below.

The closest noise-sensitive receptors to the project site construction footprint are the single-family residences located northeast of the project site, on Continental Road. The façade of these closest homes would be located approximately 765 feet from the acoustic center of construction activity where multiple pieces of heavy construction equipment would operate simultaneously during construction of the proposed parking areas near the project's western boundary. At this distance, construction noise levels could range up to approximately 60 dBA L_{max} , with a relative worst-case hourly average of 56 dBA L_{eq} at this receptor. These noise levels could occur temporarily under the reasonable worst-case scenario of multiple pieces of heavy construction equipment operating simultaneously in relatively the same locations at the nearest project boundary for an hour-long period. Furthermore, there is an existing 8-foot high sound wall adjacent to these homes that would provide an expected minimum additional 6-dBA in noise shielding. Therefore, reasonable worst-case construction noise levels as measured at the nearest residential property would attenuate to below 54 dBA L_{max} .

Therefore, the effect of construction activities on longer-term (hourly or daily) ambient noise levels would be small and would not result in a temporary increase in ambient noise levels in the project vicinity in excess of the City's construction noise performance standards.

Section 4-1.03.4 of the Hayward Municipal Code also establishes that construction activities are permissible between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sundays and holidays. Compliance with the City's permissible hours of construction would further ensure that construction noise would not result in a substantial temporary increase in ambient noise levels that would result in nighttime annoyance or sleep disturbance of nearby sensitive receptors. Therefore, project construction activities would not result in a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of established standards, and the impact would be less than significant.

Operational/Mobile Source Noise Impacts

Less than significant impact. A significant impact would occur if implementation of the proposed project would result in a substantial increase in traffic noise levels compared with traffic noise levels existing without the project. The City of Hayward has not defined what would constitute as a significant increase in ambient noise.

Typically, a doubling of the ADT hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels; which, as discussed in the characteristics of noise discussion above, is the lowest change that can be perceptible to the human ear in outdoor

environments. Therefore, for purposes of this analysis, a doubling of the existing ADT volumes would result in a substantial permanent increase in traffic noise levels.

Based on the traffic analysis prepared for the proposed project, the proposed project would generate a net increase of 488 daily trips, including a net increase of 53 AM peak-hour trips and 95 PM peak-hour trips.⁴⁹ Existing traffic volumes on Clawiter Road adjacent to the project site average 14,795 daily trips. Therefore, the proposed project trips would not result in a doubling of the average daily trips along Clawiter Road or any other access roadway in the project vicinity. Therefore, the increase in traffic noise resulting from project operations would not be perceptible along any roadway segment in the project vicinity. Therefore, implementation of the proposed project would not result in a substantial permanent increase in traffic noise levels compared with traffic noise levels existing without the proposed project; and project-related traffic noise impacts would be less than significant.

Operational/Stationary Source Noise Impacts

Less than significant impact. A significant impact would occur if operational noise levels generated by stationary noise sources at the proposed project site would result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance standards.

The City of Hayward does not define what constitutes as a substantial increase in ambient noise levels. Typically, an increase of 3 dBA in noise levels; which, as discussed in the characteristics of noise discussion above, is the lowest change that can be perceptible to the human ear in outdoor environments. Therefore, for purposes of this analysis, an increase of 3 dBA would result in a substantial, permanent increase in noise levels.

The City's noise performance standards establish that noise levels in industrial property should not exceed 70 dBA as measured at the project property plane adjoining other commercial or industrial land uses. In addition, as measured at any receiving residential land use, industrial land use operational noise levels shall not exceed 70 dBA between 7:00 a.m. and 9:00 p.m., and not exceed 60 dBA between 9:00 p.m. and 7:00 a.m.

The proposed project would generate noise from parking lot activities, new exterior mechanical equipment sources, such as rooftop ventilation systems on proposed industrial uses, and from truck loading and unloading activities. Potential impacts from these noise sources are discussed below.

Parking Lot Areas

Typical parking lot activities include people conversing, doors shutting, and vehicles idling which generate noise levels ranging from approximately 60 dBA to 70 dBA L_{max} at 50 feet. These activities are expected to occur sporadically throughout the day, as visitors and staff arrive and leave parking lot areas at the project site.

The closest adjoining commercial or industrial land use would be located more than 50 feet from the acoustic center of proposed parking areas. At this distance parking lot activity noise levels would

⁴⁹ Hexagon Transportation Consultants, Inc., 2021. 24993 Clawiter Road Development Draft Local Transportation Analysis. June 12.

attenuate to 70 dBA L_{max} . This noise level would not exceed the City's noise performance threshold of 70 dBA L_{max} and would therefore be considered a less than significant permanent increase in ambient noise levels in the project vicinity.

The closest noise-sensitive receptor to the parking areas associated with the proposed project are the single-family residential land uses located northeast of the project site on Continental. These residences would be located approximately 820 feet from the acoustic center of the nearest proposed parking areas. The nearest residences have an 8-foot-high sound wall that would provide an expected minimum 6 dBA shielding reduction as it would block the line of sight to parking lot activities. With the distance attenuation and fence shielding, noise levels associated with daily parking lot activities would attenuate to approximately 40 dBA L_{max} at the nearest outdoor active use areas (backyards) of the nearest residences. Therefore, parking lot activities would result in reasonable worst-case noise levels of 57 dBA L_{max} as measured at the nearest residential land uses. Therefore, the proposed project's reasonable worst-case parking lot noise levels would not exceed the City's daytime noise performance standards of 70 dBA L_{eq} , or the nighttime noise performance standards of 60 dBA L_{eq} for receiving residential land uses.

Therefore, project parking lot activities would not result in a substantial permanent increase in ambient noise levels in the project vicinity. Because the proposed project would not generate 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, the impact of noise produced by project-related parking lot activities to off-site sensitive receptors would be less than significant.

Mechanical Equipment Operations

At the time of preparation of this analysis, details were not available pertaining to the proposed rooftop mechanical ventilation systems for the project; therefore, a reference noise level for typical rooftop mechanical ventilation systems was used. Noise levels from commercially available rooftop mechanical ventilation equipment range from 50 dBA to 60 dBA L_{eq} at a distance of 25 feet.

The closest adjoining commercial or industrial land use would be located more than 50 feet from the nearest rooftop mechanical ventilation equipment. At this distance, and assuming minimum shielding from the proposed rooftop parapet, rooftop mechanical ventilation equipment operational noise levels would attenuate to below 65 dBA L_{max} . This noise level would not exceed the City's noise performance threshold of 70 dBA L_{max} and would therefore be considered a less than significant permanent increase in ambient noise levels in the project vicinity.

Rooftop mechanical ventilation systems could be located approximately 900 feet from the nearest noise-sensitive receptor, which is a multi-family residence northeast of the project site. Noise generated by typical rooftop mechanical ventilation equipment would attenuate (due to distance attenuation and shielding provided by the rooftop parapet) to below 29 dBA L_{max} . Therefore, noise levels from proposed mechanical ventilation equipment operations would not exceed the City's daytime noise performance standards of 70 dBA L_{eq} , or the nighttime noise performance standards of 60 dBA L_{eq} for receiving residential land uses.

Therefore, noise levels from proposed mechanical ventilation equipment operations would not result in a substantial permanent increase in ambient noise levels in the project vicinity. Because the proposed project would not generate a substantial temporary or permanent increase in ambient noise levels in the project vicinity in excess of standards established in the local general plan or noise ordinance, the impact of noise produced by proposed mechanical ventilation equipment operations to off-site sensitive receptors would be less than significant.

Truck Loading Activities

Noise would be also generated by truck loading and unloading activities at the loading docks along the southern, western, and northern sides of the proposed building. Typical noise levels from truck loading and unloading activity range from 70 dBA to 80 dBA L_{max} as measured at 50 feet. These maximum noise level range includes noise from associated truck loading/unloading activity, including trucks maneuvering, truck trailer loading, truck trailer unloading, backup alarms or beepers, and truck docking noise.

The closest adjoining commercial or industrial land use would be located more than 140 feet from the nearest proposed loading docks. At this distance, reasonable worst-case truck loading and unloading operational noise levels would attenuate to below 72 dBA L_{max} . This noise level would not exceed the City's noise performance threshold of 70 dBA L_{max} by more than 3 dBA and would therefore be considered a less than significant permanent increase in ambient noise levels in the project vicinity.

The nearest noise-sensitive receptor are the single-family residences northeast of the project site, is located more than 1,100 feet from the closest proposed loading dock. Due to distance attenuation, noise levels from truck loading and unloading activities would attenuate to below 53 dBA L_{max} at the property line of the nearest single-family residence northeast of the project site. Therefore, noise levels from truck loading and unloading activities would not exceed the City's daytime noise performance standards of 70 dBA L_{eq} , or the nighttime noise performance standards of 60 dBA L_{eq} for receiving residential land uses.

Therefore, noise levels from truck loading and unloading activities at the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity. Because the proposed project would not generate a substantial temporary or permanent increase in ambient noise levels in the project vicinity in excess of standards established in the local general plan or noise ordinance, the impact of noise produced by truck loading and unloading activities at the proposed project to off-site sensitive receptors would be less than significant.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. A significant impact would occur if the proposed project would generate groundborne vibration or groundborne noise levels in excess of established standards. The City has established a required vibration impact analysis for proposed projects in which heavy-duty construction equipment would operate within 200 feet of an existing structure or sensitive receptor. The City also requires a vibration impact analysis for new commercial projects that would be located within 200 feet of an existing major freeway or railroad line. However, the City does not establish

numeric thresholds for groundborne vibration impacts. Therefore, for purposes of this analysis, the Federal Transit Administration (FTA) vibration impact criteria are utilized to analyze construction vibration impacts.

Short-term Construction Vibration Impacts

A significant impact would occur if existing structures at the project site or in the project vicinity would be exposed to groundborne vibration levels that exceed the FTA's Construction Vibration Impact Criteria for the listed type of structure.

Of the variety of equipment used during construction, the large vibratory rollers that are anticipated to be used in the site preparation phase of construction would produce the greatest groundborne vibration levels. Large vibratory rollers produce groundborne vibration levels ranging up to 0.201 inch per second (in/sec) PPV at 25 feet from the operating equipment.

The nearest off-site receptors to the project construction footprint is the industrial building located north of the project site. The façade of this structure would be located approximately 70 feet from the construction footprint where the heaviest construction equipment would potentially operate during construction. At this distance, groundborne vibration levels would range up to 0.04 in/sec PPV from operation of the types of equipment that would produce the highest vibration levels. This is well below the FTA's Construction Vibration Impact Criteria⁵⁰ of 0.2 in/sec PPV for this type of structure, a building of non-engineered timber and masonry construction. Therefore, the impact of short-term groundborne vibration associated with construction to off-site receptors would be less than significant.

Operational Vibration Impacts

For purposes of this analysis, a significant impact would occur if the proposed project would generate groundborne vibration which is perceptible without instruments by the average person at or beyond any lot line of the lot containing the activities or locate a new commercial building within 200 feet of a major freeway or railroad line.

Implementation of the proposed project would not include any permanent sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any existing sensitive land use in the project vicinity.

The proposed structure would be located over 4,200 feet from the nearest freeway, Highway 92. The proposed structure would be located more than 220 feet from the nearest railroad tracks located west of the project site. Therefore, the proposed structure would not be located within 200 feet of a major freeway or railroad line and project operational groundborne vibration level impacts would be considered less than significant.

⁵⁰ Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September.

- 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?

No impact. A significant impact would occur if the proposed project would expose people residing or working in the project area to excessive noise levels 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 2 miles of a public airport or public use airport.

The project site is not located within the vicinity of a private airstrip. The nearest public airport to the project site is the Hayward Executive Airport, located approximately 1 mile north of the project site. Based on Figure HAZ-1 of the General Plan,⁵¹ the airport's future noise contour map, the project site is located outside of the 65 dBA CNEL airport noise contours. According to the City's General Plan, the highest level of exterior noise exposure that is regarded as "normally acceptable" for industrial land use development is 75 dBA CNEL. Therefore, implementation of the proposed project would not expose persons working on the project site to noise levels from airport activity that would be in excess of normally acceptable standards for the proposed land use development and no impact would occur.

Mitigation Measures

None.

⁵¹ City of Hayward, 2014. Hayward General Plan 2040. Table HAZ-1. July 1.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.14 Population and Housing <i>Would the project:</i>				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Setting

The project site is located within the City's Industrial Technology and Innovation Corridor, and is surrounded on all sides by industrial operations of various sizes, with the nearest residential area located across Industrial Boulevard, approximately 1,000 feet to the northeast. The proposed project, an industrial building, would replace an existing industrial building, and would therefore replace employees with a similar or smaller number of employees. The proposed project would not involve or require construction of new homes or offices, or significant road and infrastructure improvements.

Would the project:

- a) **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

No Impact. The project site is located within the City's Industrial Technology and Innovation Corridor, an area that is designated for industrial land use with no housing or residential designations. No new homes and businesses are proposed as part of the proposed project. No extension of roads or other infrastructure is proposed as part of the proposed project.

- b) **Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

No Impact. The proposed project is an industrial building which will replace an existing industrial building. Therefore, the proposed project would not displace substantial numbers of existing people or housing and would not necessitate the construction of replacement housing elsewhere.

Mitigation Measures

None.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.15 Public Services <i>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:</i>				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Setting

The project site is served by the Hayward Fire Department, Hayward Police Department, Hayward Unified School District, Hayward Area Recreation and Park District, and Hayward Library Department.

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:

a) Fire protection?

Less than significant impact. The Hayward Fire Department provides fire protection to the project site. The project site is located within the City's Fire District 6, served by Fire Station 6, located at 1401 West Winton Avenue.⁵² This Fire Station is located 0.9 mile north of the project site. Using an average travel speed of 35 miles per hour, a fire engine would be able to reach the project site in 1 minute and 33 seconds, which would be considered an acceptable response time. The proposed project would be accessed via two driveways along Clawiter Road, which would provide sufficient width and turning radii for a ladder fire truck. Additionally, all new construction would be required to meet Fire Code requirements for fire detection and suppression. For these reasons, the proposed project would not create a need for new or expanded fire facilities. Impacts would be less than significant.

⁵² Hayward Fire Districts. 2021. Website: https://www.hayward-ca.gov/sites/default/files/basic-pages/Fire_District_Map_8x11.pdf. Accessed April 15, 2021.

b) Police protection?

Less than significant impact. The Hayward Police Department currently serves the existing business on the project site with police protection. The project includes a number of design features intended to deter and prevent crime including exterior lighting along internal parking lots, an 8-foot-tall security fence around the building and loading docks, and vehicle access gates equipped with Knox boxes to allow emergency access. For these reasons, the proposed project would not increase demand for police services such that new or expanded police facilities are required. Impacts would be less than significant.

c) Schools?

No impact. The proposed project would not develop new housing and, thus, would not directly increase K-12 enrollment. As a result, the proposed project would not create a need for new or expanded school facilities. Therefore, no impacts would occur.

d) Parks?

No impact. The proposed project would not develop new housing and, thus, would not directly increase demand for parks. As a result, the proposed project would not create a need for new or expanded parks. Therefore, no impacts would occur.

e) Other public facilities?

No impact. There are several public facilities within the City including the Hayward Library Department, Hayward Executive Airport, and several community centers. The project site is currently utilized by an active manufacturing facility and the proposed project would not develop housing and, thus, would not directly increase use of these facilities. As a result, the proposed project would not create a need for new or expanded public facilities. Therefore, no impacts would occur.

Mitigation Measures

None.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.16 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Setting

The Hayward Area Recreation and Park District (HARD) is an independent special use district, serving the City as well as several adjacent unincorporated communities (Castro Valley, San Lorenzo, Ashland, Cherryland, and Fairview). HARD offers enrichment classes for all ages, manages and maintains parks and community centers, and during non-COVID-19 times organizes community events.⁵³ The nearest park to the project site is Greenwood Park, approximately 0.5-mile away.

- 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?**

No impact. The proposed project would not develop new housing and, thus, would not directly increase demand for parks. Employees of the proposed project would be able to utilize local parks but would not add a significant number of users to the parks. As a result, the proposed project would not create a need for new or expanded parks. Therefore, no impacts would occur.

- 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?**

No impact. The proposed project would not include recreational facilities and would not require the construction or expansion of recreational facilities. No impact would occur.

Mitigation Measures

None.

⁵³ Hayward Area Recreation & Park District. Website: <https://www.haywardrec.org/>. Accessed April 15, 2021.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.17 Transportation <i>Would the project:</i>				
a) Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

This section is based on the Transportation Impact Analysis (TIA) prepared by Hexagon Transportation Consultants, Inc. The TIA is provided in Appendix F.

Would the project:

- a) **Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

Less than significant impact with mitigation incorporated. This impact assesses intersection operations and public transit, bicycles, and pedestrians. Each of these components are assessed separately, as follows.

Project Trip Estimates

The magnitude of traffic produced by a new development and the locations where that traffic would appear were estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic traveling to and from the proposed project site was estimated for the AM and PM peak-hours. As part of the project trip distribution, the directions to and from which destination the project trips would travel were estimated. In the project trip assignment, the project trips were assigned to specific streets and intersections. These procedures are described as follows.

Estimated Trip Generation

Vehicle trips generated by the proposed project were estimated using the trips rates published in the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 10th Edition (2017) for "General

Office” (Land Use 710) and “High-Cube Fulfillment Center Warehouse (Sort)” (Land Use 155). At the time of this writing, the future tenant and use for the warehouse is not known. Therefore, the ITE rate that would generate the highest AM and PM peak-hour project trips, High-Cube Fulfillment Center Warehouse (Sort), was used to estimate project trips. Truck trip generation was also estimated to determine the number of line-haul trucks that might use the project site. The truck trip generation was based on a percentage (3 percent) of total vehicle trips recommended in the ITE Trip Generation Manual. This is consistent with data collected from similar projects in the area. Truck deliveries typically avoid the AM and PM peak-hours and thus, these percentages are lower during peak-hours.

The General Office Building (Land Use 710) was used to estimate the trips for the office component of the project. The project is estimated to generate 1,041 gross daily vehicle trips, with 140 gross trips occurring during AM peak-hour and 189 gross trips during PM peak-hour.

Existing Trip Credits

Trips generated by the existing uses on the site can be credited against the proposed development. The current tenant on-site is ConXtech Inc. Manufacturing Operations, which fabricates steel beams and columns for structural applications. Based on the existing 140,833-square-foot building use, the Manufacturing ITE rate (Land Use 140) was used to estimate the existing trips. It is estimated that the existing manufacturing facility would have generated 553 daily trips with 87 trips during the AM peak-hour and 94 trips during the PM peak-hour when it was in full operation.

Net Project Trips

After accounting for the trips generated by the existing manufacturing facility, the proposed development is estimated to generate a net increase of 488 daily trips, with a net increase of 53 trips in the AM peak-hour and a net increase of 95 trips in the PM peak-hour. Table 15 summarizes the trip generation estimates.

Table 15: Project Trip Generation Estimates

Use	Daily	AM Peak-hour	PM Peak-hour
Proposed Project	1,041	140	189
Existing Use	(553)	(87)	(94)
Net New Project Trips	488	53	95

Source: Hexagon Transportation Consultants 2021.

Existing Plus Project Intersection Levels of Service

Transit, Pedestrian and Bicycle Analysis

A significant impact would occur if the proposed project conflicted with applicable or adopted policies, plans or programs related to pedestrian facilities or otherwise decreased the performance or safety of pedestrian facilities. According to the site plan, the project proposes to retain the existing northern driveway. The proposed project would remove the existing 66-foot-wide southern

driveway and add a new driveway with a narrower driveway width of 35 feet. A reduction in driveway width would reduce pedestrian exposure to traffic, which would be an improvement in pedestrian facilities over existing conditions. The new driveway would improve the pedestrian facilities in the immediate vicinity of the project. Therefore, the proposed project would not have a detrimental impact to pedestrian circulation.

In terms of bicycle access to the project site, Clawiter Road, Winton Avenue, Industrial Boulevard and Depot Road are classified as Class III Bike routes per the City of Hayward Bicycle Master Plan. Overall, the existing bicycle facilities provide adequate connectivity between the proposed project site and the adjacent neighborhoods. The Hayward Bicycle and Pedestrian Master Plan proposes to transform Clawiter Road, Winton Avenue, Industrial Boulevard and Depot Road to Class IV Separated Bikeways. A Class IV Separated Bikeway is a bikeway for the exclusive use of bicycles and includes a separation between bikeway and through vehicle traffic. It is recommended that the project applicant coordinate with City staff to ensure conditions along the project frontage on Clawiter Road are conducive to the proposed improvements.

An impact to bicyclists would occur if the proposed project disrupted existing bicycle facilities; or conflicted with or created inconsistencies with adopted bicycle system plans, guidelines, and policies. The proposed project would not conflict with existing and planned bicycle facilities; therefore, the impact to bicycle facilities is less-than-significant

The proposed project is expected to generate very few trips via transit services, which can be accommodated by the existing transit capacity, and, hence, the proposed project is anticipated to have a less than significant impact on transit facilities or services.

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Less than significant impact. Pursuant to SB 743, the CEQA 2019 Update Guidelines Section 15064.3, subdivision (b) states that VMT shall be the metric in analyzing transportation impacts for land use projects for CEQA purposes. On June 16th, 2020, the City of Hayward adopted a resolution with amendments to the Hayward 2040 General Plan establishing new VMT thresholds for CEQA analysis, consistent with SB 743. Per the City of Hayward's VMT screening criteria for industrial uses, "Industrial employment land use projects located in areas with below regional average VMT per employee and/or within a half mile of a major transit stop or corridor and that include low VMT-supporting features will produce low VMT per employee. This is based on a threshold of average VMT per capita, rather than 15percent below average VMT per employee, as applies to other employment land uses."

The City of Hayward Transportation Impact Analysis Guidelines provide CEQA transportation analysis exemption screening criteria for development projects. The criteria are based on the type of project, characteristics, and/or location. If a project meets the City's screening criteria, the project is expected to result in less-than-significant VMT impacts, and a detailed CEQA VMT analysis is not required. The office component of the project as proposed will meet the screening criteria as a small infill project under 10,000 square feet for VMT analysis exemption.

For the warehouse component of the project, VMT was calculated and reported on a per employee basis. The Bay Area-wide regional average daily VMT per employee for industrial land uses is 18.10. As shown in Figure 3, the project is located in a zone where the VMT per employee is 18.30. Thus, the project is located in a zone where the VMT per employee is approximately 1 percent above the regional average. TDM measures such as those included in the proposed project can reduce the VMT impact. The following analysis demonstrates how the proposed TDM measures would adjust the project's VMT to below the average VMT of 18.10.

VMT Reduction for Employee Trips

The VMT for the employee trips would be reduced by encouraging employees to use alternatives to single-occupant trips, such as carpooling, transit, and bicycling. The project applicant has developed and submitted a TDM and monitoring plan to describe what programs it would implement to reduce VMT and how those programs would be monitored for adherence. The proposed project's TDM programs would include a carpool incentive through a matching program to help drivers find carpool; financial incentives to encourage transit usage by employees, including providing free transit passes to employees; and on-site bicycle facilities such as secure bicycle storage, locker, and shower.

Carpooling reduces the number of vehicles on the road. Employees traveling to the project site could carpool to reduce the VMT of the project. The proposed project could provide a carpool matching service for its employees. According to the site plan, there are dedicated carpool/vanpool spaces proposed on-site in front of the building entrance to promote carpooling behavior. According to the Hayward TIA Guidelines, carpooling would reduce the VMT by 0.7percent.

Currently there is a local bus route (Route 86) that provides service between the Hayward Bay Area Rapid Transit (BART) station and the South Hayward BART station. The closest bus stop is located on Depot Road near Clawiter Road, approximately 1,100 feet south of the project site. Employees using transit to arrive to the project site could result in a reduction in VMT. The proposed project would provide a financial incentive to encourage its employees to use transit, including providing employees with free or partially paid transit passes. According to the Hayward TIA Guidelines, a transit fare reduction would reduce the VMT by 1.2percent. There are bike routes near the project site. These bike routes are located along Cabot Boulevard between West Winton Avenue and Depot Road, Depot Road between Cabot Boulevard and Hesperian Boulevard, Clawiter Road between West Winton Avenue and Arden Road, and Industrial Boulevard between Clawiter Road and Industrial Parkway. These bike routes would encourage employees to bike to the project site, reducing the VMT. The proposed project would provide bicycle parking. The project site would provide showers and lockers for its employees. Encouraging employees to bike to the project site would enhance the bicycle-user experience and therefore encourage non-auto travel and reduce VMT.

It is estimated that the average VMT per employee would be reduced by approximately 1.9 percent percent if all of the recommended measures previously mentioned are implemented. therefore, the project's TDM measures would be sufficient to reduce the VMT impact to a less-than-significant level. The project site would be required to provide to the City an annual TDM Monitoring Report to

ensure compliance and to verify that the implemented measures are effectively reducing VMT to a level below the City's significance thresholds. Impacts would be less than significant.

Cumulative Impact Analysis

Projects must demonstrate consistency with the Hayward 2040 General Plan to address cumulative impacts. If a project is consistent with the General Plan, City of Hayward CAP, and Bicycle and Pedestrian Master Plan, it will be considered part of the cumulative solution to meet the General Plan's long-range transportation goals, resulting in a less-than-significant cumulative impact. Projects must be consistent with and contribute to the recommended bikeway facilities, recommended pedestrian network and proposed transit supportive improvement maps in the Bicycle and Pedestrian Master Plan. The project is consistent with the General Plan goals and policies for the following reasons:

- The proposed project would provide long- and short-term bicycle parking on-site.
- The project site is located near bus stops on Depot Road and Clawiter Road and is near the proposed Class IV separated bikeways on Clawiter Road, Depot Road and Industrial Road. The project applicant has committed to funding a portion of the proposed project frontage along Clawiter Road to implement the proposed Class IV separated bikeway.

Therefore, the proposed project would be considered as part of the cumulative solution to meet the General Plan's long-range transportation goals and would result in a less than significant cumulative impact.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than significant impact with mitigation. This impact assesses roadway safety issues including intersection vehicle queueing, site access and circulation, and sight distance.

Site Access and Circulation

A review of the project site plan was performed to determine whether adequate site access and circulation would be provided, using commonly accepted transportation planning principles and traffic engineering standards.

Vehicle Site Access and Circulation

Vehicle access to the project site would continue to be provided via two driveways on Clawiter Road. These driveways would serve the trucks and employees accessing the site. The proposed project would utilize the same northern driveway location, and would narrow the southern driveway to 35 feet and would also relocate this driveway to the south of its existing location. As shown in Table 4, there would be 114 inbound and 26 outbound trips accessing the driveways during the AM peak-hour and 71 inbound and 118 outbound trips during the PM peak-hour.

According to the City of Hayward Municipal Code, the minimum driveway width is 12 feet, except where a driveway would be along an arterial or major collector street, where the standard is 16 feet.

In addition, the maximum driveway width shall be 35 feet. According to the site plan, both driveways would be approximately 35 feet, which meets the City Standard.

On-site circulation was reviewed in accordance with generally accepted traffic engineering standards. In the parking lot, there would be two-way drive aisles with 90-degree perpendicular parking spaces. Employee parking would be located at the east end of the project site, and truck parking would be located at the west end of the project site. According to the City of Hayward Municipal Code, the drive aisles shall be at least 12 feet for 1-way traffic flow and 20 feet wide for 2-way traffic flow. The drive aisles would be at least 26 feet for 2-way traffic flow and would provide sufficient space for vehicles to back out of the parking stalls. Generally, the proposed plan would provide sufficient space for vehicle traffic with adequate connectivity through the parking areas. According to the site plan, the drive aisles would be at least 30 feet at the northern drive aisle and 40 feet at the southern drive aisle, providing sufficient space for trucks to enter and exit the distribution facility. It is expected that operations would not create spillback onto Clawiter Road given the adequate space provided within the project site. Impacts would be less than significant.

Sight Distance Analysis

Sight distance was evaluated to determine whether a driver would have adequate visibility to enter Clawiter Road from the driveways. The project access points should be free and clear of any obstructions that would materially and adversely affect sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and other vehicles traveling on adjacent roadways. Landscaping and parking should not conflict with a driver's ability to locate a gap in traffic and see oncoming pedestrians and bicyclists. Adequate corner sight distance (sight distance triangles) should be provided at all site access points in accordance with the City's standards. Sight distance requirements vary depending on the roadway speeds.

The speed limit on Clawiter Road is 35 miles per hour (mph). According to the Highway Design Manual (HDM), Chapter 200, 2018, the required minimum stopping sight distance for design speed of 35 mph is 250 feet. The line of sight for vehicles exiting the driveways and vehicles traveling northbound and southbound on Clawiter Road are clear and visible. There are no obstructions on the site plan that would impede vision for vehicles exiting the site. There are existing red curbs north of the northern driveway. Those red curbs should be maintained. Vehicles exiting the northern driveway will be visible to the vehicles traveling northbound and southbound on Clawiter Road.

The southern driveway on Clawiter Road is proposed to be located close to the southern edge of the project site, where Clawiter Road transitions into a slip ramp just north of the intersection with Industrial Boulevard. Vehicles exiting the new southern project driveway would need to be able to see 250 feet to the north to safely accommodate oncoming vehicles. Given the existing roadway curvature on Clawiter Road, to ensure adequate sight distance, on-street parking should be prohibited for about 90 feet north of the southern project driveway. Commercial truck parking should be prohibited for another 50 feet beyond the end of the recommended no parking zone.

To improve vehicle operation around the splitter island just north of the Clawiter Road and Industrial Boulevard intersection, the applicant will be required to reimburse the City for the cost of painting 6-inch of white striping to delineate a gore area north of the tip of the island. The City's Department of

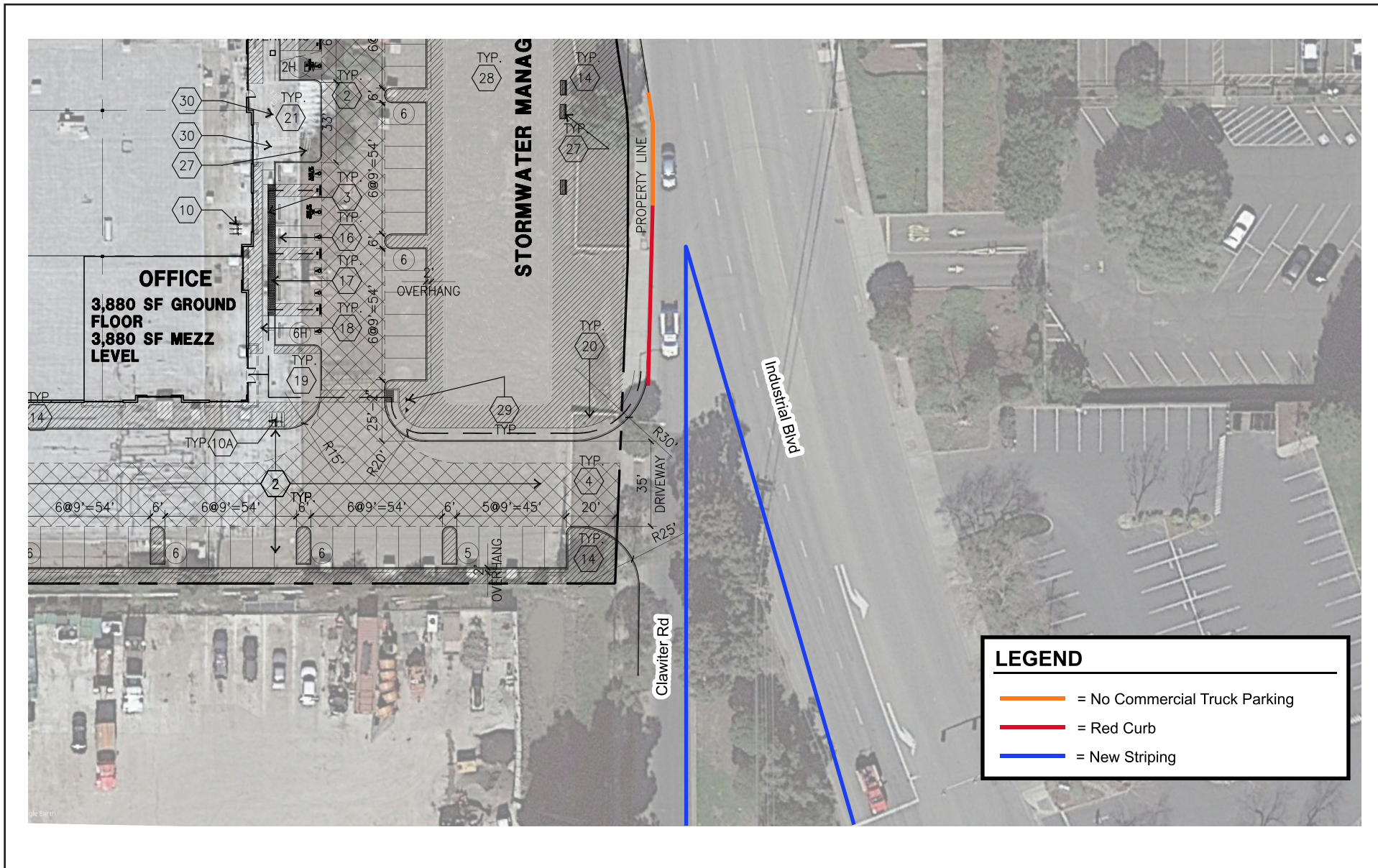
Public Works, Transportation Division has required a no parking zone for 90 feet north of the southern driveway, as well as commercial truck parking prohibition for another 50 beyond that zone and white paint striping of the splitter island as described above. These improvements are shown in Exhibit 7. The proposed project would not substantially increase hazards due to any design features. Impacts would be less than significant with mitigation.

d) Result in inadequate emergency access?

Less than significant impact. According to the site plan, the drive aisles throughout the site would provide adequate emergency vehicle access. The California Fire Code, emergency vehicle access roads shall have a minimum width of 20 feet. The drive aisles throughout the site provides at least 26 feet, which exceeds the requirement. Impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.



Source: Hexagon Transportation Consultants, Inc., June 11, 2021.



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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.18 Utilities and Service Systems <i>Would the project:</i>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Setting

The City of Hayward provides water for residential, commercial, industrial, governmental and fire suppression uses. The City owns and manages its water distribution system and purchases all of its water from the San Francisco Public Utilities Commission (SFPUC) and is delivered through the Hetch-Hetchy aqueducts and treated water produced by the SFPUC from its local watershed in and facilities in Alameda County. Emergency water supplies are available through connections with the Alameda County Water District and the East Bay Municipal Utility District (EBMUD) in case of disruption of delivery from SFPUC. Less than 3 percent of the City is served by EBMUD. The site is currently served by all utilities and the proposed project would connect to existing water lines in Clawiter Road.

Would the project:

- a) **Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

Less than significant impact.

The City of Hayward 2015 UWMP projected that the City would use 7,850 million gallons of potable water by 2020, 8,320 million gallons by 2025, and 8,600 million gallons by 2030. The projected potable water supply in 2025 would be 9,320 gallons. In 2030, the projected water supply would be 9,600 million gallons. Furthermore, the City of Hayward operates a Recycled Water facility, which treats wastewater to be used for purposes such as cooling water for the production of energy. Recycled water is projected to supply 1,000 million gallons of water in 2025 and 2030.⁵⁴ As such, there is sufficiently available potable water to serve the proposed project.

The proposed project would connect to sewer lines in Clawiter Road. The City of Hayward owns and manages the wastewater collection treatment system that serves almost all development within the incorporated City limits. The East Bay Dischargers Authority disposes of the treated wastewater.⁵⁵ The City-owned Water Pollution Control Facility (WPCF) will be able to treat up to 18.5 million gallons per day (mgd) by 2035, which is 6,752.5 million gallons for the whole year.⁵⁶ While this is not sufficient capacity to serve projected sewer treatment needs of the City with the full buildout of the General Plan, General Plan Policy PFS-1 requires the construction of water and wastewater facilities as needed. Furthermore, General Plan Policy PFS-1.4 states that “the City shall, through a combination of improvement fees and other funding mechanisms, ensure that new development pays its fair share of providing new public facilities and services and/or the costs of expanding existing facilities and services impacted by the new development.”⁵⁷ The intent of this policy is for developments such as the proposed project to fund facilities such as wastewater treatment facilities.

In compliance with the MRP and RWQCB C.3 requirements, the proposed project would include the construction of on-site bioretention facilities to retain and treat anticipated stormwater and ensure that post-construction flow does not exceed existing conditions.

PG&E provides electrical and natural gas service to the City of Hayward. The proposed project would connect to existing gas and electrical lines.

The proposed project is compatible with the General Plan’s IC, Industrial Corridor land use designation and, therefore, can be considered planned growth. As such, any expansion of utilities, (as demonstrated in General Plan policies related to sewer treatment capacity expansion), would be planned as well. The proposed project would not itself require or result in the relocation or

⁵⁴ City of Hayward. 2016. 2015 Urban Water Management Plan. Website: <https://www.hayward-ca.gov/sites/default/files/documents/City%20of%20Hayward%20Final%202015%20UWMP.pdf> Accessed May 21, 2021.

⁵⁵ City of Hayward. 2013. Draft Environmental Impact Report City of Hayward 2040 General Plan. Chapter 19: Utilities and Service Systems Website: https://www.hayward-ca.gov/sites/default/files/documents/Hayward%20GPU%20Public%20Release%20Draft%20EIR_1-30-14.pdf Accessed May 21, 2021.

⁵⁶ City of Hayward. 2016. 2015 Urban Water Management Plan. Website: <https://www.hayward-ca.gov/sites/default/files/documents/City%20of%20Hayward%20Final%202015%20UWMP.pdf> Accessed May 21, 2021.

⁵⁷ City of Hayward. 2013. Draft Environmental Impact Report City of Hayward 2040 General Plan. Chapter 19: Utilities and Service Systems Website: https://www.hayward-ca.gov/sites/default/files/documents/Hayward%20GPU%20Public%20Release%20Draft%20EIR_1-30-14.pdf Accessed May 24, 2021.

construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications. Impacts would be less than significant.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than significant impact. As stated above, the 2015 UWMP indicates that the City of Hayward would have a potable water supply of 9,320 million gallons in 2025. In 2030, the projected water supply would be 9,600 million gallons. Furthermore, the City of Hayward operates a Recycled Water facility, which treats wastewater to be used for purposes such as cooling water for the production of energy.⁵⁸ By 2025, recycled water is projected to supply 1,000 million gallons of water per year. The UWMP plan accounts for General Plan buildout in its water demand estimates. As a result, the proposed project's estimated water demand is already accounted for in the UWMP. Furthermore, the City has five emergency wells using local groundwater, which could potentially supply 13.6 million gallons per day in the short-term in case of emergency. However, according to the General Plan, the City is expected to meet 66 percent of demand in 2035.⁵⁹ The UWMP outlines several water conservation policies aimed at reducing demand and maximizing the use of local water supplies in the event of water shortages. The SFPUC adopted the Water Supply Agreement (WSA) which includes a Water Shortage Allocation Plan (WSAP) to allocate SFPUC water supplies to retail and wholesale customers during system-wide shortages of 20 percent or less.⁶⁰ Therefore, impacts would be less than significant.

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?

Less than significant impact. The City of Hayward 2015 UWMP projected that by 2020, the City would use 7,850 million gallons of potable water, 8,320 million gallons by 2025, and 8,600 million gallons by 2030.⁶¹

The proposed project would connect to sewer lines in Clawiter Road, which are owned and managed by the City as part of its wastewater collection treatment system that serves almost all development within the incorporated City limits. The East Bay Dischargers Authority disposes of the treated wastewater. The City-owned WPCF is able to treat up to 18.5 mgd, which would be 6,752.5 million gallons of water per year of wastewater to a secondary level.⁶² While this is not sufficient capacity to serve projected sewer treatment needs of the City, General Plan Policy PFS-1 requires the construction of water and wastewater facilities as needed. Furthermore, General Plan Policy PFS-1.4 states that "the City shall, through a combination of improvement fees and other funding

⁵⁸ City of Hayward. 2016. 2015 Urban Water Management Plan. Website: <https://www.hayward-ca.gov/sites/default/files/documents/City%20of%20Hayward%20Final%202015%20UWMP.pdf> Accessed May 21, 2021.

⁵⁹ City of Hayward. 2013. Draft Environmental Impact Report City of Hayward 2040 General Plan. Chapter 19: Utilities and Service Systems Website: https://www.hayward-ca.gov/sites/default/files/documents/Hayward%20GPU%20Public%20Release%20Draft%20EIR_1-30-14.pdf Accessed May 21, 2021.

⁶⁰ City of Hayward. 2016. 2015 Urban Water Management Plan. Website: <https://www.hayward-ca.gov/sites/default/files/documents/City%20of%20Hayward%20Final%202015%20UWMP.pdf> Accessed May 21, 2021.

⁶¹ Ibid

⁶² Ibid

mechanisms, ensure that new development pays its fair share of providing new public facilities and services and/or the costs of expanding existing facilities and services impacted by the new development.”⁶³ The intent of this policy is for developments such as the proposed project to fund facilities such as wastewater treatment facilities. General Plan Policy LU-1.11 states that the “City shall consider the annexation of adjoining unincorporated properties if the annexation would... provide a more efficient delivery of City services to the area,” specifically, water and wastewater services. As such, capacity for wastewater treatment is likely to expand by 2025 to adequately serve City demands, including the proposed project. Therefore, impacts would be less than significant.

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?

Less than significant impact. Solid waste from the City of Hayward is collected by the Department of Public Works and Utilities through Waste Management of Alameda County (WMAC). Waste is disposed of at Altamont Landfill, which is not expected to close until the year 2040. The City of Hayward has exceeded the State population and employee per capita diversion targets established by SB 1016. As of 2015, the City of Hayward was diverting of 75percent of its waste.

As of 2016, the remaining capacity of the Altamont Landfill was 65,400,000 tons with a maximum permitted throughput of 11,150 tons per day.⁶⁴ Using the EPA’s construction solid waste generation rate of 3.89 pounds/square foot, the proposed project would generate 613,550.25 pounds of solid waste during construction, which is approximately 306.8 tons.⁶⁵ Using a standard operational waste generation rate of 2.5 pounds per square foot/year, the proposed project would generate 394,312.5 pounds of solid waste annually, which is approximately 197.2 tons.⁶⁶ These values represent less than .01 percent of the remaining capacity at the Altamont Landfill. Therefore, there is adequate landfill capacity in the region to serve the project for the foreseeable future. Impacts would be less than significant.

e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

Less than significant impact. Solid waste from the City of Hayward is collected by the Department of Public Works and Utilities through WMAC. Under the Alameda County Mandatory Recycling Ordinance, all businesses with 4 cubic yards or more of weekly garbage service are required to have recycling services. Under this program, WMAC offers commercial recyclables collection and collection of food scraps, food-soiled paper, and other organics at half the price of regular garbage service. The proposed project would comply with all federal, State, and local management and reduction statutes and regulations related to solid waste. Impacts would be less than significant.

⁶³ City of Hayward. 2013. Draft Environmental Impact Report City of Hayward 2040 General Plan. Chapter 19: Utilities and Service Systems Website: https://www.hayward-ca.gov/sites/default/files/documents/Hayward%20GPU%20Public%20Release%20Draft%20EIR_1-30-14.pdf Accessed May 24, 2021.

⁶⁴ CalRecycle. 2019. SWIS Facility/Site Activity Details: Altamont Landfill & Resources Recovery (01-AA-0009). Website: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/7?siteID=7> Accessed May 20, 2021.

⁶⁵ 157,725 square feet multiplied by 3.89 pounds is equal to 613,550.25 pounds.

⁶⁶ 157,725 square feet multiplied by 2.5 pounds is equal to 394,312.5 pounds.

Mitigation Measures

None.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.19 Wildfire <i>If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the project:</i>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Setting

A “Very High Fire Hazard Severity Zone” in a Local Responsibility Area (LRA) means an area designated by the Director of Forestry and Fire Protection pursuant to Government Code Section 51178 that is not a State Responsibility Area (SRA). The project site is located in an LRA designated “Non-Very High Fire Hazard Severity Zone.” The closest designated “Very High Fire Hazard Severity Zone” is located approximately 7 miles to the northeast of the project site. Would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Less than significant. The project site is not located on or near an SRA or a Fire Hazard Severity Zone (FHSZ). Although this topic only applies to areas within an SRA or Very High FHSZ, out of an abundance of caution, the following information is provided:

The City does not have an adopted emergency response plan or emergency evacuation plan. The proposed project would be accessed by two driveways along Clawiter Road, providing sufficient width for emergency access in accordance with the most recent version of the California Fire Code and Building Code. Additionally, the project does not propose any changes (land reductions or narrowing, permanent road closures, etc.) to major roadways that would function as evacuation routes, such as Isabel Avenue. Impacts would be less than significant.

- 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?**

Less than significant. The project site is located within the City of Hayward and the area surrounding the project site is urbanized and without steep slopes. Moreover, the project is a redevelopment of an existing site with a similar type of use. As such, the proposed project would not exacerbate wildfire risks. Impacts would be less than significant.

- 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?**

Less than significant. The project site is located in a developed area surrounded by existing roadways. While there are some grasses and trees along the outskirts of the project site, most of it is currently developed with two industrial buildings and pavement. As such, the proposed project would not require fuel breaks as the project site is not located in an area with dense vegetation that would encroach on the project development leading to an increase fire risk.

The proposed project would not involve the installation of new roads or above ground power lines. The proposed project would connect to existing electric, gas, water, and sewer lines. Therefore, impacts related to infrastructure that exacerbates fire risk would be less than significant.

- d) **Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

Less than significant. The project site is flat, which precludes the possibility of landslides or post-fire slope instability. The proposed project would be subject to regulations from the 2015 MRP of the RWQCB and the Alameda Countywide Clean Water Program and the latest Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics criteria summary. Compliance with these regulations effectively reduces any flooding or runoff risks. Therefore, impacts would be less than significant.

Mitigation Measures

None.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.20 Mandatory Findings of Significance				
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

- 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?**

Less than significant impact with mitigation incorporated. The project could temporarily degrade air quality during construction. This potential impact would be mitigated by MM AIR-1. The proposed project may result in several impacts associated with biological resources and cultural resources that would be significant if left unmitigated. MM BIO-1, MM BIO-2, MM CUL-1, and MM CUL-2 would fully mitigate all potential impacts to a less than significant level. With the implementation of these mitigation measures, the proposed project would have less than significant impacts.

- 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)?

Less than significant impact. All cumulative impacts related to air quality, noise, and traffic are either less than significant after mitigation or less than significant and do not require mitigation. Given the scope of the project and its impacts and mitigation measures, the incremental effects of this project are not considerable relative to the effects of past, current, and probably future projects. As discussed previously, the proposed project does not have a significant cumulative traffic impact. Therefore, the proposed project would not result in cumulatively considerable impacts on these areas. Impacts would be less than significant.

- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than significant impact. All impacts identified in this IS/MND are either less than significant after mitigation, or less than significant and do not require mitigation. Therefore, the proposed project would not result in environmental effects that cause substantial adverse effects on human beings either directly or indirectly. Impacts would be less than significant.

Mitigation Measures

Implement MM BIO-1, MM BIO-2, MM CUL-1, MM CUL-2, MM HAZ-1, MM HAZ-2, and MM HAZ-3.

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