Gading One Residential Project

Initial Study and Proposed Mitigated Negative Declaration

The following Initial Study has been prepared in compliance with the California Environmental Quality Act.

Prepared By:

City of Hayward
Development Services Department
777 B Street
Hayward, CA 94541
(510) 583-4207
Contact: Linda Ajello

May 2016

INTRODUCTION

Initial Study

Pursuant to Section 15063 of the *California Environmental Quality Act (CEQA) Guidelines* (Title 14, California Code of Regulations, Sections 15000 et seq.), an Initial Study is a preliminary environmental analysis that is used by the lead agency (the public agency principally responsible for approving or carrying out the proposed project) as a basis for determining whether an Environmental Impact Report, a Mitigated Negative Declaration, or a Negative Declaration is required for a project. The *State CEQA Guidelines* require that an Initial Study contain a project description, description of environmental setting, identification of environmental effects by checklist or other similar form, explanation of environmental effects, discussion of mitigation for significant environmental effects, evaluation of the project's consistency with existing, applicable land use controls, and the name of persons who prepared the study.

The purpose of this Initial Study is to evaluate the potential environmental impacts of the proposed Gading One Residential project to determine what level of additional environmental review, if any, is appropriate. As shown in the Determination in Section IV of this document, and based on the analysis contained in this Initial Study, it has been determined that the proposed project would not result in any significant impacts that cannot be mitigated to less than significant levels. The analysis contained in this Initial Study concludes that the proposed project would result in the following categories of impacts, depending on the environmental resource involved: no impact; less than significant impact; or less than significant impact with the implementation of project-specific mitigation measures. Therefore, preparation of a Mitigated Negative Declaration is appropriate (the Proposed Mitigated Negative Declaration is presented in **Appendix A**).

Public and Agency Review

This Initial Study/Proposed Mitigated Negative Declaration will be circulated for public and agency review from May 27, 2016 to June 17, 2016. Copies of this document are available for review at the City of Hayward Development Services Department, 777 B Street, at the Main City Library, 835 C Street, and the Weekes Branch, 27300 Patrick Avenue, and on the City's website at http://www.hayward-ca.gov. Comments on this Initial Study/Proposed Mitigated Negative Declaration must be received by 5:00 PM on June 17, 2016 and can be sent or emailed to:

Linda Ajello, AICP
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Planning Division
777 B Street
Hayward, CA 94541
linda.ajello@hayward-ca.gov

1. **Project title:**

   Gading One Residential Project

2. **Lead agency name and address:**

   City of Hayward - Development Services Department
   Planning Division
   777 B Street
   Hayward, CA 94541

3. **Contact person and phone number:**

   Linda Ajello, AICP
   Senior Planner
   (510) 583-4207

4. **Project location:**

   The Project is located at 25906 Gading Road in Hayward, California. The Project site is bound by Gading Road to the west and generally bound by Huntwood Way to the north, Coleman Avenue to the east, and Gading Court to the south. The site includes Assessor's Parcel Number 453-0005-063-02.

5. **Project sponsor's name and address:**

   Gading Ventures, LLC
   43430 Mission Boulevard, Suite 210
   Fremont, CA 94539

6. **City of Hayward General Plan Designation:**

   MDR (Medium Density Residential)

7. **City of Hayward Zoning:**

   RS (Single-Family Residential)

8. **Project Description**

   The project proposes a subdivision of approximately 1.75 acres in order to develop 20 detached single-family homes, common open space and a private street that would have access from a public street. The project will be compatible with the existing single- and multi-family residential development surrounding the site.

9. **Discretionary approval authority and other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):**

The following approvals from the City of Hayward will be required to construct the project.

- Zone Change from Single-Family Residential to Planned Development
- Grading permit
- Building Permit

Regional Setting

The City of Hayward is known as the "Heart of the Bay" thanks to its central and convenient location in Alameda County along the east side of the San Francisco Bay, twenty-five (25) miles southeast of San Francisco, fourteen (14) miles south of Oakland, twenty-six (26) miles north of San Jose, and ten (10) miles west of the valley communities of San Ramon, Dublin and Pleasanton. **Figure 1 (Regional Location)** depicts the Project's location relative to the broader San Francisco Bay region.

The City of Hayward lies at the southeastern shore of the San Francisco Bay, at the western toe of the Diablo Mountain Range. Topography in the eastern portion of Hayward generally consists of moderately steep foothills descending from the Diablo Range, leveling into a valley before reaching the San Francisco Bay.

The Nimitz Freeway (US 880) passes through the City of Hayward on its path between the City of San Jose and Bay Bridge (in Oakland). The San Mateo Bridge (State Route 92) spans the San Francisco Bay between the cities of Hayward and Foster City.

The City of Hayward borders on a large number of municipalities and communities. The cities bordering on Hayward are San Leandro, Union City, Fremont and Pleasanton. The census designated places bordering on Hayward (within the County of Alameda) are Castro Valley, San Lorenzo, Cherryland, Sunol and Fairview.

City Setting

The modern City of Hayward had its origins in the 1850s during the Gold Rush. An approximate twenty-eight (28) block area in the vicinity of Hayward's Historic City Hall was provided the first parcels of land for settlers. Over the intervening years, Hayward urbanized by transforming agricultural lands to various forms of residential, commercial, and industrial development connected by a series of local streets and regional highways. Today, the City of Hayward is highly urbanized with the shoreline and hillsides being natural open space.

Presently, the western and southern portions of Hayward primarily consist of industrial land uses (e.g., warehouses, distribution facilities, manufacturing). To the east and north of this industrial corridor, in which the Project is located, lie numerous tracts of residential development often centered upon public school sites. Commercial development tends to be located along major arterial streets (e.g., Hesperian Boulevard, Tennyson Road, Mission Boulevard) passing by or through the residential tracts. **Figure 2 (City Setting)** depicts the Project's location relative to the broader San Francisco Bay region.

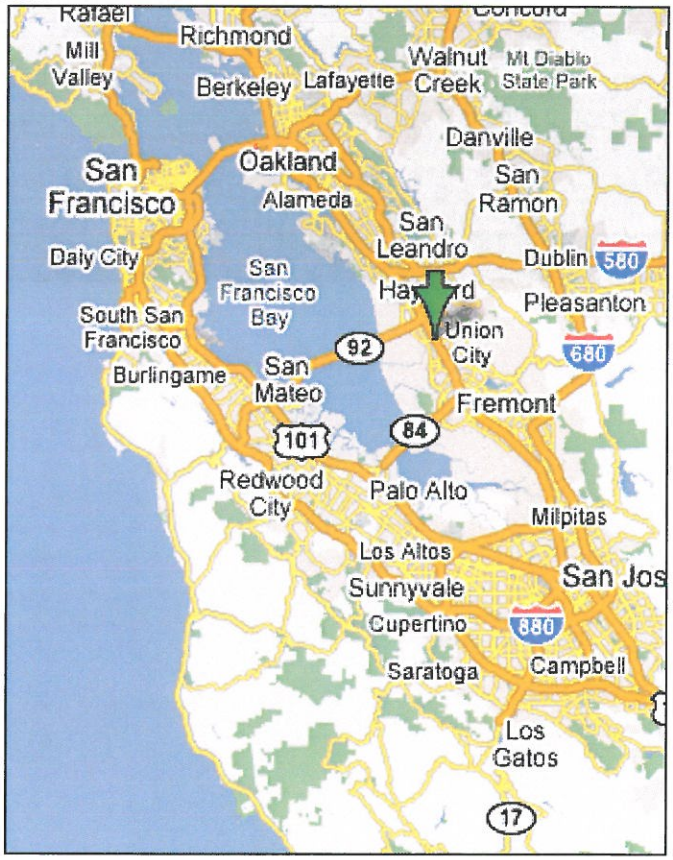
Local Setting

The Project location is an approximately 1.75 acre site within the Harder – Tennyson neighborhood **(see Figure 3 – Local Setting)**. Interstate 880 and 580 provide regional access to the project site. The suburban location consists largely of residential land uses constructed after World War II, including a single-family residential subdivision constructed in the 1950's to the east; multi-family residential units constructed in the 1960's and 70's to the north, south and west; and detached single-family homes constructed in 2009 to the south. The residential properties nearby the Project site are one (1) and two (2) stories in height.

Existing Conditions:

The Project site consists of a vacant rectangular-shaped property that is approximately 76,326 square feet (1.75 acres) in area **(see Figure 4 – Proposed Site Plan)**. The site was previously occupied by a single-family home and detached garage, constructed in the late 1940's and demolished in 2009[1]. The Project site is relatively flat at approximately 40 feet above mean sea level (msl), and gently slopes toward the south. Thirty-two (32) trees of varying size and species are dispersed across the Project site. There is a concrete curb, sidewalk and planting strip along the west side of the property along Gading Road and there is a single curb-cut which served the single-family home that previously existed on the site.

Figure 1: Regional Location



[1] City of Hayward Building Permit Records

Figure 2: City Setting

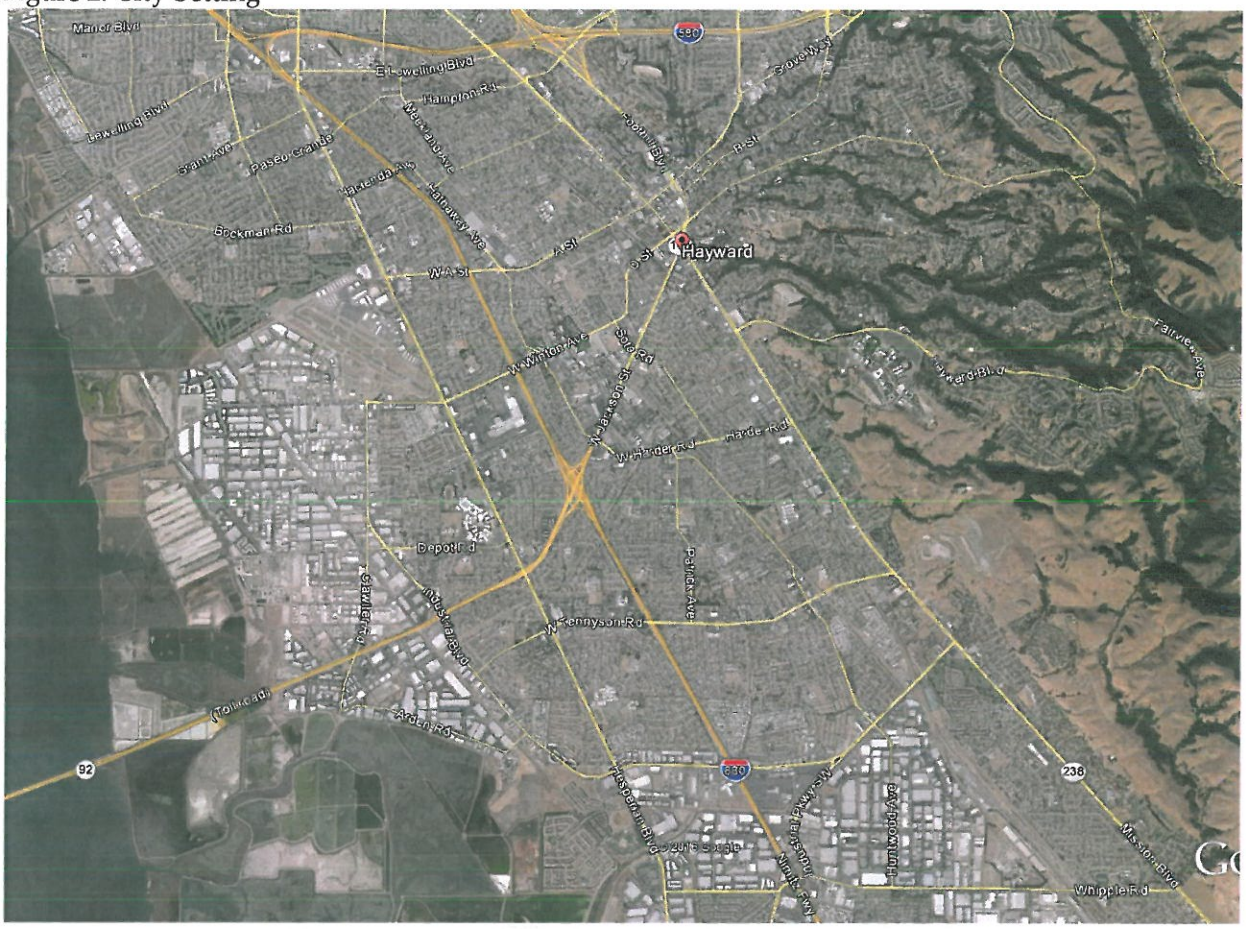


Figure 3: Local Setting

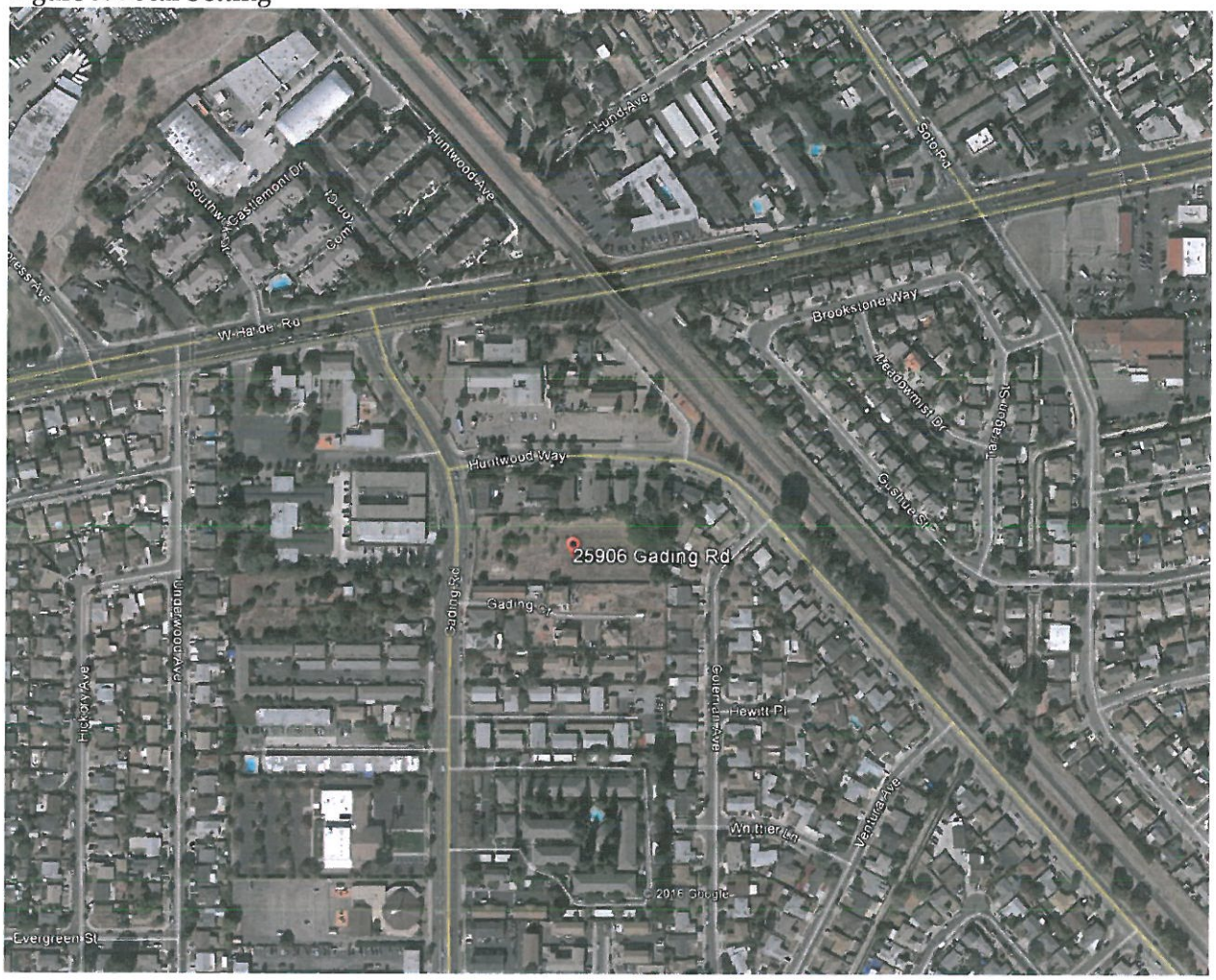
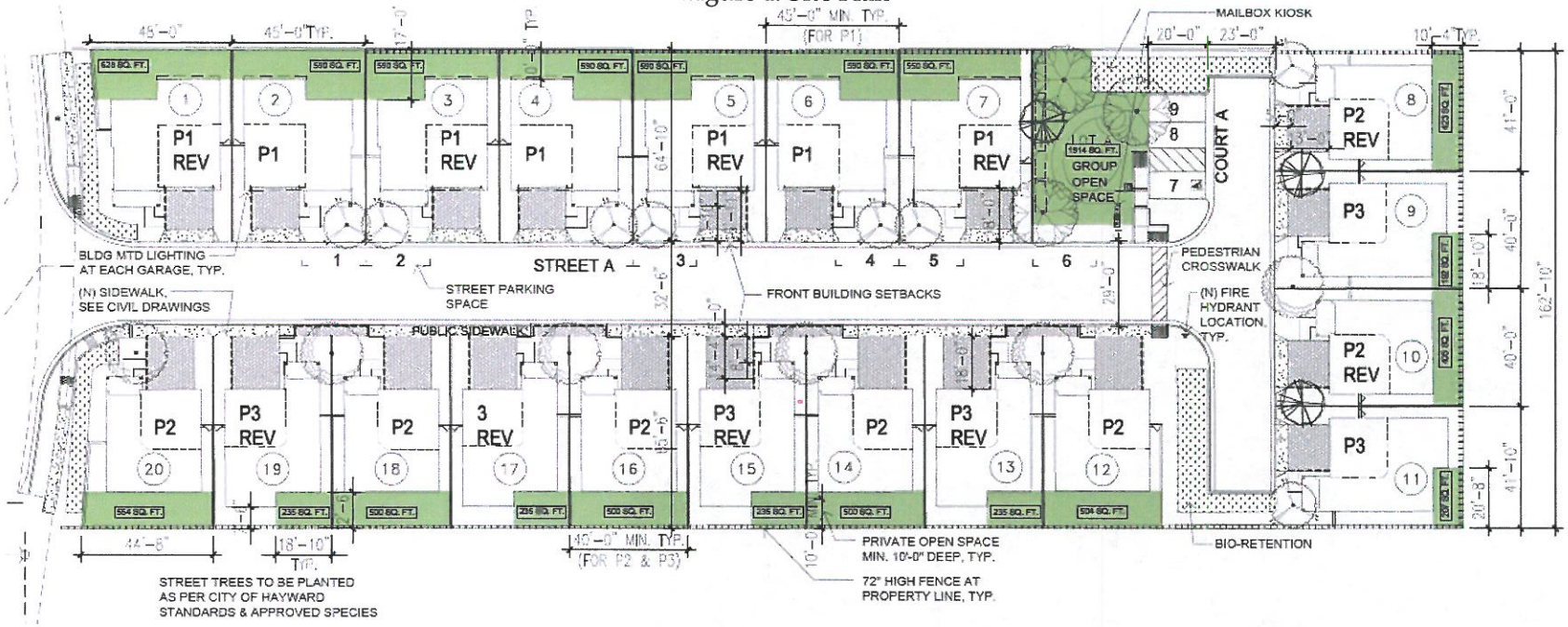


Figure 4: Site Plan



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

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

DETERMINATION

On the basis of the initial evaluation that follows:

□ I find that the proposed project WOULD 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 would not be a significant effect in this case because revisions in the project have been made that would avoid or reduce any potential significant effects to a less than significant level. A MITIGATED NEGATIVE DECLARATION will be prepared.

□ I find that the proposed project MAY have a significant effect on the environment. An ENVIRONMENTAL IMPACT REPORT will be prepared.

Linda Ajello, AICP
Senior Planner

05.23.2016
Date

EVALUATION OF ENVIRONMENTAL IMPACTS

During the completion of the environmental evaluation, the City relied on the following categories of impacts, noted as column headings in the IS checklist. All impact determinations are explained, and supported by the information sources cited.

A) "Potentially Significant Impact" is appropriate if there is substantial evidence that the project's effect may be significant. If there are one or more "Potentially Significant Impacts" for which effective mitigation may not be possible, a Project EIR will be prepared.

B) "Less Than Significant With Mitigation Incorporated" applies where the incorporation of project-specific mitigation would reduce an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." All mitigation measures must be described, including a brief explanation of how the measures would reduce the effect to a less than significant level.

C) "Less Than Significant Impact" applies where the project would not result in a significant effect (i.e., the project impact would be less than significant without the need to incorporate mitigation).

D) "No Impact" applies where the project would not result in any impact in the category or the category does not apply. This may be because the impact category does not apply to the proposed project (for instance, the project site is not within a surface fault rupture hazard zone), or because of other project-specific factors.

Impact Questions and Responses

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
1. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	■
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	■
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	■	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	■	☐

Discussion of Potential Project Impacts

a) ***No Impact.*** A scenic vista is generally defined as an expansive view of highly valued landscape as observable from a publicly accessible vantage point. According to the *Hayward 2040 General Plan Background Report*, views of natural topography, open grassland vegetation, rolling hills, and the Bay shoreline make up the prominent elements of the City's scenic landscape. In addition, portions of I-580, I-880, and SR 92 within the City are designated as County scenic highways. The proposed project site is not part of any scenic landscape within the City and is not located with the viewshed of a County scenic highway. The site is flat and is located in an urbanized area surrounded by residential uses. Based on these factors, the proposed project would have no impact with regard to this criterion.

b) ***No Impact.*** The project site is not located adjacent to a state scenic highway[2] and does not contain scenic resources as identified in the *Hayward 2040 General Plan* or any other land use plans. As a result, the proposed project would have no impact with regard to this criterion.

c) ***Less than Significant Impact***. Construction of the proposed project will alter the visual character of the project site by constructing twenty (20) two-story detached single-family homes on a site that is currently vacant. The surrounding area is developed with one- and two-story detached single-family homes and multi-family structures and the proposed development will be consistent with the height and density planned for the project site by the City's General Plan. In addition, the proposed project would provide landscaping throughout the development consisting of trees, shrubs, groundcover and turf. Finally, the project area is a mix of architectural styles with no particular design aesthetic or architectural style being dominant. Therefore, the proposed architectural design of the proposed homes would be compatible with the mixed visual character of the area; thus no impact.

[2] http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm

d) ***Less than Significant Impact***. The intensity and extent of visibility of the interior lighting from the proposed project would be typical of other residential structures in the area. Exterior lighting of the proposed project would be restricted to illuminating the pedestrian and vehicular access ways at street level, consistent with the surrounding development, and is not expected to create substantial new illumination in the area. The new residential units will add some additional light to this area, but the amount is considered less than significant given the surrounding developed area.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURE AND FORESTRY RESOURCES – 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?	☐	☐	☐	■
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	■
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?	☐	☐	☐	■
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	■
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	■

Discussion of Potential Project Impacts

a) ***No Impact.*** The project site is currently vacant but was previously developed with a single-family home and detached garage. The project site is zoned RS (Single-Family Residential) per the *Hayward Zoning Map* and is designated as Urban and Built-Up Land on maps prepared by the California State Department of Conservation pursuant to the Farmland Mapping and Monitoring Program[3] (FMMP). A Zone Change is proposed from RS to PD (Planned Development) to allow single-family homes to be developed on lots smaller than the minimum required under the RS Zoning Regulations.

The project site is not currently used for agriculture, and is not designated as Farmland on maps prepared pursuant to the FMMP; therefore there would be no impact.

b) ***No Impact.*** As discussed above, the project site is zoned RS (Single-Family Residential) per the *Hayward Zoning Map*. According to Section 10-1.1200 of the *Hayward Municipal Code*, the purpose of RS designation is to promote and encourage a suitable environment for family life where children are members of families. Permitted uses include single-family homes and the community services appurtenant thereto as permitted by zoning. No portion of the project site is zoned for agricultural use. In addition, there is no Williamson Act contract applicable to the project site or its vicinity. Therefore, the

[3] http://maps.conservation.ca.gov/ciff/ciff.html

proposed residential development on the project site would not conflict with existing zoning for agricultural use (as it does not apply to the site) or a Williamson Act contract; therefore there would be no impact.

c) ***No Impact***. As identified in **Item (b)**, above, the project site is zoned RS (Single-Family Residential) per the *Hayward Zoning Map*. No portion of the project site is zoned forest land or timber land. There would be no impact with regard to this criterion.

d) ***No Impact.*** No part of the project site contains forest lands. Furthermore, the surrounding area does not include any forest land or timber land. There would be no impact with regard to this criterion.

e) ***No Impact.*** Development of the project site would occur in a densely developed urbanized area and there are no agricultural lands near the site. Therefore, future development on the project site under the proposed project would not involve any changes that could directly or indirectly lead to the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use; therefore there would be no impact.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
3. **AIR QUALITY** – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	■	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (e.g., induce mobile source carbon monoxide (CO) emissions that would cause a violation of the CO ambient air quality standard)?	☐	■	☐	☐
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	■	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	■	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	■	☐

Relevant Elements of the Project and its Setting

On June 2, 2010, the BAAQMD's Board of Directors unanimously adopted thresholds of significance to assist local jurisdictions during the review of projects that are subject to CEQA. These thresholds of significance were designed to establish the level at which the BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA. On March 5, 2012, the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the thresholds. The court did not determine whether the thresholds were valid on the merits, but found that the adoption of the thresholds was a project under CEQA. The court issued a writ of mandate ordering the BAAQMD to set aside the thresholds and cease dissemination of them until the BAAQMD had complied with CEQA. The BAAQMD has appealed the Alameda County Superior Court's decision. The appeal is currently pending in the Court of Appeal of the State of California, First Appellate District (Bay Area Air Quality Management District Updated CEQA Guidelines, http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx).

In view of the court's order, the BAAQMD is no longer recommending that the 2010 significance thresholds be used as a generally applicable measure of a project's significant air quality impacts. Lead agencies must determine appropriate air quality thresholds of significance based on substantial evidence in the record. Given that the court's judgment does not pertain to the scientific soundness of the significance thresholds contained in the BAAQMD 2010 CEQA Guidelines and given that these thresholds are supported by substantial evidence, as provided by the BAAQMD in Appendix D of the Air Quality Guidelines, these thresholds are used in this initial study for the evaluation of air quality impacts of the proposed project.

Discussion of Potential Project Impacts

a) ***Less than Significant Impact.*** The most recent clean air plan is the *Bay Area 2010 Clean Air Plan* that was adopted by the BAAQMD in September 2010. A proposed project would be considered to be consistent with the goals of the Clean Air Plan if it would attain air quality standards, reduce population exposure and protect public health in the Bay Area, and reduce GHG emissions and protect the climate. The proposed project would not conflict with the latest Clean Air planning efforts since: (1) the project would have emissions below the BAAQMD criteria air pollutant thresholds (see Item b-c below), (2) development of the project site would be considered urban "infill," (3) development would be located near employment centers, and (4) development would be near existing transit. Net operational emissions associated with the proposed would not exceed any of the significance thresholds and, thus, it is not required to incorporate project-specific transportation control measures listed in the latest Clean Air Plan. The project would not conflict with or obstruct the implementation of the Clean Air Plan. The impact would be less than significant.

b) ***Less than Significant Impact with Mitigation.*** The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of their CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria, the proposed project of twenty (20) new single-family homes screens below what would require additional evaluation; thus the proposed project and impacts caused by construction activities will not violate any air quality standard and the impact is less than significant.

Construction Period Emissions

Construction activities, particularly during demolition, site preparation and grading, would temporarily generate fugitive dust, including PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site during grading and soil remediation and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. Fugitive dust emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. Fugitive dust emissions would also depend on soil moisture, silt content of soil, wind speed, and the amount of equipment operating. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site. The *CEQA Air Quality Guidelines* consider the impact from a project's construction-phase dust emissions to be less than significant if best management practices listed in the guidelines are implemented. Without these BMPs, the impact from dust emissions would be potentially significant.

Mitigation Measure AIR-1 is proposed, which requires that the dust control BMPs put forth by the BAAQMD are implemented by the proposed project as well as the expanded retail scenario. With the implementation of the required BAAQMD recommended BMPs pursuant to **Mitigation Measure AIR-1**, the construction of the proposed project would not result in substantial emissions of fugitive dust, PM_{10} or $PM_{2.5}$, and the impact associated with construction-period emissions of fugitive dust, PM_{10} and $PM_{2.5}$ would be less than significant.

> **Mitigation Measure AIR-1:** The construction contractor(s) shall implement the following BMPs during project construction:
>
> - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
> - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
> - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
> - All vehicle speeds on unpaved roads shall be limited to 15 mph.
> - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible after grading, unless seeding or soil binders are used.
> - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
> - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
> - Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

c) ***Less than Significant Impact with Mitigation.*** The Bay Area is considered a non-attainment area for ground-level ozone and PM2.5 under both the Federal Clean Air Act and the California Clean Air Act. The Bay Area is also considered nonattainment for PM10 under the California Clean Air Act, but not the federal act. The Bay Area has attained both State and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM10, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NOx), PM10, and PM2.5 and the thresholds apply to both construction period and operational period impacts.

In their 2011 update to the CEQA Air Quality Guidelines, BAAQMD identified the size of land use projects that could result in significant air pollutant emissions. A single-family project size of 114 dwelling units was identified as significant for construction exhaust impacts, and a single family project size of 325 dwelling units was identified as significant for operational impacts. The proposed project includes development of 20 single-family dwelling units, thus emissions from the proposed project would be below the BAAQMD significance thresholds for both construction exhaust and operational emissions for regional criteria pollutants. However, construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM10 and PM2.5. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. Fugitive dust emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. Fugitive dust emissions would also depend on soil moisture, silt content of soil, wind speed, and the amount of equipment operating. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices are employed to reduce these emissions (see **Mitigation Measure AIR-1**).

d) ***Less than Significant Impact.*** Sensitive receptors are locations where an identifiable subset of the general population (children, asthmatics, the elderly, and the chronically ill) that is at greater risk than the general population to the effects of air pollutants is likely to be exposed. These locations include residences, schools, playgrounds, childcare centers, retirement homes, hospitals, and medical clinics. The project is a residential in-fill development and is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels; thus the impact is less than significant.

e) ***Less than Significant Impact.*** The proposed project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. The odor from these emissions may be noticeable from time to time by adjacent receptors. However, they would be localized and are not likely to adversely affect people off site by resulting in confirmed odor complaints. The project would not include any sources of significant odors that would cause complaints from surrounding uses. This impact would be less than significant.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
4. BIOLOGICAL RESOURCES – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	■	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	■
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	■
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	■
e) Conflict with any applicable policies protecting biological resources?	☐	■	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other applicable habitat conservation plan?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

The project site is located in an urban area and is surrounded by existing residential uses. The General Plan EIR notes that the City's urban area (which encompasses the project area), is composed of common upland habitat which does not provide suitable habitat conditions for special-status animal species. The General Plan EIR also notes that special-status plant species are found along the bay front and within the Hayward hills area, neither of which includes the project area. Since the project area is fully developed

and disturbed, no significant impact related to special-status species is anticipated as a result of the project.

The project site is lacking any biological habitat with the exception of typical urban landscaping. A total of 32 trees are located on the project site and 3 adjacent to the project site. According to the US Fish and Wildlife Service (USFWS) National Wetlands Inventory, there are no wetlands or potential wetlands located on or within the vicinity of the project site[4]. The nearest body of water to the project site is channelized Zeile Creek, located approximately two-hundred and ninety (290) feet northeast of the project site[5].

Discussion of Potential Project Impacts

a) ***Less than Significant Impact with Mitigation.*** As discussed above, no special-status plant or wildlife species have been documented on the project site and no special status species are expected to occur on the project site. However, numerous common bird species could nest on or near the project site and the active nests of common bird species are protected by the Migratory Bird Treaty Act and the California Fish and Game Code. In addition, development of the project would result in the removal of mature trees on the project site that are large enough to provide nesting sites. In the event that nesting birds are present on or near the project site when construction is commenced or when the on-site trees are removed, construction activities associated with the proposed project could result in the direct loss of or noise-disturbance to an active nest. This is considered a potentially significant impact. However, with implementation of **Mitigation Measures BIO-1** and **BIO-2**, which requires a preconstruction survey and avoidance of active nests, the impact would be reduced to a less than significant level.

> **Mitigation Measure BIO-1**: If construction activities commence outside the nesting season (generally September 1 through February 28), pre-construction surveys are not required. However, if construction commences outside the nesting season and extends into the nesting season, and is suspended for more than 14 days, a pre-construction survey that is detailed in **Mitigation Measure BIO-2**, below, will be implemented.
>
> **Mitigation Measure BIO-2**: If construction commences during the nesting season (March 1 through August 31), a pre-construction survey for active nests will be conducted within 15 days prior to the start of work. Given the urban setting of the project site and the construction staging area, the radius of the pre-construction survey will be determined in consultation with the California Department of Fish and Wildlife (CDFW). Typically, a 250-foot buffer for passerines and other unlisted/non-raptor species, 500-foot buffer for unlisted raptor species, and 0.5-mile buffer for listed raptor species are required. However, exceptions can be made based on the species of bird nesting, activities proposed, and for noise attenuation provided by intervening buildings in urban areas. Once the survey area is established, a survey of all appropriate nesting habitat will be conducted to locate any active nests. In the event that active nests are identified, appropriate buffer zones and types of construction activities restricted within the buffer zones will be determined through consultation with the CDFW. The buffer zones will be implemented and maintained until the young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.

[4] http://www.fws.gov/wetlands/Data/Mapper.html

[5] Preliminary Geotechnical Report, ENGEO, September 22, 2015

b) ***No Impact***. The project site is developed with urban uses. No riparian habitat or other sensitive natural community exists on the project site. As such, the project would not have any effect on any riparian habitat or other sensitive natural communities; thus there would be no impact.

c) ***No Impact***. There are no wetlands on the project site, as defined by the federal Clean Water Act or the California Fish and Game Code; thus there would be no impact.

d) ***No Impact***. Given the location of the project site in a fully developed urbanized setting, no wildlife movement occurs through the project site at the present time; therefore there would be no impact.

e) ***Less than Significant Impact with Mitigation.*** According to a Preliminary Arborist Report prepared by HortScience, Inc., dated October 22, 2015 (see **Appendix B**), there are 35 existing trees representing 17 species on or adjacent to the project site. According to the City's *Tree Preservation Ordinance*, native trees 4 inches and greater in trunk diameter and all trees eight inches and greater in trunk diameter are protected and cannot be removed without a permit. In addition, the City's *Tree Preservation Ordinance* specifies that all protected trees proposed for removal be replaced with a tree equal in size and species or value. Of the 32 existing trees on the project site, 30 trees meet the City's trunk diameter criteria and are protected. According to preliminary project plans, 32 trees, including 30 protected trees, are planned for removal and it is recommended that the 3 trees on adjacent parcels are retained and pruned. In order to compensate for the protected trees that would be removed, 13 replacement trees would be required. The proposed landscaping plan calls for planting 20 trees, which would meet the City's requirements. Therefore, as the proposed project would not conflict with applicable policies protecting biological resources, and this impact is less than significant. However, the Preliminary Arborists Report identifies Tree Preservation Guidelines to assist in the preservation of the 3 off-site trees. Following these recommended guidelines **(Mitigation Measure BIO-3)** will reduce impacts to the off-site trees to a level of insignificance.

> **Mitigation Measure BIO-3:** The applicant shall follow all recommendations in the tree evaluation report including protection of all trees to be preserved during all phases of the development and replacement of all removed trees based on the value of the removed trees:
>
> **Design recommendations**
>
> 1. Include the location and tag numbers on all plans.
>
> 2. Allow the Consulting Arborist the opportunity to review project plans, including but not limited to, site, grading, drainage and landscape plans.
>
> 3. Use only herbicides safe for use around trees and labeled for that use, even below pavement.
>
> **Pre-construction and demolition treatments and recommendations**
>
> 1. Establish a **TREE PROTECTION ZONE** at the property line.
>
> 2. Trees to be removed shall be felled so as to fall away from **TREE PROTECTION ZONE** and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees, or grinding the stump below ground.

3. Trees to be retained will require pruning to provide clearance. All pruning is to be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest editions of the ANSI Z133 and A300 standards as well as the ISA Best Management Practices for Tree Pruning. Pruning contractor shall have the C25/D61license specification.

Tree protection during construction

1. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.

2. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Consulting Arborist.

3. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.

4. Fences have been erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the project manager.

5. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.

6. All trees shall be irrigated on a schedule to be determined by the Consulting Arborist. Each irrigation shall wet the soil within the **TREE PROTECTION ZONE** to a depth of 30".

f) ***No Impact.*** No habitat conservation plan or natural community conservation plan applies to the project site; therefore there would be no impact.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
5. **CULTURAL RESOURCES** – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	■	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	■	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	■	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	■	☐	☐
e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074?	☐	☐	■	☐

Relevant Elements of the Project and its Setting

According the historical information contained in the Phase I and Phase II Environmental Site Assessment, prepared by GeoSolve, Inc. on September 4, 2015 (**Appendix C**), in 1899, the project site was mapped as vacant land and railroad tracks for Southern Pacific Railroad were mapped east and west of the property. No significant changes to the project site by 1915. By 1947, Gading Road was mapped and the single-family home (constructed in the late 1940's) was visible on the property. Increased development was mapped in the surrounding area and no changes were mapped on the project site from 1959 through 1993. The single-family home and detached garage located on the project site were demolished in 2009.

A search of the sacred lands file conducted by the Native American Heritage Commission (NAHC) did not indicate the presence of Native American resources in the immediate project area (NAHC 2016). A copy of this correspondence is provided in **Appendix D.**

Discussion of Potential Project Impacts

a) ***Less than Significant Impact.*** Under CEQA, local agencies must consider whether projects will cause a substantial adverse change in the significance of a historical resource, which is considered to be a significant effect on the environment (CEQA Section 21084.1). A "historical resource" is a resource determined eligible for the California Register of Historic Resources (CRHR), or local registers by a lead agency (CEQA §15064.5), while a "substantial adverse change" can include physical demolition,

destruction, relocation, or alteration of the resource or its immediate surroundings" that impairs the significance of an historical resource in such a way as to impair its eligibility for Federal, State, or local registers.

There are no historical resources associated with the improvements on the Project site. Moreover, the single-family home that once occupied the site was demolished in 2009 and the site has been vacant since that time. In addition, the surrounding properties, which are fully developed, have no historical significance; therefore there is no impact.

b) ***Less than Significant Impact with Mitigation***. No known archaeological resources exist on the site. Due to prior disturbance, there is a very low likelihood of impacting archeological resources. Should any disturbance occur below develop areas, a remote possibility exists that historical or cultural resources might be discovered. If that should occur, standard measures should be taken to stop all work adjacent to the find and contact the City of Hayward Development Services Department for ways to preserve and record the uncovered materials. If standard procedures are followed in the event cultural/historical resources are uncovered at the project site, the proposed impact is less than significant.

During excavation and grading activities associated with construction of the project, a remote possibility exists that historical or cultural resources may be discovered. If that should occur, standard measures should be taken to stop all work adjacent to the find and contact the City of Hayward Development Services Department for ways to preserve and record the uncovered materials. If standard procedures are followed in the event cultural/historical resources are uncovered at the project site, the project's impact would be less than significant. However, implementation of **Mitigation Measure CUL-1** would reduce the impact to a less than significant level.

> **Mitigation Measure CUL-1**: In the event human remains, archaeological resources, paleontological resources, prehistoric artifacts are discovered during construction excavation, the following procedures shall be followed:
>
> - Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified.
> - A qualified archaeologist shall be consulted to determine whether any such material is significant prior to resuming groundbreaking construction activities.
> - Standardized procedures for evaluating accidental finds and discovery of human remains shall be followed as prescribed in Section 15064.5 of the California Environmental Quality Act.
> - Standard procedures for grading operations would be followed during development, which require that such remains or resources are discovered grading operations are halted and the resources/remains evaluated by a qualified professional and, if necessary mitigation plans are formulated and implemented.
>
> These standard measures would be conditions of approval should the project be approved; thus this impact would be less than significant with mitigation incorporated into the project.

Assembly Bill (AB) 52

Assembly Bill (AB) 52 was approved by the Governor September 25, 2014. It adds a new category of resources to CEQA that must be considered during project planning – Tribal Cultural Resources.

It also establishes a framework and timeline for consultation. AB 52 applies to projects that have a notice of preparation or a notice of negative declaration or mitigated negative declaration filed on or after July 1, 2015.

AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact.

This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. At the time of preparation of this Initial Study, the City of Hayward had received a request for notification from the Ione Band of Miwok Indians on March 7, 2016. Written notification of the Project and invitation for consultation in accordance with AB 52 was mailed and e-mailed on March 29, 2016 (**Appendix E**). No response was received within the 30-day time period or at the time of the release of this document.

c) ***Less than Significant Impact.*** No known paleontological resources exist on the site. There are no unique geological features on or near the site; thus, no impact to geological features. Implementation of the mitigation measures listed above in would reduce impacts to unknown subsurface resources to a less than significant level.

d) ***Less than Significant Impact with Mitigation***. See the responses to **Items 5(a)** and **(b)**, above. No known paleontological resources exist on the site. There are no unique geological features on or near the site; thus, no impact to geological features. In the event that previously unknown human remains are discovered, implementation of the mitigation measure listed above would reduce impacts to unknown subsurface resources to a less than significant level.

e) ***Less than Significant Impact.*** Assembly Bill (AB) 52, which came into effect on July 1, 2015, requires that lead agencies consider the effects of projects on tribal cultural resources and conduct notification and consultation with federally and non-federally recognized Native American tribes early in the environmental review process. According to AB 52, it is the responsibility of the tribes to formally request of a lead agency that they be notified of projects in the lead agency's jurisdiction so that they may request consultation. As discussed above, the project site was previously developed with a single-family home and detached garage and no tribal cultural resources are known to be present on the site. With respect to archaeological resources and human remains that may be present beneath the development, mitigation measures are set forth above, including monitoring, to ensure that should these resources be present, they will be protected from damage and properly evaluated. For this reason, the proposed project is not expected to cause a substantial adverse change in the significance of tribal cultural resources, and this impact is considered less than significant.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
6. GEOLOGY AND SOILS – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	■	☐
ii) Strong seismic ground shaking?	☐	☐	■	☐
iii) Seismic-related ground failure, including liquefaction?	☐	■	☐	☐
iv) Landslides?	☐	☐	☐	■
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	■	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	■	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) (California Building Code), creating substantial risks to life or property?	☐	☐	■	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	■

Discussion of Potential Project Impacts

a)(i) ***Less than Significant Impact.*** According to the Preliminary Geotechnical Assessment prepared for the project site by ENGEO, in September 2015, the nearest active fault to the site is the Hayward fault, which is approximately 0.9 miles northeast of the site. Other active faults located near the site include the Calaveras fault, located approximately 8.9 miles to the east-northeast of the site, and the San Andreas fault, located approximately 17.7 miles to the west-southwest. The project site is not within the State's Earthquake Fault Zone. Therefore, impacts related to fault rupture are not anticipated, thus no impact.

a)(ii) ***Less than Significant Impact.*** The project site is near, but not located in, the Hayward Fault zone. However, the proposed buildings will be designed and constructed to withstand ground shaking in the event of an earthquake; specifically, the project requires a building permit which would involve the mandatory implementation of design features to minimize seismic-related hazards. An earthquake of moderate to high magnitude could cause considerable ground shaking at the site; however, all structures will be designed using sound engineering judgment and adhere to the latest California Building Code (CBC) requirements, thus the impact is considered less than significant.

a)(iii) ***Less than Significant Impact with Mitigation.*** The site is located within an area that may be susceptible to liquefaction (Preliminary Geotechnical Assessment prepared by ENGO, dated February 19, 2015). A site-specific design level geotechnical exploration shall be performed as part of the design process. The exploration shall include borings and laboratory soil testing to provide data for preparation of specific recommendations regarding grading, foundation design, corrosion potential, and drainage for the proposed development. If liquefaction is determined to be probable, measures as recommended by the project geotechnical consultant shall be implemented. Such measures, such as special foundation construction, will reduce the significance of liquefaction-related impacts to a level of insignificance.

> **Mitigation Measure GEO-1:** Prior to issuance of a Building permit, the applicant shall conduct a site- specific design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design of the project.

a)(iv) ***No Impact.*** The project site is relatively flat and gently slopes to the south. The project site is not located in a seismic landslide zone and is therefore not subject to hazards related to landslides or landslide runout; this includes seismically induced and non-seismic landslides. No impact is anticipated with regard to this criterion.

b) ***Less than Significant Impact.*** Although the project would result in an increase in impervious surface, the project site is relatively flat and erosion control measures that are typically required for such projects, including but not limited to, gravelling construction entrances and protecting drain inlets will address such impacts. Therefore, the potential for substantial erosion or loss of topsoil is considered insignificant.

c) ***Less than Significant Impact.*** Issues related to seismically induced and non-seismic landslide hazards are discussed in the response to **Item (a)(iv)**, above. Issues related to liquefaction and related hazards are discussed in the response to **Item (a)(iii)**, above. Issues related to soil properties are discussed in the response to **Item (d)**, below.

Lateral spreading and earthquake-induced landsliding involve lateral ground movements caused by seismic shaking. These lateral ground movements are often associated with a weakening or failure of an

embankment or soil mass overlaying a later of liquefied sands or weak soils. Due to the relatively flat site topography, distance to free-faces, and depth of liquefiable material, lateral spreading is unlikely at the site (Preliminary Geotechnical Assessment prepared by ENGO, dated February 19, 2015).

d) ***Less than Significant Impact.*** According to the Preliminary Geotechnical Assessment, highly expansive clay soils were observed near the surface of the site. The assessment recommends that exposed soils be kept moist prior to placement of concrete for foundation construction and includes recommendations for the grading phase for soil compaction to reduce the swell potential. Provided the recommendations in the site-specific design level geotechnical assessment are followed (**Mitigation Measure GEO-1**), the impacts of the expansive soils will be mitigated to a less than significant level.

e) ***No Impact.*** The proposed project would not involve the installation of septic tanks or alternative wastewater disposal systems. Additionally, wells and septic systems, if any, would be abandoned in accordance with Alameda County Environmental Health standards. There would be no impact with regard to this criterion.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
7. **GREENHOUSE GAS EMISSIONS** – Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	■	☐
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	■	☐

Discussion of Potential Project Impacts

a) ***Less than Significant Impact.*** The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of their CEQA guidance to assist in determining if a proposed project could result in operational-related impacts to Greenhouse Gases. The project involves the construction of 20 new detached single-family homes. Single-family home projects with less than 56 dwelling units have been identified by the BAAQMD Air Quality Guidelines as having emissions less than 1,100 metric tons of CO^2e per year which is below the threshold recommended by the Air District for evaluation of greenhouse gas emissions for new land use projects; thus no impact.

b) ***Less than Significant Impact.*** As described above, the project would not result in GHG emissions above thresholds that were established by BAAQMD to identify projects that require additional mitigation measures to achieve statewide GHG targets contained in Assembly Bill (AB) 32.

The project is within an urban area near transit and schools and will be constructed in accordance with CALGreen (Part 11 of Title 24 of the California Code of Regulations) requirements for Residential Development. The site in not within a Priority Development Area as designated in Plan Bay Area, a regional plan designed to reduce greenhouse gas emissions through land use planning and the provision of adequate housing to meet regional needs.

Hayward's Climate Action Plan (CAP) was adopted by the City Council on July 28, 2009. The purpose of the CAP is to make Hayward a more environmentally and socially sustainable community by:

- Reducing Greenhouse Gas emissions - the primary contributor to global warming;
- Decreasing the community's dependence on non-renewable resources;
- Increasing Hayward's potential for "green" economic development; and,
- Enhancing the health of all who live and work in Hayward.

The Climate Action Plan was adopted prior to modifications to the CEQA Guidelines and adoption of guidance from BAAQMD on what qualifies as a quantified greenhouse gas reduction strategy used for tiering[6].

The project would not conflict with the Climate Change Scoping Plan developed per AB 32, the land use assumptions in Plan Bay Area, or regulations adopted by the City of Hayward to reduce greenhouse gas emissions. Thus, there will be a less than significant impact.

[6] "Tiering" in the context of CEQA refers to the coverage of general environmental matters in broad program-level Environmental Impact Reports (EIRs), with subsequent focused environmental documents for individual projects that implement the program.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
8. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	■
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	■	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	■
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?	☐	☐	■	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	■
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	■
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	■

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	■

Discussion of Potential Project Impacts

a) ***No Impact.*** The project is an in-fill residential project that does not involve the transport or use of hazardous materials; thus, no impact.

b) ***Less than Significant Impact.*** A Phase I and II Environmental Site Assessment (ESA) was conducted for the project site at 25906 Gading Road by GeoSolve, Inc. on September 4, 2015 (**Appendix F**). The Phase I Assessment revealed evidence of one "Recognized Environmental Condition" (REC) on the parcel, which included the possible presence of metal and organochloride pesticide residues within the surficial soil at the site. Based on the above findings, additional environmental assessment of the property was warranted, as follows:

- *Collection of at least six randomly located surficial soil samples from around the foundations of the subject site using clean stainless steel liners, which should be capped, labeled and place within a pre-chilled ice chest for temporary storage and delivered under a chain-of-custody documentation to a State-certified hazardous waste testing laboratory for analysis. The five surficial soil samples should be analyzed for arsenic, lead, and organochloride pesticide using the Environmental Protection Agency (EPA) Methods SW3050B/SW6020 and SW846/8081. In addition, tow background metal soil samples should be collected from the property corners and analyzed for arsenic and lead using EPA Methods SW846/6010B.*

On August 18, 2015, a GeoSolve, Inc. field geologist visited the site and collected six random surficial soil samples (S1-S6) in accordance with the method described above. In addition, two background arsenic and lead samples (AS-1-AS-2) were also randomly collected and tested. The laboratory analytical results of the surficial soil samples collected on the site indicated no elevated concentration of pesticides, which were detected below the Environmental Screening Levels (ESLs) for organochloride pesticides established the Regional Water Quality Control Board – Region 2 (December 2013, Table B) for residential development of 0.44 mg/Kg. Lead was mostly detected below the residential ESL of 80 mg/Kg in soil samples S-1 through S-4 and AS-1 and AS-2. Lead was detected slightly above the residential ESL of 80 mg/Kg in soil samples S-5 and S-6 of 110 mg/Kg and 91 mg/Kg; however, the average lead concentration is 48.62 mg/Kg, which is below the residential ESL. Although arsenic was detected above the ESL for residential development of 0.39 mg/Kg, background concentration is used as cleanup goals by the California EPA (CalEPA). A maximum arsenic concentration of 15 mg/Kg was detected in the surficial oil at the site and is considered background for arsenic within Hayward and the surrounding region. Furthermore, in the Background Metal Concentration in Soils within Norther Santa Clara County California (Scott, 1991), the maximum concentration detected was 20 mg/Kg.

Based on the laboratory analytical results of soil samples S-1 through S-6 and background soil samples

AS-1 and AS-2, GeoSolve, Inc. recommends no further environmental assessment and/or additional environmental work is not required for the subject property; thus no significant impact.

c) ***No Impact.*** The project is not located within 0.25 mile of a school and is not a source of toxic air emissions. There would be no impact with respect to this criterion.

d) ***Less than Significant Impact.*** The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese List); thus no impact.

e) ***No Impact.*** Hayward Executive Airport is a city-owned, public-use airport located approximately 3 miles northwest of the project site, and Oakland International Airport is a public-use airport owned by the Port of Oakland that is located approximately 11.7 miles northwest of the project site. The project site is not located within the airport influence areas of either airport. Therefore, the proposed project would not result in a safety hazard for people living on the project site; therefore no impact.

f) ***No Impact.*** There are no private airstrips in the vicinity of the project site, and therefore there would be no impact.

g) ***No Impact.*** The City of Hayward has adopted ABAG's Multi-Jurisdictional Local Hazard Mitigation Plan as its Local Hazard Mitigation Plan. Construction of the proposed project would occur within the boundary of the project site, and street closure during project construction is not anticipated. Therefore, the project would not impede any emergency routes listed in the plan, thus no impact.

h) ***No Impact.*** The project site is located in an urban area. It is not located in a wildland area, and there would be no impact with regard to this criterion.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
9. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	■	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	■	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site?	☐	☐	■	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?	☐	☐	■	☐
e) 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?	☐	☐	■	☐
f) Otherwise substantially degrade water quality?	☐	☐	■	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	■
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	■

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	■
j) Inundate by seiche, tsunami, or mudflow?	☐	☐	☐	■

Discussion of Potential Project Impacts

a) ***Less Than Significant Impact.*** The project will comply with all water quality and wastewater discharge requirements of the city, including compliance with the NPDES regulations; thus, no impact. During construction of the proposed project, there is a potential for increased erosion, sedimentation, and discharge of polluted runoff from the project site. The project will comply with NPDES regulations, including control measures (or Best Management Practices) to control erosion and release of sediment and other pollutants from the site. As a result, the impact to water quality from construction activities would be less than significant.

b) ***Less Than Significant Impact.*** The project will be connected to the existing East Bay Municipal Utility District (EBMUD) or the City of Hayward's water supply and will not involve the use of on-site water wells and will not deplete groundwater supplies. Although the project would increase the amount of impervious surfaces on the site, the increase would not be great enough to substantially interfere with groundwater recharge of water supply aquifers; thus, less than significant impact.

c) ***Less Than Significant Impact.*** The project site is an infill site. All drainage from the site is required to be treated before it enters the storm drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates. Under the proposed project, storm water runoff would be collected in an onsite storm drainage system for conveyance to an onsite bio-retention basin for filtration prior to discharge. The project would not alter the course of a nearby stream or river and modifications to the on-site drainage patterns would not result in substantial erosion or siltation on or off site. Thus, the impact is less than significant.

d) ***Less Than Significant Impact.*** There are no existing flooding problems on the project site, and the project site would be designed to control for on-site flooding. As discussed in the previous response above, storm water generated by development of the proposed project would be directed toward onsite storm drainage facilities serving the project site, and post-project runoff rates and durations shall not exceed estimated pre-project rates and duration, thus preventing flooding on- or off-site. Therefore, this impact is considered less than significant.

e) ***Less Than Significant Impact.*** The proposed project site is an infill site and was envisioned for residential development in the General Plan. All drainage from the site is required to be treated before it enters the storm drain system and there is sufficient capacity to handle any drainage from the property. The project would be required to limit runoff from the site so that there is no net increase compared to pre-development levels. Because the project will employ a stormwater control plan with the use of a bio-

retention area and all site drainage will be treated before discharged into the storm drain system which has sufficient capacity, the project will have a less than significant impact.

f) ***Less than Significant Impact.*** All drainage from the site is required to be treated before it enters the storm drain system; thus, less than significant impact.

g-h) ***No Impact.*** The project site is not located within a 100-year flood zone. The project site is located within Flood Zone X[7], which is defined as an area of minimal flood hazard, usually above the 500-year flood level (FEMA 2009). As a result, development of the proposed project would not place housing or structures within an area at risk of flood flows. There would be no impact with regard to this criterion.

i) ***No Impact.*** The project site is not located within the inundation area of any nearby dam. Therefore, development of the proposed project (including the expanded retail scenario) would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. There would be no impact with regard to this criterion.

j) ***No Impact.*** The project site is located well inland from the San Francisco Bay, approximately 40 feet above mean sea level (msl), and no significant bodies of water are located in the vicinity of the site. As a result, the project site is not at risk of seiche or tsunami inundation. Because of the location of the project site in flat topography at a substantial distance from the Hayward hills, there is no risk of debris flow or mudflow. There would be no impact with regard to this criterion.

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7 http://map1.msc.fema.gov/idms/IntraView.cgi?ROT=0&O_X=7025&O_Y=4411&O_ZM=0.077294&O_SX=1086&O_SY=682&O_DPI=400&O_TH=51845683&O_EN=51872256&O_PG=1&O_MP=1&CT=0&DI=0&WD=14400&HT=10350&JX=1224&JY=742&MPT=0&MPS=0&ACT=1&KEY=51844902&ITEM=1&PICK_VIEW_CENTER.x=481&PICK_VIEW_CENTER.y=433&R1=VIN

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
10. LAND USE AND PLANNING – Would the project:				
a) Physically divide an established community?	☐	☐	☐	■
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	■	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	■

Discussion of Potential Project Impacts

a) ***No Impact.*** The project site is located on an in-fill site in a highly developed urban area. The proposed project would construct single-family residential homes on a site that was previously developed as such and would not involve the vacation of any public streets or pedestrian access ways. As a result, development of the proposed project would not physically divide an established community. There would be no impact with regard to this criterion.

b) ***Less Than Significant Impact.*** The project site is designated MDR (Medium Density Residential) in the *Hayward 2040 General Plan* and zoned RS (Single Family Residential) per the *Hayward Zoning Map.* The project involves the construction of 20 new detached single-family residential units and is consistent with the density established by the City's General Plan. The project does include a request to modify the zoning designation; however, the Planned Development designation is to allow for flexibility in the development standards, not to accommodate additional density not anticipated by the General Plan, thus the impact is less than significant.

c) ***No Impact.*** The project site and surrounding area have been developed and heavily affected by past activities. No adopted habitat conservation plan or natural community conservation plan exists for the project site or immediate area. Consequently, implementation of the project would not conflict with the provisions of any adopted habitat conservation plan or natural community conservation plan. There would be no impact with regard to this criterion.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	■
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?	☐	☐	☐	■

Discussion of Potential Project Impacts

a–b) ***No Impact***. The project site is not designated as a mineral resource zone, and no known or potential mineral resources are located on the project site; thus no impact.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
12. NOISE – Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in any applicable plan or noise ordinance, or applicable standards of other agencies?	☐	■	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	■	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	■	☐
d A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (including construction)?	☐	☐	■	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■

Discussion of Potential Project Impacts

a) ***Less than Significant Impact with Mitigation.*** An analysis of future exterior and interior noise levels on the project site is provided below.

Existing Conditions

A noise assessment was completed by Charles M. Salter Associates, Inc. in April 2015 (**Appendix G**). The assessment includes a noise monitoring survey that was performed at the project site to document the existing noise conditions at the project site on April 6, 2016 to April 8, 2016. The monitoring survey included two long-term (L1 and L2) and one short-term (S1) noise monitors. The short-term "spot" measurement was compared with the corresponding periods of the long-term monitors to determine how

noise levels vary across the site. Table 1 summarizes measure existing noised levels and Figure 1 shows the locations in which the readings were taken.

Table 1: Existing Noise Levels

Site	Location	Date/Time	DNL
L1	Gading Road Monitor Approximately 60' E of Gading Road centerline, 10' above grade	6 to 8 April 2016	67 dB
L2	Back of Site Monitor Approximately 400' E of Gading Road centerline, 10' above grade		59 dB
S1	Northwest Site Spot Approximately 140 ' E of Gading Road centerline, 150' S of Huntwood Avenue centerline, 5' above grade	10:45 - 11:00 8April 2016	60 dB

Over the 2-day measurement period, there were 16 noise events categorized as trains, which were noted both during the day and at night. They typical maximum noise level from trains at monitor L2 was 81 dB.

Future Interior Noise Environment

Estimated noise levels at the center of backyards are as high as Day-Night Average Sound Level (DNL) 65 dB at Lot 1 and Lot 20. In order to meet the City's goal of DNL 60 dB, a noise barrier will need to be installed at the current location of the wood fence along Gading Road for the backyards of Lots 1 and 20. Noise barriers should be solid from bottom to a minimum 6-foot in height with no cracks or gaps, and should have a minimum surface density of approximately three pounds per square foot. Effective barriers can be constructed out of concrete masonry unit (CMU) block or framed plaster walls. Enhanced wood fences may also be used, however special care must be taken to ensure that gaps do not form as the wood expands and shrinks over time.

Estimated future environmental noise levels at the site range from below DNL 60 dB to DNL 68 dB at the locations of the homes. The project will need to incorporate sound-rated windows and exterior doors to reduce transportation noise to the Code criterion of DNL 45 dB or lower at residences and meet the City's maximum instantaneous noise level criterion of 50 dB at night from trains. Initial window and exterior door sound insulation ratings, in terms of Sound Transmission Class (STC), are show in Figure 2 on the following page.

However, with the implementation of **Mitigation Measure NOI-1**, which incorporates measures into the proposed project to reduce interior and exterior noise levels, this impact would be reduced to a less than significant level.

> **Mitigation Measure NOI-1:** The following measures shall be incorporated into the proposed project to reduce interior noise levels:
>
> - A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dB(A) Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control

treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residences on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

- A noise barrier (solid fence) shall be installed along Gading Road for the backyards of Lots 1 and 20 to reduce the exterior noise levels to 60 dB or lower. Details shall be determined during the design phase by a qualified acoustical consultant.

Based on the building floor plans, elevations and site plan provided at the time of this analysis, installation of sound rated windows and forced-air mechanical ventilation in the proposed residential units would be adequate to achieve 45 dB (A) Ldn interior levels and the installation of a sound barrier along the lots with frontage on Gading Road would be adequate to achieve 60 dB or lower at the exterior. Therefore, with mitigation the required interior noise levels would be attained and the impact would be reduced to a less than significant level.

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

c) ***Less than Significant Impact.*** The project consists of the construction of 20 detached single-family homes on an in-fill site located in an existing residential neighborhood and will not involve a substantial increase in the ambient noise levels in the area; thus, no significant impact.

d) ***Less than Significant Impact.*** Existing residential development will experience a slight increase in ambient noise levels during the construction of the proposed project. Construction is limited to the allowable hours per the City's Noise Ordinance; thus the impact is considered less-than-significant and no mitigation is required.

e-f) ***No Impact.*** The project is not located within an airport land use plan area or within two miles of a public airport; thus, no impact.

Charles M Salter Associates Inc 100 W San Fernando San Jose California 95113 Tel: 408 295 4644 Fax: 408 295 3049
GADING DRIVE DEVELOPMENT
AERIAL VIEW SHOWING APPROXIMATE
NOISE MEASUREMENT LOCATIONS
FIGURE 1
Job #
16-042
Date
04.21.16
L1
L2
S1
Google earth

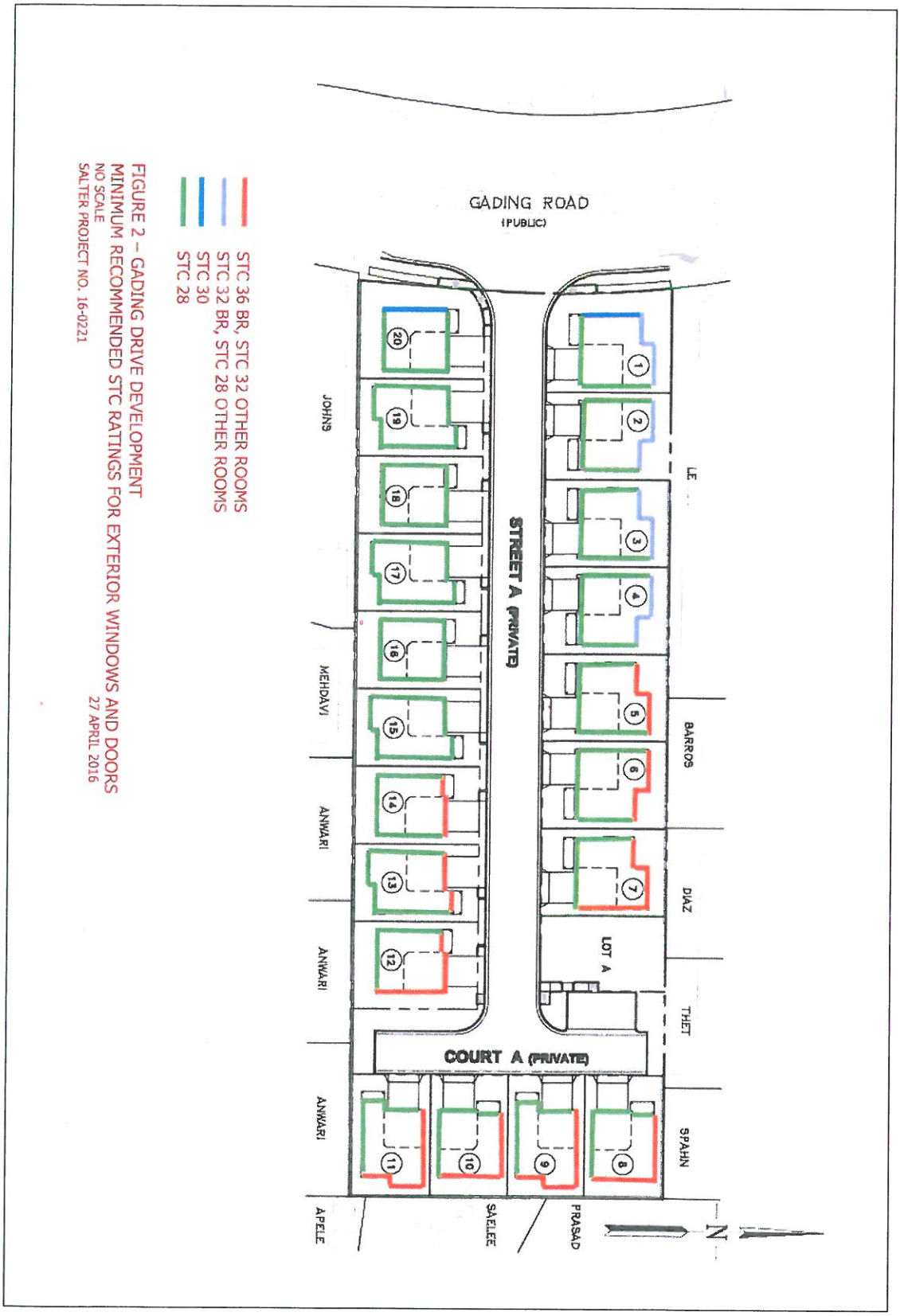

FIGURE 2 – GADING DRIVE DEVELOPMENT
MINIMUM RECOMMENDED STC RATINGS FOR EXTERIOR WINDOWS AND DOORS
NO SCALE
SALTER PROJECT NO. 16-0221
27 APRIL 2016

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
13. POPULATION AND HOUSING – Would the Project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	■	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

According to the California State Department of Finance, the average household size in the City of Hayward is approximately 3.24 persons per household (DOF 2015).

Discussion of Potential Project Impacts

a) ***Less Than Significant Impact.*** The project involves the construction of 20 new detached single-family residential homes, however, the residential development is consistent with the density established by the City's General Plan; thus, no significant impact.

b-c) ***No Impact.*** The project site is currently vacant; therefore the construction of 20 detached single-family homes will not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere, thus no impact

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
14 PUBLIC SERVICES –				
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?	☐	☐	■	☐
b) Police protection?	☐	☐	■	☐
c) Schools?	☐	☐	■	☐
d) Parks?	☐	☐	■	☐
e) Other public facilities?	☐	☐	■	☐

Discussion of Potential Project Impacts

a) ***Less than Significant Impact.*** Fire Station #7 is closest to the project site, located approximately 1.6 miles to the southeast. Although construction of the proposed project may incrementally increase the demand for fire and medical services, the project would not require the construction or expansion of fire protection facilities as the proposed project site in an infill site that was envisioned for residential development in the City's General Plan. The proposed project would be designed to comply with City requirements for fire access and onsite fire prevention facilities (e.g. fire hydrants and/or sprinkler systems), therefore, the project will have less than a significant impact, no mitigation required.

b) ***Less than Significant Impact.*** The police headquarters is located at 300 West Winton Avenue, approximately 1.5 miles northwest of the project site. Although construction of 20 detached single-family homes may incrementally increase the demand for police services, the infill project site is located in the vicinity of the City's police headquarters, was envisioned for future residential development in the City's General Plan and would not require the construction or expansion of police protection facilities beyond those already planned under General Plan assumptions. For these reasons, the project will have less than a significant impact, no mitigation required.

c) ***Less than Significant Impact.*** Development of the proposed project would increase the number of students attending schools operated by the HUSD. The project site is within the Schafer Park Elementary School, Martin Luther King, Jr. Middle School and Tennyson High School attendance areas of the Hayward Unified School District. The developer will be required to pay school impact mitigation fees According to Government Code Section 65996, payment of such fees constitutes full mitigation of any

school impacts under CEQA. Therefore, any impacts from the increase in school enrollment would be offset by the required payment of development fees. This impact is considered less than significant.

d) ***Less than Significant Impact.*** To address the park needs of the proposed project, avoid overuse of existing parks, and avoid a deficiency of parkland acreage in the City, the proposed project would be required to pay park in-lieu fees per City Code (Chapter 10.16). The payment of park and recreation development impact fees is considered by the City as full mitigation of development impacts to nearby recreation facilities. This impact is considered less than significant.

e) ***Less than Significant Impact.*** The proposed project site is infill and surrounded by development, and the project's residents will not be numerous enough to have any material effect on the need for any other public facilities. Approval of the project may impact long-term maintenance of roads, streetlights and other public facilities; however, the amount of residential units proposed by the project does not exceed the amount envisioned by the General Plan for the site as a whole. Thus, the impact is considered less than significant.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
15. 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?	☐	☐	■	☐
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?	☐	☐	■	☐

Discussion of Potential Project Impacts

a-b) ***Less than Significant Impact.*** Each new single-family home will have private open space and access to common open space located within the development. The development is also located 0.6 miles from Schafer Park, 0.9 miles from Sorensdale Park and 0.9 miles from Weekes Community Center and future residents will be able to utilize these facilities. In addition, the developer will be required to pay applicable park in-lieu fees; thus the impact is considered less-than-significant.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
16. TRANSPORTATION/TRAFFIC – Would the project:				
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	■	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	■
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	■
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	■	☐
e) Result in inadequate emergency access?	☐	☐	☐	■
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	■

Discussion of Potential Project Impacts

a) ***Less than Significant Impact.*** The ITE trip generation rates for 20 single-family homes would be 15 trips during the weekday AM peak hour and 20 trips during the weekday PM peak hour. The directional distribution would be 4 trips entering and 11 trips exiting during the weekday AM peak hour and 13 trips entering and 7 trips exiting during the weekday PM peak hour.

The additional trips from the proposed 20 unit project are not significant enough to warrant a traffic study or significantly alter the area's transportation network and operations. Therefore, the project will not create any conflicts with any applicable plans, ordinance, nor policies related to the circulation system; thus, no impact.

b) ***No Impact***. The additional trips from the proposed 20 unit project are not significant enough to warrant a traffic study or significantly alter the area's transportation network and operations. Therefore, the project will not create any conflicts with any applicable plans, ordinance, nor policies related to the circulation system; thus, no impact.

c) ***No Impact.*** The Hayward Executive Airport is a city-owned, public-use airport located approximately 3 miles northwest of the project site, and Oakland International Airport is a public-use airport owned by the Port of Oakland that is located approximately 11.7 miles northwest of the project site. The project site is not located within the airport influence areas of either airport. There would be no impact with regard to this criterion.

d) ***Less Than Significant Impact.*** The proposed project would be required to comply with the City's design standards and the design standards in the *Uniform Fire Code*. Required compliance with these existing standards would prevent hazardous design features and would ensure adequate and safe access. This impact is considered less than significant.

e) ***No Impact.*** The proposed project must comply with all building, fire, and safety codes and specific development plans would be subject to review and approval by the City's Public Works Department and the Hayward Fire Department. Required review by these departments would ensure that the proposed circulation system for the project site would provide adequate emergency access. In addition, the proposed project would not cause any permanent or temporary closures to any roadway; thus no impact.

f) ***No Impact***. The proposed project would not conflict with any adopted policies, plans, or programs regarding alternative transportation since no changes to the existing transportation policies, plans, or programs would result, either directly or indirectly, from development on the project site. In addition, the project would not require the removal, addition, or relocation of transit, pedestrian or bicycle facilities; therefore there would be no impact.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
17. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	■	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	■	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	■
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	■
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	■
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	■	☐
g) Comply with applicable federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	■

Discussion of Potential Project Impacts

a) ***Less than Significant Impact.*** The project would connect to the City of Hayward Sanitary District sanitary sewer system. Sanitary sewage from the City's system is treated at the Hayward Water Pollution Control Facility (WPCF). The treatment facility discharges into the San Francisco Bay under a permit with the Regional Water Quality Control Board (RWQCB). The facility meets RWQCB and US Environmental Protection Agency requirements, and would not exceed any wastewater treatment requirements due to the proposed project; thus the impact is less than significant.

b) ***Less than Significant Impact.*** The proposed project is located within the boundaries of the City of Hayward Water District. Utility infrastructure would not require any significant improvements other than infrastructure to serve the proposed development. Additionally, there is enough excess capacity at

the WPCF to serve the proposed project and no expansion of the WPCF would be required. The impact would be less than significant.

c) ***No Impact.*** The project site is infill and the proposed residential development will not exceed the density envisioned in the City's General Plan, thus the proposed development will not result in the need for new off-site systems. The project would be subject to local policies requiring that post-construction runoff volumes be less than or equal to preconstruction volumes; therefore the project will have a less than significant impact; no mitigation required.

d) ***No Impact***. As noted in subsection b above, the proposed project was anticipated in the City's General Plan. The EIR prepared for the General Plan concluded there is adequate water supply available to serve anticipated growth. Therefore, there is sufficient potable water supply to accommodate the anticipated demand increases resulting from the proposed project; therefore, the project will have a less than significant impact.

e) ***No Impact***. As described above, there is sufficient capacity to accommodate the proposed project; thus, no impact.

f) ***Less than Significant Impact***. Solid waste generated by the project would contribute incrementally to the use of landfill capacity in the County. The City of Hayward is working to ensure that the City-wide diversion rate from landfills continues to increase, in accordance with City goals, Ordinances, and environmental health. As of March 1, 2015, the Hayward City Council approved mandatory recycling for all businesses, as well as mandatory organics collection for multi-family properties and those businesses that generate organic waste such as food, food-soiled paper products, and plant debris. Furthermore, Hayward's Construction and Demolition Debris Recycling Ordinance ensures that all building projects that generate significant debris will ensure that debris is recycled appropriated when possible. Through these measures, the City plans to meet the State-wide diversion goal of 75% by 2020. With recycling programs that are both in place and planned, there is sufficient capacity to accommodate the proposed project at the Altamont Landfill, which has sufficient capacity until at least the year 2024; thus, no impact.

g) ***No Impact***. The project will be subject to the regulations stipulated in Chapter 5, Article 1 Solid Waste Collection and Disposal in the City's Municipal Code. There is sufficient capacity to accommodate the proposed project at the Altamont Landfill, which has sufficient capacity until at least the year 2024; thus, no impact.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
18. MANDATORY FINDINGS OF SIGNIFICANCE – The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur. Where prior to commencement of the environmental analysis a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment or would mitigate the significant environmental effect, a lead agency need not prepare an EIR solely because without mitigation the environmental effects would have been significant (per Section 15065 of the *State CEQA Guidelines*):				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	■	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?	☐	☐	■	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	■	☐

Discussion of Potential Project Impacts

a) ***Less than Significant Impact with Mitigation.*** As discussed under the Biological Resources section and Cultural Resources section, the project would entail the removal of some protected trees and during excavation and grading activities associated with construction of the project. Additionally, there is a remote possibility that historical or cultural resources may be discovered during grading, excavation and construction of the project. The implementation of the following Mitigation Measures would reduce all impacts to a less than significant level, and the City of Hayward has determined that the proposed project would not degrade the quality of the environment. Impacts under this criterion would be less than significant.

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

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

Mitigation Measure BIO-3: The applicant shall follow all recommendations in the tree evaluation report including protection of all trees to be preserved during all phases of the development and replacement of all removed trees based on the value of the removed trees:

Design recommendations

1. Include the location and tag numbers on all plans.

2. Allow the Consulting Arborist the opportunity to review project plans, including but not limited to, site, grading, drainage and landscape plans.

3. Use only herbicides safe for use around trees and labeled for that use, even below pavement.

Pre-construction and demolition treatments and recommendations

1. Establish a **TREE PROTECTION ZONE** at the property line.

2. Trees to be removed shall be felled so as to fall away from **TREE PROTECTION ZONE** and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees, or grinding the stump below ground.

3. Trees to be retained will require pruning to provide clearance. All pruning is to be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest editions of the ANSI Z133 and A300 standards as well as the ISA Best Management Practices for Tree Pruning. Pruning contractor shall have the C25/D61license specification.

Tree protection during construction

1. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.

2. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Consulting Arborist.

3. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.

4. Fences have been erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the project manager.

5. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.

6. All trees shall be irrigated on a schedule to be determined by the Consulting Arborist. Each irrigation shall wet the soil within the **TREE PROTECTION ZONE** to a depth of 30".

Mitigation Measure CUL-1: In the event human remains, archaeological resources, paleontological resources, prehistoric artifacts are discovered during construction excavation, the following procedures shall be followed:

- Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified.

- A qualified archaeologist shall be consulted to determine whether any such material is significant prior to resuming groundbreaking construction activities.

- Standardized procedures for evaluating accidental finds and discovery of human remains shall be followed as prescribed in Section 15064.5 of the California Environmental Quality Act.

- Standard procedures for grading operations would be followed during development, which require that such remains or resources are discovered grading operations are halted and the resources/remains evaluated by a qualified professional and, if necessary mitigation plans are formulated and implemented.

These standard measures would be conditions of approval should the project be approved; thus this impact would be less than significant with mitigation incorporated into the project.

b) ***Less than Significant Impact.*** Cumulative impacts for each environmental factor are addressed in the checklist above. As that discussion shows, the project would not result in significant cumulative impacts. Furthermore, mitigation identified in this Initial Study would reduce the contribution of the proposed project to cumulative impacts to a less than significant level.

c) ***Less than Significant Impact***. Future development on the project site would be required to conform to a wide variety of mandatory obligations related to human safety and the quality of their environment, and the specific mitigation measures identified in this Initial Study would reduce all impacts to a less than significant level. Therefore, implementation of the proposed project would not cause substantial adverse effects on human beings, and the impact under this criterion is evaluated as less than significant.

APPENDIX A

Proposed Mitigated Negative Declaration

CITY OF HAYWARD

MITIGATED NEGATIVE DECLARATION

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

I. PROJECT DESCRIPTION:

Project title: Gading One; Zone Change Application and Tentative Tract Map Application No. 201600059 (Tract 8319).

The project proposes a subdivision of approximately 1.75 acres in order to develop 20 single-family homes, common open space and a private street that would have access from a public street. The project will be compatible with the existing single- and multi-family residential development surrounding the site.

Project review involves consideration of a vesting tentative map and rezoning.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

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

III. FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.

2. The project will not adversely affect any scenic resources. A lighting plan will be required to ensure that light and glare do not affect area views. Also, compliance with the City's Design Guidelines will ensure visual impacts are minimized. Landscape plans will also be required to ensure that structures are appropriately screened.

3. The project will not have an adverse effect on agricultural land since the subject site is not used for such purposes, does not contain prime, unique or Statewide important farmland.

4. The project will not result in significant impacts related to changes in air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.

5. The project, proposed on properties surrounded by other residential development and within an urbanized area, will not result in significant impacts to biological resources. Any trees removed are required to be replaced as per the City's Tree Preservation ordinance.

6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleonotological resources, unique topography or disturb human remains.

7. The project will not result in significant impacts to geology and soils. The project is located west of the Hayward fault, which poses potential risk to any development in the city of Hayward. Recommendations of the project geotechnical engineer will be required to be incorporated into project design and implemented throughout construction, to address such items as seismic shaking and expansive soils. Construction will also be required to comply with the California Building Code standards to minimize seismic risk due to ground shaking.

8. The project will not lead to the exposure of people to hazardous materials.

9. The project will be required to meet all water quality standards as part of the normal development review and construction process, to be addressed in a Stormwater Pollution Prevention Plan and Erosion Control Plan that utilize best management practices. Drainage improvements will be required to accommodate stormwater runoff, so as not to negatively impact the existing downstream drainage system of the Alameda County Flood Control and Water Conservation District.

10. The project is consistent with the overall density supported by the Hayward General Plan. In addition, the project will be required to be consistent with the City of Hayward's Design Guidelines.

11. The project will not result in any long-term noise impacts. Construction noise will be mitigated through restriction on construction hours, mufflers, etc., to be approved as part of the future building permits for the homes.

12. The project will not result in significant impacts related to population and housing in that the amount of development proposed is within the range of development analyzed in the Hayward General Plan.

13. The project will not result in a significant impact to public services in that development is at least as intensive as that proposed was analyzed in the Hayward General Plan EIR and found to have less-than-significant impacts.

14. The project will not result in significant impacts to traffic since it would not generate sufficient traffic to cause nearby intersections to operate at an unacceptable level of service.

IV. PERSON WHO PREPARED INITIAL STUDY:

Linda Ajello, AICP, Senior Planner
Dated: May 27, 2016

V. COPY OF ENVIRONMENTAL CHECKLIST IS ATTACHED

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

Gading One

Mitigation Monitoring and Reporting Program

Zone Change and Vesting Tentative Tract Map (Tract 8319) Application No. 201600059;
Tony Dutra, Gading Ventures, LLC. (Applicant/Owner)

May 27, 2016

Air-Quality

Mitigation Measure AIR-1 is proposed, which requires that the dust control BMPs put forth by the BAAQMD are implemented by the proposed project as well as the expanded retail scenario. With the implementation of the required BAAQMD recommended BMPs pursuant to **Mitigation Measure AIR-1**, the construction of the proposed project would not result in substantial emissions of fugitive dust, PM_{10} or $PM_{2.5}$, and the impact associated with construction-period emissions of fugitive dust, PM_{10} and $PM_{2.5}$ would be less than significant.

> **Mitigation Measure AIR-1:** The construction contractor(s) shall implement the following BMPs during project construction:
>
> - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
> - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
> - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
> - All vehicle speeds on unpaved roads shall be limited to 15 mph.
> - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible after grading, unless seeding or soil binders are used.
> - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
> - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Biological Resources

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

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

Mitigation Measure BIO-3:

Design recommendations

4. Include the location and tag numbers on all plans.

5. Allow the Consulting Arborist the opportunity to review project plans, including but not limited to, site, grading, drainage and landscape plans.

6. Use only herbicides safe for use around trees and labeled for that use, even below pavement.

Pre-construction and demolition treatments and recommendations

4. Establish a **TREE PROTECTION ZONE** at the property line.

5. Trees to be removed shall be felled so as to fall away from **TREE PROTECTION ZONE** and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees, or grinding the stump below ground.

6. Trees to be retained will require pruning to provide clearance. All pruning is to be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest editions

of the ANSI Z133 and A300 standards as well as the ISA Best Management Practices for Tree Pruning. Pruning contractor shall have the C25/D61license specification.

Tree protection during construction

7. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.

8. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Consulting Arborist.

9. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.

10. Fences have been erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the project manager.

11. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.

12. All trees shall be irrigated on a schedule to be determined by the Consulting Arborist. Each irrigation shall wet the soil within the **TREE PROTECTION ZONE** to a depth of 30".

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior to any project construction and during project construction

<u>Cultural Resources</u>

Mitigation Measure CUL-1: In the event human remains, archaeological resources, paleontological resources, prehistoric artifacts are discovered during construction excavation, the following procedures shall be followed:

- Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified.

- A qualified archaeologist shall be consulted to determine whether any such material is significant prior to resuming groundbreaking construction activities.

- Standardized procedures for evaluating accidental finds and discovery of human remains shall be followed as prescribed in Section 15064.5 of the California Environmental Quality Act.

- Standard procedures for grading operations would be followed during development, which require that such remains or resources are discovered grading operations are halted and the resources/remains evaluated by a qualified professional and, if necessary mitigation plans are formulated and implemented.

These standard measures would be conditions of approval should the project be approved; thus this impact would be less than significant with mitigation incorporated into the project.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Building Division
Timing: Prior to any project construction and during project construction

Geology

Mitigation Measure GEO-1: Prior to issuance of a Building permit, the applicant shall conduct a site-specific design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design of the project.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Building Division
Timing: Prior issuance of a Building Permit for the project

Noise

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

- A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dB(A) Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residences on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

- A noise barrier (solid fence) shall be installed along Gading Road for the backyards of Lots 1 and 20 to reduce the exterior noise levels to 60 dB or lower. Details shall be determined during the design phase by a qualified acoustical consultant.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning and Building Divisions
Timing: Prior issuance of a Building Permit for the project