



# 25450-25550 Clawiter Road Industrial Project

Initial Study

*prepared by*

**City of Hayward**

777 B Street

Hayward, California 94541

Contact: Leigha Schmidt, Senior Planner

*prepared with the assistance of*

**Rincon Consultants, Inc.**

449 15th Street, Suite 303

Oakland, California 94612

**September 2021**



**RINCON CONSULTANTS, INC.**

Environmental Scientists | Planners | Engineers

[rinconconsultants.com](http://rinconconsultants.com)

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# Table of Contents

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Initial Study .....	5
1. Project Title .....	5
2. Lead Agency Name and Address .....	5
3. Contact Person and Phone Number .....	5
4. Project Location .....	5
5. Project Sponsor’s Name and Address .....	5
6. General Plan Designation .....	5
7. Zoning .....	9
8. Existing Setting and Surrounding Land Uses .....	9
9. Description of Project .....	9
10. Required Approvals .....	17
11. Have California Native American Tribes Traditionally and Culturally Affiliated with the Project Area Requested Consultation Pursuant to Public Resources Code Section 21080.3.1? .....	18
Environmental Factors Potentially Affected .....	19
Determination .....	19
Environmental Checklist .....	21
1 Aesthetics .....	21
2 Agriculture and Forestry Resources .....	25
3 Air Quality .....	27
4 Biological Resources .....	41
5 Cultural Resources .....	45
6 Energy .....	53
7 Geology and Soils .....	59
8 Greenhouse Gas Emissions .....	67
9 Hazards and Hazardous Materials .....	77
10 Hydrology and Water Quality .....	89
11 Land Use and Planning .....	95
12 Mineral Resources .....	99
13 Noise .....	101
14 Population and Housing .....	115
15 Public Services .....	117
16 Recreation .....	121
17 Transportation .....	123
18 Tribal Cultural Resources .....	129
19 Utilities and Service Systems .....	133

20	Wildfire.....	137
21	Mandatory Findings of Significance.....	139
	References.....	143
	Bibliography.....	143
	List of Preparers.....	149

**Tables**

Table 1	Project Summary.....	14
Table 2	Health Effects Associated with Non-Attainment Criteria Pollutants.....	28
Table 3	BAAQMD Air Quality Significance Thresholds.....	30
Table 4	BAAQMD Odor Screening Distances.....	31
Table 5	Project Consistency with Goals and Applicable Control Strategies of 2017 Clean Air Plan.....	33
Table 6	Project Construction Emissions.....	35
Table 7	Estimated Average Daily Project Operational Emissions.....	36
Table 8	Estimated Annual Project Operational Emissions.....	36
Table 9	Cumulative Impacts – MEIR.....	40
Table 10	Previously Recorded Cultural Resources within a 0.5-mile Radius.....	46
Table 11	Previously Conducted Cultural Studies within a 0.5-mile Radius.....	47
Table 12	Electricity Consumption in the PG&E Service Area in 2018.....	54
Table 13	Natural Gas Consumption in PG&E Service Area in 2018.....	54
Table 14	Project Consistency with Applicable Policies of the City’s Climate Action Plan.....	56
Table 15	Estimated Construction GHG Emissions.....	70
Table 16	Combined Annual Emissions of GHGs.....	71
Table 17	General Plan Consistency.....	96
Table 18	AASHTO Maximum Vibration Levels for Preventing Damage.....	104
Table 19	Human Response to Steady State Vibration.....	104
Table 20	Human Response to Transient Vibration.....	104
Table 21	City of Hayward Exterior Noise Compatibility Standards.....	106
Table 22	Short-Term Noise Monitoring Results.....	107
Table 23	Long-Term Noise Monitoring Results.....	108
Table 24	Sound Level Monitoring Traffic Counts.....	109
Table 27	Estimated Project Vehicle Trip Generation.....	124
Table 28	Estimated Solid Waste Generation.....	136

**Figures**

Figure 1 Regional Location .....6

Figure 2 Project Site Location .....7

Figure 3 General Plan Land Use Designations .....8

Figure 4 Zoning Districts .....10

Figure 5a Site Photographs .....11

Figure 5b Site Photographs .....12

Figure 6 Conceptual Site Plan .....13

Figure 7 Conceptual Rendering of the Proposed Project .....15

**Appendices**

Appendix A Arborist Report

Appendix B Tribal Correspondence

Appendix C CalEEMod Datasheets

Appendix D CEQA Transportation Analysis

Appendix E Cultural Resources Study

Appendix F Geotechnical Investigations

Appendix G Phase I Environmental Site Assessment

Appendix H RPS Underground Storage Tank Removal Supplemental Report

Appendix I Noise Measurement Data

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# Initial Study

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## 1. Project Title

25450-25550 Clawiter Road Industrial Project

## 2. Lead Agency Name and Address

City of Hayward  
Planning Division  
777 B Street  
Hayward, California 94541

## 3. Contact Person and Phone Number

Leigha Schmidt, Senior Planner  
[Leigha.Schmidt@hayward-ca.gov](mailto:Leigha.Schmidt@hayward-ca.gov)  
(510) 583-4113

## 4. Project Location

The project site encompasses approximately 20.4 acres located at 25550 and 25450 Clawiter Road in the City of Hayward. The site is on the east side of Clawiter Road approximately 0.3-mile north of its intersection with State Route 92 and consists of two assessor's parcel numbers (APN): 439-0080-001-00 and 439-0080-003-14. A railroad track is adjacent to the eastern boundary of the site. Figure 1 shows the location of the project site in the regional context. Figure 2 shows an aerial view of the project site and immediate surroundings.

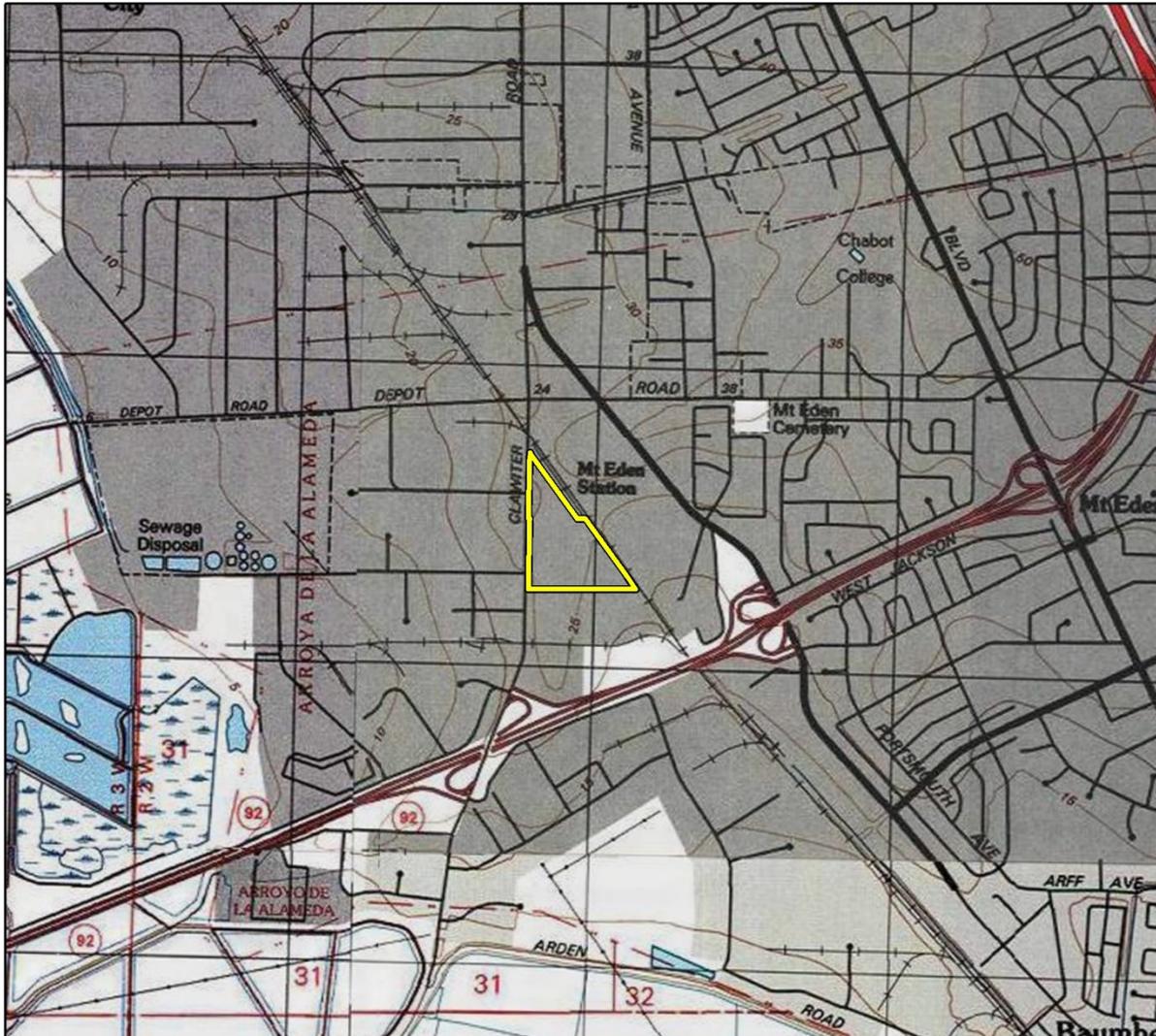
## 5. Project Sponsor's Name and Address

Dermody Properties  
5500 Equity Avenue  
Reno, Nevada 89502

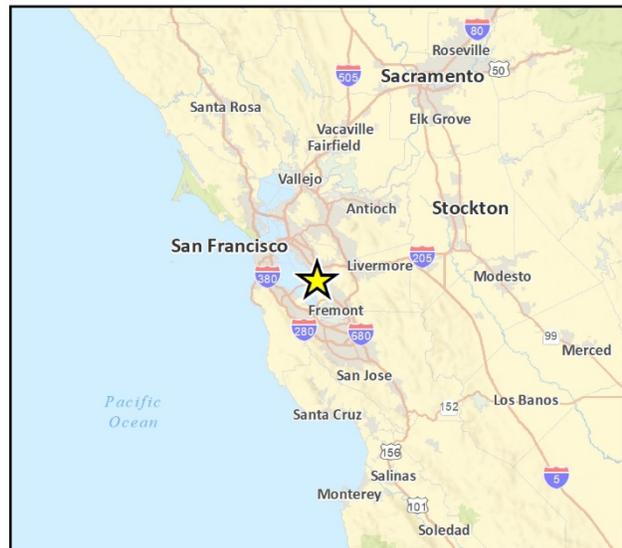
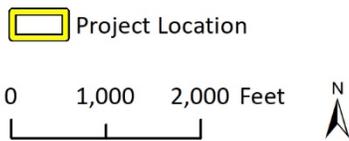
## 6. General Plan Designation

The Hayward 2040 General Plan was adopted by the City of Hayward in July 2014 (City of Hayward 2014b). The Hayward 2040 General Plan establishes a community-based vision for the future of the City, and establishes goals, policies and implementation programs to help the City and greater Hayward community achieve that vision. The General Plan consists of a series of elements, which are similar to chapters. The Land Use and Community Character Element contains the General Plan Land Use Diagram and a description of the City's land use designations. According to the General Plan Land Use Diagram, the project site is designated Industrial Corridor (IC). The General Plan land use designations within and surrounding the project site are shown on Figure 3.

**Figure 1 Regional Location**

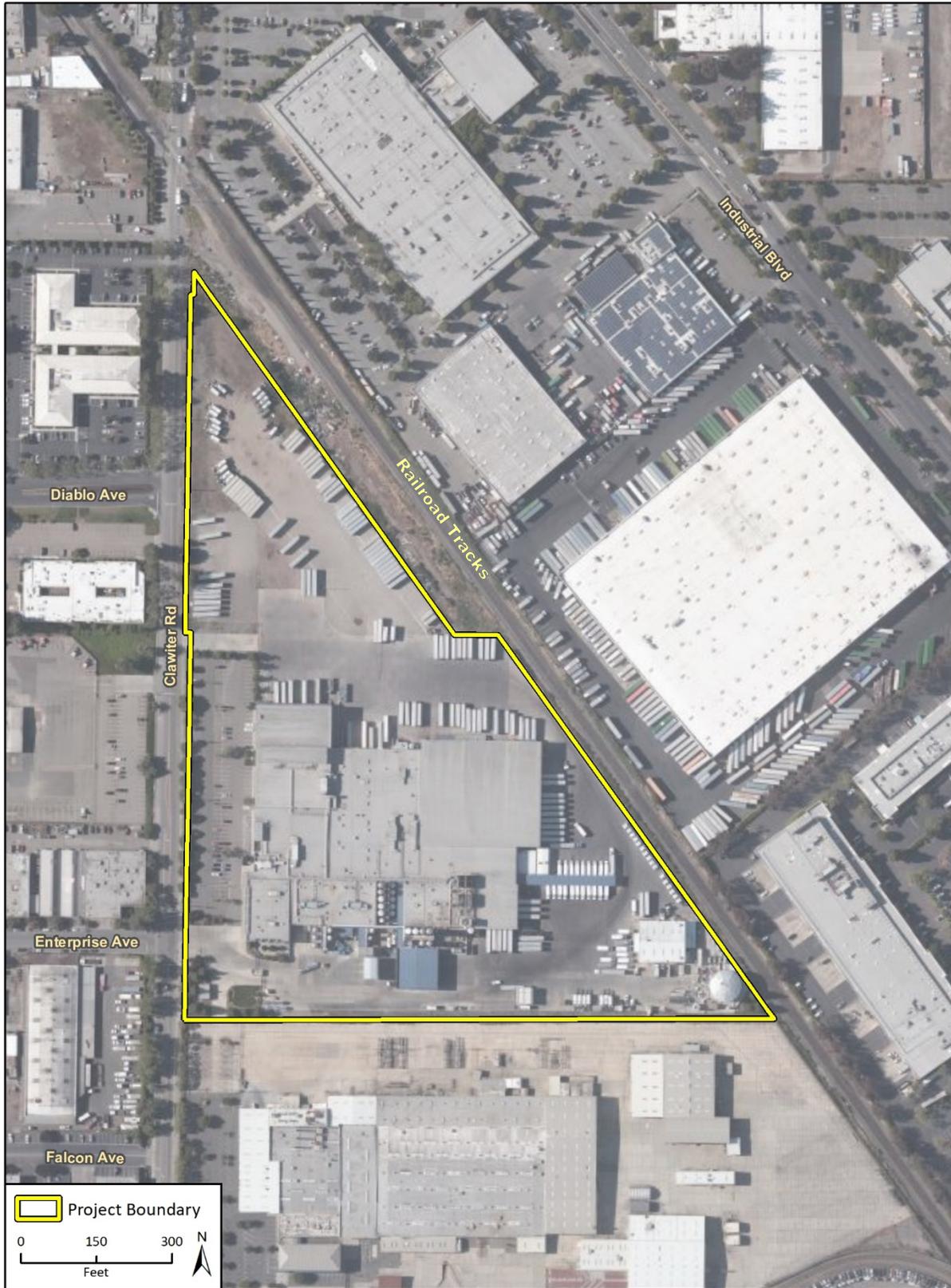


Basemap provided by National Geographic Society, Esri and its licensors © 2021. Hayward Quadrangle, T03S R02W S30,31. The topographic representation depicted in this map may not portray all of the features currently found in the vicinity today and/or features depicted in this map may have changed since the original topographic map was assembled.



CRFig 1 Proj Locn Map

Figure 2 Project Site Location

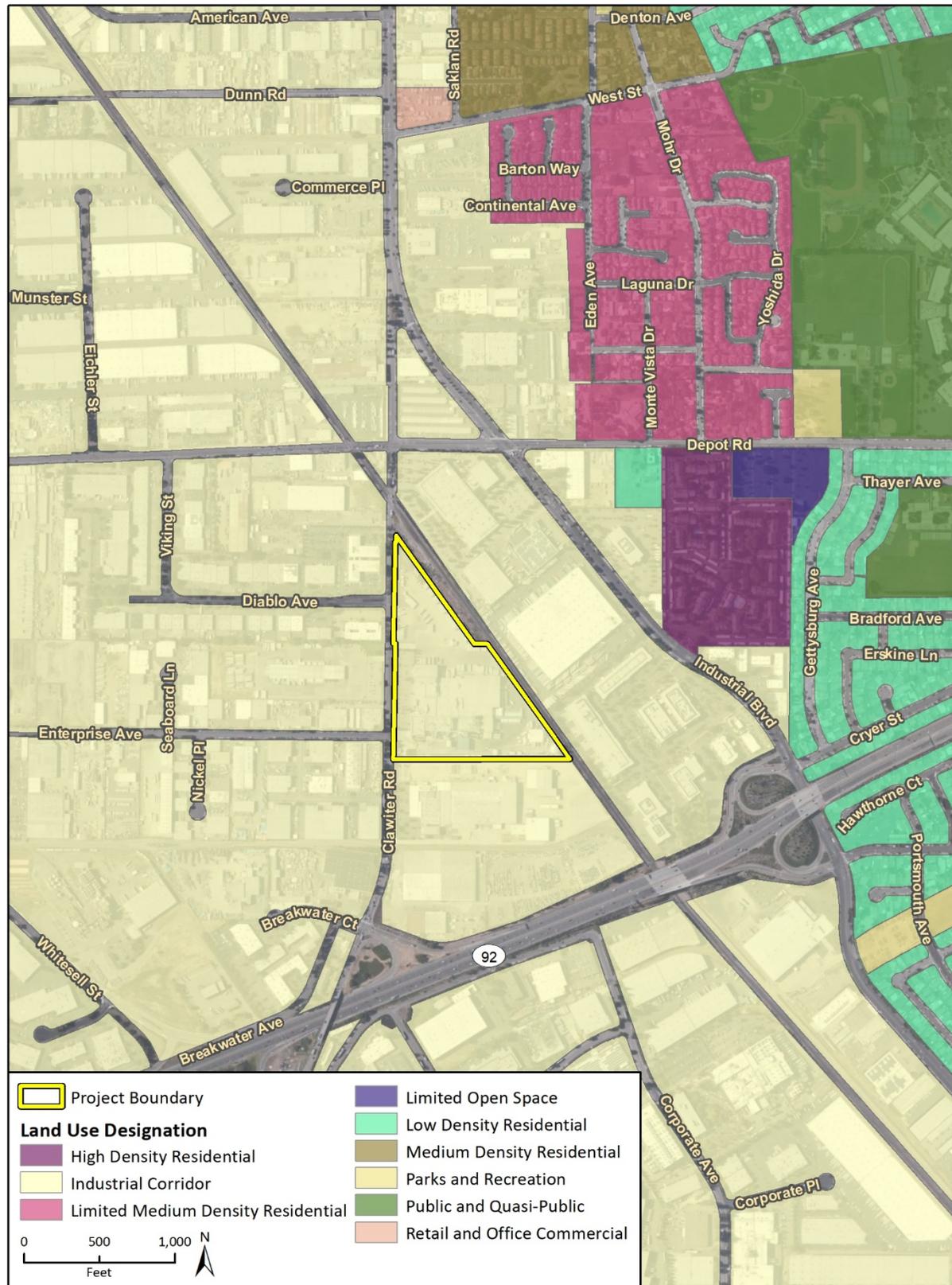


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Fig. 2 Project Location

Note: Aerial photograph was taken pre-demolition of structures on the project site.

**Figure 3 General Plan Land Use Designations**



Imagery provided by Microsoft Bing and its licensors © 2021.  
 Land use data provided by City of Hayward, 2018.

Fig 3 General Plan Land Use Designations

## 7. Zoning

The Hayward Zoning Ordinance is found in Chapter 10 of the Hayward Municipal Code (HMC). The purpose of the Zoning Ordinance is to promote the public health, safety, general welfare and preserve and enhance the aesthetic quality of the City by providing regulations to ensure an appropriate mix of land uses in an orderly manner. The Zoning Ordinance establishes zoning districts for property within the City. The City maintains a digital map of zoning districts on its Hayward Web Map ([webmap.hayward-ca.gov](http://webmap.hayward-ca.gov)). According to the Hayward Web Map, the project site is in the Industrial General (IG) zoning district. The zoning districts within and surrounding the project site are shown on Figure 4.

## 8. Existing Setting and Surrounding Land Uses

The project site is a 20.4-acre, generally level, triangular parcel on Clawiter Road in eastern Hayward. The site was previously developed with an existing manufacturing facility utilized by Berkeley Farms for dairy operations. Demolition permits for on-site structures were issued in August 2020, and all buildings have been since demolished and removed from the project site. While buildings and other materials have been removed, the building slab foundation currently remains on-site. Paved parking lot areas that surround the building foundation also remain on site, and much of the site remains as impervious pavement or building foundation. Vegetation on-site and in the area is primarily ornamental landscaping dispersed between paved areas and at the perimeter of paved areas. According to an arborist report prepared for the site, there are approximately 88 existing trees ranging from fair to poor condition, a majority of which are Japanese privets and Coast redwoods (see Appendix A).

The project site is in an industrial corridor area of Hayward and is surrounded by industrial uses to the north, east, south, and west. Neighboring uses include commercial vehicle service and repair shops, garages, recycling facilities, warehousing, manufacturing, machining, and metal fabrication facilities, and one research and development industrial park. The site is bounded on the west by Clawiter Road, on the east by Southern Pacific Railroad tracks, and on the south by an adjacent industrial lot. State Route 92 runs east to west approximately 0.3-mile south of the site, and the State Route 92/Clawiter Road interchange is located southwest of the project site. Figures 5a and 5b show photographs of the site and surrounding area.

## 9. Description of Project

The proposed project would commence with removal of the existing slab foundations and paved parking surfaces. Following demolition and removal of foundations and parking surfaces, the project site would be developed with a new industrial campus. The proposed development would consist of two industrial buildings measuring approximately 232,653 square feet and 154,618 square feet, respectively; two employee patios/amenity areas; site landscaping; circulation; stormwater retention areas; and parking. Both buildings would be designed for occupation by industrial uses permitted or conditionally permitted in the IG zoning district, which could consist of, but not be limited to, manufacturing, research and development, e-commerce and logistics, warehouses and distribution, and wholesale establishments. Heavy industrial uses are not proposed. Table 1 summarizes details of the proposed project, and Figure 6 shows the proposed site plan.

**Figure 4 Zoning Districts**

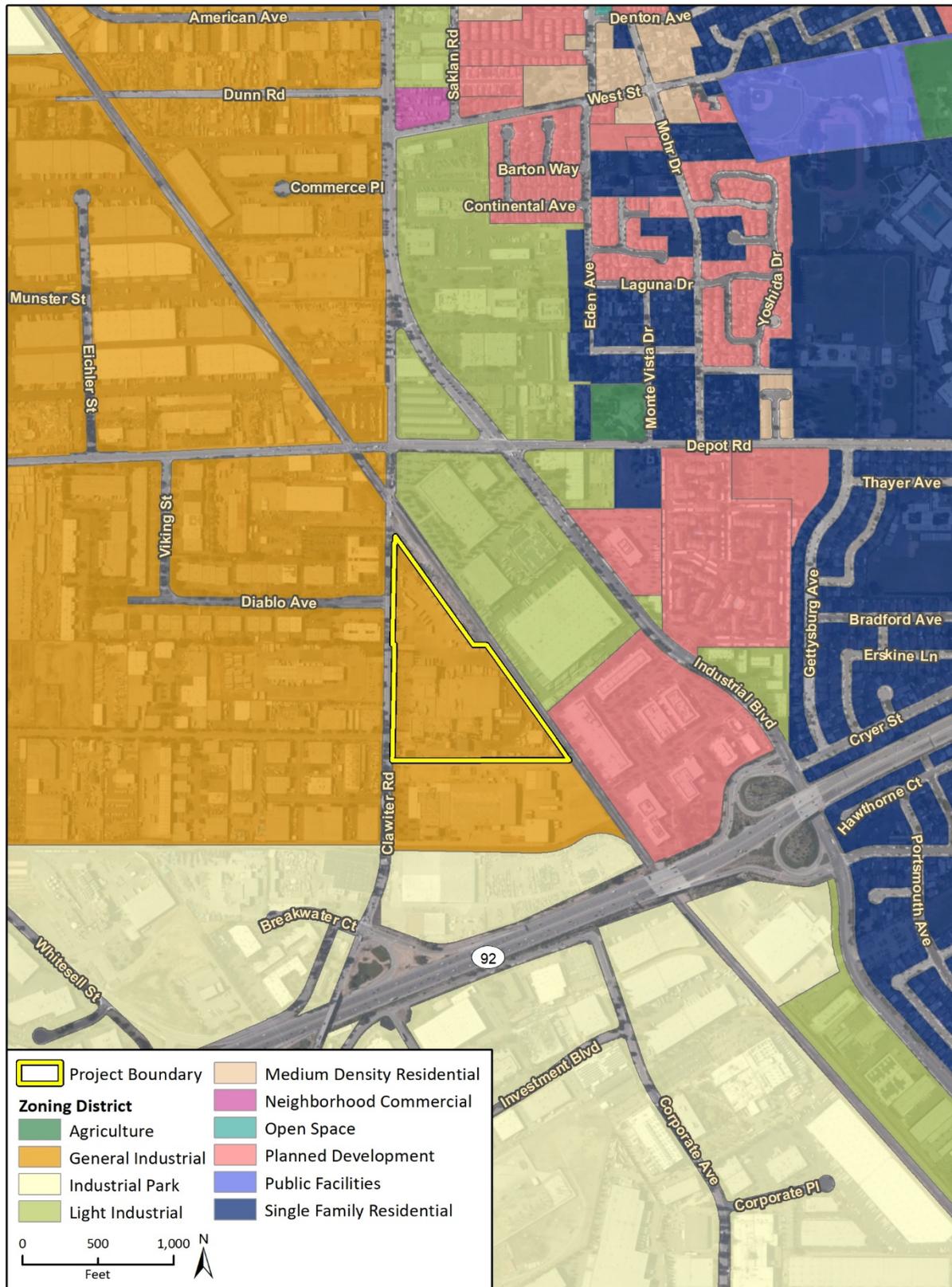
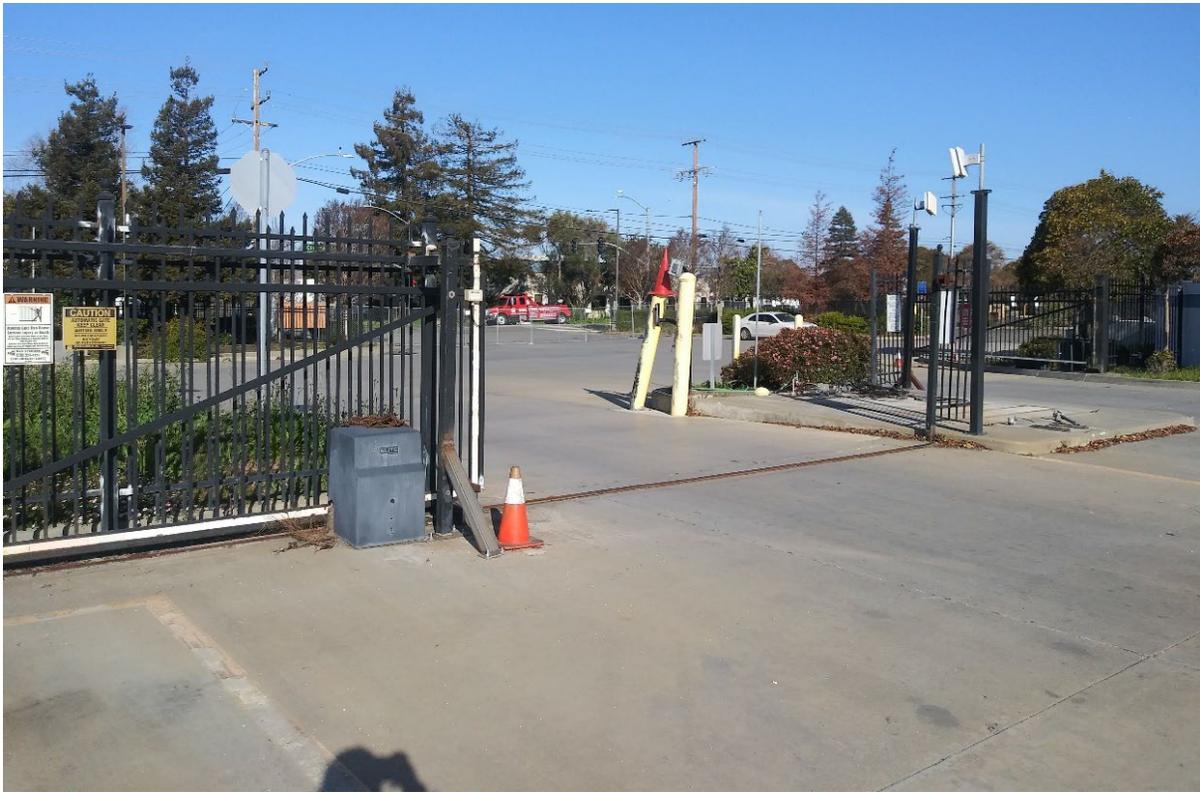


Fig 4 Zoning Districts

**Figure 5a Site Photographs**



**Photograph 1.** Site interior viewed from Clawiter Road



**Photograph 2.** Existing site driveway from Clawiter Road

**Figure 5b Site Photographs**

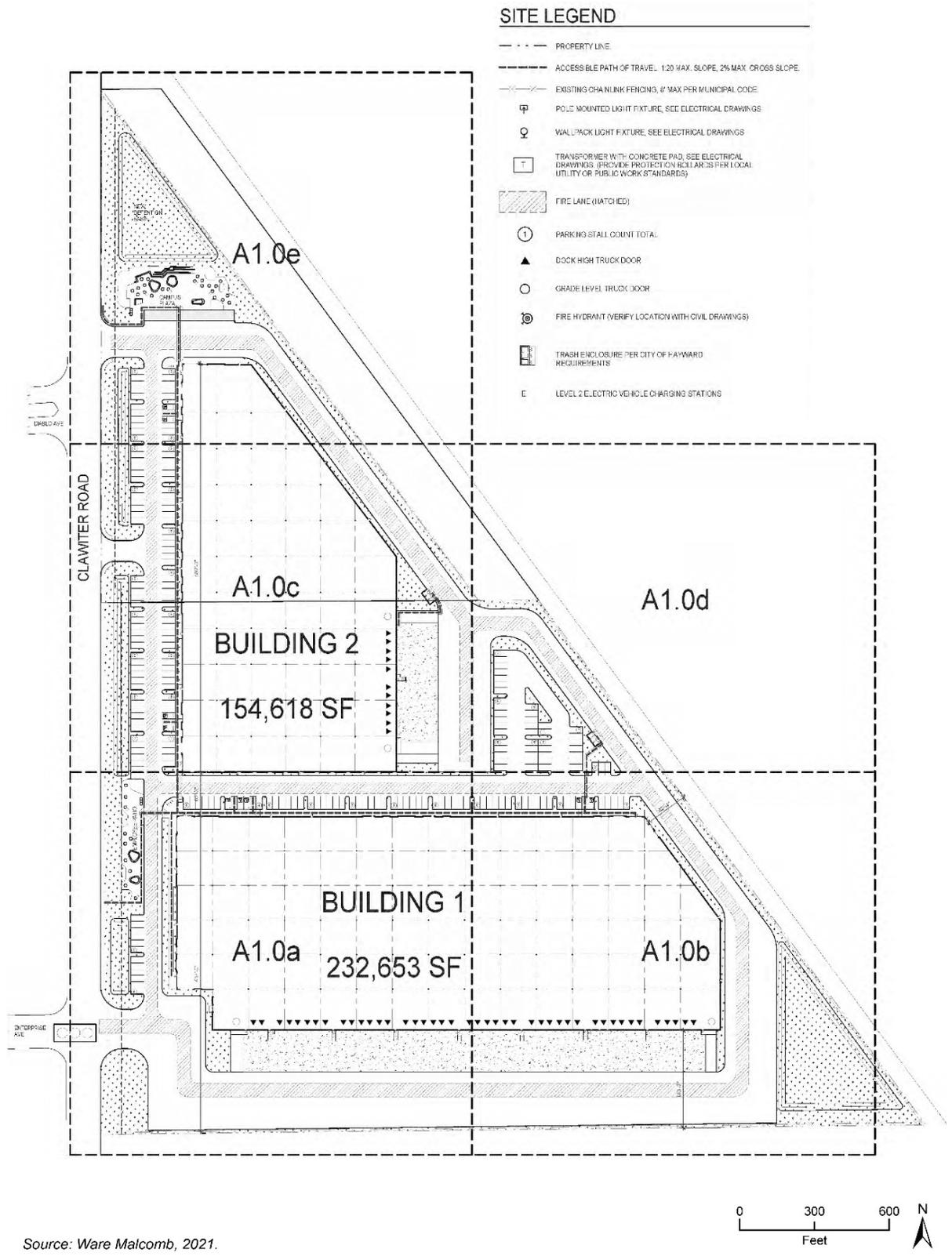


**Photograph 3.** Remaining Berkeley Farms foundation



**Photograph 4.** Paved areas of the site

Figure 6 Conceptual Site Plan



**Table 1 Project Summary**

	Proposed Building 1	Proposed Building 2	Total
<b>Building Features</b>			
Use and Size (sf)	Industrial: 228,000 Office: 4,653	Industrial: 151,526 Office: 3,092	387,271
Floor Area Ratio (FAR)			0.43
Height (feet)	40 (exterior) 32 (interior)	40 (exterior) 32 (interior)	–
Standard Parking Spaces	–	–	230 standard
ADA Parking Spaces	–	–	9
Clean Air/EV Parking Spaces	–	–	35
Bicycle Parking			12 short-term outdoors Long-term to be provided inside building according to Building Code
Landscaped Area (sf)			154,058
sf = square feet			
ADA = Americans with Disabilities Act compliant			

## Building Architecture and Design

The project would consist of two industrial buildings within an industrial campus with employee patios, landscaping, and truck circulation areas. Both buildings would be single-story concrete tilt up structures with custom metal panels. A conceptual rendering of the project is shown on Figure 7.

The proposed buildings would have various architectural details to increase the level of design and visual interest on elevations which are visible from State Route 92 and Clawiter Road. The facades of both buildings would feature integrated wall art for visual aesthetics.

The proposed buildings would have multiple building materials and colors on their elevations, including areas of glass, concrete in various neutral colors, metal, and various glazing. The buildings would include articulation in plane and parapet heights and would have pronounced main entries. Figure 7 shows a conceptual rendering of the proposed buildings. The project would include a gateway sign along Clawiter Road, as also shown in Figure 7.

## Access and Parking

Access to the project site would be provided by three driveways on Clawiter Road. The driveways would each be approximately 35 feet in width, as per the Hayward Standard Detail 110. Two of the proposed driveways would be in similar locations as the existing driveway entrances to the site with one aligning with the Enterprise Road signalized intersection. A third driveway would be constructed between the two existing entrances along Clawiter Road, just south of the Diablo Avenue and Clawiter Road intersection.

Figure 7 Conceptual Rendering of the Proposed Project



An internal circulation road would be provided on the project site that fully circles both buildings. The internal circulation road would be designed and constructed to accommodate both passenger vehicles and large trucks. The internal circulation road would also serve as a fire lane road because it would provide access to all sides of each proposed building.

Parking spaces would be provided along the internal circulation road. As detailed in Table 1, 230 vehicle parking spaces would be provided throughout the project site. Of the 230 vehicle spaces, 9 would be ADA accessible and 35 would be Clean Air/Electric Vehicle (EV) designated.

### **Common Space and Landscaping**

Two new employee amenity areas totaling approximately 15,822 square feet would be provided on-site: 1) an employee patio along Clawiter Road; and 2) an approximately 12,000 square foot plaza at the north end of the site. The plaza at the north end of the site would include various seating areas for individual or group settings, shade structures, landscaping, and areas for potential food truck turn out and parking. New pedestrian sidewalk would be provided at the west end of the project site

Landscaping would be provided along the perimeters of the project site and of the proposed buildings within the proposed stormwater treatment areas, which would consist of bioretention areas. The project would provide approximately 154,163 square feet of landscaped areas in total. The proposed landscaping would also include planting approximately 294 trees.

### **Utilities**

Utility services to the project site, including water, sanitary sewer, storm drain, fire protection, and police protection would be provided by the City of Hayward. The proposed project would connect into existing water infrastructure located along Clawiter Road and sewer infrastructure between the northern and southern project site that connects to Clawiter Road. Solid waste collection and recycling would be provided by Waste Management of Alameda County.

Pacific Gas and Electric (PG&E) would provide gas and electric services to the project site. Gas and electric connections would be to existing utilities adjacent to the project site. Each proposed industrial building would also include a backup diesel generator to provide electricity during power outages. The generators would be used during outages only but would also be regularly tested to ensure they are functional.

The project would also include new stormwater collection and conveyance systems designed to mimic the existing conditions of the site. Portions of the project site drain to the west, east, and south sides of the site. The grading and drainage design would include approximately 44,268 square feet of bioretention planters in accordance with the stormwater treatment requirements for new development projects per the San Francisco Regional Water Quality Control Board and the City of Hayward. The project storm drain systems would also include stormwater detention as needed to comply with development requirements of the Alameda County Flood Control & Water Conservation District (the District). The District requires that the discharge flow rate of development projects be less than or equal to the pre-development discharge flow rate. The bioretention areas would have storm drain inlets that connect to the existing storm drain system adjacent to the project site.

## Green Building Features

The proposed buildings would be designed to comply with CALGreen requirements, which includes solar ready roof designs, LED lighting, and low-flow appliances. In addition, the City of Hayward adopted a Reach Code ordinance in March 2020 which encourages all-electric non-residential buildings and has more advanced standards than California Building Code (CBC) requirements. The project would comply with the Reach Code checklist and requirements, including those related to the provision of Electric Vehicle (EV) Charging Stations.

## Construction and Grading

Construction of the structures and on-site facilities is expected to occur over approximately 9 months and would involve one general phase with the following activities:

1. Site preparation to remove remnant concrete foundations, parking surfaces and driveways, and remaining miscellaneous debris and vegetation within the development area to prepare it for rough grading, which would take approximately one month.
2. Grading of the site to prepare it for construction activities, which would involve exporting soil from the site. This phase would take approximately five months.
3. Construction and painting of the industrial park structures and onsite amenities, which would take approximately eight months.
4. Paving of site including driveways, onsite amenities, and building walkways with asphalt, which would take approximately one week
5. Architectural coating, which would take approximately one month

Because the topography of the site is generally flat, and no underground structures are proposed, minimal grading and subsurface excavation would be required. Cut and fill material would be nearly balanced on-site; however, approximately 552 cubic yards of fill material would be imported during site grading. Subsurface excavation would generally consist of shallow trenches for utilities, which would be backfilled following construction completion. Construction would also require removal of 86 of the 88 existing trees on-site.

## 10. Required Approvals

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

- Major Site Plan Review
- Conditional Use Permit
- Lot Line Adjustment
- Demolition Permit
- Grading Permit
- Building Permit
- Water and Wastewater Connection Approval

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

On April 12, 2021, the City of Hayward sent the Lone Band of Miwok Indians an Assembly Bill (AB) 52 notification letter via certified mail. Under AB 52, Native American tribes have 30 days to respond and request further project information and request formal consultation. The City did not receive a request for formal consultation under AB 52. Copies of AB 52 correspondence for this project are included in Appendix B.

## Environmental Factors Potentially Affected

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

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

## Determination

Based on this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “less than significant with mitigation incorporated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

**25450-25550 Clawiter Road Industrial Project**

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

---

Signature

Leigha Schmidt

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Printed Name

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Date

Senior Planner

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Title

# Environmental Checklist

## 1 Aesthetics

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

Except as provided in Public Resources Code Section 21099, would the project:

a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Impact Analysis

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

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*, the City's scenic vistas are designated as views of natural topography, open grass and vegetation, the East Bay hills, and the San Francisco Bay shoreline. There are no views of open grass and vegetation, the East Bay hills or San Francisco Bay shoreline available from or through the site from public viewpoints such as roads, trails or parks due to the distance from such features and the intervening buildings and vegetation. Therefore, no impact would occur.

**NO IMPACT**

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

The closest designated state scenic highway is a portion of I-580 at the northern edge of the City, approximately 4.5 miles north of the project site (California Department of Transportation [Caltrans] 2019). The project site is not visible from I-580, and therefore the proposed project would not damage scenic resources from there.

In addition to I-580, State Route 92 is designated as an Alameda County scenic highway in the Alameda County Scenic Route Element, and the project site is just north of and visible from State Route 92. However, there are no rock outcroppings or historic buildings on the project site. The project would require removal of 86 existing trees. Existing buildings between the project site and State Route 92 generally obstruct most views of on-site trees from State Route 92. Additionally, proposed landscaping would include planting 294 new trees around the perimeter of the project site, including along the southern project boundary, closest to State Route 92. Therefore, the project's impacts on scenic resources would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

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

The project is in an urbanized area. Upon approval of the requested discretionary actions, development of the proposed project would comply with City zoning standards, including height regulations, yard and lot area, and front and side setbacks. As detailed in Table 1, both buildings would have an exterior height of 40 feet, which would not exceed the maximum allowable height of 75 feet in the IG and IP zones. The 40-foot height would be similar in size to surrounding existing industrial buildings, and consistent with the Zoning Code. The project would improve the existing visual character of the site with an updated industrial development with structures that incorporate various building materials and colors in the building elevations, including areas of glass, concrete in various neutral colors, metal, and various glazing, as shown in Figure 7.

In addition, the project would provide landscaping along the perimeters of the proposed buildings and the project site, consistent with City requirements. Therefore, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

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

The project site is in an urbanized area with moderate to high levels of existing light typical of industrial areas and highways, such as streetlights and auxiliary lighting on building exteriors. The surrounding industrial, commercial, and roadway uses generate light and glare along all sides of the project site. Primary sources of light adjacent to the project site include interior and exterior lighting associated with the existing industrial and commercial buildings, vehicle headlights, and streetlights. The site does not currently have substantial sources of glare. The primary source of glare affecting

the project site is the sun's reflection from vehicles parked in adjacent parking lots and glass and light-colored surfaces on buildings surrounding the project site.

The project would introduce new sources of light and glare to the area by introducing two new buildings on the site which would have windows, exterior lighting, parking lot lighting, and internal lighting, as well as new surface parking areas. No highly reflective glass or reflective metallic elements are proposed as part of the proposed project. Glare from sunlight generally occurs on the east side of buildings in the morning and west side in the afternoon. The proposed buildings would be located along the east of Clawiter Road which runs north to south and would likely not create substantial sun reflection to drivers in the morning or afternoon because drivers would not be directly facing the east or west sides of the buildings. Proposed building design includes limited windows around entrances, which would be consistent with the surrounding development, and would be partially blocked by existing redwoods and proposed landscaping along the perimeter of the project site.

The project would also introduce light and glare from headlights from vehicles entering and exiting the project. The project would be required to comply with Section 10-1.1606 of the Hayward Municipal Code, which requires stationary light from the project, such as streetlights in the surface parking areas, to be confined to the property and not create light or glare upon adjacent properties or public rights-of-way. The sources of light and glare from the project, such as light from vehicles, would be generally similar to existing sources of light and glare on and surrounding the site and would be consistent with other uses in the area. Therefore, the project would not create a new source of substantial light or glare, and impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

*This page intentionally left blank.*

# 2 Agriculture and Forestry Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

Would the project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- 
- a. *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*
  - b. *Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?*
  - c. *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*
  - d. *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

- e. *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?*

### **Impact Analysis**

The project site is located in an urbanized area of Hayward and is designated for Industrial Corridor land use in the City's General Plan. The project site is zoned as Industrial General (IG) and surrounding properties are also zoned for industrial uses. Neither the project site nor adjacent properties are identified as the farmland types under the Farmland Mapping and Monitoring Program or enrolled in Williamson Act contracts, nor do they support forest land or resources (California Department of Conservation [DOC] 2016). The project site is not located on or adjacent to agricultural land or forest land and the project would not involve development that could result in the conversion of farmland to non-agricultural uses. For these reasons, the proposed project would have no impact with respect to conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use; conflict with existing agricultural zoning or Williamson Act contract; result in the loss of forest land or conversion of forest land to non-forest use; or other conversion of farmland to non-agricultural use.

**NO IMPACT**

### 3 Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Existing Setting

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

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

equipment. Air pollutants can also be generated by the natural environment such as when high winds suspend fine dust particles (BAAQMD 2017a).

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

### Regulatory Setting

The U.S. Environmental Protection Agency (U.S. EPA) has set primary national ambient air quality standards (NAAQS) for ozone (O<sub>3</sub>), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter with diameters of up to ten microns (PM<sub>10</sub>) and up to 2.5 microns (PM<sub>2.5</sub>), and lead (Pb). Primary standards are those levels of air quality deemed necessary, with an adequate margin of safety, to protect public health. In addition, California has established health-based ambient air quality standards, known as the California ambient air quality standards (CAAQS) for these and other pollutants, some of which are more stringent than the federal standards.

As the local air quality management agency, the BAAQMD is required to monitor air pollutant levels to ensure that NAAQS and CAAQS are met and, if they are not met, to develop strategies to meet them. Depending on whether or not standards are met or exceeded, the SFBAAB is classified as in “attainment” or “non-attainment.” The BAAQMD is in non-attainment for the federal and state ozone standards, the state PM<sub>10</sub> standard, and the federal and state PM<sub>2.5</sub> standards (BAAQMD 2017b). Table 2 describes the health effects associated with criteria pollutants for which the BAAQMD is in non-attainment.

**Table 2 Health Effects Associated with Non-Attainment Criteria Pollutants**

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

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

Source: U.S. EPA 2018a

The 2017 Clean Air Plan, adopted by BAAQMD as an update to the 2010 Clean Air Plan, provides a regional strategy to protect public health and the climate. To fulfill state ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors (reactive organic gases [ROG] and nitrogen oxides [NO<sub>x</sub>]) and reduce transport of ozone and its precursors to neighboring air basins. In addition, the 2017 Clean Air Plan builds upon and enhances the BAAQMD's efforts to reduce emissions of fine particulate matter and toxic air contaminants (TACs; BAAQMD 2017c).

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

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

## Sensitive Receptors

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

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

residences, schools, and hospitals. The nearest sensitive receptors to the project site are residences located approximately 0.2 mile to the east and a school, the California Crosspoint Academy, located approximately 0.2 mile to the north. The City of Hayward has not yet adopted environmental justice policies or associated thresholds as part of their General Plan; however, the project site is located in an area defined as a disadvantaged community per Senate Bill (SB) 1000 and California Health and Safety Code Section 39711 (California Office of Environmental Health Hazard Assessment 2018).

### **Air Emission Thresholds**

The BAAQMD developed screening criteria in its May 2017 CEQA Air Quality Guidelines to provide lead agencies and project applicants with a conservative indication of whether a project could result in potentially significant air quality impacts. If a project meets the screening criteria, then the lead agency or applicant would not need to perform a detailed air quality assessment of the project’s air pollutant emissions. For an industrial park, the Operational Criteria Pollutant Screening Sizes are 553,000 square feet, 61 acres, or 1,154 employees, and the Construction Criteria Pollutant Screening Sizes are 259,000 square feet, 11 acres, or 577 employees. The proposed project would include two industrial structures totaling approximately 387,271 square feet, which would not exceed the Operational Criteria Pollutant Screening Size of 553,000 square feet. However, the project would exceed the Construction Criteria Pollutant Screening Size of 259,000 square feet and the site criteria of 11 acres. As a result, the BAAQMD significance thresholds for criteria air pollutants, shown in Table 3, are used to evaluate the project’s potential air quality impacts.

**Table 3 BAAQMD Air Quality Significance Thresholds**

<b>Pollutant/Precursor</b>	<b>Construction Emissions (average lbs/day)</b>	<b>Operational Emissions (average lbs/day)</b>
ROG	54	54
NO <sub>x</sub>	54	54
PM <sub>10</sub>	82 <sup>1</sup>	82
PM <sub>2.5</sub>	54 <sup>1</sup>	54
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	None

lbs/day = pounds per day; ROG = reactive organic gases; NO<sub>x</sub> = nitrogen oxides; PM<sub>10</sub> = particulate matter 10 microns in diameter or less; PM<sub>2.5</sub> = particulate matter 2.5 microns or less in diameter; BAAQMD = Bay Area Air Quality Management District

<sup>1</sup> The construction thresholds for PM<sub>10</sub> and PM<sub>2.5</sub> emissions apply to exhaust emissions only.

Source: BAAQMD 2017a

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

- Non-compliance with Qualified Community Risk Reduction Plan;
- Increased cancer risk of > 10.0 in a million;
- Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute); or
- Ambient PM<sub>2.5</sub> increase of > 0.3 µg/m<sup>3</sup> annual average

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

- Non-compliance with Qualified Community Risk Reduction Plan;
- Increased cancer risk of > 100.0 in a million;
- Increased non-cancer risk of > 10.0 Hazard Index (Chronic or Acute); or
- Ambient PM<sub>2.5</sub> increase of > 0.8 µg/m<sup>3</sup> annual average

The BAAQMD provides recommended odor screening distances for the siting of new odor sources, which are shown in Table 4. A significant impact would potentially occur if the project would site a new odor source within the specified distances of existing sensitive receptors.

**Table 4 BAAQMD Odor Screening Distances**

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

Source: BAAQMD 2017a

## Methodology

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

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

vendor trips. CalEEMod estimates construction emissions by multiplying the amount of time equipment is in operation by emission factors. Construction of the proposed project was analyzed based on defaults contained in CalEEMod. It is assumed that all construction equipment used would be diesel-powered. The CalEEMod inputs and model results are provided as Appendix C to this Initial Study.

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

## **Impact Analysis**

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

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

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

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

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

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

A project that would not support the 2017 Clean Air Plan's goals is not considered consistent with the 2017 Clean Air Plan. On an individual project basis, consistency with BAAQMD quantitative thresholds is interpreted as demonstrating support for the 2017 Clean Air Plan's goals. As shown in the discussion under checklist items b and c (see below), the project would not result in exceedances of BAAQMD thresholds for criteria air pollutants and thus would not conflict with the 2017 Clean Air Plan's goal to attain air quality standards. Therefore, the proposed project would result in a less than significant impact related to consistency with the 2017 Clean Air Plan.

**Table 5 Project Consistency with Goals and Applicable Control Strategies of 2017 Clean Air Plan**

Goals and Control Strategies	Evaluation
<p><b>Goal:</b> Protect air quality and health at the regional and local scale:</p> <ul style="list-style-type: none"> <li>▪ Attain all state and national air quality standards</li> <li>▪ Eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants</li> </ul>	<p><b>Consistent.</b> As shown in Table 6, 7, and 8, below, air pollutant emissions generated from project construction would not exceed BAAQMD standards for criteria pollutants. Operation of the project meets BAAQMD screening criteria which can be used to determine air quality standards would not be exceeded. Accordingly, construction and operation of the proposed project would not contribute to nonattainment of air quality standards. As discussed later in this section, under CEQA checklist 'c', the proposed project would not expose sensitive receptors to substantial toxic air contaminants.</p>
<p><b>Goal:</b> Protect the climate:</p> <ul style="list-style-type: none"> <li>▪ Reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050</li> </ul>	<p><b>Consistent.</b> As described in Section 8, <i>Greenhouse Gas Emissions</i>, the GHG emissions generated from the proposed project would not exceed thresholds established to reach emissions of 40 percent below 1990 levels by 2030. As discussed further in Section 8, the proposed project would be generally consistent with the City's Climate Action Plan, which includes goals to reduce GHG emissions to 82.5 percent below 2005 levels by 2050. The project would therefore not exceed thresholds to reduce emissions to 80 percent below 1990 levels by 2050 because the 2005 levels exceed 1990 levels, and the project would be at least 80 percent less than 2005 levels.</p>
<p><b>Control Strategy:</b> Direct new development to areas that are well served by transit, and conducive to bicycling and walking.</p>	<p><b>Consistent.</b> The project would be located on Clawiter Road. There are no bicycle lanes on Clawiter Road near the project site, but bicycles are allowed on Clawiter Road and the project would include bicycle parking. Continuous sidewalks do not exist on Clawiter Road near the project site, but the project would improve pedestrian movement by constructing new sidewalk along the site frontage with Clawiter Road. An existing transit stop is located approximately 660 feet north of the project site, at the intersection of Clawiter Road and Depot Road. New pedestrian sidewalk on Clawiter Road would improve conditions for people to walk from transit to the project site.</p>
<p><b>Control Strategy:</b> Reduce demand for vehicle travel, and high-carbon goods and services.</p>	<p><b>Consistent.</b> The proposed buildings would be occupied by uses allowed in the Industrial General zoning district. The buildings would not be constructed with stack exhaust systems, and so heavy manufacturing uses generating large quantities of carbon, such as a refinery would not occur on the project site. Based on the Transportation Impact Analysis prepared for the project, which is Appendix D to this IS/MND, the proposed project is an area with below average VMT for industrial uses. The project would increase industrial development density on-site compared to existing conditions, resulting in potentially more industrial employment in an area with below average VMT. Therefore, regardless of the potential tenant or tenants, as described in Section 8, <i>Greenhouse Gas Emissions</i>, the GHG emissions of the project would be less than significant.</p>
<p><b>Control Strategy:</b> Promote energy and water efficiency in both new and existing buildings.</p>	<p><b>Consistent.</b> The proposed industrial building would be required to comply with 2019 CALGreen standards, which include measures for energy and water efficiency. The project would also comply with the City's Reach Code, which goes beyond requirements of CalGreen.</p>

Source: BAAQMD 2017b

**LESS THAN SIGNIFICANT IMPACT**

- b. *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

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

Operational emissions modeled include mobile source emissions (i.e., vehicle emissions), energy emissions, area source emissions, and stationary source emissions. Mobile source emissions are generated by vehicle trips to and from the project site and were estimated using the trip generation rates provided by Kittelson & Associates in the Traffic Study (Appendix D). Emissions attributed to energy use include natural gas consumption for space and water heating. Area source emissions are generated by landscape maintenance equipment, consumer products and architectural coatings. Stationary source emissions include emissions from testing of the anticipated two backup generators. Estimated emissions were calculated outside of CalEEMod using emission factors for representative generators; the southern building was modeled with a CAT 3516C (2,100 horsepower) and the northern building was modeled with a C18 (800 horsepower) generator. Emergency generators are seldomly operated under normal conditions. This analysis accounts for up to 4 hours per day for routine maintenance and testing and up to 50 hours per year total use.

## **Construction Emissions**

### *Criteria Air Pollutant Emissions*

Project construction would involve demolition, site preparation, grading, building construction, paving, and architectural coating activities that have the potential to generate air pollutant emissions. As described in the project description, construction of the entire project, including the proposed industrial buildings and surface parking areas would occur over approximately 9 months. Table 6 summarizes the estimated maximum daily emissions of criteria air pollutants during construction on the project site. As shown in the table, project construction emissions would not exceed BAAQMD thresholds. Therefore, impacts of project construction would be less than significant.

**Table 6 Project Construction Emissions**

Year	Daily Emissions (lbs/day)					
	ROG	NO <sub>x</sub>	CO	PM <sub>10</sub> (exhaust)	PM <sub>2.5</sub> (exhaust)	SO <sub>x</sub>
Maximum Daily Emissions <sup>1</sup>	39	46	44	11	6	<1
BAAQMD Thresholds (average daily emissions)	54	54	N/A	82	54	N/A
Threshold Exceeded?	No	No	N/A	No	No	N/A

<sup>1</sup> See Table 2.1 "Overall Construction-Unmitigated" emissions. CalEEMod worksheets in Appendix C. Emission data presented is the highest of winter or summer outputs.

N/A = not adopted (The BAAQMD has not adopted thresholds for construction emissions of CO or SO<sub>x</sub>); lbs/day = pounds per day; ROG = reactive organic gases; NO<sub>x</sub> = oxides of nitrogen; CO = carbon monoxide; PM<sub>2.5</sub> = particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM<sub>10</sub> = particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; SO<sub>x</sub> = oxides of sulfur

### *Fugitive Dust*

Site preparation and grading may cause wind-blown dust that could contribute particulate matter into the local atmosphere. The BAAQMD has not established a quantitative threshold for fugitive dust emissions but rather states that projects that incorporate best management practices (BMPs) for fugitive dust control during construction would have a less than significant impact related to fugitive dust emissions. The project would be required to implement dust control measures during grading and clearing activities per HMC Section 10-8.32, which includes requirements to use watering or dust palliative to contain dust and to immediately remove earth material spilling or accumulating on a public street. Therefore, construction-related fugitive dust emissions would be less than significant.

### **Operational Emissions**

As described under *Air Emission Thresholds* above, the proposed project would involve two industrial buildings totaling approximately 387,271 square feet, which is below BAAQMD's operational criteria pollutant screening size for general light industrial uses of 541,000 square feet. As a result, per BAAQMD guidance, a detailed air quality assessment of their project's criteria air pollutant emissions from operation is not necessary. However, given that the proposed project would include testing of up to two diesel generators, and that the buildings could be used for e-commerce which generates more vehicle trips than typical industrial uses, operational emissions of the proposed project were estimated and are presented in Table 7 and Table 8, below. As shown in Table 7 and Table 8, the average daily and annual emissions from project operation would not exceed the BAAQMD thresholds. Therefore, project operation would not result in a cumulatively considerable net increase of criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Impacts would be less than significant.

**Table 7 Estimated Average Daily Project Operational Emissions**

Emissions Source	Average Daily Emissions (lbs/day)			
	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area Sources	10	<1	<1	<1
Energy Sources	<1	3	<1	<1
Mobile Sources	8	11	15	4
Stationary Sources <sup>1</sup>	19	9	<1	<1
<b>Total Proposed Project Emissions</b>	<b>36</b>	<b>22</b>	<b>16</b>	<b>5</b>
BAAQMD Thresholds	54	54	82	54
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

ROG = reactive organic gases; NO<sub>x</sub> = nitrogen oxides; PM<sub>10</sub> = particulate matter 10 microns in diameter or less; PM<sub>2.5</sub> = particulate matter 2.5 microns or less in diameter; lbs/day = pounds per day; BAAQMD = Bay Area Air Quality Management District

<sup>1</sup> Conservatively assumes maximum permitted operations of 100 hours per year for each generator, or up to 4 operational hours per day.

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

**Table 8 Estimated Annual Project Operational Emissions**

Emissions Source	Annual Emissions (tons/year)			
	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area Sources	1.7	<0.1	<0.1	<0.01
Energy Sources	0.1	0.5	<0.1	<0.1
Mobile Sources	1.3	1.8	2.7	0.7
Stationary Sources <sup>1</sup>	0.1	0.1	<0.1	<0.1
<b>Total Proposed Project Emissions</b>	<b>3.2</b>	<b>2.3</b>	<b>2.7</b>	<b>0.8</b>
BAAQMD Thresholds	10	10	15	10
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

ROG = reactive organic gases; NO<sub>x</sub> = nitrogen oxides; PM<sub>10</sub> = particulate matter 10 microns in diameter or less; PM<sub>2.5</sub> = particulate matter 2.5 microns or less in diameter; BAAQMD = Bay Area Air Quality Management District

<sup>1</sup> Conservatively assumes maximum permitted operations of 100 hours per year for each generator, or up to 4 operational hours per day.

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

**LESS THAN SIGNIFICANT IMPACT**

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

As discussed above under *Sensitive Receptors*, the nearest sensitive receptors to the project site are residences located approximately 0.2 mile to the east and California Crosspoint Academy located approximately 0.2 mile to the north. The project's potential to expose these sensitive receptors to substantial concentrations of CO and TACs is discussed in the following subsections.

### **Localized Carbon Monoxide Hotspots**

A CO hotspot is a localized concentration of CO that is above a CO ambient air quality standard. Localized CO hotspots can occur at intersections with heavy peak hour traffic. Specifically, hotspots can be created at intersections where traffic levels are sufficiently high such that the local CO concentration exceeds the federal one-hour standard of 35.0 parts per million (ppm) or the federal and state eight-hour standard of 9.0 ppm (CARB 2016).

The SFBAAB was redesignated to attainment in April 1998 and the region has remained in attainment of CO standards ever since. According to the 2004 Revision to the California State Implementation Plan for Carbon Monoxide, requirements for cleaner vehicles, equipment, and fuels have cut peak CO levels in half since 1980 despite growth (CARB 2004). With cleaner technologies, automobile emissions of CO have steadily declined over the years.

As discussed in the BAAQMD 2017 CEQA Air Quality Guidelines, potential for a CO hotspot is limited to intersections with traffic volumes that exceed 44,000 vehicles per hour or intersections with traffic volumes that exceed 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway). As discussed in the CEQA Transportation Analysis report, existing volumes at study intersections may reach up to 2,451 vehicles per hour (Hesperian Boulevard and Depot Road) and future volumes at study intersections may reach up to 2,942 trips (Hesperian Boulevard and Depot Road). Based on the trip generation and distribution shown in the CEQA Transportation Analysis report (Kittelson & Associates 2021, Appendix D), the project would generate up to 464 peak hour trips. Even conservatively assuming all project-generated traffic passes through every surrounding intersection, intersection volumes would not approach 24,000 vehicles per hour. Therefore, the project would not contribute to the creation of a CO hotspot or worsen air quality at an existing CO hotspot. Impacts would be less than significant.

### **Toxic Air Contaminants**

#### *Construction Impacts*

One of the main sources of TACs in California is diesel engines that emit exhaust containing solid material known as diesel particulate matter (DPM) (CARB 2020). Construction-related activities would result in temporary project-generated emissions of DPM exhaust emissions from off-road, heavy-duty diesel equipment for site preparation, grading, building construction, and other construction activities.

Generation of DPM from construction projects typically occurs in a single area for a short period. Construction of the proposed project would occur over approximately nine months. The dose to which the receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the extent of exposure that person has with the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the Maximally Exposed

Individual. The risks estimated for a Maximally Exposed Individual are higher if a fixed exposure occurs over a longer period of time. According to the California Office of Environmental Health Hazard Assessment, health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 70-year exposure period; however, such assessments should be limited to the period/duration of activities associated with the project. Thus, the duration of proposed construction activities (i.e., approximately nine months) is approximately one percent of the total exposure period used for health risk calculation. Current models and methodologies for conducting health-risk assessments are associated with longer-term exposure periods of 9, 30, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities, resulting in difficulties in producing accurate estimates of health risk (BAAQMD 2017a). Therefore, this analysis qualitatively discusses potential health risks associated with construction-related emissions of TACs, focusing on construction activities most likely to generate substantial TAC emissions and the duration of such activities relative to established, longer-term health risk exposure periods.

Maximum PM<sub>10</sub> and PM<sub>2.5</sub> emissions would occur during demolition activities. Given that most demolition has already occurred, and remaining demolition would consist primarily of building foundations and parking lots, demolition would be completed in less than one month. Grading would last for approximately five months. PM emissions would decrease for the remaining construction period because activities such as building construction and architectural coating would require fewer pieces of construction equipment. While the maximum DPM emissions associated with demolition and grading activities would only occur for a portion of the overall construction period, these activities represent the maximum exposure condition for the total construction period. The duration of demolition and grading activities would represent less than one percent of the total exposure period for a 70-year health risk calculation. Furthermore, there are no sensitive receptors within 1,000 feet of the project site. Therefore, DPM generated by project construction would not create conditions where the probability is greater than 10 in one million of contracting cancer for the Maximally Exposed Individual or to generate ground-level concentrations of non-carcinogenic TACs that exceed a Hazard Index greater than one for the Maximally Exposed Individual. Thus, project construction activities would not expose sensitive receptors to substantial TAC concentrations, and impacts would be less than significant.

### *Operational Impacts*

As discussed previously, stationary source emissions include emissions from testing of the anticipated two backup generators. Estimated emissions were calculated outside of CalEEMod using emission factors for representative generators; the southern building was modeled with a CAT 3516C (2,100 horsepower) and the northern building was modeled with a C18 (800 horsepower) generator. These standby generators would generate TAC emissions in the form of DPM. Therefore, a screening health risk assessment (HRA) was prepared to evaluate whether TAC emissions exposure at the Maximum Exposed Individual Resident (MEIR) would exceed the BAAQMD health risk criteria. The following discussion is based on the results of this screening HRA, which is included in Appendix C.

The CalEEMod annual PM<sub>10</sub> exhaust and total PM<sub>2.5</sub> emissions (tons per year) for the stationary source were then converted into average daily emissions (pounds per day) and used in the BAAQMD's Risk and Hazards Emissions Screening Calculator (calculations are included in Appendix C). This screening tool can estimate approximate cancer risk, non-cancer health hazard index, and the PM<sub>2.5</sub> concentration from a TAC source, including gasoline dispensing facilities and diesel backup generators, using the average daily emissions for specific pollutants. To compute cancer risk, the

screening calculator uses the California Office of Environmental Health Hazard Assessment (OEHHA) guidance which includes age sensitivity factors for all age groups, 95th percentile daily breathing rates for age groups less than two years old, 80th percentile daily breathing rates for all other age groups, a fraction of time at home assumption for age groups 16 years and older (0.73), and a 30-year exposure duration for residents (BAAQMD 2020).

In the screening tool, the CalEEMod PM<sub>10</sub> exhaust emission was used to represent diesel exhaust particulates and the total PM<sub>2.5</sub> emissions represented fine particulate matter. A distance adjustment based on a distance of 984 feet (300 meters) was used in the screening tool for the proposed generator location. However, the closest residential sensitive receptors are over 1,400 feet northeast from the northern building emergency generator and over 1,800 feet northeast from the southern building emergency generator. The BAAQMD screening tool does not have distance adjustments past 984 feet.

Based on the screening tool, the distance-adjusted total cancer risk would be 0.7 per million, the total PM<sub>2.5</sub> concentration would be less than 0.01 µg/m<sup>3</sup>, and the hazard index value would be less than 0.01 (Appendix C). These risks and hazards are below the BAAQMD TAC single-source thresholds of 10 per million for cancer risk, 0.03 µg/m<sup>3</sup> for PM<sub>2.5</sub>, and 1.0 for hazard index. Therefore, impacts from the proposed emergency generator would be less than significant.

### *Cumulative Impacts*

The BAAQMD requires assessment of health risks associated with the aggregate total of all past, present, and foreseeable future sources within a 1,000-foot radius from the fence-line of the project site. Six permitted emission sources were identified within 1,000 feet of the project's fence line using BAAQMD's Stationary Source Screening Analysis Tool (BAAQMD 2020):

- Bay Equipment and Repair (3393 Enterprise Avenue; ID 3255) – coating operations/abrasives blasting
- Berkeley Farms, Inc. (25500 Clawiter Road; ID 11596) – boilers, generators (no longer operates)
- Customer Commercial Dry Cleaners (3201 Investment Boulevard, Suite A; ID 12249) – dry cleaning operations
- Illumina, Inc. (25861 Industrial Boulevard; ID 20398) - generators
- J Jr's Truck Repair and Maintenance (25601 Clawiter Road; ID 21185) – coating operations
- Breakwater 76 (3500 Breakwater Avenue; ID 111545) – gasoline dispensing facility

A reasonably foreseeable future project involving a new data center is located at 25800 Clawiter Road, adjacent to the project site. According to the Initial Study prepared for the data center project, the data center would include 24 diesel generators, representing an emission source (City of Hayward 2020d). In addition, one highway (State Route 92) and a railroad line are located within 1,000 feet of the project site.

The health risk associated with the aggregate total of all past, present, and foreseeable future sources within a 1,000-foot radius from the fence line of the project site is summarized in Table 9. As shown therein, the cumulative cancer risk, chronic hazard index, and annual average PM<sub>2.5</sub> concentrations associated with existing and proposed TAC sources would not exceed BAAQMD cumulative thresholds at the MEIR. Therefore, no cumulative impact would occur, and the project would also not be inconsistent with SB 1000. Impacts would be less than significant.

**Table 9 Cumulative Impacts – MEIR**

Source	Cancer Risk (in one million)	Chronic Hazard Index	Annual Average PM <sub>2.5</sub> Concentration (µg/m <sup>3</sup> )
Proposed Project	0.7	5.0E-03	0.01
Stationary Source – ID 11596 <sup>1</sup>	1.6	2.6E-03	0.07
Stationary Source – ID 3255 <sup>1</sup>	0.0	0.0	0.04
Stationary Source – ID 21185 <sup>1</sup>	0.0	2.1E-04	–
Stationary Source – ID 20398 <sup>1</sup>	0.6	1.3E-03	<0.01
Stationary Source – ID 111545 <sup>1</sup>	0.2	1.0E-03	–
Stationary Source – ID 12249 <sup>1</sup>	0.5	1.3E-03	–
Reasonably Foreseeable Data Center Source	4.4	8.9E-04	<0.01
State Route 92	48.4	0	0.59
Railroad	2.0	0	<0.01
<b>Cumulative Total</b>	<b>56.6</b>	<b>&lt;0.01</b>	<b>0.72</b>
BAAQMD Cumulative Threshold	100	10.0	0.8
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>

PM<sub>2.5</sub> = particulate matter 2.5 microns or less in diameter; µg/m<sup>3</sup> = micrograms per cubic meter; BAAQMD = Bay Area Air Quality Management District; MEIR = Most Exposed Individual Resident

<sup>1</sup> Calculated using values provided by the BAAQMD and the BAAQMD Risk and Hazards Emissions Screen Calculator Beta 4.0 (BAAQMD 2019; Flores 2020). All stationary sources are located more than 984 feet (300 meters) from the MEIR; however, the BAAQMD does not provide distance multiplier values for distances greater than 984 feet. Therefore, this analysis conservatively assumes a distance of 984 feet from the MEIR for all stationary sources, which provides an overestimate of cumulative cancer risk, chronic hazard, and annual average PM<sub>2.5</sub> concentrations at the MEIR.

Source: Appendix C

**LESS THAN SIGNIFICANT IMPACT**

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

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

**LESS THAN SIGNIFICANT IMPACT**

# 4 Biological Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Existing Setting

The project site is located in an urban business park and industrial area and is surrounded by existing development and a major highway. The site is relatively flat and with no existing structures and only building slab foundations and parking lots remaining. Most of the site is paved with vegetation limited primarily to parking lot and perimeter trees for landscaping.

## Impact Analysis

- a. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

The project site has no natural or native vegetation communities that would support special status animal species. Although vegetation communities observed in the project site are primarily non-native, ornamental, and/or disturbed, the site could be used by numerous species of migratory birds that utilize the ornamental trees and surrounding landscaping as nesting habitat. Native bird nests are protected by California Fish & Game Code (CFG) Section 3503. The nesting season generally extends from February 1<sup>st</sup> through August 31<sup>st</sup> in California but can vary based upon annual climatic conditions. Thus, construction activities could also result in the direct take of birds or their nests during vegetation removal, or disturbance-related nest abandonment. Mitigation is required to reduce potentially significant impacts on nesting birds.

## Mitigation Measures

The following mitigation measure would be required to avoid or reduce the proposed project's potentially significant impacts to nesting birds and special status wildlife.

### *BIO-1 Nesting Bird Avoidance and Minimization Efforts*

If project construction activities occur during the nesting season (between February 1<sup>st</sup> and August 31<sup>st</sup>) a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. The survey shall include the entire project site and a 300-foot buffer to account for nesting raptors. If nests are found the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance by project activity to the nest (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird behavior.

During construction, active nests identified during the preconstruction survey shall be monitored by the qualified biologist to determine if construction activities are causing disturbance to the bird and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed behavior associated with project activities. Atypical nesting behaviors that may cause nest abandonment include, but are not limited to, defensive flights, vocalizations directed towards project personnel/activities, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority, through the resident engineer, to order the cessation of all project activities if the nesting birds exhibit atypical behavior that may cause nest failure (nest abandonment and loss of eggs and/or young) until a refined appropriate buffer is established. To prevent encroachment, the established buffer(s) should be clearly marked by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been

abandoned as confirmed by the qualified biologist. The monitoring biologist, in consultation with the resident engineer and project manager shall determine the appropriate protection for active nests on a case-by-case basis using the criteria described above. The qualified biologist shall prepare a nest monitoring report at the time monitoring has been completed. The report will document the methods and results of the monitoring, and the final status of the nest (i.e., successful fledging of the nest, nest depredation, nest failure due to construction activity).

### **Significance After Mitigation**

Implementation of mitigation measure BIO-1 would ensure protection of nesting birds that may be on-site during construction activities. These measures would reduce the potentially significant impact to special-status species to a less than significant level.

#### **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

- b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*
- c. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

The project site was previously developed with industrial uses and is disturbed. Much of the project site consists of foundations of former industrial buildings and associated paving parking areas. No riparian habitat or other sensitive natural community exists on the project site. According to the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory, there are no wetlands located within or in the vicinity of the project site (USFWS 2019). The nearest wetlands are estuarian and marine wetlands located approximately one mile southwest of the project site near the San Francisco Bay. Therefore, the project would have no impacts on riparian habitat or protected wetlands.

#### **NO IMPACT**

- d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The project site is disturbed from past uses and primarily has ornamental vegetation scattered between parking lots and building foundations. Land use in the vicinity is industrial and commercial with no connectivity to natural habitats and therefore does not support substantial wildlife movement. No impacts to wildlife movement corridors would occur as a result of project activities.

#### **NO IMPACT**

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

The City's Tree Preservation Ordinance, included in HMC Chapter 10, Article 15, requires a permit for removal of native trees four inches and greater in trunk diameter and all trees eight inches and greater in trunk diameter. A permit is also required for the removal or cutting of branches over one inch in diameter, or disfigurement of a Protected Tree, among other requirements.

**25450-25550 Clawiter Road Industrial Project**

The project would require the removal of 86 of the 88 existing trees on the project site. All of the trees that would be removed are at least 4 inches in diameter and numerous trees exceed 8 inches in diameter. The total estimated value of the 86 trees to be removed is \$104,400. The Landscape Plan for the project includes installation over 290 new trees. Of the trees that would comply with the HMC requirement for replacement with an equal value tree or trees as those trees planned for removal, the project would provide on-site trees which value approximately \$104,550. This would slightly exceed the required mitigation requirement of \$104,400. Impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

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

There are no habitat conservation plans, natural community conservation plans, or other similar plans that govern activities on the project site. Therefore, the proposed project would not conflict with a habitat conservation plan. The proposed project would have no impact.

**NO IMPACT**

# 5 Cultural Resources

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

## Existing Setting

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

A resource shall be considered historically significant if it:

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

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

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

**25450-25550 Clawiter Road Industrial Project**

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

Rincon Consultants prepared a cultural resources study in support of the project in February and March 2021, which includes a cultural resources records search, Sacred Lands File Search, Historic-Period Aerial Photograph and Topographic Map review, a field survey, and preparation a memorandum to summarize the results (Appendix E). Rincon requested a search of the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC) at Sonoma State University on February 2, 2021. The records search would identify previously recorded cultural resources, as well as previously conducted cultural resource studies within the project site and a half-mile radius. The records search also included a review of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the Office of Historic Preservation Historic Properties Directory, the California Built Environment Resources Directory, and the Archaeological Determinations of Eligibility list.

The NWIC records search was completed on March 5, 2021 and did not identify previously recorded cultural resources within the project site. Within the 0.5-mile radius, the records search identified three previously recorded cultural resources (Table 10) and 29 previously conducted cultural resources studies (Table 11).

**Table 10 Previously Recorded Cultural Resources within a 0.5-mile Radius**

Primary Number	Trinomial Number	Description	Eligibility Status	Recorded by and Year	Relationship to Project Site
P-01-002269	CA-ALA-000681H	Eastshore Grant Transmission Line	Recommended ineligible for CRHR	2001 (Cindy Baker, PAR Environmental Services, Inc.)	Outside
P-01-003312		Herman Mohr House	Determined ineligible for NRHP, recommended ineligible for CRHR, and recommended ineligible for Alameda County Register	1974 ([none], Hayward Area Historical Society); 2008 ([none], Carey & Co); 2019 (Laura MacDonald, Michael Baker International)	Outside
P-01-011804		T-Mobile West LLC Transmission Line	Recommended ineligible for NRHP and CRHR	2016 (K.A. Crawford, Crawford Historic Services)	Outside

Source: NWIC 2021

**Table 11 Previously Conducted Cultural Studies within a 0.5-mile Radius**

Report Number	Author(s)	Year	Title	Relationship to Project Site
S-001479	David Chavez	1979	<i>Cultural Resources Evaluation for the East Bay Dischargers Authority Reclamation Reuse EIR, Alameda County, California.</i>	Outside
S-001743	Michael J. Sawyer, Diane C. Watts, E. Breck Parkman, Patricia M. Ogrey, and Robert M. Harmon	1978	<i>An Archaeological Reconnaissance of the Hayward-San Leandro Transportation Corridor, Alameda County, California</i>	Outside
S-022725	Hannah Ballard, John Holson, and Stephanie Pau	2000	<i>Archaeological Survey and Record Search Results for the Fourteen Broadwing Bay Area Fiber Optic Segments, California: Final Report.</i>	Outside
S-023200	Elizabeth Krase	1995	<i>Historic Property Survey Report, Route 92 San Mateo-Hayward Bridge Widening Project from the Route 92/I-880 Interchange in the City of Hayward, Alameda County, to the Midpoint of the San Mateo Bridge in San Mateo County, 04-ALA-92 PM R0.0/6.4; 04-SM-92 PM R16.5/R18.8, EA 003050</i>	Outside
S-023200a	Stuart A Buedon	1993	<i>Archaeological Survey Report, Freeway Widening, Ramp Widening, Construction of HOV lanes and 13 Additional Toll Booths for the San Mateo Bridge, 04-ALA-92, PM 0.0/6.4, EA 003050</i>	Outside
S-023200b	Marjorie Dobkin and Robert Bruce Anderson	1994	<i>Oliver Bros. Salt Co., Alameda County, California, Historic Resource Evaluation Report, Contract 04F828-EP, Task Order #1, ALA-92, P.M. R0.0/R6.4, EA #003050</i>	Outside
S-023200c	Elizabeth Krase	1996	<i>Finding of Effect Report for the Proposed Project to Widen Route 92, from the Route 92/I-880 Interchange in the City of Hayward, Alameda County, to the Midpoint of the San Mateo Bridge in San Mateo County, 04-ALA- 92 PM R0.0/6.4; 04-SM-92 PM R16.5/R18.8, EA 003050</i>	Outside
S-023200d	Cherilyn Widell	1995	<i>SR/I-880 Interchange Project: Widening the San Mateo Bridge</i>	Outside
S-024379	Cindy Baker	2001	<i>Historical Evaluation of the Eastshore-Grant Transmission Line, Hayward, Alameda County, California</i>	Outside
S-025493	Carolyn Losee	2002	<i>Records Search for the AT&amp;T Wireless Services Inc. "Industrial/Sleepy Hollow" Site: Survey Recommended (letter report)</i>	Outside
S-025493a	Carolyn Losee	2002	<i>Archaeological/Historical/Architectural Survey for AT&amp;T Wireless/Bechtel "Industrial/Sleepy Hollow" Site (Ref#9600006030A-01): Negative Results</i>	Outside

**25450-25550 Clawiter Road Industrial Project**

Report Number	Author(s)	Year	Title	Relationship to Project Site
S-026045	Richard Carrico, Theodore Cooley, and William Eckhardt	2000	<i>Cultural Resources Reconnaissance Survey and Inventory Report for the Metromedia Fiberoptic Cable Project, San Francisco Bay Area and Los Angeles Basin Networks</i>	Outside
S-029510	Allen G. Pastron and Keith R. Brown	2001	<i>Historical and Cultural Resource Assessment Proposed Telecommunications Facility, Monte Vista, Site No. PL-389-01, 2815 Depot Road, Hayward, California (letter report)</i>	Outside
S-033061	Nancy Sikes, Cindy Arrington, Bryon Bass, Chris Corey Kevin Hunt, Steve O'Neil, Catherine Pruet, Tony Sawyer, Michael Tuma, Leslie Wagner, and Alex Wesson	2006	<i>Cultural Resources Final Report of Monitoring and Findings for the Qwest Network Construction Project, State of California</i>	Outside
S-033061a		2006	<i>Cultural Resources Final Report of Monitoring and Findings for the Qwest Network Construction Project, State of California</i>	Outside
S-033061b	Nancy E. Sikes	2007	<i>Final Report of Monitoring and Findings for the Qwest Network Construction Project (letter report)</i>	Outside
S-034825	Cassidy DeBaker, Barb Siskin, and Christophe Descantes	2008	<i>Final Cultural Resources Survey and Historic Properties Inventory for the Russell City Energy Project, Alameda County, California</i>	Outside
S-035644	Angela Cook, David Buckley and Aimee Arrigoni	2008	<i>Final Cultural Resources Assessment Report, 1880-SR92 Reliever Route Project, Alameda County, California</i>	Outside
S-046399	Laura Leach-Palm and Chandra Miller	2015	<i>Historic Property Survey Report for the MTC Interstate 880 Express Lane Phase I Project, Alameda and Santa Clara Counties, California. State Route 84 04-ALA-84 PM R3.0-R6.1, State Route 92 04-ALA-92 PM R2.5-R6.5, Interstate 880, 04-SCL-880 PM 7.5-10.5, 04-ALA-880 PM R0.0-26.4, EA 04-3G920</i>	Outside
S-046399a	Laura Leach-Palm and Philip Kaijankonski	2015	<i>Archaeological Survey Report for the MTC Interstate 880 Express Land Phase I Project, Alameda and Santa Clara Counties, California: State Route 84, 04-ALA-84 PM R3.0-R6.1, State Route 92, 04-ALA-92 PM R2.5-R6.5, Interstate 880, 04-SCL-880 PM 7.5-10.5, 04-ALA-880 PM R0.0-26.4, EA 04-3G920</i>	Outside

Report Number	Author(s)	Year	Title	Relationship to Project Site
S-046399b	Philip Kaijankoski, Jack Meyer, and Laura Leach-Palm	2015	<i>Extended Phase I Report for the MTC Express Lane Project, Alameda and Santa Clara Counties, California: State Route 84, 04-ALA-84 PM R3.0-R6.1, State Route 92, 04-ALA-92 PM R2.5-R6.5, Interstate 880, 04-SCL-880 PM 7.5-10.5, 04-ALA-880 PM R0.0-26.4, EA 04-3G920</i>	Outside
S-046399c	Laura Leach-Palm	2015	<i>Environmentally Sensitive Area Action Plan for the Metropolitan Transportation Commission's Interstate 880 Express, Lane Phase I Project, Alameda and Santa Clara Counties, California: State Route 84, 04-ALA-84 PM R3.0-R6.1, State Route 92, 04-ALA-92 PM R2.5-R6.5, Interstate 880, 04-SCL-880 PM 7.5-10.5, 04-ALA-880 PM R0.0-26.4, EA 04-3G920</i>	Outside
S-046399d	Chandra Miller	2015	<i>Historic Resource Evaluation Report for the MTC Express Lanes I-880 Project, Alameda and Santa Clara Counties, California: 04-SCL-880 PM 7.38-10.5, 04-ALA-880 PM R0.0- 26.66, 04-ALA-92 PM R2.29-6.73, 04-ALA-84 PM R2.7-6.22, Project EA: 04-3G920, EIF 041000110</i>	Outside
S-046399e	Adrian R. Whitaker	2016	<i>Supplemental Archaeological Survey Report for the MTC Interstate 880 Express Lane Phase I Project, Alameda and Santa Clara Counties, California, Interstate 880, 04-SCL-880 PM 7.5-10.5, 04-ALA-880 P&lt; R0.0-26.4, EA 04-3G920</i>	Outside
S-047077	Daniel Shoup	2015	<i>Confidential Technical Memorandum, Cultural Resources Survey, Hayward Recycled Water Project</i>	Outside
S-048174	Carrie D. Wills and Kathleen Crawford	2016	<i>FCC Form 621 Collocation Submission Packet: SF70173M (SF0173 PG&amp;E Investment), 3266 Investment Boulevard, Hayward, CA 94545</i>	Outside
S-048174a	Carrie D. Wills and Kathleen A. Crawford	2016	<i>Cultural Resources Records Search for the T-Mobile West, LLC Candidate SF70173M (SF0173 PG&amp;E Investment) 3266 Investment Boulevard, Hayward, Alameda County, California</i>	Outside
S-048174b	Carrie D. Wills and Kathleen A. Crawford	2016	<i>Direct APE Historic Architectural Assessment for T-Mobile West LLC Candidate SF70173M (SF0173 PG&amp;E Investment) 3266 Investment Boulevard, Hayward, Alameda County, California</i>	Outside
S-048174c	Julianne Polanco	2016	<i>FCC_2016_0304_002: SF0173M (SF0173 PG&amp;E Investment) 3266 Investment Boulevard, Hayward, Collocation</i>	Outside

Source: NWIC 2021

## Impact Analysis

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

The proposed project would involve the removal of existing slab foundations and paved parking surfaces. As discussed in the Cultural Resources Study included in the background research and field survey did not identify historical resources in the project site. The foundational remains of a building were located on site; however, these foundations are less than 45 years old and they are not considered a potential historical resource (NETRonline 1993, 2002). Site conditions and previous land use indicate that the project site has been extensively disturbed by previous construction and subsequent demolition and does not appear to be sensitive for historical cultural resources. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 because historical resources do not occur on the project site. The proposed project would have no impact on historic resources.

### NO IMPACT

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

The project site has been disturbed by previous development and no archaeological resources have been recorded within the project site. Rincon Consultants archaeologists reviewed historical aerials and topographic maps from HistoricAerials.com. These images were reviewed to identify potential cultural resource concerns on the project site. The earliest available USGS topographic map (1899) depicts the project site as undeveloped land within the *Arroyo De La Alameda* land grant, with the SPRR adjacent to the east of the project site. A 1959 USGS topographic map shows the initial development of the area and two large buildings are depicted within the project site (USGS 1959). The SPRR is shown in its current location, east of the project site. Based on historic aerial imagery of the area, the former buildings within the project site were demolished between 1987 and 1993, and another building and associated structures were constructed between 1993 and 2002 (NETRonline 1987, 1993, 2002). These buildings were associated with the Berkeley Farms dairy operation that recently operated on-site but have since been demolished.

Although no archaeological resources are known to exist within the project site, there is always the possibility of unanticipated discoveries during ground disturbance. Within the 0.5-mile radius, the records search identified three previously recorded cultural resources (Table 10) and 29 previously conducted cultural resources studies (Table 11). Impacts to unknown archaeological resources would be potentially significant and mitigation measures would be required.

## Mitigation Measure

The following mitigation measure is required.

### CR-1 *Unanticipated Archaeological Resources.*

If archaeological resources are encountered during ground-disturbing activities, work within 50 feet of the find shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be eligible for the CRHR and

cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate significant impacts to historical resources.

### **Significance After Mitigation**

Implementation of Mitigation Measure CR-1 would reduce potential impacts to unanticipated archeological resources to less than significant levels.

#### **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

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

No cemeteries are known to exist within the project site; however, the discovery of human remains is always a possibility during ground disturbing activities. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance may occur until the county coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the county coroner would be notified immediately. If the human remains are determined to be prehistoric, the coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a most likely descendant (MLD). The MLD will complete the inspection of the site within 48 hours of being granted access to the site. With adherence to existing regulations, impacts to human remains would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

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# 6 Energy

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

## Existing Setting

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

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

## Electricity and Natural Gas

In 2018, California used approximately 284,436 gigawatt-hours (GWh) of electricity, 31 percent of which was from renewable resources (California Energy Commission [CEC] 2020a and 2020b). California also consumed approximately 12,666 million U.S. therms of natural gas in 2018 (CEC 2020a). The project would be supplied electricity by PG&E. Table 12 and Table 13 show electricity and natural gas consumption, respectively, by sector and in total for PG&E. In 2018, PG&E supplied approximately 28 percent of the total electricity and approximately 38 percent of the total natural gas used in California (CEC 2020a).

**Table 12 Electricity Consumption in the PG&E Service Area in 2018**

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

Notes: All usage expressed in gigawatt-hours

Source: CEC 2020a

**Table 13 Natural Gas Consumption in PG&E Service Area in 2018**

Agriculture and Water Pump	Commercial Building	Commercial Other	Industry	Mining and Construction	Residential	Total Usage
37.2	899.1	59.0	1,776.0	190.2	1,832.8	4,794.4

Notes: All usage expressed in million U.S. therms.

Source: CEC 2020a

## Petroleum

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

## Impact Analysis

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

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

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

requirements, the project would comply with construction waste management practices to divert construction and demolition debris. These practices would result in efficient use of energy necessary to construct the project. Furthermore, in the interest of cost efficiency, construction contractors would not utilize fuel in a manner that is wasteful or unnecessary. Therefore, project construction would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy. Project construction impacts would be less than significant.

Operation of the proposed project would require energy use in the form of electricity, natural gas, and gasoline consumption. Natural gas and electricity would be used for heating and cooling systems, lighting, appliances, water use, and the overall operation of the project. Gasoline consumption would be attributed to vehicular travel to and from the project site.

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

Project operation would increase energy use on the site compared to existing conditions. However, energy use would be in conformance with the latest version of CALGreen and the Building Energy Efficiency Standards. The project would also conform with the City's Reach Code, which has more stringent energy efficiency standards than CALGreen. Additionally, the electricity and natural gas use would not result in a significant increase for PG&E. Moreover, the project would not result in wasteful use of vehicle fuel. The proposed backup diesel generators would not operate regularly and would be on standby. Therefore, the project would not result in wasteful or unnecessary energy consumption, and impacts would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

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

The City's Climate Action Plan was adopted by the Hayward City Council on July 28, 2009 and incorporated into the City's General Plan in 2014. The purpose of the Climate Action Plan is to make Hayward a more environmentally and socially sustainable community. The City's General Plan includes policies to reduce energy consumption and encourage the use of renewable energy. Some policies are broader and address City-wide programs, but others are applicable to individual projects, such as the proposed project. Policies specifically pertaining to energy efficiency and applicable to the proposed project include NR-4.1 through NR-4.3, NR-4.6, NR-4.11, NR-4.12, and NR-4.15. Table 14 provides a consistency analysis with these policies.

**Table 14 Project Consistency with Applicable Policies of the City's Climate Action Plan**

Policy	Consistency Evaluation
<p><b>Policy NR-4.1: Energy Efficiency Measures.</b> The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment.</p>	<p><b>Consistent.</b> The proposed project would be constructed to comply with standards set forth in CBC Title 24, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. CALGreen requires implementation of energy-efficient light fixtures and building materials into the design of new construction projects. Furthermore, the 2019 Building Energy Efficiency Standards (CBC Title 24, Part 6) requires newly constructed buildings to meet energy performance standards set by the CEC. These standards are specifically crafted for new buildings to achieve energy efficient performance. Additionally, all new development projects in Hayward shall comply with the Reach Code with specifies energy efficiency requirements above and beyond CalGreen.</p>
<p><b>Policy NR-4.2: Energy Efficiency Collaboration.</b> The City shall collaborate with partner agencies, utility providers, and the business community to support a range of energy efficiency, conservation, and waste reduction measures, including the development of green buildings and infrastructure, weatherization programs, installation of energy-efficient appliances and equipment in homes and offices, promotion of energy efficiency retrofit programs, use of green power options, and heightened awareness of the benefits of energy efficiency and conservation issues.</p>	<p><b>Consistent.</b> Please see consistency with Policy NR-4.1, above.</p>
<p><b>Policy NR-4.3: Efficient Construction and Development Practices.</b> The City shall encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources throughout the life-cycle of a structure.</p>	<p><b>Consistent.</b> The project would be constructed to comply with standards set forth in California Building Code (CBC) Title 24 and the Hayward Reach Code, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. The proposed project would also include other measures that reduce or minimize the use of non-renewable resources. For example, the proposed project would include parking spaced designated for electric vehicles, which would encourage EV vehicle use instead of traditional vehicles, which consume fuel (i.e., non-renewable resource).</p>
<p><b>Policy NR-4.6: Renewable Energy.</b> The City shall encourage and support the generation, transmission, use, and storage of locally distributed renewable energy in order to promote energy independence, efficiency, and sustainability. The City shall consider various incentives to encourage the installation of renewable energy projects (i.e., reduced permit fees and permit streamlining).</p>	<p><b>Consistent.</b> The project would support the use of renewable energy sources pursuant to the Hayward Reach Code. The proposed project would also include other measures that reduce or minimize the use of non-renewable resources. For example, the proposed project would include parking spaced designated for electric vehicles, which would encourage EV vehicle use instead of traditional vehicles, which consume fuel (i.e., non-renewable resource).</p>
<p><b>Policy NR-4.11: Green Building Standards.</b> The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of meeting or exceeding the State's zero net energy goals by 2020.</p>	<p><b>Consistent.</b> Please see consistency with Policy NR-4.1, above.</p>

Policy	Consistency Evaluation
<p><b>Policy NR-4.12: Urban Forestry.</b> The City shall encourage the planting of native and diverse tree species to reduce heat island effect, reduce energy consumption, and contribute to carbon mitigation.</p>	<p><b>Consistent.</b> The proposed landscaping would include planting approximately 294 trees.</p>
<p><b>Policy NR-4.15: Energy Efficient Programs.</b> The City shall promote the use of the Energy Star Portfolio Manager program and energy benchmarking training programs for nonresidential building owners.</p>	<p><b>Consistent.</b> Please see consistency with Policy NR-4.2, above.</p>

Source: City of Hayward 2009

As shown in Table 14 and as demonstrated further in Section 8, *Greenhouse Gas Emissions*, the proposed project would be generally consistent with policies from the City’s Climate Action Plan. As described in Section 8, implementation of mitigation measure GHG-1 would be required and would reduce emissions to below the BAQQMD threshold of 660 MT of CO<sub>2</sub>e annually. Therefore, the proposed project would not interfere with the energy-related measures of the Climate Action Plan. The proposed project would not conflict with or obstruct the state or local plan for renewable energy or energy efficiency. Impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

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# 7 Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Existing Setting

Cornerstone Earth Group prepared a Geotechnical Investigation for the proposed project under contract to the project applicant. This section of the Initial Study, including much of the setting and impacts analysis are derived primarily from the Geotechnical Investigation. The Geotechnical Investigation, dated August 26, 2020, is included as Appendix F to this Initial Study.

### *Seismic Setting*

Similar to much of California, the site is located in a seismically active region. The United States Geological Survey (USGS) defines active faults as those that have had surface displacement within the Holocene period (about the last 11,000 years). Surface displacement can be recognized by the existence of cliffs in alluvium, terraces, offset stream courses, fault troughs and saddles, the alignment of depressions, sag ponds, and the existence of steep mountain fronts. Potentially active faults are those that have had surface displacement during the last 1.6 million years, and inactive faults have not had surface displacement within that period. Several faults are within and near the site, including the San Andreas Fault and the Hayward Fault. Located approximately 3.5 miles east of the project site, the Hayward Fault is the closest major fault to the project site (California Department of Conservation 2021). The Hayward Fault is one of ten major faults that make up the San Andreas Fault Zone. As a result of its location and geologic setting, the City of Hayward is subject to a variety of seismic and geologic hazards, including fault rupture, strong ground shaking, liquefaction, and landslides.

### *Ground Shaking*

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

### *Liquefaction and Seismically Induced Settlement*

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

### *Landslides*

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

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

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

### *Expansive Soils*

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

### *Erosion*

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

## **Impact Analysis**

- a.1. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*

According to the California Department of Conservation (DOC) and the Geotechnical Investigation, there are no known faults located on or adjacent to the project site (DOC 2020). The nearest known faults are the Hayward and Calaveras faults which are respectively 3.5 miles and 11 miles from the project site, respectively. Therefore, the proposed project would not directly or indirectly result in substantial adverse impacts associated with surface fault rupture. No impact would occur.

### **NO IMPACT**

- a.2. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*
- a.3. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*
- c. *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

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

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

- Hayward fault, approximately 3.5 miles from the site
- Calaveras fault, 11.1 approximately miles from the site
- San Andreas fault, approximately 14.9 miles from the site
- Monte Vista-Shannon fault, approximately 15.3 miles from the site

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

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

In addition, loose unsaturated sandy soils can settle during strong seismic shaking. The project site analyses indicated that the in-situ, loose and unsaturated sandy soils could experience up to ⅓-inch of movement after strong seismic shaking. With the potential for liquefaction and settlement, the Geotechnical Investigation concluded that the project would be at risk of damage from strong seismic ground shaking and the effects of ground shaking, such as liquefaction and settlement. Impacts would be potentially significant, and mitigation would be required.

## **Mitigation Measure**

The following mitigation measure is required:

### *GEO-1 Geotechnical Considerations*

The project applicant shall implement all measures and recommendations set forth in the Geotechnical Investigation prepared by Cornerstone Earth Group in August 2020 (on file with the City of Hayward). Recommendations include but are not limited to the following topic areas:

- All fills shall be completely removed from within building areas and to a lateral distance of at least 5 feet beyond the building footprint or to a lateral distance equal to fill depth below the perimeter footing, whichever is greater. Fills extending into proposed pavement and flatwork areas may be left in place provided they are determined to be a low risk for future differential settlement and that the upper 12 to 18 inches of fill below pavement subgrade is re-worked and compacted as discussed in the Geotechnical Investigation.
- All fills, and subgrade areas where fill, slabs-on-grade, and pavements are proposed, shall be placed in loose lifts 8 inches thick or less and compacted in accordance with ASTM D1557.
- Proposed building foundations shall be designed to tolerate total and differential settlement due to static loads and liquefaction-induced settlement. Foundation spread footings shall bear entirely on natural, undisturbed soil, or engineered fill, and shall be at least 12 inches wide, and extend at least 24 inches below the lowest adjacent grade. Footing excavations shall be filled as soon as possible or be kept moist until concrete placement by regular sprinkling to prevent drying.
- Proposed slabs-on-grade shall be supported on at least 12 inches of non-expansive fill (NEF) to reduce the potential for slab damage due to soil heave. Industrial building slabs-on-grade shall be at least 6 inches thick and shall have a minimum compressive strength of 3,500 psi. The industrial building slabs shall also be supported on at least 6 inches of non-expansive, crushed granular base having an R-value of at least 50 and no more than 10 percent passing the No. 200 sieve, such as Class 2 aggregate base. Due to the high plasticity of the surficial soils, an additional 6 inches of non-expansive fill (NEF) shall underlie the upper granular base.
- Ponding of water shall not be allowed adjacent to building foundations, slabs-on-grade, or pavements. Hardscape surfaces shall slope at least 2 percent towards suitable discharge facilities; landscape areas shall slope at least 3 percent towards suitable discharge facilities. Roof runoff shall be directed away from building areas in closed conduits, to approved infiltration facilities, or on to hardscaped surfaces that drain to suitable facilities. Retention, detention or infiltration facilities shall be spaced at least 10 feet from buildings.
- The project applicant shall retain a Geotechnical Engineer to provide geotechnical observation and testing during earthwork and foundation construction stages of the project. The Geotechnical Engineer shall be allowed to evaluate conditions differing from those encountered and described in the August 2020 Geotechnical Investigation prepared for the project by Cornerstone Earth Group, and may provide supplemental recommendations as necessary, which shall be incorporated into construction plans.

## Significance After Mitigation

According to the Geotechnical Investigations, the proposed structures may be supported on shallow foundations provided the specific recommendations in the Geotechnical Investigation are followed, as modified based on construction monitoring by a Geotechnical Engineer, as applicable. Therefore, implementation of Mitigation Measure GEO-1 would reduce impacts related to liquefaction and unstable soils. Impacts would be less than significant with implementation of mitigation.

### LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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

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

### NO IMPACT

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

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

### LESS THAN SIGNIFICANT IMPACT

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

The project site contains moderately expansive soils over its entire area (Appendix F). Expansive soils can undergo significant volume change with changes in moisture content. They shrink and harden when dried and expand and soften when wetted. Expansion and shrinkage of soils could damage the proposed industrial buildings, as well as associated utilities and parking surfaces. Impacts would be potentially significant and mitigation measures are required.

## Mitigation Measure

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

## **Significance After Mitigation**

Impacts from expansive soil would be less than significant with implementation of mitigation.

### **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

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

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

### **NO IMPACT**

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

The paleontological sensitivities of the geologic units underlying the project site were evaluated in order to determine if activity conducted under the proposed project could result in significant impacts to paleontological resources. The analysis was based on the results of an online paleontological locality search and review of existing information in the scientific literature concerning known fossils within geologic units mapped for a separate project adjacent to the proposed project. Using the locality search and research for the adjacent project is appropriate and adequate because paleontological sensitivities are based on geologic units, and given the proximity of the two projects, they occur within the same geologic units.

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

The project site is entirely mapped as Quaternary young (middle to late Holocene) alluvium (Qa), consisting of alluvial gravel, sand, and clay of valley areas, as well as gravel and sand of major stream channels (Dibblee and Minch 2005). Locally, middle to late Holocene alluvial (basin) deposits are generally very fine silty clays and clays deposited near the distal edge of alluvial fans and adjacent to Bay Mud, which may extend partially onto the western or southern edge of the site (Cornerstone Earth Group 2020; Appendix F). Quaternary young (middle to late Holocene) sedimentary deposits, particularly those younger than 5,000 years old, are generally too young to preserve paleontological resources and are determined to have a low paleontological sensitivity according to SVP standards (2010). However, middle to late Holocene deposits may grade downward into early Holocene to late Pleistocene deposits that could preserve fossil remains at moderate or unknown depths. Quaternary old (early Holocene to Pleistocene) alluvial sediments

have a well-documented record of abundant and diverse vertebrate fauna throughout California. Localities have produced fossil specimens of mammoth (*Mammuthus columbi*), horse (*Equus*), camel (*Camelops*), and bison (*Bison*), as well as various birds, rodents, and reptiles (Agenbroad 2003; Jefferson 2010; Paleobiology Database 2020; Savage 1954; UCMP 2020). Therefore, Quaternary old (early Holocene to Pleistocene) alluvial deposits are assigned a high paleontological sensitivity.

Accurately assessing the boundaries between younger and older units within the project site generally requires site-specific geochronological data, some form of radiometric dating, or fossil analysis from nearby sites. Conservative estimates of the depth at which paleontologically sensitive units may occur reduces potential for impacts to paleontological resources. The depths at which these units become old enough to yield fossils is highly variable, but generally do not occur at depths of less than 10 feet.

Project-related ground disturbance would involve cut and fill activities and grading for the proposed building foundations. As discussed above, the project site is in an urbanized area and has been previously developed. Given the nature of the proposed project and existing site conditions, project-related ground disturbance (i.e., excavations) is not likely to extend below the boundary between artificial fill and native (i.e., previously undisturbed) sediments within the project site, and is thus unlikely to impact fossiliferous deposits. Although project implementation is not expected to uncover paleontological resources because geologic units with potential to yield fossils are generally deeper than proposed construction and excavation, a remote possibility for such resources to be uncovered exists, and therefore the potential for impacts that would be potentially significant cannot be excluded. Therefore, impacts would be potentially significant and mitigation is required.

## **Mitigation Measure**

### *GEO-2 Unanticipated Discovery of Paleontological Resources*

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

## **Significance After Mitigation**

Mitigation Measure GEO- 3 would avoid impacts to paleontological resources in the case of unanticipated fossil discoveries. This measure would apply to all phases of project construction and would reduce the potential for impacts to unanticipated fossils present on site by providing for the recovery, identification, and curation of paleontological resources. Impacts would be less than significant with mitigation.

## **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

## 8 Greenhouse Gas Emissions

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

### Overview of Climate Change and Greenhouse Gases

Climate change is the observed increase in the average temperature of the earth's atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period. The term "climate change" is often used interchangeably with the term "global warming," but climate change is preferred because it more broadly encompasses other changes in addition to rising temperatures. The baseline against which these changes are measured originates in historical records identifying temperature changes that have occurred in the past, such as during previous ice ages. The global climate is continuously changing, as evidenced by repeated episodes of substantial warming and cooling documented in the geologic record. The rate of change has typically been incremental, with warming or cooling trends occurring over the course of thousands of years. The past 10,000 years have been marked by a period of incremental warming, as glaciers have steadily retreated across the globe. However, scientists have observed acceleration in the rate of warming during the past 150 years. According to the United Nations Intergovernmental Panel on Climate Change (IPCC), the understanding of anthropogenic warming and cooling influences on climate has led to a high confidence (95 percent or greater) that the global average net effect of human activities has been the dominant cause of warming and that the rate of increase is unprecedented over decades to millennia since the mid-twentieth century (IPCC 2014).

Greenhouse Gases (GHGs) are gases that absorb and re-emit infrared radiation in the atmosphere. The gases that are widely seen as the principal contributors to human-induced climate change include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxides (N<sub>2</sub>O), fluorinated gases such as hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). Water vapor is excluded from the list of GHGs because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

GHGs are emitted by both natural processes and human activities. Of these gases, CO<sub>2</sub> and CH<sub>4</sub> are emitted in the greatest quantities from human activities. Emissions of CO<sub>2</sub> are largely by-products of fossil fuel combustion, whereas CH<sub>4</sub> results from off gassing associated with agricultural practices and landfills. Observations of CO<sub>2</sub> concentrations, globally averaged temperature, and sea-level rise are generally well within the range of the extent of the earlier IPCC projections. The recently

observed increases in CH<sub>4</sub> and N<sub>2</sub>O concentrations are smaller than those assumed in the scenarios in the previous assessments. Each IPCC assessment has used new projections of future climate change that have become more detailed as the models have become more advanced.

Man-made GHGs, many of which have greater heat-absorption potential than CO<sub>2</sub>, include fluorinated gases and SF<sub>6</sub> (California Environmental Protection Agency [CalEPA] 2006). Different types of GHGs have varying global warming potentials (GWPs). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally, 100 years). Because GHGs absorb different amounts of heat, a common reference gas (CO<sub>2</sub>) is used to relate the amount of heat absorbed to the amount of the gas emissions, referred to as “carbon dioxide equivalent” (CO<sub>2</sub>e), and is the amount of a GHG emitted multiplied by its GWP. CO<sub>2</sub> has a 100-year GWP of one. By contrast, methane has a GWP of 28, meaning its global warming effect is 28 times greater than carbon dioxide on a molecule per molecule basis (IPCC 2014). Emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

## **Regulatory Setting**

In response to an increase in man-made GHG concentrations over the past 150 years, California implemented AB 32, the “California Global Warming Solutions Act of 2006.” AB 32 codified the statewide goal of reducing emissions to 1990 levels by 2020 (essentially a 15 percent reduction below 2005 emission levels) and adopted regulations to require reporting and verification of statewide GHG emissions.

On September 8, 2016, the governor signed Senate Bill (SB) 32 into law, which extends AB 32 and requires the State to further reduce GHGs to 40 percent below 1990 levels by 2030. In response, on December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan does not give project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally appropriate quantitative thresholds consistent with a statewide per capita goal of six metric tons (MT) of carbon dioxide equivalents (CO<sub>2</sub>e) by 2030 (CARB 2017). As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, subregional, or regional level) but not for individual projects because they include all emissions sectors in the state.

Most individual projects do not generate enough GHG emissions to directly influence climate change. However, physical changes caused by a project can contribute incrementally to cumulative effects that are significant, even if individual changes resulting from a project are limited. The issue of climate change typically involves an analysis of whether a project’s contribution towards an impact would be cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines, Section 15064[h][1]).

The City’s Climate Action Plan was adopted by the Hayward City Council on July 28, 2009 and incorporated into the City’s General Plan in 2014. The purpose of the Climate Action Plan is to make Hayward a more environmentally and socially sustainable community. The Climate Action Plan includes goals to reduce GHG emissions in Hayward.

## Methodology

GHG emissions for project construction and operation were calculated using CalEEMod version 2016.3.2. CalEEMod calculates emissions of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O associated with construction activities, energy use, area sources, waste generation, and water use and conveyance as well as emissions of CO<sub>2</sub> and CH<sub>4</sub> associated with project-generated vehicle trips (i.e., mobile sources). Operational emissions were modeled for the year 2030 to be consistent with the State's next GHG emission reduction milestone target of achieving 40 percent reduction in 1990 GHG emission levels by 2030. Emissions of all GHGs are converted into their equivalent global warming potential in terms of CO<sub>2</sub> (i.e., CO<sub>2</sub>e).

Mobile source emissions were calculated based on the project's vehicle miles traveled (VMT), as generated by CalEEMod using project-specific trip generation rates identified in the CEQA Transportation Analysis report (Kittelson & Associates 2021, Appendix D). The mobile source emissions were modeled using the most intensive trip generation rate for the project identified in the Transportation Analysis report.

Electricity emissions are calculated by multiplying the energy use times the carbon intensity of the utility district per kilowatt hour (CAPCOA 2021). The project would be served by PG&E. Therefore, PG&E's specific energy intensity factors (i.e., the amount of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O per kilowatt-hour) are used in the calculations of GHG emissions.

## Significance Thresholds

To evaluate whether a project would generate a quantity of GHG emissions that may have a significant impact on the environment, state agencies have developed a number of operational bright-line significance thresholds. Significance thresholds are numeric mass emissions thresholds that identify the level at which additional analysis of project GHG emissions is necessary. Projects that attain the significance target, with or without mitigation, would result in less than significant GHG emissions. Many significance thresholds have been developed to reflect a 90 percent capture rate tied to the 2020 reduction target established in AB 32.

According to the CEQA Guidelines, projects can tier from a qualified GHG reduction plan, which allows for project-level evaluation of GHG emissions through the comparison of the project's consistency with the GHG reduction policies included in a qualified GHG reduction plan. This approach is considered by the Association of Environmental Professionals (AEP) in their white paper, *Beyond Newhall and 2020*, to be the most defensible approach presently available under CEQA to determine the significance of a project's GHG emissions (AEP 2016). The City of Hayward has developed a Climate Action Plan, which has been adopted as a part of the City's General Plan. However, the Climate Action Plan does not demonstrate a pathway for the City to achieve the 40 percent reduction target by 2030 required by SB 32. Therefore, the Climate Action Plan does not qualify as a GHG reduction plan and thus cannot be used for project tiering. In its 2017 CEQA Air Quality Guidelines, the BAAQMD outlines an approach to determine the significance of GHG emissions associated with land use development projects. For residential, commercial, industrial, and public projects, the thresholds of significance for operational-related GHG emissions are as follows:

- Compliance with a qualified GHG Reduction Strategy
- Annual emissions less than 1,100 metric tons (MT) per year (MT/yr) of carbon dioxide equivalent (CO<sub>2</sub>e)
- Service person threshold of 4.6 MT CO<sub>2</sub>e/SP/yr (residents + employees)

The City has no adopted qualified GHG Reduction Strategy thus it is not appropriate to use the first recommended threshold of significance. The BAAQMD mass emissions threshold of 1,100 MT of CO<sub>2</sub>e per year was designed to capture 90 percent of all emissions associated with projects in the Air Basin and require implementation of mitigation so that a considerable reduction in emissions from new projects would be achieved. According to the California Air Pollution Control Officers Association (CAPCOA) white paper, *CEQA & Climate Change*, a quantitative threshold based on a 90 percent market capture rate is generally consistent with AB 32 (CAPCOA 2008). SB 32, codified in 2016, sets a more stringent emission reduction target of 40 percent below the 1990 level by 2030. Because the previously established threshold of 1,100 MT of CO<sub>2</sub>e was not developed to meet the targets established by SB 32, it must be adjusted to meet the new, more stringent emission reduction target of a 40 percent reduction below the 1990 level by 2030. Because BAAQMD has not adopted a threshold for 2030 yet, this analysis uses a “substantial progress” bright-line threshold of 660 MT of CO<sub>2</sub>e per year (equivalent to a 40 percent reduction of the 1,100 MT of CO<sub>2</sub>e per year threshold based on the State’s 2030 target). The bright-line threshold applies best to the proposed project because the City of Hayward does not have a qualified GHG reduction plan and the project is not a residential or mixed-use project for which impacts would be more appropriately evaluated using a service population threshold to reflect per-person emission efficiency.

For the emergency generators, the BAAQMD threshold of 10,000 MT of CO<sub>2</sub>e per year for stationary sources is used. Additionally, this analysis qualitatively assesses consistency with local and statewide GHG reduction regulations.

## Impact Analysis

- a. *Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?*

### Construction Emissions

Construction activities would emit GHGs primarily through combustion of fuels (mostly diesel) in the engines of off-road construction equipment and through combustion of diesel and gasoline in on-road construction vehicles and in the commute vehicles of construction workers. Smaller amounts of GHGs would also be emitted indirectly through the energy use embodied in water use for fugitive dust control and lighting for construction activity. Table 15 summarizes GHG emissions that would be generated by project construction activities. As shown therein, project construction would generate approximately 666 MT of CO<sub>2</sub>e, or approximately 22 MT of CO<sub>2</sub>e per year when amortized over a 30-year period (the assumed life of the project).

**Table 15 Estimated Construction GHG Emissions**

Year	Project Emissions (MT of CO <sub>2</sub> e)
2021	286
2022	380
<b>Total</b>	<b>666</b>
<b>Amortized over 30 Years</b>	<b>22</b>

See Appendix C for CalEEMod worksheets.

*Combined Construction and Operational Emissions*

Table 16 summarizes long-term GHG emissions generated by the project from area sources, energy use, solid waste, water use, and mobile sources and combines construction and operational GHG emissions. As shown therein, the project would generate approximately 3,767 MT of CO<sub>2</sub>e per year, which would exceed the threshold of 660 MT of CO<sub>2</sub>e per year. Therefore, the proposed project would result in potentially significant impacts and mitigation is required.

**Table 16 Combined Annual Emissions of GHGs**

<b>Emission Source</b>	<b>Annual Emissions (MT of CO<sub>2</sub>e)</b>
Construction	22
<b>Operational</b>	
Area	<0
Energy	790
Mobile	2,456
Solid Waste	242
Water	168
<b>Total</b>	<b>3,767</b>
Threshold	660
<b>Threshold Exceeded?</b>	<b>Yes</b>
<b>Stationary Sources</b>	
Emergency Backup Generators	55
<b>BAAQMD Stationary Sources Threshold (MT CO<sub>2</sub>e per year)</b>	<b>10,000</b>
<b>Threshold Exceeded?</b>	<b>No</b>

<sup>1</sup> Average vehicle distance was calculated using the Vehicle Miles Traveled (VMT) estimates developed by CalEEMod completed for the project. See Appendix C for CalEEMod worksheets.

The mobile source GHG emissions presented in Table 16 are based on the Institute of Transportation Engineers (ITE) trip generation rate for “High-Cube Fulfillment Center Warehouse – Sort.” This ITE rate best corresponds to an ecommerce use, and the rate is 6.44 trips per 1,000 square feet of building space. However, the proposed buildings could be used for other allowable uses, such as general light industrial operations. The ITE trip generation rate for general light industrial is 4.96 trips per 1,000 square feet of building space, a reduction of approximately 27 percent compared to 6.44 trips. Therefore, there would be a linear decrease in the mobile source emissions of approximately 27 percent if the buildings are used for general light industrial rather than ecommerce. However, a 27 percent reduction in mobile source emissions present in Table 16 would be approximately 1,800 MT of CO<sub>2</sub>e, annually. Therefore, the mobile sources alone would exceed the threshold of 660 MT of CO<sub>2</sub>e, annually. Impacts would be potentially significant, and mitigation is required.

## Mitigation Measure

### GHG-1 Greenhouse Gas Reduction Program

The project applicant shall contract with a qualified professional, such as a GHG specialist or sustainability consultant, to prepare and implement a Greenhouse Gas Reduction Program (GHGRP) that includes on-site GHG reduction measures to reduce the project's total remaining GHG emissions to 660 MT of CO<sub>2</sub>e per year or less. Potential options include, but would not be limited to:

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

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

- Directly undertake or fund activities that reduce or sequester GHG emissions ("Direct Reduction Activities") and retire the associated "GHG Mitigation Reduction Credits." A "GHG Mitigation Reduction Credit" must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB's most recent *Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation* (CARB 2013). An "Approved Registry" is an accredited carbon registry that follows approved CARB Compliance Offset Protocols. As of April 2021, Approved Registries include American Carbon Registry, Climate Action Reserve, and Verra (CARB 2018). Credits from other sources shall not be allowed unless they are shown to be validated by protocols and methods equivalent to or more stringent than the CARB standards. In the event that a project or program providing GHG Mitigation Reduction Credits to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring GHG Mitigation Reduction Credits specific to the registry involved and shall undertake additional direct investments to recoup the loss.
- Obtain and retire "Carbon Offsets." "Carbon Offset" shall mean an instrument issued by an Approved Registry and shall represent the past reduction or sequestration of 1 MT of CO<sub>2</sub>e achieved by a Direct Reduction Activity or any other GHG emission reduction project or activity that is not otherwise required (CEQA Guidelines Section 15126.4[c][3]). A "Carbon Offset" must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG

emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB's most recent *Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation* (CARB 2013). If the project applicant chooses to meet some of the GHG reduction requirements by purchasing offsets on an annual and permanent basis, the offsets shall be purchased according to the City of Hayward's preference, which is, in order of Hayward preference: (1) within the city; (2) within the BAAQMD jurisdictional area; (3) within the State of California; then (4) elsewhere in the United States. In the event that a project or program providing offsets to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring offsets specific to the registry involved and shall purchase an equivalent number of credits to recoup the loss.

- The project's total requisite emission reduction over the project's lifetime shall not be achieved entirely or 100 percent through obtaining carbon offsets.

### **PLAN REQUIREMENTS AND TIMING**

Upon identifying a potential tenant, the applicant shall submit to Development Services Planning Division and Public Works – Environmental Services Division the GHGRP for review and approval prior to issuance of tenant improvements for the first tenant to occupy the space(s). A new GHGRP shall be required for each turnover (i.e., each new tenant) and shall be submitted with applications for tenant improvements or business licenses. The GHGRP shall either reduce the project's emissions to 660 MT CO<sub>2</sub>e per year or shall incorporate all feasible actions to reduce emissions associated with electricity demand, transportation, and waste generation and shall purchase 50 percent carbon offsets. Development Services Planning Division and Public Works – Environmental Services Division shall verify that project plans incorporate required GHG emission reduction measures per the GGRP prior to final design approval. Each emission reduction measure shall include a commitment enforceable by Development Services Planning Division and Public Works – Environmental Services Division.

### **MONITORING**

Development Services Planning Division and Public Works – Environmental Services Division compliance monitoring staff shall confirm inclusion of the required GHG emission reduction measures into the project Conditional Use Permit. Compliance with all components of the GHGRP shall be verified prior to issuance of a Certificate(s) of Occupancy. The tenant shall be required to submit annual reports documenting GHG reduction measures, energy use, water use, solid waste collection, and a bi-annual employee mode of transportation survey. Upon at least three consecutive years of demonstrated compliance, and at the sole discretion of the Development Services Planning Division and Public Works – Environmental Services Division, annual reporting may be suspended until tenant turnover.

Upon demonstrating compliance with a qualified GHG Reduction Strategy such as future updates to the Climate Action Plan adopted by the City of Hayward, the project may indefinitely suspend GHGRP reporting.

### **Significance After Mitigation**

Project GHG emissions from mobile, area, energy, waste generation, water consumption, and stationary equipment would be reduced through compliance with applicable local programs. Mitigation Measure GHG-1 provides the project applicant a menu of options for specific GHG reductions, including on-site reductions through the use of renewable electricity, and off-site

reductions through purchasing off-site reduction credits or carbon offsets. Elimination of natural gas service coupled with enrollment in a renewable energy procurement plan such as Brilliant 100 would eliminate energy use emissions. Installing water-efficient fixtures and implementing a zero-waste program would also substantially reduce water and solid waste emissions. Transportation demand management programs may also reduce GHG emissions; however, would require periodic monitoring to ensure reduction measures achieve consistent, lasting reductions.

Potential tenants for the proposed industrial buildings are unknown but could include warehouse facilities, e-commerce, and other similar uses permitted or conditionally permitted under the IG zoning district. The emissions and appropriate mitigation may vary widely depending on the specific tenant, therefore, quantifying potential reductions from these additional GHG reduction measures would be speculative until potential tenants are identified. Although reducing project emissions to less than 660 MTCO<sub>2</sub>e solely with on-site measures may be infeasible, Mitigation Measure GHG-1 allows for GHG reduction through carbon use of reduction credits and/or carbon offsets to address potential shortfalls. Therefore, mitigation is considered feasible. Impacts would be reduced to less than significant with mitigation incorporated.

#### **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

- b. *Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

#### **City of Hayward Climate Action Plan**

Hayward's Climate Action Plan was adopted by the Hayward City Council on July 28, 2009, and incorporated into the City's General Plan in 2014. The purpose of the Climate Action Plan is to make Hayward a more environmentally and socially sustainable community. The overall objective of the Climate Action Plan is to reduce Hayward's GHG emissions by:

- 20 percent below 2005 baseline levels by 2020,
- 62.7 percent below 2005 baseline levels by 2040, and
- 82.5 percent below 2005 baseline levels by 2050.

The Climate Action Plan includes GHG reduction strategies and actions relating to transportation, land use, energy, solid waste, carbon sequestration, climate change adaptation, and community engagement. The proposed project includes several design features that are consistent with strategies and actions from the City's Climate Action Plan. Policy NR-4.3, *Efficient Construction and Development Practices*, calls for the City to encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources throughout the lifecycle of a structure. Policy NR-4.11, *Green Building Standards*, requires that newly constructed buildings meet energy efficiency design and operations standards. The proposed project would comply with CALGreen and other green building requirements, such as the City's recently adopted Reach Code for electrification in new construction (adopted March 2020). The City's Reach Code modifies State energy code to further reduce natural gas consumption and expand the requirement for electric vehicle ready parking spaces. Moreover, as described in Section 6, *Energy*, construction and operation of the project would not involve wasteful use of energy. Therefore, the project would be generally consistent with these policies. In addition, Policy NR-2.6, *Greenhouse Gas Reduction in New Development*, calls for the City to reduce potential GHG emissions, including by discouraging new development that is primarily dependent on the private automobile, and promoting new development that is compact, mixed use, pedestrian friendly. As

described in Section 17, *Transportation*, the project would generate VMT. However, the VMT generated by the project would be less than the regional average VMT for that area.

The proposed project would support and implement strategies contained in the City's Climate Action Plan. Therefore, the proposed project would not conflict with implementation of the Climate Action Plan. Impacts would be less than significant.

#### *Plan Bay Area 2040*

SB 375, signed in August 2008, requires the inclusion of Sustainable Communities' Strategies in Regional Transportation Plans to reduce GHG emissions. The Metropolitan Transportation Commission and the Association of Bay Area Governments (ABAG) adopted a Sustainable Communities' Strategies that meets the GHG reduction targets set forth by CARB. Plan Bay Area 2040 is a state-mandated, integrated long-range transportation, land-use, and housing plan that supports a growing economy, provides more housing and transportation choices and reduces transportation-related pollution in the nine-county San Francisco Bay Area (ABAG 2017). Plan Bay Area 2040 builds on earlier efforts to develop an efficient transportation network and grow in a financially and environmentally responsible way. Plan Bay Area 2040 will be updated every four years to reflect new priorities. The goals of Plan Bay Area 2040 related to GHG emissions include (ABAG 2017):

1. **Climate Protection.** Reduce per capita CO<sub>2</sub> emissions.
2. **Healthy and Safe Communities.** Reduce adverse health impacts.
3. **Open Space and Agricultural Preservation.** Direct development within urban footprint.
4. **Transportation.** Increase non-auto mode share.

Consistent with the site IG (General Industrial) zoning, the proposed project would introduce a new industrial building with warehouse and office uses to project site. Therefore, the proposed project would include development consistent with the growth forecasts used to develop the Plan Bay Area 2040. Although operation of the project would involve new vehicle trips to and from the project site, these vehicle trips would not exceed existing growth forecasts. Therefore, overall, the proposed project would not conflict with implementation of the Plan Bay Area 2040. Impacts related to GHG emissions would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

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# 9 Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Existing Setting

### *On-Site Contamination Sources*

A Phase I Environmental Site Assessment (ESA) was prepared for the project site by RPS Group in July 2020. The Phase I ESA is included as Appendix G to this Initial Study. According to the Phase I ESA, since at least 1928 through at least 1950, the site consisted of agricultural land with residential and agricultural structures on the northern and southern portions. Around 1957, Herrick Steel Corporation (Herrick) occupied the southern portion of the site and by the 1970s, occupied the entire site. On-site structures while under Herrick ownership included an office building, a vehicle maintenance building, and a fabrication plant building surrounded by a large laydown yard used to store steel. By 1991, Herrick had vacated the site and all on-site structures were demolished. Berkeley Farms acquired the site from Herrick in 1996. Berkeley Farms operated a food production facility on the project site through April 2020, until its parent company declared bankruptcy and operations ceased. All structures and equipment associated with the food production facility have since been demolished and removed from the project site. However, building foundations remain, as do asphalt parking surfaces, driveways, and some landscaping.

From 1960 to 1986, Herrick operated a 2,000-gallon gasoline underground storage tank (UST), which was located next to a vehicle maintenance building near the southeast corner of the site. The UST was removed in 1986. Soil and groundwater around the UST were discovered to be impacted with total petroleum hydrocarbons as gasoline (TPHg), benzene, toluene, ethylbenzene, and xylenes (BTEX). Remedial activities included various soil and groundwater investigations, soil excavation and removal, and groundwater extraction and treatment (via activated carbon absorption). The San Francisco Regional Water Quality Control Board (RWQCB), with concurrence by the Hayward Fire Department, granted regulatory case closure on December 30, 1993. Regulatory case closure means that contaminant levels are below environmental screening levels (ESL), and the contamination is no longer a risk to environmental or public health.

Soils at the site were found to be impacted with lead, specifically in two areas just south of Herrick's former main building (near the south/central portion of the site). The lead was introduced by outdoor spray painting of steel parts during the late 1970s and early 1980s. Soils with elevated levels of leads were excavated and disposed off-site in accordance with regulatory requirements. Groundwater testing identified no detectable concentrations of lead in groundwater. Residual soils with lead below 100 milligrams per kilogram (mg/kg) were allowed to be left in place. The Alameda County Health Services Agency and Hayward Fire Department granted regulatory case closure on August 31, 1992 and September 4, 1992, respectively.

As part of Berkeley Farms' food processing operation, a 10,000-gallon diesel UST was installed in the southern portion of the project site in 1998. According to the Phase I ESA, there are no records or indications of substantial releases or outstanding violations associated with the UST. However, there are no records indicating subsurface investigations have been conducted in the vicinity of the UST. The UST was removed in November 2020, after the Phase I ESA was prepared, as part of the demolition of the Berkeley Farms operation. RPS Group oversaw removal of the UST. According to a report dated January 2021, prepared by RPS Group (see Appendix H), the UST removal activities conducted by RPS Group included:

1. Dewatering the UST excavation;
2. Sampling the groundwater removed from the excavation;
3. Sampling the excavated material generated by the UST removal activities;

4. Transport and disposal of the excavated material;
5. Transport and disposal of the groundwater removed from the excavation; and
6. Collecting and analyzing one grab groundwater sample from beneath the UST excavation.

Based on the analytical results of the groundwater sample, RPS determined that groundwater at the site has not been impacted by diesel fuel from the former Berkeley Farms' UST. Neither the soils nor groundwater at the UST had concentrations of diesel fuel contaminants that classify it as a hazardous waste (see Appendix H).

During demolition of the Berkeley Farms operation, while draining the gear oil from the four on-site wastewater treatment plant piston air blowers, gear oil was spilled onto the wastewater treatment plant secondary containment. Gear oil-impacted soil was excavated and disposed-of at off-site facility. Confirmation samples indicated the gear oil-impacted soil had been remediated to below the environmental screening level. Additionally, following demolition of the Berkeley Farms operation, metal thieves broke into an on-site transformer to steal copper wiring and caused a transformer oil spill that impacted the surrounding concrete pad and soil. Impact soil was excavated and disposed of off-site. PCB concentrations in the excavated oil-impacted soil were non-detect, and PCB concentrations in the confirmation clean samples were non-detect (State Water Resources Control Board 2021).

The project site is identified as an active Cleanup Program Site by the State Water Resources Control Board (Case No. RO0003469) (State Water Resources Control Board 2021). Because the site is listed as an active Cleanup Program Site, it also is on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5.

#### *Off-Site Contamination Sources*

The site is located in an area that has been occupied by various commercial and industrial facilities since the mid- to late-1900s, including a truck terminal facility to the west and a former bus manufacturing facility to the south. The nature and expected material usage at these facilities suggest a potential for environmental contamination; however, a review of regulatory agency records conducted for the Phase I ESA for these sites did not identify the potential for contamination or release of hazardous materials. A railroad track is adjacent to the project site, and railroad operations are sometimes associated with hazardous materials transport and release. However, the Phase I ESA does not identify recognized environmental concerns associated with the railroad tracks.

## **Regulatory Setting**

### *Department of Toxic Substances Control*

As a department of CalEPA, DTSC regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of Resource Conservation and Recovery Act and the California Health and Safety Code.

DTSC also administers the California Hazardous Waste Control Law (HWCL) to regulate hazardous wastes. While the HWCL is generally more stringent than Resource Conservation and Recovery Act, until the USEPA approves the California program, both state and federal laws apply in California. The HWCL lists 791 chemicals and approximately 300 common materials that may be hazardous;

establishes criteria for identifying, packaging, and labeling hazardous wastes; prescribes management controls; establishes permit requirements for treatment, storage, disposal, and transportation; and identifies some wastes that cannot be disposed of in landfills.

Government Code Section 65962.5 requires the DTSC, the State Department of Health Services, the SWRCB, and CalRecycle compile and annually update lists of hazardous waste sites and land designated as hazardous waste sites throughout the state. The Secretary for Environmental Protection consolidates the information submitted by these agencies and distributes it to each city and county where sites on the lists are located. Before the lead agency accepts an application for a development project as complete, the applicant must consult these lists to determine if the site at issue is included.

If soil is excavated from a site containing hazardous materials, it is considered a hazardous waste if it exceeds specific criteria in Title 22 of the CCR. Remediation of hazardous wastes found at a site may be required if excavation of these materials is performed, or if certain other soil disturbing activities would occur. Even if soil or groundwater at a contaminated site does not have the characteristics required to be defined as hazardous waste, remediation of the site may be required by regulatory agencies subject to jurisdictional authority. Cleanup requirements are determined on a case-by-case basis by the agency taking jurisdiction.

#### *Regional Water Quality Control Board*

RWQCB regulates discharges and releases to surface and groundwater in the project area. The RWQCB generally oversees cases involving groundwater contamination. In the RWQCB, the County of Alameda Department of Environmental Health handles most leaking underground storage tank cases, so the RWQCB may oversee cases involving other groundwater contaminants; i.e., Spills, Leaks, Incidents, and Clean-up cases. In the case of spills at a project site, the responsible party would notify the County of Alameda, RWQCB, or DTSC and a lead would be determined.

The RWQCB has established guidelines used to evaluate the potential risk associated with chemicals found in soil or groundwater where a release of hazardous materials has occurred called Environmental Screening Levels developed for a variety of purposes including

#### *Hayward Fire Department*

Hayward Fire Department (HFD) is designated as the City of Hayward's Certified Unified Program Agency (CUPA), which is overseen by the California Environmental Protection Agency and coordinates the regulation of hazardous materials and hazardous wastes in the City. CUPA ensures the consistent application of statewide standards during administrative, permitting, inspection, and enforcement activities associated with hazardous materials and hazardous wastes. If a business operating at the project site would use and store hazardous materials and generate hazardous wastes, CUPA would require the electronic submittal of chemical and facility information, a Hazardous Materials Business Plan, and hazardous waste generator permits to the California Environmental Reporting System online database. If operations at the project site would include the treatment, storage, and/or disposal of hazardous waste, HFDs Hazardous Materials Office would regulate these activities under a tiered permitting system.

CUPA, through the Hazardous Materials Office, regulates USTs containing hazardous materials, including installation, operation and maintenance, temporary closure, and removal and disposal of USTs. Additionally, CUPA holds the responsibility and authority to implement the Aboveground Petroleum Storage Act, which regulates aboveground petroleum storage tanks through

administrative requirements, permitting, inspections, and enforcement. Above- or underground storage tanks are managed by the HFD Hazardous Materials Office.

The Hazardous Materials Office administers the California Accidental Release Prevention (CalARP) Program, which aims to reduce the likelihood and impact of accidental releases of regulated toxic and flammable substances through administrative and operational procedures, and facility inspections. If the facility located on the project site would be regulated under the CalARP Program, the facility would file a written Risk Management Plan with the HFD.

## **Impact Analysis**

- a. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Potential tenants for the proposed industrial buildings could include warehouse facilities, e-commerce, and other similar uses permitted or conditionally permitted under the IG zoning district. However, the project applicant has indicated that the proposed buildings would not be used for heavy industrial uses, such as a refinery. Heavy industrial uses are not proposed. This would reduce the potential for large quantities of hazardous materials to be stored and uses on-site during routine or regular operations of the project.

The transport, use, and storage of hazardous materials during operation of the project would be conducted pursuant to all applicable local, State, and federal laws, including but not limited to Title 49 of the Code of Federal Regulations implemented by Title 13 of the California Code of Regulations, which describes strict regulations for the safe transportation of hazardous materials, and in cooperation with the County's Department of Environmental Health. As required by California Health and Safety Code Section 25507, a business shall establish and implement a Hazardous Materials Business Emergency Plan for emergency response to a release or threatened release of a hazardous material. As required, the hazardous materials would be stored in locations according to compatibility and in storage enclosures (i.e., flammable material storage cabinets and biological safety cabinets) or in areas or rooms specially designed, protected, and contained for such storage, in accordance with applicable regulations.

Under the California Hazard Communication Regulation, chemical manufacturers, distributors, or importers must provide Safety Data Sheets (formerly Material Safety Data Sheets) for each hazardous chemical to downstream users to communicate information on these hazards. All businesses of more than ten employees must comply when employees may be exposed to hazardous substances found in the workplace under normal conditions of use as well as in reasonably foreseeable emergency conditions (i.e., a spill or release of a flammable chemical). Businesses are also required to train employees on protocols in the event of a chemical spill or a leak from a sealed container (California Department of Industrial Relations 2012).

Maintenance and upkeep of proposed buildings, landscaping, and operational equipment would occasionally require the use of various solvents, cleaners, paints, oils/fuels, and pesticides/herbicides. In addition, potential hazardous materials, such as fuel, paint products, lubricants, solvents, and cleaning products, could be used and/or stored on-site. However, due to the limited quantities of these materials to be used by the project, they would not be hazardous to the public at large.

Therefore, the proposed project would not routinely use, store, or dispose of hazardous materials such that a significant hazard would occur. Impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- b. *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*
- d. *Would the project be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

*Construction*

Project construction would require the use of heavy construction equipment, the operation of which could result in a spill or accidental release of hazardous materials, including fuel, engine oil, engine coolant, and lubricants. Spilled construction fluids could infiltrate the ground surface or become mobilized in stormwater runoff, eventually impacting surface water, groundwater, or soils. However, because project construction would disturb more than one acre of land, implementation of stormwater pollution prevention plan (SWPPP) would be required pursuant to state regulations (see Section 10, *Hydrology and Water Quality*). In addition to measures to prevent soil erosion and sedimentation, the SWPPP also must include measures to implement in the event of accidental spills during construction, such as mandatory spill clean-up kits in equipment, as a possible example. Given that spill clean-up measures would be implemented, and that only normal operating amounts of construction fluids (e.g., diesel fuel, motor oil, etc.) would be on-site during construction, the operation of construction equipment would not create a significant hazard to the public or the environment.

Project construction would involve ground disturbance, such as grading and excavation. Ground disturbance would generate dust, as well as require construction workers to directly touch or contact on-site soils. As describe above in *Setting*, an UST containing diesel fuel was present on the site until 2020 and was associated with the former Berkeley Farms operation. The UST tank was removed in 2020. Laboratory analysis of soil and groundwater samples taken from the excavation for removal of the UST indicate that diesel contamination has not occurred in the area of the UST. Therefore, project construction workers would not be exposed to harmful levels of diesel contaminants when working in soils near the former Berkeley Farms UST.

During its occupancy of the site prior to 1986, Herrick operated a 2,000-gallon UST. Soil and groundwater around the UST were discovered to be impacted with total petroleum hydrocarbons as gasoline (TPHg), benzene, toluene, ethylbenzene, and xylenes (BTEX). Remedial activities were conducted, and the San Francisco RWQCB, with concurrence by the Hayward Fire Department, granted regulatory case closure on December 30, 1993. However, the case closure pre-dates current environmental evaluation protocols and laboratory detection limits exceeded current environmental screening levels (ESL). Therefore, contamination could persist at the site that exceed current ESLs. Construction workers could be exposed to significant hazards to people.

Additionally, given the age of Berkeley Farms structures, as well as prior Herrick structures, their demolition may have resulted in deposition of debris containing asbestos, lead-based paint, polychlorinated biphenyls, and chlorinated solvents, all of which be a significant hazard to people if construction workers are exposed.

Prior to development of the site with the Herrick steel operations, like much of the Bay Area, the project site was used for agriculture. Residual pesticides from prior agricultural uses are often found in soils in the Bay Area. Therefore, there could be residual pesticides in soils at the project site. Project construction workers could be exposed to residual pesticides, which would be a significant hazard to people.

### *Operation*

Transport, use, and storage of hazardous materials during operation of the site and the buildings would be conducted pursuant to applicable local, State, and federal laws, including but not limited to Title 49 of the Code of Federal Regulations implemented by Title 13 of the California Code of Regulations, which describes strict regulations for the safe transportation of hazardous materials, and in cooperation with the County's Department of Environmental Health. As required by California Health and Safety Code Section 25507, a business shall establish and implement a Hazardous Materials Business Emergency Plan for emergency response to a release or threatened release of a hazardous material. As required, the hazardous materials would be stored in locations according to compatibility and in storage enclosures (i.e., flammable material storage cabinets and biological safety cabinets) or in areas or rooms specially designed, protected, and contained for such storage, in accordance with applicable regulations. Additionally, the City's Zoning Ordinance (HMC Chapter 10) requires that businesses using or storing certain types and quantities of hazardous materials obtain a use permit which first requires the Hayward Fire Department to review and approve.

As discussed above for potential construction impacts, there is a possibility that soils or groundwater on the project site contain contamination from a former UST tank operated by Herrick. If soils or groundwater are contaminated, contaminant vapors could infiltrate the proposed industrial buildings and expose workers. Workers could experience adverse health impacts from exposure. Therefore, operation of the project could create a significant hazard to the public or environment. Impacts would be potentially significant, and mitigation is required.

### *Railway Hazards*

The UPRR tracks adjacent to the project site support both passenger and freight traffic. Freight trains may carry hazardous materials, which could be released during an accident. The public health risk posed by an accidental release would depend upon the materials involved, their toxicity, and the wind direction that could carry emissions from the release. The possibility of impact is determined by a combination of the probability of an accident, the probability that the released cargo is hazardous, and the probability that winds are blowing from the spill toward occupied receptor sites.

Of the infrequent daytime freight traffic, only a percentage would involve transport of hazardous materials, and that transport is regulated by the federal Department of Transportation (DOT) to minimize risks of accidents or spills. For example, often train cars carry inert materials, such as lumber or steel. In addition, because of the urban context in the site vicinity, trains travel through the area at relatively low speeds, further minimizing the likelihood of accidents.

Further, the California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed that CEQA is primarily concerned with the impacts of a proposed project on the environment, not the effects of the environment on the proposed project. The proposed project would not involve changes to the tracks or easement. Therefore, the project would not exacerbate hazards.

### *Summary*

Construction of the project would require the use of hazardous materials, such as diesel fuel and motor oil, to power construction equipment. The minimal amount of materials stored on-site during construction and implementation of the construction SWPPP for clean-up of spills would reduce hazards. The minimal quantities of hazardous materials stored on-site during project operation combined with regulatory requirements for storage and response to accidental release would reduce hazards to the public and environment. However, construction would expose workers to soil and potentially groundwater that could be contaminated from USTs that were once present on-site. Additionally, workers could be exposed to contamination from debris containing hazardous materials and residual pesticides from agricultural uses that existed on-site prior to development with the Herrick steel operations. During project operation, building occupants could be exposed to vapors from soil contamination, if present. Impacts would be potentially significant, and mitigation is required.

### **Mitigation Measures**

#### *HAZ-1a Regulatory Agency Subsurface Involvement*

Since the project site is listed as an open RWQCB Cleanup Program Site, the RWQCB Cleanup case # RO0003469 shall continue to be utilized for agency oversight of assessment and remediation of this project site through completion of building demolition, subsurface demolition, and construction. The Alameda County Department of Environmental Health – Local Oversight Program (LOP) shall be the agency with oversight of the remediation. The applicant shall notify the Alameda County Department of Environmental Health – LOP of the following:

- Current development plan and modifications to the development plan
- All former environmental documents completed for the project site, including this Initial Study document

Upon notification of the information above, Alameda County Department of Environmental Health – LOP could require actions such as: development of subsurface investigation workplans; completion of soil, soil vapor, and/or groundwater subsurface investigations; installation of soil vapor or groundwater monitoring wells; soil excavation and offsite disposal; completion of human health risk assessments; and/or completion of remediation reports or case closure documents. Subsurface soil, soil vapor, and groundwater investigations, if required, shall be conducted in accordance with a sampling plan that must be reviewed and approved by the Alameda County Department of Environmental Health – LOP.

The Alameda County Department of Environmental Health – LOP closure and agency approval documents shall be submitted and reviewed by the City of Hayward prior to issuance of grading permits.

The Alameda County Department of Environmental Health – LOP may also determine that San Francisco Bay RWQCB or DTSC may be best suited to perform the lead agency duties for the assessment and/or remediation of this project site. Should the lead agency be transferred to RWQCB or DTSC, this and other mitigation measures will still apply to these agencies.

### *HAZ-1b Construction Site Management Plan*

The applicant shall develop and implement a Construction Site Management Plan (SMP) at the project site to address potential issues that may be encountered during redevelopment activities of the property involving subsurface work. The Construction SMP objectives shall include:

- Communicating information to project site construction workers about environmental conditions,
- Presenting measures to mitigate potential risks to the environment, construction workers, and other nearby receptors from potential exposure to hazardous substances that may be associated with unknown conditions or unexpected underground structures, and
- Presenting protocols for management of known contaminated soil or groundwater encountered during construction activities.

The Construction SMP identifies the project contacts, responsibilities, and notification requirements, and outlines the procedures for Health and Safety; Soil Management; Contingency Measures for Discovery of Unexpected Underground Structures; Erosion, Dust, and Odor Management; Groundwater Management; Waste Management; Stormwater Management; and Written Records and Reporting. The Construction SMP shall be reviewed and approved by the City of Hayward prior to issuance of the project grading permit.

### *HAZ-1c Post-Construction Risk Management Plan*

Following construction and during operation of the project site, the project applicant shall develop and implement a Construction Risk Management Plan (RMP). The RMP must be submitted to and approved by the Alameda County Department of Environmental Health – LOP. The RMP shall document the requirements for the long-term management of activities at the project site to mitigate potential risks and reduce/minimize exposure to construction workers, occupants, and other site users associated with residual chemical concentrations detected in soil, soil vapor, and groundwater that do not warrant active remediation.

This RMP will be incorporated by reference in a Covenant and Environmental Restriction on Property (Land Use Covenant, or LUC), which will be recorded for the project site in the Official Records of Alameda County, California.

The RMP will include requirements regarding the following:

1. **Land Use Expectation and Limitations** – future land use at the project site will be limited to industrial, commercial, and/or office space use
2. **Project Site Development and Occupancy Modifications** - modifications to the project site or subsurface work will be conducted in accordance with the Construction SMP, and contaminated soils brought to the surface by grading, excavation, trenching, or backfilling shall be managed by the Property Owner or its designee in accordance with applicable provisions of local, state and federal law
3. **Contingency Reporting** - if impacted soil or groundwater is encountered during site activities, Alameda County Department of Environmental Health – LOP will be notified and upon completion of subgrade work and offsite removal of soil and groundwater, a report will be prepared by the Environmental Consultant or its designee and submitted to Alameda County Department of Environmental Health – LOP

4. **Regulatory Access** - persons acting pursuant to Alameda County Department of Environmental Health – LOP orders, shall have reasonable access to the project site after giving reasonable notice to the Property Owner or Lessor for the purposes of inspection, surveillance, maintenance, or monitoring.

Specifically, for contingency reporting, the reports will be uploaded to the SWRCB GeoTracker website <https://geotracker.waterboards.ca.gov>; and the reports will include the following information

- Brief letter documenting Alameda County Department of Environmental Health – LOP notification and the scope of work completed;
- Photographs documenting the project site conditions; and
- Recommendations for preventative and/or corrective repair needs that are identified to maintain compliance with the RMP.

### **Significance After Mitigation**

Mitigation Measures HAZ-1a through HAZ-1c would reduce potential impacts by involving regulatory agencies, creating a Construction Management Plan approved by the Alameda County Department of Environmental Health – LOP, and requiring a post-construction RMP. The post construction RMP would include monitoring for soil vapor, as applicable, to prevent hazards to project occupants. Implementation of these measures would reduce impacts from on-site hazardous materials to less than significant levels.

#### **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

- c. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?*

The nearest school to the project site is the California Crosspoint Academy, located approximately 0.2 mile to the north. Other nearby schools include Eden Gardens Elementary School, located approximately 0.5 miles northeast of the project site. Operation of the project would not involve the use of hazardous materials which could impact the nearby schools. However, due to existing soil conditions, construction of the project has the potential to expose the nearby school sites to on-site hazardous materials from the previous industrial and production uses as described above in the *Setting* section above. Therefore, mitigation would be required to reduce potential construction impacts to less than significant levels.

### **Mitigation Measures**

Mitigation Measures HAZ-1a through HAZ-1c.

### **Significance After Mitigation**

Mitigation Measures HAZ-1a through HAZ-1c would reduce potential impacts by involving regulatory agencies, creating a Construction Management Plan approved by the Alameda County Department of Environmental Health – LOP, and requiring a post-construction RMP. Implementation of these measures would reduce impacts from on-site hazardous materials on nearby schools to less than significant levels.

#### **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

- e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

The closest airport is the Hayward Executive Airport, located approximately 2.0 miles north of the project site. In addition, the Oakland International Airport is located approximately 7.0 miles to the northwest. The project site is located within the Airport Influence Area of the Hayward Executive Airport and the Oakland International Airport. However, the project site is located outside all safety zones for both airports (Alameda County Airport Land Use Commission 2010; 2012). Therefore, the proposed project would not result in a safety hazard or excessive noise in context with the nearby airports, and impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- f. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Construction of the proposed project would occur within the boundary of the project site and would not lead to street closures which would interfere with emergency evacuations or response. The proposed project does not involve the development of structures that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, including the Hayward Local Hazard Mitigation Plan (City of Hayward 2016b). No streets or property access points would be closed, rerouted, or substantially altered upon implementation and operation of the project. Therefore, there would be no impact.

**NO IMPACT**

- g. *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?*

As described below in Section 20, *Wildfire*, the project site is in a developed urban area and is not within or adjacent to a designated very high wildland fire hazard zone. Therefore, the project would not expose people or structures to a significant loss, injury or death involving wildland fires. There would be no impact.

**NO IMPACT**

*This page intentionally left blank.*

# 10 Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. In flood hazard, tsunamis, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Impact Analysis

- a. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*
- c.(i) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?*
- e. *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

### Construction

Project construction would involve ground-disturbing activities and use of heavy construction equipment. Grading and other construction activities associated with the project would have the potential to impact soil erosion and increase sediment loads in stormwater runoff resulting from exposed or disturbed soil. Additionally, spills, leakage, or improper handling and storage of substances such as oils, fuels, chemicals, metals, and other substances used during various construction phases could be collected in stormwater runoff and impact water quality of receiving water bodies (San Francisco Bay).

As part of Section 402 of the CWA, the U.S. EPA has established regulations under the National Pollution Discharge Elimination System (NPDES) program to control both construction and operation (occupancy) stormwater discharges. For the proposed project, the San Francisco Regional Water Quality Control Board (RWQCB) administers the NPDES permitting program and is responsible for developing permitting requirements. The proposed project would be subject to the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) – NPDES Permit Order No. R2-2015-0049, and the provisions set forth in Section C.3 *New Development and Redevelopment*. Under the conditions of the permitting program, the applicant would be required to eliminate or reduce non-stormwater discharges to waters of the U.S., develop and implement a Stormwater Pollution Prevention Plan (SWPPP) for construction activities, and perform inspections of the stormwater pollution prevention measures and control practices to ensure conformance with the site SWPPP. The SWPPP must also include measures to clean-up spills, such as spills of construction equipment fluids. Because the proposed project would disturb at least one acre of land, it must provide stormwater treatment and would be required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ or 2009-0009-DWQ General Permit).

In addition, in accordance with HMC Chapter 10, Article 8 (Grading and Clearing), all grading activities must be conducted in a manner that will minimize the potential for erosion from the site. The project applicant would be required to prepare and implement an Erosion and Sediment Control Plan that specifies control techniques that would prevent erosion during and after construction. With compliance with construction-related water quality and erosion control requirements, construction of the proposed project would not violate water quality standards, substantially alter the drainage pattern of the area such that substantial erosion or siltation would occur and would not degrade water quality. Impacts during construction would be less than significant.

## Operation

Following construction of the project, approximately 17.3 acres of the project site (approximately 85 percent of the site) would consist of impervious surface, such as asphalt parking surfaces and industrial buildings. While the Berkeley Farms operation has been demolished, impervious surfaces remain on-site, such as the foundations of the former buildings and paved parking surfaces. The impervious surfaces of the proposed project would be comparable to the area of impervious surface currently present on-site. Nonetheless, the impervious surface of the proposed project would result in the potential for pollutants to become mobilized in stormwater runoff and discharge to receiving waters. Urban runoff can carry a variety of pollutants, including oil and grease, metals, sediment, and pesticide residues from roadways, parking lots, rooftops, and landscaped areas depositing them into adjacent waterways via the storm drain system.

Water quality in stormwater runoff is regulated locally by the Alameda County Clean Water Program, which includes the C.3 provisions set by the San Francisco Bay RWQCB. Provision C.3 of the MRP addresses post-construction stormwater requirements for new development and redevelopment projects that add and/or replace 10,000 square feet or more of impervious area. Because the proposed project would replace in excess of 10,000 square feet of the impervious surface of the project site, it must comply with the C.3 provisions set by the RWQCB. Therefore, the proposed project must meet certain criteria including: 1) incorporate site design, source control, and stormwater treatment measures into the project design; 2) minimize the discharge of pollutants in stormwater runoff and non-stormwater discharge; and 3) minimize increases in runoff flows as compared to pre-development conditions.

In accordance with the C.3 requirements, the project is designed to direct runoff from roofs and sidewalks into vegetated areas and would include approximately 44,268 square-feet of landscaped bioretention areas to treat runoff before entering the stormwater system. By adhering to the provisions of NPDES Section C.3, the SWPPP, and the stormwater control plan, the proposed project would not result in adverse effects on water quality or erosion during construction or operation. Therefore, the proposed project would not conflict with the applicable water quality control plan or result in substantial erosion or siltation off-site. Impacts would be less than significant.

### **LESS THAN SIGNIFICANT IMPACT**

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

As discussed in Section 19, *Utilities and Service Systems*, the proposed project would receive its water from the City of Hayward. Hayward receives its water from the Hetch Hetchy system, owned and operated by the San Francisco Public Utilities Commission (SFPUC). Hayward does not currently use groundwater to meet the City's water demand (City of Hayward 2016a). Therefore, the proposed project would not rely on groundwater for its water supply and would not increase groundwater usage such that a net deficit in aquifer volume would occur.

Development of the proposed project does not include installation of new groundwater wells or use of groundwater from existing wells. The project site is currently mostly impervious surfaces, such as asphalt parking lots and the concrete foundations of the buildings that until recently were present on the project site. The proposed project would not substantially increase impervious surfaces compared to existing conditions because nearly all of the site is currently impervious surface. Further, the proposed project includes landscaping and bioretention areas to allow some recharge.

Overall, the project would not directly extract groundwater or reduce recharge to an extent such that the project would impede sustainable management of a groundwater basin. Impacts related to groundwater would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- c.(ii) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*
- c.(iii) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*
- c.(iv) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?*

The project site is not located in a flood zone, as discussed under Item d below, and does not contain a river or stream which would be altered and result in flooding on- or off-site. The nearest watercourse to the site is Alameda Creek, located approximately two miles southeast. The project would not directly alter the course of a stream or river and would not impede or redirect flood flows. The project site is currently mostly impervious surfaces, such as asphalt parking lots and the concrete foundations of the buildings that until recently were present on the project site. The proposed project would not substantially increase impervious surfaces compared to existing conditions because nearly all of the site is currently impervious surface. Therefore, overall, the project would not alter the drainage pattern of the site as it would continue existing drainage patterns. Generally, existing drainage is through onsite retention or discharge to offsite pervious areas, such as the railroad tracks area to the east. Further, the project would include installation of stormwater detention areas as needed to comply with development requirements of the Alameda County Flood Control & Water Conservation District. The District requires that the discharge flow rate of development projects be less than or equal to the pre-development discharge flow rate. Stormwater treatment and detention needs would be met through a combination of bioretention planters, underground storm drainpipes, and stormwater pumps. By controlling the rate of runoff to be equal to or less than pre-development conditions, the project would not increase the rate of runoff such that there would be flooding on- or off-site or such that the capacity of storm drain systems would be exceeded. As described above under the responses to checklist questions (a), c(i), and (e), the project would comply with C.3 requirements and would not create sources of additional polluted runoff. Impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?*

According to the Federal Emergency Management Agency (FEMA), the project site is located in Flood Zone X, which is considered an area of minimal flood hazard and is outside of FEMA designated flood zones (FEMA 2009). Therefore, the proposed project is not located within a flood

zone and impacts concerning flood hazards would be less than significant. According to the City of Hayward General Plan, the Bay Area, including the project site, does not have a history or significant risk of tsunamis (City of Hayward 2014). The project site is approximately two miles inland from the San Francisco Bay and would not risk release of pollutants due to inundation by seiche. Therefore, impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

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# 11 Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Impact Analysis

a. *Would the project physically divide an established community?*

The proposed project would involve the development of an industrial park consisting of two structures, an employee amenity plaza, surface parking, and internal circulation roads on a site that was previously developed with the Berkeley Farms dairy facility, which has since been demolished. The project does not include new roadways or similar linear features that would block movement between or within established communities, and would not separate connected land uses, neighborhoods, or other areas from each other. Further, the project site is adjacent to railroad tracks, which are a linear feature that already exists in the community. No impacts would occur.

**NO IMPACT**

b. *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The proposed project is consistent with the City of Hayward’s General Plan land use designation and key Zoning Ordinance provisions as discussed below.

*Hayward 2040 General Plan*

The project site has a land use designation of IC (Industrial Corridor). As described in the City’s General Plan, the IC designation is applied to areas located along Hayward’s western Urban Limit Line and southwestern city limits. Typical building types and allowed land uses include warehouses, office buildings, research and development facilities, manufacturing plants, business parks, and corporate campus buildings. The proposed industrial campus would allow for warehouse facilities, manufacturing, ecommerce/logistics, and other uses allowed under the IC designation.

Development standards under the IC designation include a maximum floor area ratio (FAR) of 0.8. The proposed project would involve the development of a new industrial park with a FAR of 0.43. Therefore, the project would be consistent with the parcel’s General Plan designation.

The City’s General Plan identifies goals and policies to guide land use patterns to strategically accommodate future growth while preserving and enhancing the City as a whole. The proposed project’s consistency with the City’s applicable policies is described in Table 17.

**Table 17 General Plan Consistency**

General Plan Goal or Policy	Proposed Project Consistency
<p><b>Police LU-1.1 Jobs-Housing Balance.</b> The City shall support efforts to improve the jobs housing balance of Hayward and other communities throughout the region to reduce automobile use, regional and local traffic congestion, and pollution.</p>	<p><b>Consistent.</b> The project would generate additional jobs for Hayward, which currently has about 1.0-1.5 jobs per household (ABAG 2020). The City and region’s population and housing needs are expected to increase (ABAG 2017). Although this project would increase the number of jobs in the City, overall, the City is simultaneously undergoing an effort to meet its regional housing needs. As the City and region continues to grow and develop more housing, the project would add jobs to Hayward for residents to reduce regional trip generation.</p>
<p><b>Policy LU-1.3 Growth and Infill Development.</b> The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.</p>	<p><b>Consistent.</b> The proposed project is an infill project that would involve redevelopment of an underutilized site with a new industrial park.</p>
<p><b>Policy LU-1.4 Revitalization and Redevelopment.</b> The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.</p>	<p><b>Consistent.</b> The proposed project would involve redevelopment of a vacant, underutilized lot with a new industrial campus.</p>
<p><b>Policy LU-3.7 Infill Development in Neighborhoods.</b> The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.</p>	<p><b>Consistent.</b> The proposed project would be consistent with the General Plan designation of IC and the surrounding character of the neighborhood, which consists of industrial research and business parks and offices.</p>
<p><b>Policy LU-6.6 Property Upgrades.</b> The City shall encourage property owners to upgrade existing buildings, site facilities, and landscaped areas to improve the economic viability of properties and to enhance the visual character of the Industrial Corridor.</p>	<p><b>Consistent.</b> Former and dated buildings that were on the project site have been demolished. As described in the Project Description section of this Initial Study, the proposed industrial buildings would be of modern construction and include artistic/design enhancements. Landscaping would also be provided.</p>
<p><b>Policy LU-6.7 Design Strategies.</b> The City shall encourage developments within the Industrial Technology and Innovation Corridor to incorporate the following design strategies:</p> <ol style="list-style-type: none"> <li>1. Provide attractive on-site landscaping and shade trees along street frontages and within employee and visitor parking lots.</li> <li>2. Screen areas used for outdoor storage, processing, shipping and receiving, and other industrial operations with a combination of landscaping and decorative fences or walls.</li> <li>3. Encourage consistent architectural facade treatments on all sides of buildings.</li> <li>4. Screen roof-top equipment with roof parapets.</li> <li>5. Design shipping and receiving areas and driveways to accommodate the turning movements of large trucks.</li> </ol>	<p><b>Consistent.</b></p> <ol style="list-style-type: none"> <li>1. The project would provide landscaping along the perimeter of the project site and the perimeters of on-site parking areas. Landscaping and trees would also be planted around bioretention areas and the employee amenity area.</li> <li>2. The shipping/receiving areas would be located on the southern side of building 1, facing a proposed industrial development to the south of the project site. Shipping and receiving areas on building 2 would face east, toward railroad tracks. Landscaping would be provided at either end of the shipping and receiving areas to screen views from Clawiter Road.</li> <li>3. All elevations of the new structures would be constructed from similar materials and façade treatments.</li> </ol>

General Plan Goal or Policy	Proposed Project Consistency
<ul style="list-style-type: none"> <li>6. Develop coordinated and well-designed signage for tenant identification and wayfinding.</li> <li>7. Incorporate attractive building and site lighting to prevent dark pockets on the site.</li> <li>8. Provide pedestrian walkways to connect building entrances to sidewalks.</li> <li>9. Use landscaped buffers with trees and attractive sound walls to screen adjacent residential areas and other sensitive uses.</li> </ul>	<ul style="list-style-type: none"> <li>4. Rooftop equipment would be screened.</li> <li>5. The shipping/receiving areas at both buildings would be designed for large truck turning movements.</li> <li>6. The project would be required to obtain a sign permit for the development which would create a consistent signage/wayfinding system.</li> <li>7. The project would include lighting on walkways throughout the project site with pedestrian lights which are approximately four feet tall. The lights would lead to building entrances and employee amenity areas.</li> <li>8. Pedestrian walkways around each of the buildings would be provided, which would connect the adjacent buildings and employee amenity areas and sidewalks.</li> <li>9. There are no adjacent sensitive uses. The project would include tree plantings along the perimeter of the project site.</li> </ul>
<p><b>Policy 6.8 Employee Amenities.</b> The City shall encourage the provision of employee-serving amenities for major employment uses within the Industrial Technology and Innovation Corridor, such as courtyards and plazas, outdoor seating areas, fitness facilities, bicycle storage areas, and showers.</p>	<p><b>Consistent.</b> The project would provide two employee amenity areas consisting of seating, shade structures, landscaping, and areas for food trucks. Short term bicycle storage would be located outside of the building while long term bicycle storage would be located inside.</p>

*City of Hayward Zoning Ordinance*

The project site has a zoning designation of IG (General Industrial). Pursuant to the Hayward Municipal Code (HMC), construction of speculative industrial buildings over 150,000 square feet is permitted with a Conditional Use Permit in the IG zoning district. The proposed buildings would adhere to the required height limits, setback requirements, and other requirements of the IG zoning district. Rezoning is not proposed. The project, including future uses, would comply with zoning regulations for the IG zoning district.

The project would not conflict with the City’s General Plan or zoning ordinance and would be consistent with the applicable land use designation and zoning district and development standards. Therefore, no impacts would occur.

**NO IMPACT**

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# 12 Mineral Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Impact Analysis

- a. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b. *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

According to the City’s General Plan, Hayward’s principal mineral resources are stone, limestone, clay, fire clay, halite, and salt (City of Hayward 2014). There are no active mineral extraction operations on the project site. The proposed project would include the development of an industrial park in an industrial area of Hayward and would not result in a loss of available minerals. There would be no impact.

**NO IMPACT**

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# 13 Noise

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Background

### Overview of Sound Measurement

Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs. Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment (Caltrans 2013).

Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response, which is most sensitive to frequencies around 4,000 Hertz and less sensitive to frequencies around and below 100 Hertz (Kinsler, et. al. 1999). Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes. A doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB; dividing the energy in half would result in a 3 dB decrease (Crocker 2007).

Human perception of noise has no simple correlation with sound energy. The perception of sound is not linear in terms of dBA or in terms of sound energy. Two sources do not “sound twice as loud” as one source. It is widely accepted that the average healthy ear can barely perceive changes of 3 dBA,

increase or decrease (i.e., twice the sound energy); that a change of 5 dBA is readily perceptible (eight times the sound energy); and that an increase (or decrease) of 10 dBA sounds twice (half) as loud ([10.5x the sound energy] Crocker 2007).

Sound changes in both level and frequency spectrum as it travels from the source to the receiver. The most obvious change is the decrease in level as the distance from the source increases. The manner by which noise reduces with distance depends on factors such as the type of sources (e.g., point or line, the path the sound will travel, site conditions, and obstructions). Noise levels from a point source typically attenuate, or drop off, at a rate of 6 dBA per doubling of distance (e.g., construction, industrial machinery, ventilation units). Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about 3 dBA per doubling of distance (Caltrans 2013). The propagation of noise is also affected by the intervening ground, known as ground absorption. A hard site, such as a parking lot or smooth body of water, receives no additional ground attenuation and the changes in noise levels with distance (drop-off rate) result from simply the geometric spreading of the source. An additional ground attenuation value of 1.5 dBA per doubling of distance applies to a soft site (e.g., soft dirt, grass, or scattered bushes and trees) (Caltrans 2013). Noise levels may also be reduced by intervening structures; the amount of attenuation provided by this “shielding” depends on the size of the object and the frequencies of the noise levels. Natural terrain features such as hills and dense woods, and man-made features such as buildings and walls, can significantly alter noise levels. Generally, a large structure blocking the line of sight will provide at least a 5-dBA reduction in source noise levels at the receiver (Federal Highway Administration [FHWA] 2017). Structures can substantially reduce exposure to noise as well. The FHWA’s guidelines indicate that modern building construction generally provides an exterior-to-interior noise level reduction of 20 to 35 dBA with closed windows.

The impact of noise is not a function of loudness alone. The time of day when noise occurs, and the duration of the noise are also important factors of project noise impact. Most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors have been developed. One of the most frequently used noise metrics is the equivalent noise level ( $L_{eq}$ ); it considers both duration and sound power level.  $L_{eq}$  is defined as the single steady A-weighted level equivalent to the same amount of energy as that contained in the actual fluctuating levels over time. Typically,  $L_{eq}$  is summed over a one-hour period.  $L_{max}$  is the highest root mean squared (RMS) sound pressure level within the sampling period, and  $L_{min}$  is the lowest RMS sound pressure level within the measuring period (Crocker 2007).

Noise that occurs at night tends to be more disturbing than that occurring during the day. Community noise is usually measured using Day-Night Average Level (DNL), which is the 24-hour average noise level with a +10 dBA penalty for noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours; it is also measured using Community Noise Equivalent Level (CNEL), which is the 24-hour average noise level with a +5 dBA penalty for noise occurring from 7:00 p.m. to 10:00 p.m. and a +10 dBA penalty for noise occurring from 10:00 p.m. to 7:00 a.m. (Caltrans 2013). Noise levels described by DNL and CNEL usually differ by about 1 dBA. The relationship between the peak-hour  $L_{eq}$  value and the DNL/CNEL depends on the distribution of traffic during the day, evening, and night. Quiet suburban areas typically have CNEL noise levels in the range of 40 to 50 dBA, while areas near arterial streets are in the 50 to 60-plus CNEL range. Normal conversational levels are in the 60 to 65-dBA  $L_{eq}$  range; ambient noise levels greater than 65 dBA  $L_{eq}$  can interrupt conversations (Federal Transit Administration [FTA] 2018).

## Vibration

Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent structures. The number of cycles per second of oscillation makes up the vibration frequency, described in terms of Hz. The frequency of a vibrating object describes how rapidly it oscillates. The normal frequency range of most groundborne vibration that can be felt by the human body starts from a low frequency of less than 1 Hz and goes to a high of about 200 Hz (Crocker 2007).

While people have varying sensitivities to vibrations at different frequencies, in general they are most sensitive to low-frequency vibration. Vibration in buildings, such as from nearby construction activities, may cause windows, items on shelves, and pictures on walls to rattle. Vibration of building components can also take the form of an audible low-frequency rumbling noise, referred to as groundborne noise. Groundborne noise is usually only a problem when the originating vibration spectrum is dominated by frequencies in the upper end of the range (60 to 200 Hz), or when foundations or utilities, such as sewer and water pipes, physically connect the structure and the vibration source (FTA 2018). The primary concern from vibration is that it can be intrusive and annoying to building occupants and vibration-sensitive land uses.

Vibration energy spreads out as it travels through the ground, causing the vibration level to diminish with distance away from the source. High-frequency vibrations diminish much more rapidly than low frequencies, so low frequencies tend to dominate the spectrum at large distances from the source. Discontinuities in the soil strata can also cause diffractions or channeling effects that affect the propagation of vibration over long distances (Caltrans 2020a). When a building is impacted by vibration, a ground-to-foundation coupling loss will usually reduce the overall vibration level. However, under rare circumstances, the ground-to-foundation coupling may actually amplify the vibration level due to structural resonances of the floors and walls.

Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared (RMS) vibration velocity. The PPV and RMS velocity are normally described in inches per second (in./sec.). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings (Caltrans 2020a).

Vibration limits used in this analysis to determine a potential impact to local land uses from construction activities, such as blasting, pile-driving, vibratory compaction, demolition, drilling, and excavation, are based on information contained in Caltrans' *Transportation and Construction Vibration Guidance Manual* and the Federal Transit Administration and the FTA *Transit Noise and Vibration Impact Assessment Manual* (Caltrans 2020a; FTA 2018). Maximum recommended vibration limits by the American Association of State Highway and Transportation Officials (AASHTO) are identified in Table 18.

**Table 18 AASHTO Maximum Vibration Levels for Preventing Damage**

Type of Situation	Limiting Velocity (in./sec.)
Historic sites or other critical locations	0.1
Residential buildings, plastered walls	0.2–0.3
Residential buildings in good repair with gypsum board walls	0.4–0.5
Engineered structures, without plaster	1.0–1.5

Source: Caltrans 2020a

Based on AASHTO recommendations, limiting vibration levels to below 0.2 PPV in./sec. at residential structures would prevent structural damage regardless of building construction type. These limits are applicable regardless of the frequency of the source. However, as shown in Table 19 and Table 20 potential human annoyance associated with vibration is usually different if it is generated by a steady state or a transient vibration source.

**Table 19 Human Response to Steady State Vibration**

PPV (in./sec.)	Human Response
3.6 (at 2 Hz)–0.4 (at 20 Hz)	Very disturbing
0.7 (at 2 Hz)–0.17 (at 20 Hz)	Disturbing
0.10	Strongly perceptible
0.035	Distinctly perceptible
0.012	Slightly perceptible

Source: Caltrans 2020a

**Table 20 Human Response to Transient Vibration**

PPV (in./sec.)	Human Response
2.0	Severe
0.9	Strongly perceptible
0.24	Distinctly perceptible
0.035	Barely perceptible

Source: Caltrans 2020a

As shown in Table 19, the vibration level threshold at which steady vibration sources are considered to be distinctly perceptible is 0.035 in./sec. PPV. However, as shown in Table 20, the vibration level threshold at which transient vibration sources (such as construction equipment passbys) are considered to be distinctly perceptible is 0.24 in./sec. PPV. This analysis uses the distinctly perceptible threshold for purposes of assessing vibration impacts.

Although groundborne vibration is sometimes noticeable in outdoor environments, it is almost never annoying to people who are outdoors and the vibration level threshold for human perception

is assessed at occupied structures (FTA 2018). Therefore, vibration impacts are assessed at the structure of an affected property.

### **Sensitive Receivers**

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. The City's General Plan Hazards Element defines noise sensitive receivers as residences, schools, hospitals, libraries, religious institutions, and convalescent homes (City of Hayward 2014). As the project site is located in an industrial and commercial area, no noise-sensitive receivers are located adjacent to the project site. The nearest noise-sensitive receivers are single- and multi-family residences located approximately 0.2 mile (approximately 1,000 feet) to the east, and a school, the California Crosspoint Academy, located approximately 0.2 mile to the north.

Vibration sensitive receivers are similar to noise sensitive receivers, such as residences, and institutional uses, such as schools, churches, and hospitals. However, vibration sensitive receivers also include buildings where vibrations may interfere with vibration-sensitive equipment, affected by levels that may be well below those associated with human annoyance.

### **Regulatory Setting**

The goals and policies contained in the Hayward 2040 General Plan Hazards Element focus on minimizing human exposure to excessive noise by evaluating noise exposure risks and incorporating appropriate mitigation measures (City of Hayward 2014). In support of these goals, the General Plan contains a table of exterior noise compatibility standards for various land uses (shown in Table 21) to determine potential noise exposure impacts. The highest level of exterior noise exposure regarded as "normally acceptable" for office buildings is 70 CNEL and for industrial manufacturing is 75 CNEL.

**Table 21 City of Hayward Exterior Noise Compatibility Standards**

Land Use Type	Highest Level of Exterior Noise Exposure that is Regarded as “Normally Acceptable” <sup>1</sup> (CNEL)
Residential: Single-Family Homes, Duplex, Mobile Home	60
Residential: Townhomes and Multi-Family Apartments and Condominiums	65
Urban Residential Infill <sup>2</sup> and Mixed-Use Projects <sup>3</sup>	70
Lodging: Motels and Hotels	65
Schools, Libraries, Churches, Hospitals, Nursing Homes	70
Auditoriums, Concert Hall, Amphitheaters	Mitigation based on site-specific study
Sports Arena, Outdoor Spectator Sports	Mitigation based on site-specific study
Playgrounds, Neighborhood Parks	70
Golf Courses, Riding Stables, Water Recreation, Cemeteries	75
Office Buildings: Business, Commercial, and Professional	70
Industrial Manufacturing, Utilities, Agriculture	75

<sup>1</sup> “Normally Acceptable” means that the specified land uses is satisfactory, based upon the assumption that a building involved is of normal conventional construction, without special noise mitigation.

<sup>2</sup> Urban residential infill would include all types of residential development within existing or planned urban areas (such as Downtown, The Cannery Neighborhood, and the South Hayward BART Urban Neighborhood) and along major corridors (such as Mission Boulevard).

<sup>3</sup> Mixed-Use Projects would include all mixed-use developments throughout the City of Hayward.

Source: City of Hayward 2014

For interior noise, Policy HAZ 8.-7 states that for office buildings “the City shall require the design of new office developments and similar uses to achieve a maximum interior noise standard of 45 dBA  $L_{eq}$  (peak hour).”

Section 4-1 of the Hayward Municipal Code contains the City’s noise regulations as amended by Ordinance 11-03, adopted March 22, 2011. Section 4-1.03-1 establishes residential property noise limits such that noise above 70 dBA between the hours of 7:00 a.m. and 9:00 p.m. is prohibited and a noise level of 60 dBA between the hours of 9:00 p.m. and 7:00 a.m. is prohibited. The noise limit for industrial and commercial properties is 70 dBA for all hours of the day.

Section 4-1.03.4 of the Hayward Municipal Code states that during construction no piece of equipment shall produce a noise level exceeding 83 dBA at 25 feet from the source or 86 dBA outside the property. This section, consistent with General Plan policy HAZ-8.21, also limits construction, alteration, or repair of structures and landscaping activities to the hours below (unless alternative hours are approved by the Chief Building Official):

1. Sundays and holidays between 10:00 a.m. and 6:00 p.m.
2. Monday through Saturday between 7:00 a.m. and 7:00 p.m.

If construction occurs outside of the listed hours, the limits under Section 4-1.03-1 would apply.

The City of Hayward has not adopted a significance threshold to assess vibration impacts during construction and operation. Therefore, the Caltrans guidelines described above are used to evaluate potential construction vibration impacts related to both potential building damage and human annoyance.

### Existing Setting

The most common source of noise in the project site vicinity is vehicular traffic from State Route 92 and Clawiter Road, and rail noise from the adjacent rail lines at the project site. To characterize ambient sound levels around the project site, two 15-minute sound level measurements were conducted on July 30, 2020, and two 24-hour measurements was conducted on July 30 through 31, 2020. Short-term measurement (ST) 1 was taken south of the project site, near the eastern boundary of the right-of-way for Clawiter Road; ST 2 was taken near northern boundary of the right-of-way of State Route 92 and the rail lines. LT 1 was taken in the same location as ST1 to capture noise levels from Clawiter Road, and LT 2 was taken south of the project site near the rail and State Route 92. During the hour and a half that the noise analyst was on site on July 30, no trains traveled through on the rail lines. One freight train was observed on July 31 on the rail line adjacent to the eastern property boundary that took approximately ten minutes to pass; this was captured during ST 2. Table 22 and Table 23 summarizes the results of the noise measurements, and Table 24 shows the recorded traffic volumes from NM 1.

**Table 22 Short-Term Noise Monitoring Results**

Measurement Location	Measurement Location	Sample Times	Approximate Distance to Primary Noise Source	L <sub>eq</sub> (dBA)	L <sub>max</sub> (dBA)
ST 1	Southwest of project site, adjacent to Clawiter Road	9:25 – 9:40 a.m.	Approximately 20 feet to centerline of Clawiter Road	64	77
ST 2	South of project site near State Route 92	11:38 – 11:53 a.m.	Approximately 50 feet to edge of State Route 92	62	76

Noise measurement data is provided in Appendix I

**Table 23 Long-Term Noise Monitoring Results**

Sample Time	dBA L <sub>eq</sub>	Sample Time	dBA L <sub>eq</sub>
<b>LT1 Southwest of project site, adjacent to Clawiter Road, July 30-31, 2020</b>			
9:51 a.m.	66	9:51 p.m.	56
10:51 a.m.	66	10:51 p.m.	59
11:51 a.m.	62	11:51 p.m.	53
12:51 p.m.	63	12:51 a.m.	50
1:51 p.m.	65	1:51 a.m.	52
2:51 p.m.	70	2:51 a.m.	59
3:51 p.m.	67	3:51 a.m.	61
4:51 p.m.	61	4:51 a.m.	64
5:51 p.m.	60	5:51 a.m.	65
6:51 p.m.	60	6:51 a.m.	60
7:51 p.m.	57	7:51 a.m.	68
8:51 p.m.	66	8:51 a.m.	77
<b>LT1 24-hour Noise Level</b>			<b>67</b>
<b>LT2 – Southeast of the Project Site, adjacent to rail line, July 30-31, 2020</b>			
10:10 a.m.	62	10:10 p.m.	57
11:10 a.m.	63	11:10 p.m.	53
12:10 p.m.	58	12:10 a.m.	57
1:10 p.m.	57	1:10 a.m.	51
2:10 p.m.	57	2:10 a.m.	54
3:10 p.m.	60	3:10 a.m.	57
4:10 p.m.	58	4:10 a.m.	72
5:10 p.m.	58	5:10 a.m.	65
6:10 p.m.	61	6:10 a.m.	65
7:10 p.m.	57	7:10 a.m.	65
8:10 p.m.	63	8:10 a.m.	65
9:10 p.m.	58	9:10 a.m. <sup>1</sup>	65
<b>LT2 24-hour Noise Level</b>			<b>63</b>

<sup>1</sup> During the 2<sup>nd</sup> to last four-minute time slice, noise levels increased from 62 dBA to over 100 dBA. The next closest four-minute time slice over the 24-hour period was 72 dBA; therefore, this noise level was out of character for the area and may have been caused by someone using a tool within proximity to the microphone. This data was removed from the measurement.

Source: Rincon Consultants, field measurements conducted on July 30 and 31, 2020, using ANSI Type II Integrating sound level meter. Noise measurement data is provided in Appendix I

**Table 24 Sound Level Monitoring Traffic Counts**

Measurement	Roadway	Traffic	Autos <sup>1</sup>	Medium Trucks <sup>2</sup>	Heavy Trucks <sup>3</sup>
NM 1	Clawiter Road	15-minute count	132	1	13
		One-hour Equivalent	528	4	52
<b>Percent</b>			<b>90%</b>	<b>1%</b>	<b>9%</b>

Note: Detailed sound level measurement data are included in Appendix G.

<sup>1</sup> Automobiles: all vehicles with two axles and four tires -- primarily designed to carry nine or fewer people (passenger cars, vans) or cargo (vans, light trucks) -- generally with gross vehicle weight less than 4,500 kg (9,900 lbs).

<sup>2</sup> Medium trucks: all cargo vehicles with two axles and six tires -- generally with gross vehicle weight between 4,500 kg (9,900 lbs) and 12,000 kg (26,400 lbs).

<sup>3</sup> Heavy trucks: all cargo vehicles with three or more axles -- generally with gross vehicle weight more than 12,000 kg (26,400 lbs).

## Methodology

Noise sources associated with operation of the proposed project would consist of low speed on-site vehicular noise, landscaping maintenance, general conversations, and mechanical equipment (e.g., heating, ventilation, and air conditioning [HVAC] units). Due to the distances and low noise levels associated with general site activities, on-site traffic, and landscape maintenance, these sources are not considered substantial and are not analyzed further.

Trains would not be expected to travel at full speed by the project site as the railways are located in an urban area in proximity to several at-grade street crossings. Per the Code of Federal Regulations (CFR) Section 213.9(a), the maximum allowable operating speed for freight trains ranges from 10 to 80 miles per hour, depending on track class (Class 1 through Class 5). According to an Association of American Railroads report, in the first 39 weeks of 2019 the average speed of freight trains in the U.S. was 25.7 miles per hour (Journal of Commerce 2019). Given the aforementioned reasons and for a conservative analysis, a speed of 40 miles per hour was used.

The following thresholds are based on City noise standards and Appendix G of the CEQA guidelines. Noise impacts would be significant if:

- **Noise in Excess of Established Standards:** The project would result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
  - **Temporary:** Construction noise would be significant if:
    - Noise levels exceed 86 dBA outside the property; or
    - Construction noise is generated outside of allowable construction hours as stated in Section 4-1.03.4 of the Hayward Municipal Code.
  - **Permanent:** Operational noise would be significant if:
    - Per Section 4-1.03-1 of the Hayward Municipal Code, if the project’s stationary noises sources generated noise levels exceed 70 dBA between the hours of 7:00 a.m. and 9:00 p.m. and a noise level of 60 dBA between the hours of 9:00 p.m. and 7:00 a.m. at residential property limits, or 70 dBA for all hours of the day at industrial and commercial property limits; or
    - For traffic-related noise, impacts would be significant if project-generated traffic would result in exposure of sensitive receivers to an unacceptable increase in noise levels. For

purposes of this analysis, a significant impact would occur if project-related traffic increases the ambient noise environment of noise-sensitive locations by 3 dB or more where the ambient noise level exceeds the City Noise Element land use compatibility standards (i.e., those with-project conditions that fall within the “normally unacceptable” or “clearly unacceptable” land use categories). In addition, a significant impact would also occur if project-related traffic increases the ambient noise environment of noise-sensitive locations by 5 dB or more regardless of the ambient noise level under with-project conditions.

- **Vibration:** The project would result in the generation of excessive ground-borne vibration or ground-borne noise levels.
  - This would occur if the project would subject vibration-sensitive land uses to construction-related ground-borne vibration that exceeds the distinctly perceptible vibration annoyance potential criteria for human receivers of 0.24 in./sec. PPV, or the residential structural damage criteria of 0.2 PPV in./sec.
- **Airport Noise:** For a project located in the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, if the project exposes people residing or working in the project area to excessive noise levels.
- **Land Use Compatibility:** The project’s on-site uses would be subject to noise exceeding City Noise Element land use compatibility standards.
  - This would occur if exterior use areas of the project are subject to noise levels in excess of 70 CNEL, and interior office areas of the project are subject to noise levels in excess of 45 dBA  $L_{eq}$  (peak hour).

## Impact Analysis

- a. *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The proposed project could generate temporary noise increases during construction and long-term increases associated with project operation; however, as discussed below, both construction-related and operational noise impacts would be less than significant.

### *Construction*

Construction of the proposed project would require activities such as excavation. Heavy machinery, such as a backhoe, would be used for these activities. Heavy machinery would generate noise during various stage of construction. The Federal Transit Administration (FTA) has published typical noise levels of numerous pieces of heavy machinery used for construction (FTA 2018). The typical noise levels of construction equipment, as reported by the FTA, is provided in Table 25. Table 25 also shows expected noise levels at 25 feet from the source, based on an attenuation rate of 6 dBA per doubling of distance from the source.

**Table 25 Construction Equipment Noise Levels**

<b>Equipment</b>	<b>Typical Noise Level at 50 Feet from Source (dBA)</b>	<b>Typical Noise Level at 25 Feet from Source (dBA)</b>
Air Compressor	80	83
Backhoe	80	83
Compactor	82	85
Concrete Mixer	85	88
Concrete Pump	82	85
Concrete Vibrator	76	79
Crane, Derrick	88	91
Crane, Mobile	83	86
Dozer	85	88
Generator	82	85
Grader	85	88
Impact Wrench	85	88
Jack Hammer	88	91
Loader	80	83
Paver	85	88
Pile-driver (Impact)	101	104
Pneumatic Tool	85	88
Pump	77	80
Rail Saw	90	93
Rock Drill	95	98
Roller	85	88
Saw	76	79
Scarifier	83	86
Scraper	85	88
Shovel	82	85
Truck	84	87

Source: FTA 2018

Section 4-1.03.4 of the Hayward Municipal Code states that during construction no individual piece of equipment may produce a noise level exceeding 83 dBA at 25 feet from the source. In addition, construction noise may not exceed 86 dBA outside of the property plane. As shown in Table 25, some construction equipment noise would exceed 83 dBA at 25 feet from the source, such as a dozer, roller, and truck.

Construction activities would begin soon after entitlements are granted and would be completed in approximately nine months. Construction would be conducted between the hours of 7 a.m. and 7 p.m. on weekdays, when most people are awake. Construction work would not typically or routinely

occur on weekends. If circumstances do require occasional construction work on weekends, work would be restricted to Saturdays between the hours of 7:00 AM and 7:00 PM and Sundays between the hours of 10:00 AM and 6:00 PM, unless otherwise approved by the Chief Building Official. Additionally, there are no sensitive noise receptors, such as residences or nursing homes, within proximity to the project site. The nearest sensitive noise receptors are approximately 1,000 feet away from the project site. Accounting for an attenuation rate of 6 dB per doubling of distance, some of the loudest equipment, such as a grader or dozer, would attenuate to approximately 60 dBA at 1,000 feet from the project site. Noise levels of 60 dBA are comparable or below noise levels typical of residential neighborhoods. Because construction would occur during the day when people are less sensitive to noise, and because there no sensitive receptors in proximity to the project site, construction noise impacts would be less than significant.

*Operation*

Employment at the proposed industrial buildings would generate new vehicle trips and incrementally increase traffic on area roadways, which would increase roadway noise. According to the transportation study prepared for the proposed project, operation of the project would generate approximately 2,492 vehicle trips per day (Appendix D). The addition of 2,492 vehicle trips would be a negligible increase in traffic volume on area roadways considering State Route 92 and Clawiter Road are already major transportation and commute routes in Hayward. Generally, a doubling of traffic (i.e., 100 percent traffic increase) increases noise levels by approximately 3 dBA, which is the human level of perception for an increase in noise (FTA 2018). The proposed project would not double traffic on area roadways. Therefore, vehicle trips generated by operation of the project would not generate noticeable increases in ambient noise levels.

The primary on-site noise sources associated with operation of the proposed project would include vehicle circulation noise (e.g., engine startups, alarms, parking) at the on-site parking lots; and, heating, ventilation, and air conditioning (HVAC) equipment at the proposed industrial buildings. Typical noise sources associated with parking lots include tire squealing, door slamming, car alarms, horns, and engine start-ups. The proposed project includes approximately 230 parking spaces, located on all sides of the proposed industrial buildings. The parking spaces would be as close as approximately 25 feet from the project site property boundary. Table 26 shows typical noise levels of various parking lot sources at a distance of 25 feet from parking spaces. These are instantaneous noise levels which would occur for short bursts of time during the use of cars on the project site.

**Table 26 Maximum Noise Levels from Parking Lot Activity**

Source	Maximum Noise Level (dBA) at 50 Feet*	Maximum Noise Level (dBA) at 25 Feet**
Autos at 14 mph	50	56
Car Alarm Signal	69	75
Car Alarm Chirp	54	60
Car Horns	69	75
Door Slams or Radios	64	70
Talking	36	42
Tire Squeals	66	72

\*Source: Gordan Bricken & Associates, 1996. Estimates are based on actual noise measurements taken at various parking lots.

\*\*Based on attenuation rate of 6 dBA per doubling of distance using measurements from 50 feet distance.

As shown in Table 26, parking lot noise sources would exceed 75 dBA at the site boundary, especially tire squeals, car horn, and car alarm noise. Car horns and alarms occur less frequently and regularly than other, more quiet parking lot noises, such as low-speed travel and car doors slamming. Additionally, the parking spaces would be approximately 1,000 feet away from the nearest sensitive noise receptor, and numerous other industrial and commercial businesses exist between the site and receptors. The proposed parking lot would generate noises similar to parking areas at these businesses, and thus, not substantially increase noise levels at the sensitive receptors. Therefore, while operational parking lot noise would exceed noise standards established in HMC Section 4-1.03.1 for industrial property, exceedance would occur only occasionally, such as when a car alarm is triggered, and would not affect noise levels at sensitive noise receptors. The receiving land uses would consist of other industrial uses and the railroad tracks.

Mechanical equipment includes HVAC equipment typically located on the roof of a building or within an interior mechanical room. Noise levels from large-scale rooftop-mounted commercial HVAC systems are typically in the range of 60 to 70 dBA  $L_{eq}$  at a distance of 15 feet from the source (Illingworth & Rodkin, Inc. 2009). It is assumed that HVAC equipment for the proposed industrial building would not exceed this reference noise level for large-scale commercial facilities. At its closest point, the proposed industrial buildings would be located approximately 40 feet from the site boundary. At this distance, HVAC equipment would generate an estimated noise level of up to 60 dBA  $L_{eq}$ , without accounting for a shielding effect by rooflines and landscaping. Therefore, HVAC equipment noise would not exceed 70 dBA at the site boundary. The project would include two diesel generators, but the generators would only be operated for emergency backup during power outages, or during testing to ensure their functionality. Backup generators generally operate at 85 dBA and would exceed 70 dBA at the site boundary. However, testing is typically done for only approximately 30 minutes per month. Additionally, adjoining uses at the boundary are also industrial and less sensitive to noise, especially temporary noise occurring for approximately 30 minutes a month. At the nearest sensitive receptors, approximately 1,000 feet away, generator noise would attenuate to approximately 60 dBA, based on an attenuation rate of 6 dBA per doubling of distance. Noise levels of 60 dBA are comparable or below noise levels typical of residential neighborhoods. As shown in Table 21, above, 60 dBA is compatible with the City's Exterior Noise Compatibility Standards for residential uses.

Overall, operation of the proposed project would not result in noise levels inconsistent with HMC Section 4-1.03.1. Impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

*b. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?*

Construction activities known to generate excessive ground-borne vibration, such as pile driving, are not proposed. The greatest anticipated source of vibration during general project construction activities would be from equipment similar to a dozer, such as an excavator, which may be used within 100 feet of the nearest structures to the south when accounting for setbacks. A dozer would create approximately 0.089 in/sec PPV at a distance of 25 feet (Caltrans 2020a). This would equal a vibration level of 0.02 in/sec PPV at a distance of 100 feet.<sup>2</sup> This would be lower than what is considered a distinctly perceptible impact for humans of 0.24 in/sec PPV, and the structural damage

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<sup>2</sup>  $PPV_{Equipment} = PPV_{Ref} (25/D)^n$  (in/sec),  $PPV_{Ref}$  = reference PPV at 25 feet,  $D$  = distance, and  $n = 1.1$

impact of 0.2 in/sec PPV. Therefore, although the equipment may be perceptible to nearby human receptors, temporary impacts associated with the equipment would be less than significant.

Operation of the project would not include substantial vibration sources. Therefore, operational vibration impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- c. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The closest airport is the Hayward Executive Airport, located approximately 2.0 miles north of the project site. In addition, the Oakland International Airport is located approximately 7.0 miles to the northwest. The noise contours from these airports do not reach the project site (Alameda County Community Development Agency 2012). Therefore, construction workers or users of the project site would not be exposed to substantial aircraft noise, and no impacts would occur.

**NO IMPACT**

# 14 Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

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

The project would not involve the extension of roads or other infrastructure that would lead to unplanned growth; the new structures would be constructed within City limits and connected to existing infrastructure systems and would not lead to unplanned indirect growth in the area. No new dwelling units are proposed therefore the project would not directly induce population growth in the City. The project would involve the construction of an industrial park and would create jobs for the uses within the industrial park, which could indirectly cause population growth through employee relocations to the project area. The project site is located in a dense urban area therefore, many of these employees would likely be drawn from the local population. Some employees may relocate to the area as a result of job opportunities resulting from the proposed project, however a substantial change in employment growth in the area would not occur.

As discussed in Section 11, *Land Use and Planning*, the proposed project is consistent with the General Plan's IC land use designation and would not induce substantial growth beyond what was considered in the General Plan assumptions for the area. The project would be within the growth envisioned under the City's General Plan and would not result in substantial population growth. Impacts would be less than significant.

## LESS THAN SIGNIFICANT IMPACT

- b. *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

There are no existing housing units or temporary housing accommodations on the project site. The project would not displace existing housing units or people. No impact would occur.

## NO IMPACT

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# 15 Public Services

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1 Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3 Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4 Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5 Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Impact Analysis

*a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*

The Hayward Fire Department (HFD) provides fire protection services in the City and to the project site. The HFD has nine fire stations, seven in Hayward and two in the Fairview area. The nearest fire station to the project site is Hayward Fire Station No. 4 located approximate 1.3 miles southeast at 27836 Loyola Avenue.

The proposed project involves the development of an industrial park with two industrial structures of approximately 387,270 square feet. The HFD currently serves the project site and surrounding development, and served the former uses on the site. The project would increase the intensity of development on-site over current conditions, which would incrementally increase the demand for fire and emergency response services.

The City of Hayward adopted the 2015 edition of the International Fire Code and the 2016 California Fire Code as the city's Fire Code in 2017 (HMC Section 3-14.00), and the project would be required

to comply with City requirements for fire access and onsite fire prevention facilities. As described under Section 11, *Land Use and Planning*, and Section 13, *Population and Housing*, the proposed project would be consistent with the General Plan's IC land use designation and would not generate growth beyond that anticipated in the General Plan, and the project site is in a developed, industrial area already served by HFD. The development of the proposed industrial buildings would be consistent with surrounding uses and would not place an unanticipated burden on fire protection services or affect response times or service ratios such that new or expanded fire facilities would be needed. Impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

*a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*

Law enforcement services in the City and to the project site are provided by the Hayward Police Department (HPD). The project site is located within HPD Beat E, which is a specific geographic area in the southwest portion of the City. The nearest police station to the site is located at 300 West Winton Avenue, 3.4 miles northeast of the project site (approximately six minutes driving time). As discussed under Impact a.1. above, the project involves the development of an industrial park with two industrial structures of approximately 387,270 square-feet. The project site and surrounding area are currently served by HPD. The project would increase the development intensity on-site which would incrementally increase the demand for police services. However, the project site is located within approximately 3.4 miles of the City's nearest police station and was envisioned for future industrial park development in the City's General Plan. Therefore, the project would not require the construction or expansion of police protection facilities. Impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

*a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?*

Schools in Hayward are in the Hayward Unified School District (HUSD), which operates 22 elementary, five middle, and four high schools. As described in Section 13, *Population and Housing*, although the project could result in indirect population growth through employee relocation, the project would not result in direct population growth or substantial indirect population growth. Therefore, the project would not result in a substantial increase in the number of students attending schools operated by HUSD. In addition, the project would be required to pay HUSD Developer Fees at \$0.66 per square foot (HUSD 2020). Pursuant to Senate Bill 50 (Section 65995(h)), payment of mandatory fees to the affected school district would reduce potential school impacts to less than significant level under CEQA. Therefore, the proposed project would have a less than significant impact with respect to schools.

**LESS THAN SIGNIFICANT IMPACT**

*a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?*

Please see Section 16, *Recreation*, for an analysis of impacts related to parks and recreation resources. Impacts were found to be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

*a.5. Would the project result in substantial adverse physical impacts associated with the provision of other new or physically altered public facilities, or the need for other new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*

As discussed in Section 13, *Population and Housing*, the proposed project would not result in substantial population growth in Hayward or growth beyond that anticipated in the City's General Plan. As discussed in Section 10, *Hydrology and Water Quality*, impacts related to stormwater facilities would be less than significant. As discussed in Section 19, *Utilities and Service Systems*, impacts related to water and wastewater water facilities would be less than significant. No significant impacts to other public services are anticipated. Impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

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# 16 Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Impact Analysis

- a. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*
- b. *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The Hayward Area Recreation and Park District is an independent special use district created to provide park and recreational services for the City (City of Hayward 2019). As discussed in Section 13, *Population and Housing*, the proposed project could indirectly lead to population growth through the creation of jobs, which could increase the use of recreational facilities in the City. The nearest recreation facility to the project site are Mt. Eden Park and Eden Greenway, which are located approximately one mile and 1.11 miles east of the project site, respectively. The workforce for the project would be primarily residents of either Hayward or the surrounding cities in the Bay Area. Therefore, there would be no substantial increase in park use compared to existing conditions. In addition, the project would be required to pay a Park Impact Fee of \$0.78 per square foot of the industrial development. Pursuant to HMC Chapter 10.16, payment of mandatory park impact fees would reduce potential park impacts to less than significant level under CEQA. Therefore, the proposed project would have a less than significant impact with respect to parks and recreational facilities.

### LESS THAN SIGNIFICANT IMPACT

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# 17 Transportation

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

## Regulatory Setting

### *Senate Bill 743 and Vehicle Miles Traveled*

Senate Bill (SB) 743 was signed into law by Governor Brown in 2013 and tasked the State Office of Planning and Research (OPR) with establishing new criteria for determining the significance of transportation impacts under the California Environmental Quality Act (CEQA). SB 743 requires the new criteria to “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” It also states that alternative measures of transportation impacts may include “vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated.”

SB 743 implements changes to the method for performing transportation impact analyses under CEQA. SB 743 requires the Governor’s OPR to identify new metrics for identifying and mitigating transportation impacts within CEQA. In January 2018, OPR transmitted its proposed CEQA Guidelines implementing SB 743 to the California Natural Resources Agency for adoption, and in January 2019 the Natural Resources Agency finalized updates to the CEQA Guidelines, which incorporated SB 743 modifications, and are now in effect. SB 743 changed the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (Public Resource Code, § 21099 (b)(2)). In addition to new exemptions for projects consistent with specific plans, the CEQA Guidelines replaced congestion-based metrics, such as auto delay and level of service (LOS), with VMT as the basis for determining significant impacts, unless the Guidelines provide specific exceptions.

*City of Hayward*

CEQA Guidelines Section 15064.3(b) indicates that land use projects would have a significant impact if the project resulted in vehicle miles traveled (VMT) exceeding an applicable threshold of significance. In June 2020, the City of Hayward adopted the following thresholds of significance for VMT analysis according the guidance from OPR:

- Residential: 15 percent below existing average VMT per capita for the City
- Employment – Office: 15 percent below existing regional average VMT per employee
- Employment – Industrial: Below existing regional average VMT per employee
- Retail: Net increase in total regional VMT

In addition, the City of Hayward has developed screening criteria to provide project applicants with a conservative indication of whether a project could result in potentially significant VMT impacts. If the screening criteria are met by a project, the applicant would not need to perform a detailed VMT assessment for their project. Given that the project is an industrial park with primarily industrial uses and other minor supporting uses, it was determined that the Employment-Industrial threshold would be appropriate for the project.

**Project Trip Generation**

Table 27 shows the estimated trip generation from the project based on trip generation rates provided in the CEQA Transportation Analysis prepared by Kittelson and Associates (September 2021), which concludes the project would generate approximately 2,492 new daily trips including 337 AM peak hour trips and 464 PM peak hour trips on weekdays (Appendix D). The trip rate of 2,492 daily trips is based on data provided by the Institute of Transportation Engineers (ITE) for a High-Cube Fulfillment Center Warehouse – Sort land use code (Code 155). Using Code 155 best represents traffic generated by potential ecommerce tenant types. The CEQA Transportation Analysis also determined new daily trips for a less intensive land use with regards to vehicle trip generation. However, Code 155 generates more trips and was therefore used in this IS/MND to provide the most conservative impact analysis. For comparison purposes, Table 27 also shows the trip generation for ITE Code 110 (General Light Industrial).

**Table 27 Estimated Project Vehicle Trip Generation**

Land Use	Size (KSF)	Daily Trips	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Proposed Project (ITE Code 155)	387	2,492	273	64	337	181	283	464
<b>Total Net Trips</b>		<b>2,492</b>	<b>273</b>	<b>64</b>	<b>337</b>	<b>181</b>	<b>283</b>	<b>464</b>
ITE Code 110	387	1,920	238	33	271	32	212	244

Notes: KSF = thousand square feet  
 Source: Appendix D

## Impact Analysis

- a. *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*
- c. *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?*

### *Consistency with Roadway Plans, Policies, and Programs*

In December 2019 California's Third District Court of Appeal ruled that under SB 743, automobile delay may no longer be treated as a significant impact in CEQA analysis (*Citizens for Positive Growth & Preservation v. City of Sacramento*). Because significance of traffic-related impacts can no longer be based on LOS, impacts related to consistency with LOS standards are not addressed in this analysis.

### *Consistency with Transit Plans, Policies, and Programs*

Transit service in the project area is provided by Alameda-Contra Costa Transit District (AC Transit) through routes 97, 86, and M. According to the CEQA Transportation Analysis (Appendix D), the project would not substantially increase traffic levels at intersections serving local AC Transit buses such as Routes 86, 97, and M. In addition, the project would not degrade local access to bus stops along Clawiter Road, which can be accessed via the local sidewalk network and existing facilities such as ADA curb ramps and crosswalks; there are no active bus stops near the project site and no bus stops near the project driveways. Therefore, implementation of the project would not conflict with plans, programs, and policies regarding transit facilities, or decrease the performance and safety of such facilities.

### *Consistency with Pedestrian Plans, Policies, and Programs*

The project area features sidewalks and curb ramps that are in good condition. However, sidewalk coverage is limited, especially along Clawiter Road adjacent to the project site and the State Route 92 ramps. In addition, while some high-visibility ladder crosswalks are provided along Clawiter Road, several standard crosswalks have faded striping.

New pedestrian sidewalk would be provided at the west end of the project site, along its frontage with Clawiter Road. At its south end the new sidewalk would connect to pedestrian sidewalk that is part of a recently approved project to the south. Construction of the other project to the south could be incomplete when the proposed project is constructed, depending on timing. Nonetheless, when finished, the new pedestrian sidewalk would facilitate pedestrian movement in the area. At its north end, the new sidewalk would end near where the existing railroad tracks to the east of the site cross Clawiter Road. Sidewalk exists along the east side of Clawiter Road north of the railroad tracks.

Pedestrians accessing the project, as well as pedestrians traveling along Clawiter Road, may experience conflicts with vehicles both on-site and at the driveways. Impacts would be potentially significant, and mitigation is required.

### *Consistency with Bicycle Plans, Policies, and Programs*

The existing bicycle facilities in the study area include:

- Class III bike route on Clawiter Road
- Class II buffered bike lanes on Eden Landing Road south of State Route 92
- Class III bike route on Depot Road
- Class III bike route on Industrial Boulevard
- Class III bike route on Winton Avenue west of Clawiter Road and on the north side of Winton Avenue east of Clawiter Road
- Class II bike lane on the south side of Winton Avenue east of Clawiter Road

The site plan includes short-term bike racks at both buildings, consistent with California Green Building Code (CALGreen) requirements for developers to provide bicycle parking for 5 percent of the vehicular parking spaces added on a site. The project would include short-term bike racks outside of the buildings and long-term bike parking inside the buildings.

The City of Hayward adopted its updated Bicycle and Pedestrian Master Plan in September 2020. The plan proposes replacing the bike route along Clawiter Road with separated bike lanes. Should separated bike lanes be installed consistent with the plan, the property owner would be required to coordinate with the City to provide the appropriate signage and transition markings at the project driveways.

The proposed bicycle facilities would encourage bicycle use on and around the project site. However, because bicyclist access to, from, and through the project site consists of shared facilities that would include trucks, bicyclist comfort may be affected due to conflicts with automobiles and trucks. Impacts would be potentially significant, and mitigation is required.

#### *Design Hazards or Incompatible Uses*

Project implementation would occur on existing parcels previously developed with warehouse and production uses. The implementation of the project would not alter or affect existing street and intersection networks or involve an incompatible use. Access and movement through the project site would be designed to support large trucks and vehicles for potential warehouse or ecommerce distribution facilities. Sufficient turning areas and access opportunities for truck and passenger vehicle access are proposed in accordance with City requirements. No new roadways or alterations to existing roadway design would occur. In addition, the proposed project would be required to comply with the City's design standards for vehicular access and circulation and the Fire Code. Therefore, the project would not result in a significant safety hazard due to a design feature or incompatible use.

### **Mitigation Measures**

#### *TRA-1 Pedestrian and Bicycle Safety*

The project applicant shall incorporate the following measures or design features into the project:

- Ensure that the south driveway on Clawiter Road are designed for pedestrian visibility safety (sidewalks clearly delineated, improved visibility by minimizing bushes and large signs).
- Coordinate with the City of Hayward to install warning signage (such as caution signage for exiting vehicles) and continental crosswalks at the south driveway.
- Coordinate with the City of Hayward to install signage (such as bikeway signage and caution signage) for vehicles entering or existing the project driveways.

- Ensure the on-site bike sharrows are high-visibility and are accompanied by the appropriate signage.

### Significance After Mitigation

Required adherence to mitigation would ensure that the project would not conflict with plans, programs, and policies regarding pedestrian facilities and bicycle facilities, or decrease the performance and safety of such facilities. Impacts would be less than significant with implementation of mitigation.

#### LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

- b. *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

As described in the *Regulatory Setting* section above, the screening criteria for employment-industrial threshold would be appropriate for the project. The City's screening criterion for projects analyzed under the employment-industrial threshold are:

- Located in areas with below average VMT per employee and/or within a half mile of a major transit stop or corridor
- Include low VMT-supporting features that will produce low VMT per employee
- Must include features that are similar to or better than what exists today for density and parking to support no increase in VMT per industrial employee

As shown in Figure 8 in the City's VMT Thresholds of Significance Screening Criteria, the proposed project is located in an area with below average VMT for industrial uses (Appendix D). In addition, the project includes the following low-VMT supporting features:

- Parking areas that include carpool-designated preferred area as well as electric vehicle charging stations
- Incentives for commuting by bicycle with bike racks and storage facilities
- On-site food truck space so employees can remain in the area for lunch and food breaks

Finally, the proposed project includes features that are similar to, or better than what exists on the project site currently, related to development intensity and parking to support no increase in VMT per industrial employee. The project would involve redevelopment of the site with an increase in development intensity to approximately 387,271 square-feet. This increase in square footage would allow more jobs and services to be provided in an existing industrial area instead of resulting in the introduction of new development in undeveloped areas. Because the project meets the low-VMT screening criteria for industrial projects, the project would have a less than significant impact on VMT and a detailed analysis is not required.

#### LESS THAN SIGNIFICANT IMPACT

- d. *Would the project result in inadequate emergency access?*

Access to the site would from three driveway on Clawiter Road. The internal circulation on the site would provide access to each side both buildings and would be suitable for use by emergency vehicles, such as fire trucks. The internal circulation roads would also serve as fire lines because they would be asphalt and not contain fire fuels, such as vegetation. The proposed project would be

**25450-25550 Clawiter Road Industrial Project**

required to comply with all building, fire, and safety codes and specific development plans would be subject to review and approval by the City's Public Works Department and HFD. Required review by these departments would ensure the circulation system for the project site would provide adequate emergency access. In addition, the proposed project would not require temporary or permanent closures to roadways. There would be no impact.

**NO IMPACT**

# 18 Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a Public Resources Code Section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Existing Setting

As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted and expands CEQA by defining a new resource category, “tribal cultural resources.” AB 52 establishes that “A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment” (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to “begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.” Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

## **Impact Analysis**

- a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*
- b. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?*

The City of Hayward mailed a notification letter on April 12, 2021 to the one local Native American tribe that has requested notification under AB 52: the Lone Band of Miwok Indians (Appendix A). Under AB 52, tribes have 30 days from receipt of the letter to respond and request consultation. The tribe did not respond during that window to request formal consultation under AB 52.

Nonetheless, given that tribal resources are known to occur throughout the Bay Area, including in areas of Hayward, it is possible that ground disturbance during construction would encounter unknown tribal cultural resources or known cultural resources that may be identified as tribal cultural resources. Thus, the project has the potential to significantly impact tribal cultural resources through ground disturbance and looting or vandalism of encountered resources. Mitigation is required to ensure that unanticipated discoveries of tribal cultural resources are avoided or, where avoidance is infeasible, mitigated to a less than significant level.

## **Mitigation Measure**

### *TCR-1 Unanticipated Discovery of Tribal Cultural Resources*

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

### **Significance After Mitigation**

Mitigation Measure TCR-1 would ensure that tribal cultural resources are identified properly and preserved in the event they are uncovered during construction and would reduce impacts regarding disrupting tribal cultural resources to a less than significant level.

**LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

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# 19 Utilities and Service Systems

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:

a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- 
- a. *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*
- b. *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*
- c. *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

## Stormwater

As discussed in Section 10, *Hydrology and Water Quality*, the proposed project would result in a similar area of impervious surface on the project site compared to existing conditions. Precipitation falling on impervious surfaces would become stormwater runoff. In accordance with Alameda County Flood Control & Water Conservation District requirements, the project would control the rate of runoff such that the rate of runoff would not increase from existing conditions. Therefore, the proposed project would not exceed the capacity of storm drain infrastructure such that new or expanded off-site storm water drainage facilities would be required. Impacts would be less than significant.

## Water

The proposed project would receive its water from the City of Hayward. The City of Hayward provides water for residential, commercial, industrial, governmental, and fire suppression uses. The City owns and operates its own water distribution system and receives its water from the Hetch Hetchy system, owned and operated by the San Francisco Public Utilities Commission (SFPUC). Emergency water supplies are available through connections with Alameda County Water District (ACWD) and East Bay Municipal Utility District (EBMUD) in case of disruption of delivery (City of Hayward 2016a). The proposed project would connect into existing water infrastructure located along Clawiter Road for the proposed structures and landscaping. The construction required for connection is included in the environmental analysis throughout this report.

The City's Urban Water Management Plan (UWMP) assesses Hayward's water supply reliability, and describes the City's anticipated water demand, water shortage contingency plans, and water conservation strategies. The UWMP is based on the growth projections in the City's General Plan. Major water system projects in the near-term focus on replacing and renovating existing water storage reservoirs to increase storage capacity and improve structural reliability. According to the UWMP, SFPUC and the City of Hayward have sufficient supplies during normal years through 2040 but during single- and multiple-dry years, there are projected water shortages (City of Hayward 2016a). A Water Supply Agreement, which includes a Water Shortage Allocation Plan (WSAP), was agreed to for the allocation of water supplies during shortage periods. In addition, the UWMP includes an aggressive water shortage contingency plan which the City would implement. As determined in the City's UWMP, there is adequate water supply available to serve anticipated growth in Hayward.

As described in Section 11, *Land Use Planning*, the proposed project is consistent with the General Plan's IC land use designation and would not generate growth beyond that anticipated in the General Plan. Moreover, as described in Section 13, *Population and Housing*, the project would not generate growth beyond that anticipated in the General Plan. Therefore, there would be sufficient potable water supply to accommodate the anticipated demand increases resulting from the proposed project. Additionally, the water use from the prior Berkeley Farms operation on the project site no longer exists. The decreased demand from loss of the Berkeley Farms operation would offset some of the demand for water generated by the proposed project. Impacts would be less than significant.

## Wastewater Generation

The City of Hayward operates the Sewer Collection System, the wastewater collection system that collects wastewater from the majority of the residential, commercial and industrial users within the

incorporated City limits (Hayward 2016a). The wastewater collection system is comprised of about 350 miles of sewer mains, nine sewage lift stations, and 2.5 miles of force mains. Wastewater collected by the City is conveyed to the City-owned Water Pollution Control Facility (WPCF), which is permitted under a NPDES permit issued by the San Francisco Bay RWQCB to provide primary through advanced secondary treatment for up to 18.5 million gallons per day (mgd) of wastewater (City of Hayward 2016a). The plant currently treats an average dry weather flow of 11.1 mgd, which gives sufficient excess capacity to accommodate growth in the City.

The project site is located in an urban area within the boundaries of the City of Hayward Sewer Collection System. The project would connect into the existing sewer system and would not require significant improvements other than improved connections to the sewer systems from the project site, which are included in the environmental analysis.

The proposed project would increase existing wastewater generation on-site through the development of an industrial park. However, the project is consistent with the General Plan's IC land use designation and would not generate growth beyond that anticipated in the General Plan. The EIR for the City's General Plan found that there was adequate capacity at the WPCF to serve development under the General Plan. Therefore, there is adequate capacity at the WPCF to service the proposed project and no expansion of the WPCF would be required (City of Hayward 2013). Impacts would be less than significant.

### **Electricity, Natural Gas, and Telecommunications**

Electricity and natural gas would be provided to the project site by PG&E. Telecommunications services would be provided by AT&T, SBC Telecom, or other providers, at the discretion of future tenants. Telecommunications are generally available in the project area to serve the surrounding industrial and business park uses. Facility upgrades would not likely be necessary.

As described in Section 6, *Energy*, the proposed project would have sufficient supplies of energy and natural gas. The proposed project would have a less than significant impact on local electricity, natural gas, and telecommunications providers.

#### **LESS THAN SIGNIFICANT IMPACT**

- d. *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*
- e. *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

The City of Hayward provides weekly garbage collection and disposal services through a franchise agreement with Waste Management, Inc. (WMI), a private waste management company. Solid waste from Hayward is transported to the Altamont Landfill in Livermore, which has a total capacity of 124.4 million cubic yards, remaining capacity of 65.4 million cubic yards, and an anticipated closure date of 2040 (CalRecycle 2019). The Altamont Landfill has a maximum daily capacity of 11,150 tons per day.

CALGreen requires covered projects to recycle and/or salvage for reuse a minimum 65 percent of the nonhazardous construction and demolition waste or meet a local construction and demolition waste management ordinance, whichever is more stringent. HMC Chapter 5, Article 10 requires that applicants for all construction and demolition projects that generate significant debris recycle 100

percent of all asphalt and concrete and 50 percent of remaining materials. Construction activities associated with the project would be required to comply with these requirements.

Operation of the project would generate solid waste from materials and employees. Solid waste generation was estimated using default data tables from CalEEMod for Industrial Park facilities. As shown in Table 28, the project could generate 764 tons of solid waste per years, or two tons per day. This is well within the capacity of the Altamont Landfill and would not cause the facility to exceed its daily permitted capacity.

**Table 28 Estimated Solid Waste Generation**

Land Use	Size	Generation Rate*	Total (tons/year)	Total (tons/day)
Industrial Park	387,271	1.24 tons/1,000 sf/year	480	1.3

Notes: sf = square feet  
Rates from CalEEMod (CAPCOA 2017)

As discussed above, the project would be required to comply with HMC Chapter 5, Article 10 for construction waste recycling. In addition, the businesses who operate within the structures would be required to provide recycling collections and separate recycling containers pursuant to City Ordinance (Hayward N.D.). Therefore, impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

## 20 Wildfire

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Impact Analysis

- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*
- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*
- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

**25450-25550 Clawiter Road Industrial Project**

- d. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The project site is located in a developed industrial area of the City of Hayward. The project site is not located within or near a Very High Fire Hazard Severity Zone or state responsibility area. The nearest Very High Fire Hazard Severity Zone is located approximately six miles north of the project site in Castro Valley (CalFire 2007; 2008). Because the site is not within or near a state responsibility area or a Very High Fire Hazard Severity Zone, no impacts related to wildfires would occur.

**NO IMPACT**

# 21 Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Does the project:				
a. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Impact Analysis

- a. *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

Based on the analysis provided throughout this Initial Study, implementation of the proposed project would not substantially degrade the quality of the environment and would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of California

history or prehistory. Biological resources are addressed in Section 4, *Biological Resources*. With implementation of Mitigation Measure BIO-1, related to nesting birds in the existing on-site trees, the proposed project would not substantially reduce wildlife habitat or population. Mitigation measures CR-1 and TCR-1 have been designed to reduce potential impacts to unknown archaeological and tribal cultural resources. Based on the ability of the identified mitigation measures to reduce potential impacts to less than significant levels, the proposed project's impacts would be less than significant with mitigation incorporated.

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- b. *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

Other projects are either approved or under consideration for approval in the project area, such as an industrial development immediately adjacent to the south of the project site. Other projects in the area are consistent with the envisioned land uses in the City's General Plan. Cumulative projects are consistent with the growth planned for within the City.

These other projects would impact some of the same resources as the proposed project, such as air quality and water supply. Cumulative impacts of the proposed project associated with some of the resource areas are addressed in the individual resource sections above: Air Quality, Greenhouse Gases, Water Supply, and Solid Waste (CEQA Guidelines Section 15064(h)(3)). Air Quality and Greenhouse Gas impacts would be less than significant with generator operational restrictions under Mitigation Measure AQ-1 and a greenhouse gas reduction strategy required under Mitigation Measure GHG-1. Water supply and solid waste impacts would be less than significant. Some of the other resource areas were determined to have no impact in comparison to existing conditions and therefore would not contribute to cumulative impacts, such as Mineral Resources and Agricultural Resources. As such, cumulative impacts in these issue areas would also be less than significant (not cumulatively considerable). The proposed project would generate new VMT. The project site is located in an area with below average VMT per employee, includes low-VMT supporting features, and has features that would increase density and decrease parking over existing conditions. Therefore, the project would not lead to a significant cumulative increase in VMT. The proposed project involves development of an industrial park and would be consistent with the City's General Plan designation. Other projects are consistent with the General Plan, as described above, and would also be subject to environmental review and mitigation measures developed specifically for project-level impacts. Alternatively, other projects could be subject to mitigation measures stated in the Environmental Impact Report prepared for the City's General Plan. Nonetheless, the proposed project would not result in a significant contribution to cumulatively considerable impacts, and impacts would be less than significant with mitigation incorporated.

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

Effects to human beings are generally associated with air quality, noise, traffic safety, geology/soils and hazards/hazardous materials. As discussed in this Initial Study, implementation of the proposed project would result in less than significant environmental impacts with respect to these issue areas with mitigation incorporated. The geotechnical recommendations Mitigation Measure GEO-1 and

GEO-2 discussed in Section 7, *Geology and Soils*, would ensure that soils and grounds are stable, and that liquefaction risks are less than significant. Mitigation measures GEO-1 and GEO-2 would also reduce health and safety risks to human beings and would result in less than significant impacts. Mitigation measures HAZ-1a through HAZ-1c would reduce impacts associated with hazardous materials. With mitigation, the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly. Impacts would be less than significant with mitigation.

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