

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF DETERMINATION

To: Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control
Site Mitigation and Restoration Program
Berkeley Office
700 Heinz Avenue
Berkeley, California 94710

Subject: FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTION 21108 OF THE PUBLIC RESOURCES CODE

Project Title: SoHay Development Project Removal Action Workplan

State Clearinghouse Number:

Project Location: SoHay Tract 8447, located north-northeast of the corner of Pacific Street and Industrial Parkway in Hayward, California

County: Alameda

Project Applicant: Taylor Morrison

Project Description: The project involves the implementation of a vapor intrusion mitigation system (VIMS) beneath all future on-Site buildings and recording a land use covenant (LUC) as an institutional control. The LUC would ensure disclosure of the risks, restrictions, and requirements of VIMS to future buyers and occupants. The LUC will be negotiated with DTSC and recorded at the Alameda County Recorder's Office and will be attached to the Site deed. The LUC will be binding on Taylor Morrison, LLC and subsequent Site owners and will remain in effect until it is formally removed or modified, pursuant to Health and Safety Code Sections 25233, 25234, and 25398.7. Proposed restriction language for the LUC is provided below:

- All uses and development shall preserve the integrity of the VIMS and soil vapor monitoring probes pursuant to the requirements of DTSC, unless otherwise expressly authorized in writing by DTSC.
- The Owner shall notify the DTSC of each of the following: (1) the type, cause, location, and date of any disturbance to the VIMS and soil vapor monitoring probes, pursuant to the requirements of DTSC, which could affect the ability of the VIMS or soil vapor monitoring probes to perform their respective functions and (2) the type and date of repair of such disturbance.
- Drilling for any water, oil, or gas without prior written approval by the Department
- Extraction or removal of groundwater without a Groundwater Management Plan pre-approved by the Department in writing

Background: The project activities discussed in the Removal Action Workplan (RAW) are addressed in an Addendum to the adopted Initial Study Mitigated Negative Declaration (ISMND) prepared for the South Hayward Development Project (hereafter referred to as the approved project), located in the City of Hayward (City). The ISMND for the approved project was prepared in compliance with the California Environmental Quality Act (CEQA) in support of the discretionary approvals required to develop the project. The ISMND was adopted and approved by the City on April 26, 2018. The approved project includes construction of a high density mixed use development within approximately one-half mile of the South Hayward Bay Area Rapid Transit (BART) station along the Mission Boulevard corridor, which runs in a north-south direction through Hayward. The approved project proposed development of 21 parcels of land totaling approximately 25 acres with 472 residential housing units, approximately 20,000 square feet of retail space, 2.4 acres of parkland, and internal roadways.

Since the time of project approval, additional assessment activities within the southwestern portion of the project site identified occurrences of volatile organic compounds (VOCs) in soil vapor and occurrences of VOCs and total petroleum hydrocarbons (TPH) in groundwater. Under regulatory oversight by the California Department of Toxic Substances Control (DTSC), a Preliminary Endangerment Assessment (PEA) was approved by DTSC, and development of a RAW to address the potential for vapor intrusion and other potential exposure scenarios, was requested. Because concentrations of VOCs in soil vapor exceed applicable screening levels, the modified project design would include a VIMS as a component of the foundation design to

the residential structures in Planning Area (PA) 3-2 to prevent the potential for vapor intrusion to the planned future residences.

The modified project discussed in the RAW does not include physical modifications to the approved project such as reconfiguration of site plans or modifications to the number of residential units/commercial space provided. The modified project would continue development of the previously approved 472 residential units, approximately 20,000 square feet of retail space, 2.4 acres of parkland, and internal roadways, consistent with the approved project entitlements. All modifications would be within the previously approved project footprint and would not result in construction of structures outside of the approved project site.

As Responsible Agency under the California Environmental Quality Act (CEQA), DTSC approved the above-described project on February 13, 2023 and has made the following determinations:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of project approval.
4. A Statement of Overriding Considerations was not adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

The administrative record for this project is available to the public by appointment at the following location:

Department of Toxic Substances Control
Site Mitigation and Restoration Program
Berkeley Office
700 Heinz Avenue
Berkeley, California 94710

Additional project information is available on EnviroStor: www.envirostor.dtsc.ca.gov/public/

Contact Person	Contact Title	Phone Number
Isabella Roman	Project Manager	510-540-3879

Approver's Signature:

Juliet C. Pettijohn

Date:

February 13, 2023

Approver's Name	Approver's Title	Approver's Phone Number
Juliet Pettijohn	Branch Chief	510-540-3843

TO BE COMPLETED BY OPR ONLY

Date Received for Filing and Posting at OPR: