



**South Hayward Development
Project Addendum
Memorandum**

CEQA Addendum to Adopted Initial
Study/Mitigated Negative Declaration

September 6, 2022

Prepared for:

Department of Toxic Substances
Control

Prepared by:

Stantec Consulting Services Inc.

Table of Contents

ABBREVIATIONS	ii
1.0 SUMMARY	1
2.0 PURPOSE OF THE ADDENDUM	2
3.0 CEQA AUTHORITY FOR THE ADDENDUM	3
4.0 PROJECT DESCRIPTION	5
4.1 PROJECT LOCATION AND LAND USE DESIGNATION	5
4.2 SUMMARY OF THE APPROVED PROJECT.....	6
4.3 REQUESTED CHANGES TO THE APPROVED PROJECT.....	6
4.3.1 Vapor Intrusion Mitigation System Design	7
5.0 COMPARATIVE ANALYSIS OF IMPACTS	12
6.0 CONCLUSIONS	18
7.0 CERTIFICATION	19
LIST OF FIGURES	
Figure 1: Regional Location	9
Figure 2: Project Location	10
Figure 3: Project Site Parcels	11
LIST OF TABLES	
Table 4-1: Assessor’s Parcel Numbers	5
APPENDICES	
Appendix A: List of Mitigation Measures	



Abbreviations

ACFCD	Alameda County Flood Control and Water Conservation District
APN	Assessor's Parcel Number
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
CEQA	California Environmental Quality Act
City	City of Hayward
COC	Contaminants of concern
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
I District	Industrial District
ISMND	Initial Study Mitigated Negative Declaration
MDR	Medium Density Residential
PA	Planning Area
PD	Planned Development
PEA	Preliminary Endangerment Assessment
PR	Parks and Recreation
RAW	Removal Action Workplan
RH	High Density Residential
SMU	Sustainable Mixed Use



SOUTH HAYWARD DEVELOPMENT PROJECT ADDENDUM MEMORANDUM

SR	State Route
SVOC	Semi-volatile organic compound
S-CS	Civic Space Zone
S-T4	Urban General Zone, 7.5 to 35 units per net acre
S-T5	Urban General Zone, 35 to 55 units per net acre
VIMS	Vapor intrusion mitigation system
VMT	Vehicle Miles Traveled
VOC	Volatile organic compound



1.0 SUMMARY

This document is 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 limited occurrences of semi-volatile organic compounds (SVOCs) in soil, and volatile organic compounds (VOCs) in soil vapor. 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 Removal Action Workplan (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 vapor intrusion mitigation system (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.

Approval of the RAW is an action that is subject to CEQA analysis. As such, the primary focus of this Addendum is to compare any environmental impact(s) of the proposed project changes to the impacts associated with the approved project. The proposed changes consist of the addition of a vapor intrusion mitigation system into the foundation design within the originally analyzed project site (hereafter referred to as the modified project).

As described herein, an evaluation has been conducted that confirms the impacts from the modified project would not be more severe than those from implementation of the approved project, and no new significant impacts would occur. This Addendum also evaluates whether any changes in circumstances surrounding the modified project or new information of substantial importance would cause new significant environmental effects or a substantial increase in the severity of such effects beyond what was identified in the adopted ISMND. The evaluation of changes in the circumstances and new information is focused on whether changes of substantial importance have occurred with respect to environmental conditions on the project site and in the area or to applicable plans, policies, or regulations.



2.0 PURPOSE OF THE ADDENDUM

The purpose of this Addendum is to evaluate whether the modified project as currently proposed would result in any new or substantially greater significant effects or require any new mitigation measures not identified in the ISMND for the approved project. Given the nature of the activities associated with the RAW, all remaining relevant mitigation measures previously identified in the ISMND will apply to the RAW activities (see Section 5.0, Comparative Analysis of Impacts, for a more detailed discussion of each resource) and would be included in the RAW. Relevant mitigation measures applicable to the modified project are outlined in Appendix A.



3.0 CEQA AUTHORITY FOR THE ADDENDUM

CEQA and the CEQA Guidelines establish the type of environmental documentation that is required when changes to a project occur after adoption or certification of an ISMND or Environmental Impact Report (EIR). Section 15164(b) states, “An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.”

In order to give a degree of finality to CEQA documentation, Section 15162 of the CEQA Guidelines states that when an EIR has been certified or a negative declaration has been adopted for a project, no Subsequent EIR shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that one or more of the following occur:

1. Substantial changes are proposed in the project, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration,
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR,
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

It has been determined through the analysis contained herein that none of the conditions requiring preparation of a Subsequent Mitigated Negative Declaration have occurred and that the changes as part of the modified project would not result in additional significant impacts or a substantial increase in the severity of previously identified significant impacts. There are no substantial changes to the immediate environmental setting of the project site which have been identified since project approval and adoption of the ISMND. No other additional information of substantial importance, which would require major



SOUTH HAYWARD DEVELOPMENT PROJECT ADDENDUM MEMORANDUM

revisions to earlier analyses that would warrant preparation of a Subsequent EIR pursuant to Section 15162 of the CEQA Guidelines has been found. As such, pursuant to CEQA, this Addendum is the appropriate documentation to address the proposed changes to the approved project. The adopted ISMND and associated technical appendices are incorporated by reference herein.



4.0 PROJECT DESCRIPTION

4.1 PROJECT LOCATION AND LAND USE DESIGNATION

The modified project is located in southeastern Hayward on two of the original 21 project parcels addressed in the ISMND, near the intersection of Mission Boulevard and Industrial Parkway/Alquire Parkway. Mission Boulevard is also designated as State Route (SR) 238. More specifically, the original 21 project parcels are located on the east and west sides of Mission Boulevard, north of the Industrial Parkway/Alquire Parkway intersection; on the west side of Mission Boulevard, north of Valle Vista Avenue; and along Industrial Parkway, south of Dixon Street. The parcels along Industrial Boulevard are bounded to the west by the BART rail line.

At the time of preparation of the ISMND, the project parcels were designated as Medium Density Residential (MDR), Parks and Recreation (PR), and Sustainable Mixed Use (SMU) in the City’s General Plan. The ISMND proposed a General Plan Amendment for all parcels to redesignate the sites as SMU with the relocated and expanded park designated as PR. The project site parcels were zoned Industrial (I) District, High Density Residential (RH) District, Civic Space Zone (S-CS) District, Urban General Zone, 7.5 to 35 units per net acre (S-T4) District, and Urban General Zone 35 to 55 units per net acre (S-T5) District. The ISMND proposed to rezone the proposed park area to S-CS and all other parcels to Planned Development (PD).

The modified project involves parcels located within the southwestern portion of the project site on portions of parcels formerly identified as Alameda County Assessor’s Parcel Numbers (APN) 083-460-010 and 083-460-011. Since the certification of the ISMND, these original two parcels were subdivided into the 18 parcels listed below in Table 4-1.

Table 4-1: Assessor’s Parcel Numbers

Assessor’s Parcel Numbers	
83-481-7	83-482-9
83-481-8	83-482-10
83-481-9	83-482-17 *
83-481-10	83-482-18 *
83-481-19 *	83-482-19 *
83-481-20 *	83-482-20 *
83-482-6	83-482-21 *
83-482-7	83-482-22 *
83-482-8	83-482-23 *
<p><u>Note:</u> * APNs associated with the Modified Project (as discussed in Section 4.3, Requested Changes to the Approved Project)</p>	



SOUTH HAYWARD DEVELOPMENT PROJECT ADDENDUM MEMORANDUM

The parcels relevant to the modified project were designated by the General Plan as PR and MDR and zoned I, RH, and S-CS. With certification of the ISMND, the relevant parcels were redesignated to SMU and rezoned PD.

4.2 SUMMARY OF THE APPROVED PROJECT

The approved project involves the development of a high density mixed use development across 21 parcels of land totaling approximately 25 acres with 472 residential units, 20,000 square feet of retail space, 2.4 acres of parkland, and internal roadways.

Retail and commercial uses were designed to front Mission Boulevard, continuing the existing commercial streetscapes. Residential uses were split into 72 rental multi-family residences within the mixed-use building along Mission Boulevard and 400 cluster and row townhouses scattered in various nodes or “planning areas” throughout the remainder of the project site. The project site is separated into three main planning areas: PA 1, PA 2, and PA 3, which are then further divided into subareas. PA 1 included multi-family rental housing, cluster townhomes, and retail, while PA 2 and PA 3 included only townhomes. The parcels relevant to the modified project are located within PA 3, specifically in PA 3-2.

The project also included relocation of the existing Valle Vista Park to a new locality south of the Alameda County Flood Control and Water Conservation District (ACFCD) channel, and expansion of the park to 1.86 acres. The ACFCD channel was proposed to remain on the site in its current location. The approved project also included construction of improvements to existing utility services within the project site, construction of internal roadways, and construction of landscape improvements.

4.3 REQUESTED CHANGES TO THE APPROVED PROJECT

This Addendum addresses changes to the approved project consisting of the following:

- Implementation of vapor intrusion mitigation system to the foundation design of the residential structures located in Planning Area 3-2.

Figure 1 depicts the regional location for the project site and Figure 2 depicts the project location. The modified project would pertain to parcels indicated as Numbers 20 and 21 in Figure 2 and as portions of PA 3-2 on Figure 3. As noted in Table 4-1, the APNs associated with the modified project include: 83-481-19, 83-481-20, 83-482-17, 83-482-18, 83-482-19, 83-482-20, 83-482-21, 83-482-22, and 83-482-23.

The site is the location of a former railroad embankment and is under regulatory oversight by DTSC. The modified project site is approved for residential redevelopment, consisting of seven slab-on-grade multi-story condominium buildings. According to the PEA prepared on March 11, 2022, by Engeo Incorporated, elevated concentrations of VOCs were detected in soil vapor at concentrations exceeding applicable screening levels and the modified project will require a VIMS to address the potential for vapor intrusion to future residential occupants. As such, a RAW has been prepared for the modified project, which includes a Vapor Management Plan with a VIMS Work Plan.



SOUTH HAYWARD DEVELOPMENT PROJECT ADDENDUM MEMORANDUM

The modified project 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 discussed further below, any potential impacts related to the modifications associated with the project have been evaluated in the approved ISMND and would be mitigated to a less than significant level with the incorporation of the same adopted mitigation measures.

4.3.1 Vapor Intrusion Mitigation System Design

A VIMS reduces the potential for vapors originating from soil entering buildings, a process commonly referred to as vapor intrusion. Conceptually, a VIMS consists of an impermeable barrier installed beneath the building slab, beneath which is installed a layer of gravel and network of vapor collection conduits. These conduits are connected to vertical risers that typically terminate near or above the roofline of the building. The system allows vapors originating from soil beneath the building slab to migrate vertically to the atmosphere via the collection pipe and ventilation system rather than infiltrate into occupied building spaces. These are typically designed as 'passive' systems whereby vapors are allowed to vent to the atmosphere with no mechanical assistance (such as applying vacuum to the vent risers or positive displacement of air to the gravel layer beneath the slab). Based on post-installation performance monitoring, a passive VIMS can often be converted to an active system if it is demonstrated that the passive system is providing insufficient ventilation beneath the slab.

The VIMS proposed for the project site will be designed and installed in accordance with DTSC's Vapor Intrusion Mitigation Advisory dated October 2011. The VIMS design, at a minimum, will consist of plan pages for each building with membrane field limits, fresh-air inlet layout, subslab monitoring probes, passive subslab soil gas venting system layout and vertical vent riser placement for each building. Vent risers shall terminate at the roof or a minimum of 10 feet above grade. Vent risers will be placed at a frequency of two risers for the first 10,000 square feet and one vent riser for every additional 10,000 square feet.

Additionally, the VIMS will present plans and/or specifications for the following technical elements.

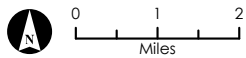
- Vent riser turbines and appropriate signage.
- Routing of threaded vent risers with stop valves through roof.
- Fresh air inlets.
- A 4-inch thick gravel layer beneath the slabs (or similar).
- A low profile passive venting system.
- Sub-membrane monitoring probes with interior housing boxes.
- Vent pipe sleeve detail through footings.
- Trench dams.
- An impermeable subslab soil gas barrier membrane meeting or exceeding ASTM E1745 Class B vapor retarder requirements.



SOUTH HAYWARD DEVELOPMENT PROJECT ADDENDUM MEMORANDUM

- Membrane details at pipe penetration, form work, vapor stakes, and lap seam.
- Vapor/waterproofing barrier at elevator pit
- Vapor barrier at dock levelers, pour strips and membrane repair details for tenant improvements.
- All pertinent material specification and project-specific details.
- Power receptacles for active system blower (if warranted in the future).
- Calculations, blower specs, and details for converting the passive venting system to an active system in the future, if deemed necessary.





Project Location
Hayward, California

Client/Project

South Hayward Development Project Addendum

Figure No.

1

Title

Regional Location

Source: Michael Baker 2018

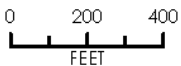
Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.



Legend

- Project Locations
- Project Parcels

Source: ERM, Dahlin Group, Urban Area, Carlson, Barbee & Gibson, Inc. 2017



Project Location
Hayward, California

Client/Project

South Hayward Development Project Addendum

Figure No.

2

Title

Project Location

Source: Michael Baker 2018

Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.



LAND USE SUMMARY

PLANNING AREA	NET AREA (AC)	SF / # OF UNITS
PA 1 (MIXED USE)	1.93±	+/-20,000 SF 72 UNITS
PA 1 (RESIDENTIAL)	3.57±	76
PA 2	7.75±	198
PA 3	8.66±	126
PARK*	2.40±	---
ACFC CHANNEL	0.72±	---
TOTAL	25.03±	472

*PARK AREA INCLUDES DEDICATED PARK PARCEL BETWEEN MISSION BOULEVARD AND DIXON STREET, DEDICATED PARK PARCEL AND DEDICATED TRAIL EASEMENTS IN PA 3-1.

Source: Dahlin Group; Urban Area; Carlson, Barbee & Gibson, Inc. 2017

Source: Michael Baker 2018



Not To Scale



Project Location
Hayward, California

Client/Project
South Hayward Development Project Addendum

Figure No.
3

Title
Project Site Parcels

5.0 COMPARATIVE ANALYSIS OF IMPACTS

The modified project proposes minor changes to the approved project within the original approved project site footprint and would not result in construction of areas that were not identified in the ISMND. Changes to the approved project would include incorporating a VIMS to the foundation design of the residential structures in PA 3-2.

Potential impacts analyzed in the ISMND related to aesthetics, agricultural and forestry resources, geology and soils, greenhouse gas emissions, land use and planning, mineral resources, population and housing, public services, recreation, and utilities and service systems, were all found to result in no impact or less than significant impact. Because of the limited scope of the modified project, that relate only to building foundation design, the previous impact determinations for these resource categories would not change as a result of the modified project.

Potential impacts analyzed in the ISMND related to air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, noise, transportation/traffic, and tribal cultural resources, were found to be potentially significant impacts but with incorporated mitigation measures, were reduced to a level of less than significant. There were no impacts identified in the ISMND that could not be mitigated to a less than significant level.

The following analysis provides a more detailed review of each resource category that was identified as less than significant with mitigation, as compared to any potential impacts from the modified project.

Air Quality

The ISMND determined that the approved project's construction emissions would violate air quality standards and contribute to an existing or projected air quality violation and would expose sensitive receptors to pollutants which would result in a significant impact. The impacts resulting from construction emissions were mitigated to a less than significant level with the implementation of mitigation measures MM AQ-1 and MM AQ-2. MM AQ-1 requires the implementation of Bay Area Air Quality Management District (BAAQMD) Basic Construction Mitigation Measures to reduce impacts from fugitive dust and MM AQ-2 requires all diesel-powered construction equipment to meet Environmental Protection Agency (EPA) Tier 4 engine standards.

The modified project would not result in significant changes to impacts identified for air quality in the ISMND as the modified project 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. Further, all surrounding land infrastructure construction activities (installation of roads, sidewalks, underground utilities) have been completed. Building pads on the site have also been previously graded and, although a small degree of additional soil removal (2 additional inches) will be required for the VIMS installation, the additional earth movement and incorporation of a VIMS into the foundation design of the residential structures in PA 3-2 would not result in significant changes to the equipment used for construction activities. Though the modified project would increase required truck



SOUTH HAYWARD DEVELOPMENT PROJECT ADDENDUM MEMORANDUM

trips associated with the VIMS, it would result in no more than approximately a 5-6 percent increase in truck trips, which would be minimal and would not significantly increase exhaust air pollution emissions. Additionally, the ISMND identified that though these exhaust air pollution emissions resulting from construction related truck trips would not contribute substantially to existing or projected air quality violations, construction exhaust emissions may still pose community health risks for sensitive receptors in the area. Therefore, the ISMND identified mitigation measures MM AQ-1 and MM AQ-2 to reduce potential impacts resulting from construction of the project. The incorporation of MM AQ-1 and MM AQ-2 was determined to adequately reduce potential impacts to a less than significant level. The modified project would continue to implement mitigation measures MM AQ-1 and MM AQ-2 to reduce the potential increase in construction emissions resulting from the increase in the number of trips required for transport of materials for the VIMS. MM AQ-1 and AQ-2 require implementation prior to the issuance of building permits and during construction and grading activities. Though building permits under the original approval have been issued, there are some minor grading activities still required, and as such, the mitigation measures would be applicable during grading/construction activities and the modified project would continue to implement the identified mitigation measures. Vent risers in the VIMS design are intended to depressurize the area between the soil and the vapor barrier to prevent vapor intrusion into the structure and do not result in significant air flow, nor are the sub-barrier vapors anticipated to be elevated such that after mixing with ambient air concentrations of COCs would be greater than residential indoor air screening levels, therefore the vapors from vent risers represent a de minimis contributor to air quality in the area. Therefore, the modified project would not result in a significant increase in impacts to air quality and impacts would be less than significant with the continued incorporation of mitigation measures identified in the ISMND.

Biological Resources

The ISMND determined that the approved project would have a significant impact on special-status wildlife species and would conflict with local policies or ordinances protecting biological resources; however, all impacts were able to be mitigated to a less than significant level with the implementation of mitigation measures MM BIO-1, MM BIO-2, and MM BIO-3. MM BIO-1 and MM BIO-2 requires preconstruction roost assessment survey and preconstruction nesting bird survey to be conducted prior to start of construction activities to ensure the approved project would not have any impacts on special status wildlife species. At present, trees and/or vegetation on site have been removed and all surrounding land infrastructure construction activities (installation of roads, sidewalks, underground utilities) have been completed. Building pads on the site have also been previously graded and, although a small degree of additional surface soil removal (2 additional inches) will be required for the VIMS installation, the additional earth movement is not expected to impact any special status wildlife species. The portion of the approved project site associated with the modified project did not have any pre-existing buildings to remove. As such, MM BIO-1 and MM BIO-2 are considered to be fulfilled and no longer applicable to the modified project. Additionally, the ISMND identified that implementation of MM BIO-3 would ensure the approved project would not conflict with local tree preservation policy. As mentioned above, there are no pre-existing trees on the site that would be subject to the local tree preservation policy; therefore, MM BIO-3 is also considered to be fulfilled and no longer applicable to the modified project. Due to the current



SOUTH HAYWARD DEVELOPMENT PROJECT ADDENDUM MEMORANDUM

status of on-site development and previous fulfillment of mitigation measures, there are no longer any potential biological impacts that could result from the modified project.

Cultural Resources

The ISMND determined that the approved project would have significant impacts to cultural resources, as it had the potential to cause a significant impact on historical and archaeological resources and could potentially disturb human remains. Mitigation measures MM CUL-1 and MM CUL-2 which required certain protocols in the event that cultural resources were uncovered during grading activities, were included in the ISMND to reduce potential impacts to less than significant levels.

As previously stated, the modified project would not involve any construction activities taking place outside of the original approved project footprint and therefore, would not result in the need for new cultural analysis. Further, all surrounding land infrastructure construction activities (installation of roads, sidewalks, underground utilities) have been completed. Building pads on the site have also been previously graded; however, a small degree of additional soil removal (2 additional inches) will be required for the VIMS installation, and as such, MM CUL-1 and MM CUL-2 would be applicable during any grading/construction activities and the modified project would continue to implement the identified mitigation measures. Therefore, the modified project would not result in an increase to any potential cultural impacts and impacts would remain less than significant with the continued incorporation of mitigation measures identified in the ISMND.

Hazards and Hazardous Materials

Construction of the approved project was determined to require activities that could potentially lead to accidental release of hazardous materials into the environment and cause a significant impact. Therefore, mitigation measure MM HAZ-1 was identified to reduce impacts to a less than significant level by requiring asbestos-containing materials and lead-based paint surveys to be conducted prior to demolition of existing structures and proper removal of these materials if identified. The portion of the approved project site associated with the modified project did not have any pre-existing buildings onsite. At present, all pre-existing buildings from the overall approved project site have been removed in accordance with the associated regulatory requirements, so MM HAZ-1 is considered to be fulfilled.

The ISMND did not identify any impacts associated with the project site being located on a list of hazardous materials sites and the Phase II Environmental Site Assessment (ESA) conducted for the ISMND identified that target analytes concentrations at the project site were below respective screening levels and did not pose any significant impacts. Since adoption of the ISMND, various construction activities and additional soil sampling and cleanup activities have occurred within the southwestern portion of the project site on portions of parcels formerly identified as APNs 083-460-010 and 083-460-011 (parcels indicated as Numbers 20 and 21 in Figure 2). These two parcels have since been subdivided into 18 parcels listed in Table 4-1 under Section 4.1 of this Addendum. This portion of the project site is the location of a former railroad embankment and is under regulatory oversight by DTSC and is identified as an active voluntary cleanup site by DTSC as of January 2019. A PEA was prepared for the modified project site, which analyzed results from soil gas sampling conducted since adoption of



SOUTH HAYWARD DEVELOPMENT PROJECT ADDENDUM MEMORANDUM

the ISMND and identified elevated concentrations of several contaminants of concern (COCs) in the soil vapor of the project site. Potential risks identified in the PEA included potential for vapor intrusion into the planned structures, exposure to groundwater as a drinking source, residential exposure to polycyclic aromatic hydrocarbons impacted soil, and construction worker exposure to uncharacterized baserock and quarry sand used to backfill utilities within site roadways.

The PEA recommended the development of a RAW to address site conditions by modifying the design of the proposed residential structures in PA 3-2. Because elevated concentrations of VOCs were detected in the subsurface soils at concentrations exceeding applicable screening levels, the modified project design would include a passive VIMS for the foundation design of the residential structures in PA 3-2 to prevent the potential for vapor intrusion to future residences. In a letter dated April 1, 2022, DTSC approved the PEA and requested a RAW be prepared within 60 days to address the potential for vapor intrusion and other potential exposure scenarios. As such, a RAW has been prepared for the modified project which includes a Vapor Intrusion Mitigation System Design, Design Report that is included as appendix to the RAW. As noted in Section 2.0, Purpose of the Addendum, remaining identified mitigation measures required for the modified project would be applicable to the RAW.

The modified project proposed in this Addendum would incorporate a VIMS into the foundation design to the residential structures in PA 3-2 and would implement a RAW. With incorporation of VIMS into the project design and preparation of a RAW, impacts related to onsite contamination would be less than significant and would be consistent with the outcome of the ISMND.

Hydrology and Water Quality

The approved project was determined to place housing and structures within a 100-year flood hazard area which could impede or redirect flood flows and could result in a significant impact. To ensure that the construction and operation of the approved project would not result in a significant impact from being located in a 100 year flood hazard area, implementation of mitigation measure MM HYD-1 was required for the approved project to reduce such impacts to a less than significant level. Following project approval, and as required by MM HYD-1, all areas within the previously identified 100-year flood hazard area were re-graded and a Letter of Map Revision was issued in 2019 by the Federal Emergency Management Agency (FEMA) documenting complete removal of all previously identified areas from the 100-year flood hazard zone. As such MM HYD-1 is considered to be fulfilled and no longer applicable to the modified project.

As previously stated, all surrounding land infrastructure construction activities (installation of roads, sidewalks, underground utilities) have been completed and initial building permits have been issued. Building pads on the site have been previously graded and, although a small degree of additional soil removal (2 additional inches) will be required for the VIMS installation, the final pad elevations will remain the same and the additional earth movement is not expected to impact any hydrology or water quality issues on the site. Therefore, due to the current status of on-site development and previous fulfillment of the applicable mitigation measure, there are no longer any potential hydrology or water quality impacts that could result from the modified project.



SOUTH HAYWARD DEVELOPMENT PROJECT ADDENDUM MEMORANDUM

Noise

The construction and operation of the approved project was determined to both temporarily and permanently increase noise levels in excess of established standards in the project vicinity and expose persons to excessive groundborne vibration and noise levels which would result in a significant impact. The ISMND identified mitigation measures MM NOI-1 through MM NOI-4, which including building HVAC and mechanical building design requirements as well as contractor requirements for construction equipment standards and other general noise and abatement practices, to reduce noise impacts and determined implementation of these mitigation measures would ensure that temporary and permanent impacts would be less than significant.

Incorporation of a VIMS to the foundation design of the residential structure in PA 3-2 would not further increase noise and vibration impacts beyond what was identified in the ISMND. The incorporation of VIMS into the foundation design would not change the HVAC or mechanical designs and would not result in increased noise and vibration impacts during construction and would have no effect on the identified operational noise impacts. The modified project would have the same level of noise impact as what was identified in the ISMND and therefore, would be required to continue to implement mitigation measures MM NOI-1 through MM NOI-4 to ensure that temporary and permanent noise impacts remain less than significant. MM NOI-1 and NOI-2 require implementation prior to the issuance of building permits and MM NOI-3 and NOI-4 require implementation prior to the issuance of grading or demolition permits and during construction. Though permits such as building permits and grading permits have already been issued for the original approved project, completion of the modified project requires compliance with all NOI mitigation measures. With the incorporation of the previously identified mitigation measures, the modified project would have a less than significant impact related to noise.

Transportation

The ISMND determined that the approved project would conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for performance of the circulation system and would result in a significant impact. However, all transportation and traffic related impacts were reduced to a less than significant level with the implementation of mitigation measures MM TRA-1 through MM TRA-9 which required the developer to provide various funding for surrounding planned roadway improvements identified in the ISMND.

The modified project includes the incorporation of a VIMS in to the foundation design of the residential structures in PA 3-2 and would not result in changes to the circulation system or result in changes that would generate additional vehicle miles traveled (VMT) from the project site or in the project area. Further, funding required for implementation of the TRA mitigation measures is collected in conjunction with each building permit issued, so completion of the modified project is necessary in order to ensure full compliance with all TRA mitigation measures. The modified project would not increase impacts to transportation above what was identified in the ISMND and would continue to implement mitigation measures MM TRA-1 through MM TRA-9 to ensure that project impacts remain less than significant.

Tribal Cultural Resources



SOUTH HAYWARD DEVELOPMENT PROJECT ADDENDUM MEMORANDUM

The ISMND determined that development of the approved project could result in a significant impact to tribal cultural resources resulting from a substantial adverse change in a site, feature, place, cultural landscape, sacred place, or object that have cultural value to a California Native American tribe. Therefore, the ISMND identified mitigation measure MM TCR-1 which outlines guidelines and procedures for instances where tribal cultural resources are discovered during project construction activities. The ISMND identified that implementation of MM TCR-1 would reduce all impacts to tribal cultural resources to a less than significant level.

The modified project would be located within the same project site as the approved project and would not result in ground disturbing activities outside of the approved project area analyzed in the ISMND. In addition, building pads on the site have been previously graded and all surrounding land infrastructure construction activities (installation of roads, sidewalks, underground utilities) have been completed. Although a small degree of additional soil removal (2 additional inches) will be required for the VIMS installation, the shallow grading across a previously graded site is not expected to impact any cultural resources and the likelihood of any tribal cultural resources to be unearthed at this point in the process is greatly reduced. Implementation of the modified project would not increase the impacts to tribal cultural resources above what was identified in the ISMND. The modified project would continue to implement mitigation measure MM TCR-1 identified in the ISMND (as applicable) to ensure impacts resulting from implementation of the project remain reduced to a less than significant level. Therefore, the modified project would not increase impacts to tribal cultural resources from what was identified in the ISMND and impacts would remain less than significant with mitigation.

Cumulative Impacts

The ISMND identified that all cumulative impacts resulting from the approved project would be mitigated to less than significant levels with the implementation of mitigation measures identified in the ISMND. Additionally, the ISMND identified that the approved project would not result in substantial adverse effects on human beings either directly or indirectly, as all impacts identified in the ISMND would be either less than significant without mitigation or would be less than significant after incorporation of mitigation.

The modified project would not involve construction outside of the original approved footprint and would not increase use of the project site or increase traffic around the project site. The modified project would not result in an increase of impacts identified in the ISMND or result in new impacts. All impacts resulting from the modified project would be equal to or less than impacts identified for the approved project. The modified project would continue to implement all remaining relevant mitigation measures identified in the ISMND and would implement the RAW as required; therefore, impacts associated with the modified project would also be less than significant.



6.0 CONCLUSIONS

Based on the above, as with the approved project, impacts associated with the modified project would remain less than significant as they are within the scope of impacts identified and evaluated in the adopted ISMND. No new or substantially more severe significant effects would occur, and no additional mitigation measures would be required.



7.0 CERTIFICATION

I hereby certify that the statements furnished above represent the data and information required for this evaluation to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: Juliet C. Pettijohn Date: 2/10/2023

Julie Pettijohn
Branch Chief
Site Mitigation and Restoration Program
Department of Toxic Substances Control – Berkeley Office



Appendix A:
List of Mitigation Measures

AIR QUALITY

MM AQ-1 Prior to the issuance of grading or building permits, the City of Hayward shall ensure that the Bay Area Air Quality Management District (BAAQMD) Basic Construction Mitigation Measures are noted on the construction documents. These Basic Construction Mitigation Measures include the following:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles. Graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Timing/Implementation: Prior to issuance of Building Permits and during grading and construction

Enforcement/Monitoring: City of Hayward Planning Division, Public Works Department – Engineering Division, Inspections, and Building Division

MM AQ-2 Prior to the issuance of grading or building permits, the project applicant or the applicant's designated contractor shall provide to the City of Hayward a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet average of at least 71 percent reduction in diesel particulate matter (PM)

emissions compared to the current statewide construction fleet emissions target, by one or more of the following methods:

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days shall meet, at a minimum, the Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 4 engines or equivalent; and/or
- The use of equipment that includes California Air Resources Board (CARB) -certified Level 3 diesel particulate filters or alternatively fueled equipment (i.e., non-diesel); and/or
- Other added exhaust devices, or a combination of measures, provided that these measures are approved by the City and are demonstrated to achieve the fleet average minimum 71 percent reduction in diesel PM emissions.

Timing/Implementation: Prior to issuance of Building Permits and during grading and construction

Enforcement/Monitoring: City of Hayward Planning Division, Public Works Department – Engineering Division, Inspections, and Building Division

CULTURAL

MM CUL-1 If prehistoric or historic-period archaeological deposits or paleontological resources are discovered during project construction activities, all work within 25 feet of the discovery shall be redirected and the archaeologist/paleontologist shall assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Impacts to archaeological deposits and paleontological resources should be avoided by project activities, but if such impacts cannot be avoided, the deposits shall be evaluated for their California Register eligibility. If the deposits are not California Register-eligible, no further protection of the finds is necessary. If the deposits are California Register-eligible, they shall be protected from project-related impacts or such impacts mitigated. Mitigation may consist of, but is not necessarily limited to, systematic recovery and analysis of paleontological resources and archaeological deposits, recording the resource, preparing a report of findings, and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate.

Timing/Implementation: During grading and construction

Enforcement/Monitoring: City of Hayward Planning Division, Public Works Department – Engineering Division, and Building Division

MM CUL-2 Any human remains encountered during project ground-disturbing activities shall be treated in accordance with California Health and Safety Code Section 7050.5. The project applicant shall inform its contractor(s) of the project area's sensitivity for human remains

and verify that the following directive has been included in the appropriate contract documents:

If human remains are encountered during project activities, the project applicant or its contractor shall comply with the requirements of California Health and Safety Code Section 7050.5. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the Alameda County coroner has determined the manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation or to his or her authorized representative. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel/construction workers shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American most likely descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods within 48 hours of being allowed access to the site.

Timing/Implementation: During grading and construction

Enforcement/Monitoring: City of Hayward Planning Division, Public Works Department – Engineering Division, and Building Division

NOISE

MM NOI-1

The project applicant shall demonstrate to the City that any proposed heating, ventilation, and air conditioning (HVAC) systems for buildings in the project do not produce noise in excess of L_{max} 60 decibel (dB) measures at a property line adjacent to off-site and new proposed project commercial or industrial uses. Acceptable demonstration would be one or more of the following:

1. Provide manufacturers specifications for the proposed HVAC systems that indicate the systems would not produce noise in excess of L_{max} 60 dB measures at a distance of 3 feet for systems near residential property lines or noise in excess of L_{max} 70 dB measures at a distance of 3 feet for systems near commercial or industrial property lines.
2. If manufacturers specifications are not available, provide site plans that indicate the following minimum setback distance for HVAC systems from property lines (assuming that a residential system would produce a noise of L_{max} 75 dB measured at a distance of 3 feet and a commercial HVAC system would produce a noise of L_{max} 90 dB measured at a distance of 3 feet):
 - For residential HVAC systems operating during nighttime hours and located adjacent to residential uses, HVAC systems shall be set back a minimum of 20 feet from property lines or 10 feet with adequate noise shielding.

- For commercial HVAC systems operating during daytime hours only and located adjacent to residential, commercial, or industrial property lines, equipment shall be set back a minimum of 35 feet from property lines or 20 feet with adequate noise shielding.

Adequate shielding is a sound enclosure or solid barrier constructed of solid material with no gaps that, at a minimum, would block the line of sight between the HVAC system and potential sensitive receptor locations on adjacent property (e.g., a person standing at a window, a person standing outside, a person standing on a balcony or deck).

3. Provide a noise study prepared by a qualified acoustical professional for specific building sites and with specific equipment specifications that demonstrates the noise produced by building mechanical equipment would not produce noise in excess of standards specified in Municipal Code Section 4-1.03.1.

Timing/Implementation: Prior to issuance of building permits

Enforcement/Monitoring: City of Hayward Planning Division and Building Division

MM NOI-2

Project plans shall include specifications for any building mechanical equipment mounted at grade level within 10 feet of a sensitive use property line (e.g., residences, schools, hospitals, elder-care facilities) to require vibration isolation per American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) guidelines.

Timing/Implementation: Prior to issuance of building permits

Enforcement/Monitoring: City of Hayward Planning Division

MM NOI-3

Heavy equipment, including bulldozers and haul trucks, shall be restricted from operating within 25 feet of existing structures to the extent feasible. Within 50 feet of existing structures, only nonvibratory soil and pavement compaction methods shall be used.

A construction liaison shall be designated to ensure coordination between construction staff and neighbors to minimize disruptions due to construction vibration. Neighboring property owners within 200 feet of construction activity shall be notified in writing of the contact information for the construction liaison.

Timing/Implementation: Prior to issuance of grading or demolition permits and during construction

Enforcement/Monitoring: City of Hayward Planning Division and Public Works Department – Engineering Division

MM NOI-4

The project applicant shall ensure through contract specifications that construction noise and vibration abatement practices are implemented by contractors to minimize construction noise and vibration levels. Contract specifications shall be included in the construction document, which shall be reviewed by the City of Hayward prior to issuance

of a demolition or grading permit. The construction noise and vibration abatement practices shall include the following:

- In conformance with Section 4-1.03-4 of the City's Municipal Code, construction activities between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between 10:00 a.m. and 6:00 p.m. on Sundays or holidays, unless other construction hours are permitted by the City Engineer or Chief Building Official, shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in Municipal Code Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).
- If noise-generating construction activities must occur within 50 feet of a noise-sensitive property line (e.g., residences, schools, hospitals, elder-care facilities) and would generate a noise level greater than 86 dB, a noise barrier is to be installed between the source and the neighboring property to reduce noise. The barrier shall be minimum of 8 feet high and continuous, with no gaps or holes.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.
- Stationary noise sources and staging areas shall be located as far away as is feasible from existing noise-sensitive receivers. Locating stationary noise sources near existing roadways away from adjacent properties is preferred. If located otherwise, stationary noise sources are to be enclosed or shielded from neighboring noise-sensitive properties with noise barriers to the extent feasible.
- Electric air compressors and similar power tools shall be used rather than diesel equipment, where feasible.
- Air compressors and pneumatic equipment shall be equipped with mufflers, and impact tools shall be equipped with shrouds or shields, where feasible.
- Construction vehicle routes shall be selected to avoid quieter residential streets where possible.
- A construction liaison shall be designated to ensure coordination between construction staff and neighbors to minimize disruptions due to construction noise. Neighboring property owners within 200 feet of construction activity shall be notified in writing of the contact information for the construction liaison.

Timing/Implementation: Prior to issuance of grading or demolition permits and during construction

Enforcement/Monitoring: City of Hayward Planning Division and Public Works Department – Engineering Division

TRANSPORTATION

MM TRA-1 Under Background plus Project Conditions, there would be a significant impact at the intersection of Industrial Parkway and Huntwood Avenue (#3), which would continue to operate at Level of Service (LOS) F during the P.M. peak hour with an increased delay of 6.7 seconds. This impact would be mitigated by an adjustment in traffic signal cycle and green time allocation (splits), which would improve the intersection operations with an increase in delay of less than 5.0 seconds during the P.M. peak hour.

Timing/Implementation: *Applicant to provide funding to address signal timing prior to issuance of building permits*

Enforcement/Monitoring: *Building Division and Public Works Department, Engineering and Transportation Division*

MM TRA-2 Under Cumulative plus Project Conditions, there would be a significant impact at the intersection of Mission Boulevard and Industrial Parkway (#1), which would continue to operate at LOS F during the A.M. and P.M. peak hours with an increased delay of 7.4–8.4 seconds. This impact would be mitigated by an adjustment in traffic signal cycle and green time allocation (splits), which would improve intersection operations, with an increase in delay of less than 5.0 seconds during the A.M. peak hour and to LOS E during the P.M. peak hour.

Timing/Implementation: *Applicant to provide funding to address signal timing prior to issuance of building permits*

Enforcement/Monitoring: *Building Division and Public Works Department, Engineering and Transportation Division*

MM TRA-3 Under Cumulative plus Project Conditions, there would be a significant impact at the intersection of Industrial Parkway and Dixon Street (#2), which would continue to operate at LOS F during the A.M. and P.M. peak hours with an increased delay of 14.3–18.2 seconds. This impact would be mitigated by an adjustment in traffic signal cycle and green time allocation (splits), which would improve intersection operations, with an increase in delay of less than 5.0 seconds during the A.M. peak hour and to LOS D during the P.M. peak hour.

Timing/Implementation: *Applicant to provide funding to address signal timing prior to issuance of building permits*

Enforcement/Monitoring: *Building Division and Public Works Department, Engineering and Transportation Division*

MM TRA-4 Under Cumulative plus Project Conditions, there would be a significant impact at the intersection of Industrial Parkway and Huntwood Avenue (#3), which would continue to operate at LOS F during the A.M. and P.M. peak hours with an increased delay of 8.0–8.4 seconds. This impact would be mitigated by an adjustment in traffic signal cycle and green time allocation (splits), which would improve intersection operations, with an increase in delay of less than 5.0 seconds during the A.M. and P.M. peak hours.

Timing/Implementation: *Applicant to provide funding to address signal timing prior to issuance of building permits*

Enforcement/Monitoring: *Building Division and Public Works Department, Engineering and Transportation Division*

MM TRA-5 Under Cumulative plus Project Conditions, there would be a significant impact at the intersection of Industrial Parkway and Industrial Parkway Southwest (#4), which would continue to operate at LOS F during the A.M. and P.M. peak hours with an increased delay of 5.7–10.4 seconds. This impact would be mitigated by an adjustment in traffic signal cycle and green time allocation (splits), which would improve intersection operations, with an increase in delay of less than 5.0 seconds during the A.M. and P.M. peak hours.

Timing/Implementation: *Applicant to provide funding to address signal timing prior to issuance of building permits*

Enforcement/Monitoring: *Building Division and Public Works Department, Engineering and Transportation Division*

MM TRA-6 Under Cumulative plus Project Conditions, there would be a significant impact at the intersection of Mission Boulevard and Valle Vista Avenue (#5), which would continue to operate at LOS F during the A.M. peak hour with an increased delay of 23.8 seconds, which is above the 5.0-second threshold for intersections already operating at a deficient level of service. Widening and restriping the eastbound approach to one left-only lane and one right turn lane would improve the operations at the Mission Boulevard/Valle Vista Avenue intersection to LOS E in the A.M. peak hour and LOS B in the P.M. peak hour. The developer’s fair share of the improvement cost is 17 percent for Cumulative plus Project conditions and 51 percent for Background plus Project conditions.

Timing/Implementation: *Applicant to provide funding to address intersection improvement prior to issuance of building permits*

Enforcement/Monitoring: *Building Division and Public Works Department, Engineering and Transportation Division*

MM TRA-7 Under Cumulative plus Project Conditions, there would be a significant impact at the intersection of Mission Boulevard and Tennyson Road (#6) during the A.M. peak hour. An adjustment in traffic signal cycle and green time allocation (splits) would improve the intersection operations, with an increase in delay of less than 5.0 seconds during the A.M. peak hour.

Timing/Implementation: *Applicant to provide funding to address signal timing prior to issuance of building permits*

Enforcement/Monitoring: *Building Division and Public Works Department, Engineering and Transportation Division*

MM TRA-8 Under Cumulative plus Project Conditions, there would be a significant impact at the intersection of Tennyson Road and Dixon Street (#7), which would continue to operate at LOS F during the P.M. peak hour with an increased delay of 5.3 seconds. This impact would be mitigated by an adjustment in traffic signal cycle and green time allocation (splits), which would improve intersection operations, with an increase in delay of less than 5.0 seconds during the P.M. peak hour.

Timing/Implementation: *Applicant to provide funding to address signal timing prior to issuance of building permits*

Enforcement/Monitoring: *Building Division and Public Works Department, Engineering and Transportation Division*

MM TRA-9 Under Cumulative plus Project Conditions, there would be a significant impact at the intersection of Dixon Street and Valle Vista Avenue (#8), which would continue to operate at LOS F during the A.M. and P.M. peak hours with an increased delay of 21.3–29.7 seconds. The installation of a traffic signal would improve operations to an acceptable level of service during both peak hours. As a result of the mitigation measure, intersection conditions would improve to LOS B with 15.4 seconds of delay in the A.M. peak hour and LOS C with 29.8 seconds of delay in the P.M. peak hour. The developer’s fair share of the improvement cost is 5 percent for Cumulative plus Project Conditions and 28 percent for Background plus Project conditions.

Timing/Implementation: *Applicant to provide funding to address intersection improvement prior to issuance of building permits*

Enforcement/Monitoring: *Building Division and Public Works Department, Engineering and Transportation Division*

TRIBAL CULTURAL RESOURCES

MM TCR-1 If tribal cultural resources are discovered during project construction activities, all work within 25 feet of the discovery shall be redirected and the tribal monitor shall assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Impacts to tribal cultural resources should be avoided by project activities, but if such impacts cannot be avoided, the resources shall be evaluated for their California Register eligibility. If the tribal cultural resource is not California Register-eligible, no further protection of the find is necessary. If the tribal cultural resource is California Register-eligible, it shall be protected from project-related impacts or such impacts mitigated. Mitigation may consist of, but is not necessarily limited to, systematic recovery and analysis, recording the resource, preparation of a report of findings, and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate.

Timing/Implementation: *During project construction*

Enforcement/Monitoring: *City of Hayward Planning Division and Public Works Department*