Initial Study

CenterPoint Industrial Project

Prepared by

HAYWARD

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

September 2023

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Section 1.0 Introduction and Purpose

1.1 Purpose of the Initial Study

The City of Hayward, as the Lead Agency, has prepared this Initial Study for the CenterPoint Industrial Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of Hayward, California.

The project proposes to demolish the existing industrial buildings on-site, totaling 72,082 square feet, and construct a new 103,406-square-foot industrial building. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 Public Review Period

The publication of this Initial Study marks the beginning of a 20-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 20-day public review period should be sent to:

Steve Kowalski, Associate Planner
Planning Division, City of Hayward
777 B Street, 1st Floor
Hayward, CA 94541

1.3 Consideration of the Initial Study and Project

Following the conclusion of the public review period, the City will adopt the Initial Study/Mitigated Negative Declaration (MND) for the project at the time of the project's approval by the Planning Director. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 Notice of Determination

If the project is approved, the City will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

Section 2.0 Project Information

2.1 Project Title

CenterPoint Industrial Project (File No. 202206056)

2.2 Lead Agency Contact

Steve Kowalski, Associate Planner
Planning Division, City of Hayward
777 B. Street, 1st Floor
Hayward, CA 94541
Email: steve.kowalski@hayward-ca.gov

2.3 Project Applicant

Jamie Hamilton, Planning and Entitlement Associate
CenterPoint Properties
725 S. Figueroa Street, Suite 3005
Los Angeles, CA 90017
Email: jhamilton@centerpoint.com

2.4 Project Location

29469 Ruus Road, 1571-1593 Industrial Parkway West, and 1601-1617 Industrial Parkway West

2.5 Assessor's Parcel Numbers

464-100-030-00, 464-100-031-00, 464-100-029-02

2.6 General Plan Designation and Zoning District

The existing 2040 General Plan land use designation for the site is Industrial Technology and Innovation Corridor. The site is currently zoned Light Industrial.

2.7 Project-Related Approvals, Agreements, and Permits

The following approvals are required for this project:

- Site Plan Review
- Parcel Map
- Demolition Permit
- Grading Permit
- Building Permit
- Tree Removal Permit

Section 3.0 Project Description

3.1 Existing Setting

The approximately 7.44-acre project site consists of three separate, contiguous parcels located at 29469 Ruus Road, 1571 – 1593 Industrial Parkway West and 1601 – 1617 Industrial Parkway West (Assessor Parcel Numbers: 464-0100-030-00, 464-0100-031-00, 464-100-029-02) in the City of Hayward. The site is currently developed with five one-story industrial buildings totaling approximately 72,082 square feet,[1] pavement, and landscaping. A nine-foot-tall masonry wall is currently located along the western project boundary where the site borders residential uses. The site is bounded by industrial uses to the north, Industrial Parkway West and industrial uses to the south, existing commercial and residential uses to the west, and existing industrial and residential uses and Ruus Road to the east. Regional, vicinity, and aerial maps of the project site are provided in Figure 3.2-1, Figure 3.2-2, and Figure 3.2-3, respectively.

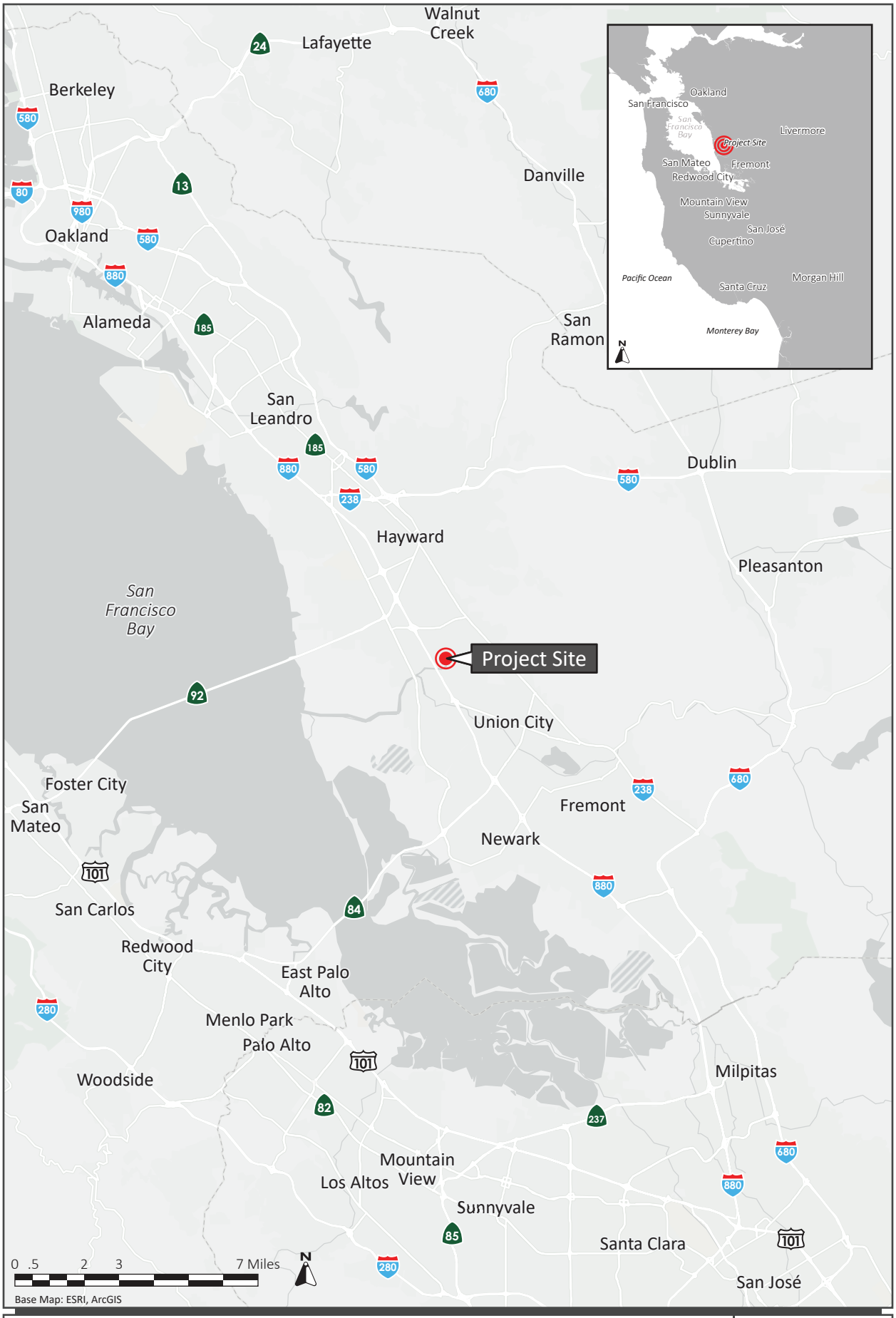
3.2 Project Description

The project proposes to construct a 103,406-square-foot industrial building containing approximately 97,646 square feet of warehouse and a two-story, 5,760-square-foot office space. The building would have a flat roof with a maximum height of 45 feet to the top of the roofline. While a designated end user for the project has not yet been determined, the project site is zoned for Light Industrial use. The Light Industrial zoning designation allows for a variety of uses including, but not limited to, automobile repair, commercial testing laboratories, contractor services, manufacturing, research and development, warehouse and distribution (less than 150,000 square feet floor area), retail, office, industrial or vocational trade schools, and animal hospital uses. For the purposes of this Initial Study, it is conservatively assumed that the project would be used as a warehouse facility. See Figure 3.2-4 for the proposed site plan. Figure 3.2-5 shows the proposed building elevations.

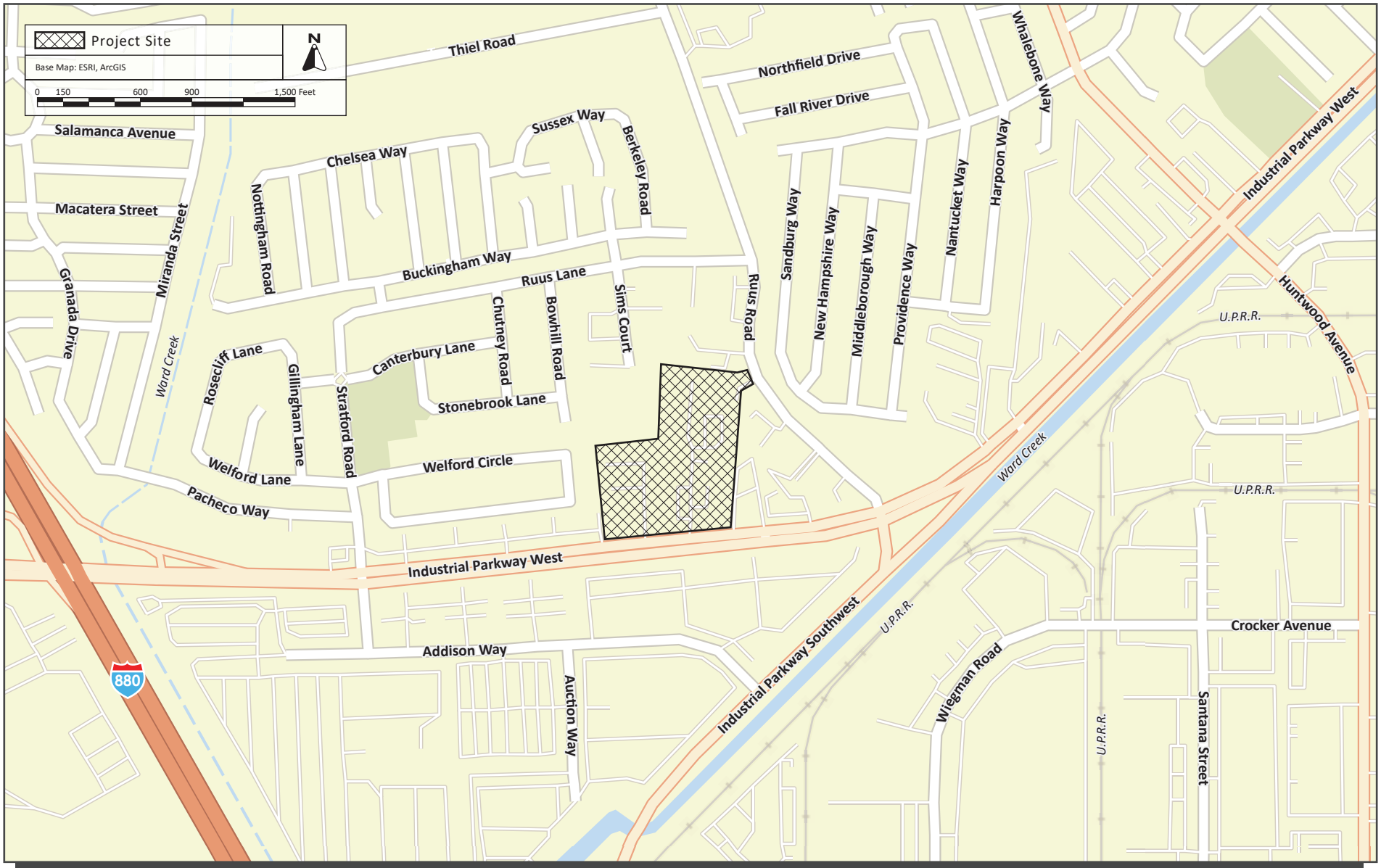
3.2.1 Site Access and Parking

The project site would be accessible via three full-access driveways including one on Ruus Road and two on Industrial Parkway West adjacent to the western and eastern property lines, respectively. Passenger vehicles would primarily enter and exit the site via the western driveway on Industrial Parkway West. All future trucks traveling to the project site would use either the driveway on Ruus Road or the eastern driveway on Industrial Parkway West to enter and exit the site. A total of 16 loading docks would be provided at the northeastern corner of the building, adjacent to a secure parking lot for truck trailers.

[1] 18,382 square feet (1617 Industrial Parkway West) + 38,220 square feet (1571-1593 Industrial Parkway West + 15,480 square feet (29469 Ruus Road) = 72,082 square feet.



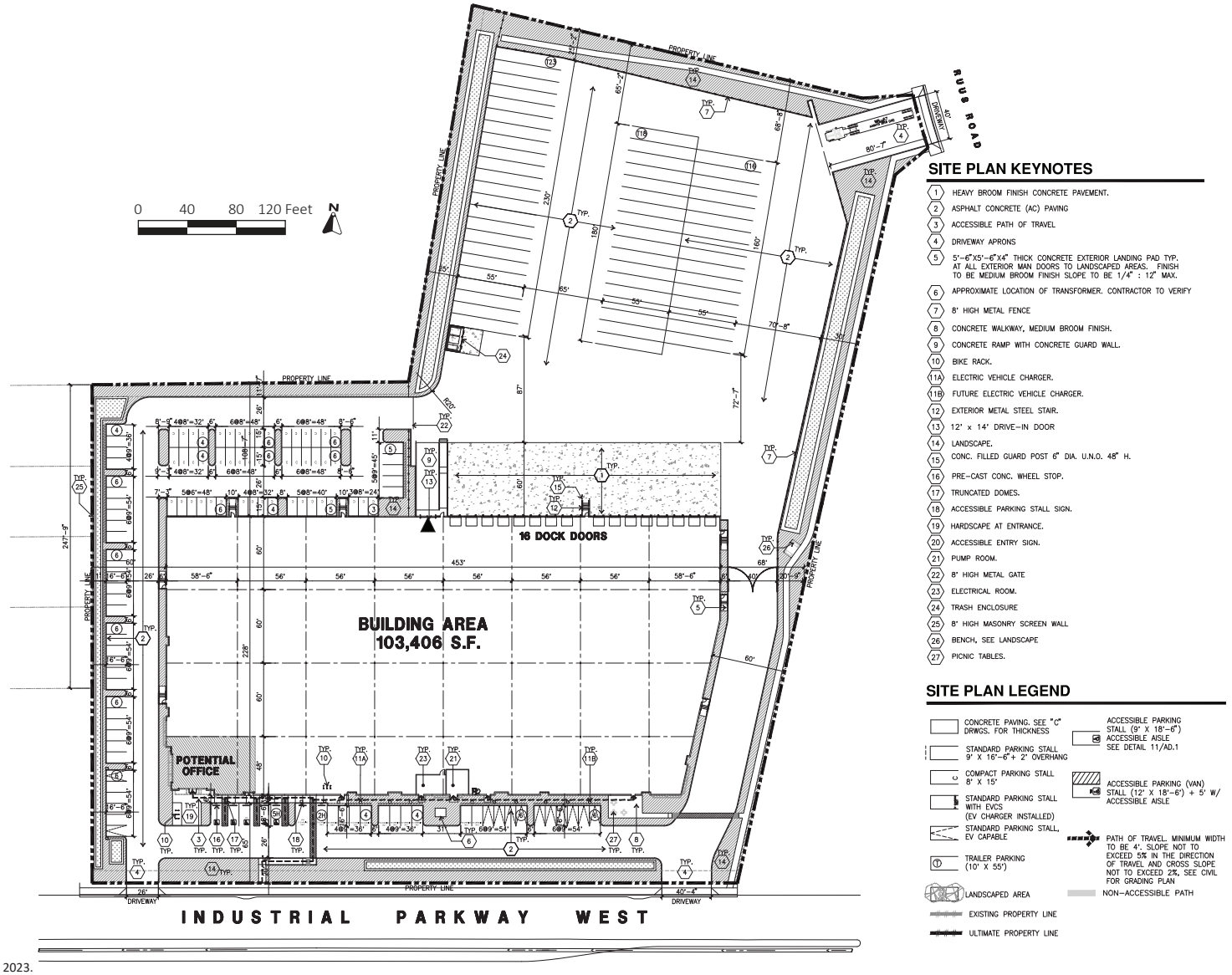
REGIONAL LOCATION MAP | FIGURE 3.2-1



VICINITY MAP

FIGURE 3.2-2

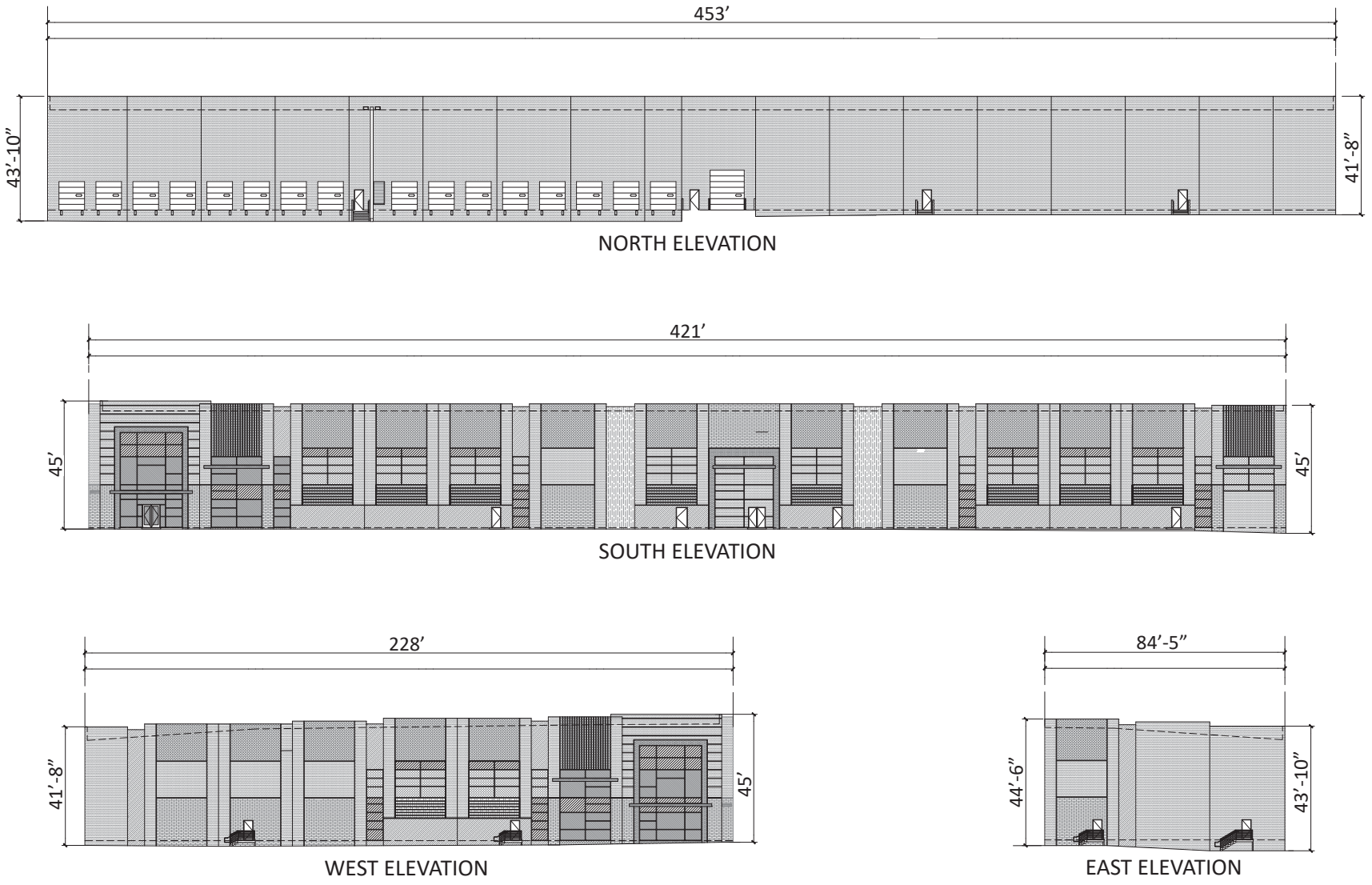
AERIAL MAP OF PROJECT SITE AND SURROUNDING LAND USES | FIGURE 3.2-3



Source: HPA, Inc., January 17, 2023.

PROPOSED SITE PLAN

FIGURE 3.2-4



Source: HPA, Inc., January 17, 2023.

PROPOSED BUILDING ELEVATIONS

FIGURE 3.2-5

Two automatic gates with fencing would be provided at the Ruus Road driveway and adjacent to the northeast corner of the proposed building. Both gates would be set back from the street to allow for off-street queuing of at least one truck. Trucks accessing the loading docks and trailer parking from Industrial Parkway West would utilize the drive aisles in the tractor trailer parking lot, and may also use the 40-foot-wide internal drive aisle adjacent to the eastern side of the building.

A total of 173 parking spaces would be provided on-site, including 115 auto parking stalls on the northwest, west, and south sides of the building, and 58 truck trailer parking spaces located to the north (rear) of the proposed building. Of the 115 auto parking stalls,57 will be electric vehicle (EV) capable spaces (including 19 spaces equipped with charging stations and 38 spaces equipped with infrastructure to support future installation of charging stations). A total of 12 bicycle parking spaces would also be provided.

3.2.2 Mechanical and Operational Equipment

The office component of the proposed industrial building would include mechanical rooftop equipment for building heating, cooling, and ventilation. The warehouse component of the building would be unconditioned and ventilated only. A 102-horsepower diesel powered generator would be located within a fire sprinkler pump room in the proposed industrial building for use in case of emergency/power outages.

The proposed warehouse would not be refrigerated and refrigerated trucks are not anticipated to use the site. During operation of the proposed project, it is estimated that three electric or propane powered forklifts would be used. As noted above, although the end user of the site is not known, it conservatively assumed that the project would be operated 24-hours per day.

3.2.3 Utilities Improvements

Water Utilities

The project site is currently served by an existing 12-inch water line in Ruus Road and an existing four-inch water line in Industrial Parkway West. The project would connect to the existing 12-inch water line in Ruus Road.

Sewer Utilities

The project would connect to the existing six-inch sanitary sewer main in Industrial Parkway West via a six-inch sanitary sewer line. The existing sanitary sewer easement that extends from Industrial Parkway West to Ruus Road along the eastern property boundary would remain with implementation of the proposed project.

Stormwater Utilities

The project would relocate the existing 30-inch storm drain line that extends from Industrial Parkway West to Sims Court through the project site, and then vacate a portion of the associated

storm sewer easement and record a new easement to reflect the new storm drain alignment. In addition, to manage stormwater runoff on the site, the project proposes four lined bioretention ponds along the western, eastern, and southern project boundaries. Stormwater on-site would be directed to the bioretention areas on the eastern, western, and southern property lines and be conveyed through 12- and 15-inch storm drains to a 30-inch storm drain that extends from the western edge of the truck loading docks around the northwestern corner of the building before connecting to a 12-inch stormwater main in Industrial Parkway West.

Electrical and Telephone Utilities

The project would vacate an existing telephone easement that extends from Industrial Parkway West to Sims Court through the project site. It is anticipated that the project would remove or bury the existing lateral power lines along Industrial Parkway West near the project site, with final design subject to approval by Pacific Gas and Electric (PG&E). The existing electrical boxes along Industrial Parkway West would be removed and replaced.

Natural Gas

The project would close an existing PG&E natural gas easement that currently provides access to a natural gas line for the existing building at 29469 Ruus Road. No new natural gas infrastructure is proposed.

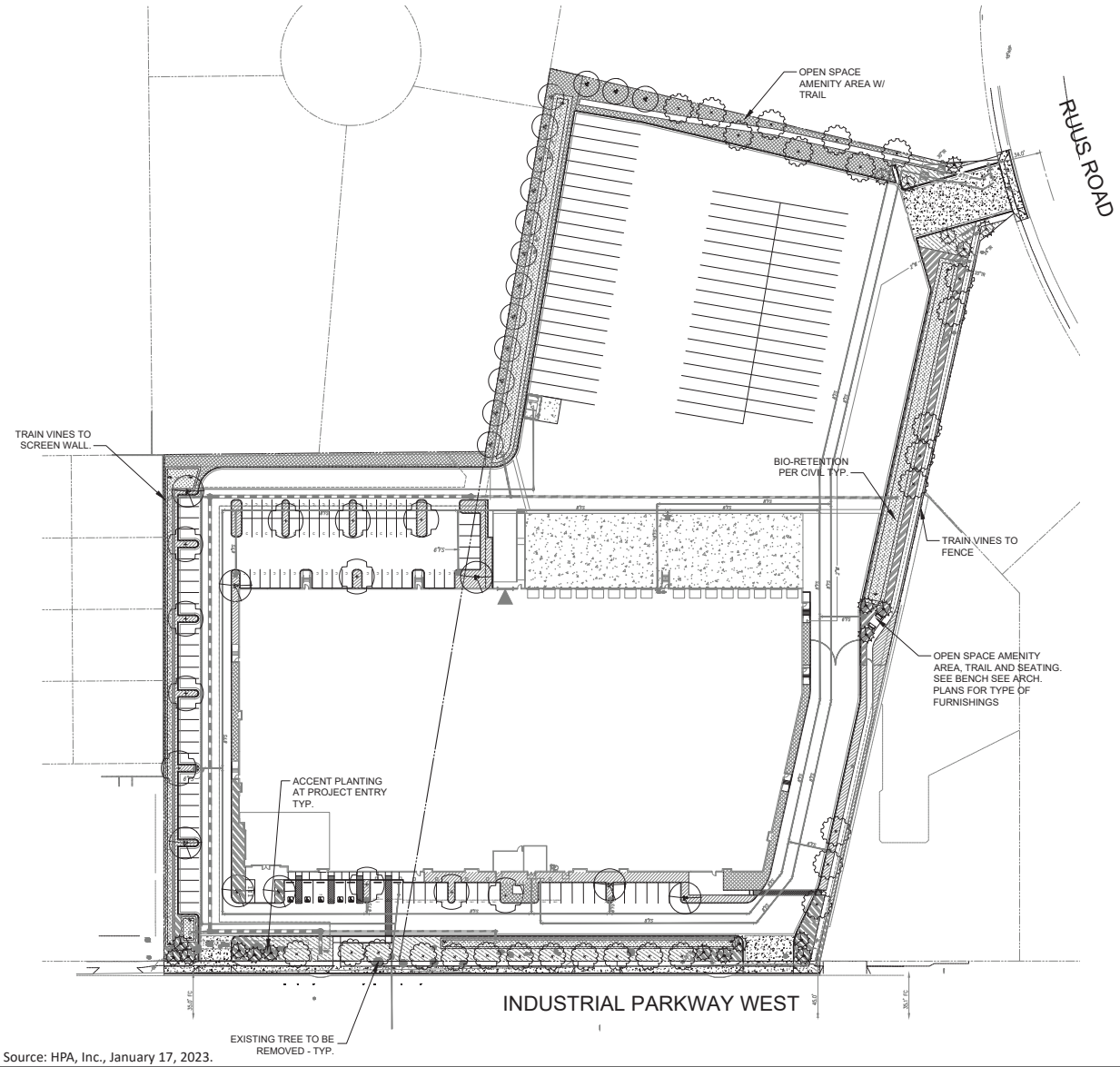
3.2.4 Landscaping

The project site would be landscaped with native and drought tolerant shrubs, plants and trees. Landscaping would be planted along the perimeter of the property and adjacent to the proposed building and vehicle parking areas (see Figure 3.2-6). The project would remove 49 existing trees on-site and preserve nine existing trees adjacent to the site. To replace the trees removed with the project, 66 replacement trees would be planted on-site.

The existing nine-foot-tall masonry wall along the western boundary of the project site where the site borders residential uses would be retained under the proposed project and ornamental vines would be planted at its base and trained to cover the wall on the project site.

3.2.5 Pedestrian Trails and Open Space

The project would include two small private outdoor open space areas and two private pedestrian trails on-site. One open space area would be located adjacent to the southeastern corner of the building and would feature picnic tables for tenants' employees to use. The other open space area would be located along the eastern project boundary near the northeast corner of the proposed building and would include seating and landscaping. Two private pedestrian trails would also be constructed to provide private pedestrian access from Industrial Parkway West to Ruus Road and from Ruus Road to the northwest corner of the site. The pedestrian trails would be paved, five feet wide and would be accessible to future tenants of the building only (not open to the public).



LANDSCAPE CALCULATIONS:

TOTAL SITE AREA: 7.62 ACRES (331,747 S.F.)
LANDSCAPE AREA REQUIRED 5% OF SITE: 16,587 S.F.
ORNAMENTAL LANDSCAPE PROVIDED: 38,421 S.F.
BIO-RETENTION PROVIDED: 8,321 S.F.
TOTAL LANDSCAPE AREA PROVIDED: 46,742 S.F. (14% OF SITE)
OPEN SPACE REQUIRED: 33,174 S.F. (10% OF SITE)
OPEN SPACE PROVIDED: 33,203 S.F.
50% BUILDING FACADE LANDSCAPE PROVIDED
SITE AREA LANDSCAPE REQUIRED ALL BUILDING SETBACKS
FRONTAGE SETBACK MINIMUM 20'
SIDE SETBACKS :10'
PARKING SPACES PROVIDED: 91
PARKING LOT TREES REQUIRED 1/6 SPACES: 16
PARKING LOT TREES PROVIDED: 19
STREET TREES REQUIRED 1 PER 30 L.F.: 12
STREET TREES PROVIDED : 16
SEE SHEET LC1.3 FOR TREE MITIGATION CALCULATIONS

"BAY FRIENDLY LANDSCAPE" NOTE:

LANDSCAPING SHALL BE IN COMPLIANCE WITH THE PROVISIONS IN THE ` CITY'S BAY-FRIENDLY WATER EFFICIENT LANDSCAPE ORDINANCE.

PLANTS ARE SPECIFIED WITH LOW WATER REQUIREMENTS TO CONSERVE WATER.

PLANTS WILL BE PLACED TO ALLOW FOR GROWTH TO THEIR NATURAL SHAPE TO MINIMIZE MAINTENANCE.

ROOT BARRIERS SHALL BE INSTALLED ADJACENT TO ALL PAVING WITHIN 10' OF THE CENTER OF THE TREE.

SOILS WILL BE AMENDED PER AN ON SITE SOIL ANALYSIS REQUESTING ORGANIC SOIL AMENDMENTS TO PROMOTE WATER CONSERVATION IN THE SOIL AND PEST CONTROL. REFER TO NOTE THIS SHEET.

ALL PLANTERS WILL RECEIVE A MINIMUM OF 3" OF BARK MULCH TO MAINTAIN SOIL MOISTURE.

PLANTING SHALL PER FERTILIZED AT THE RATE PER THE SOIL ANALYSIS RECOMMENDATION.

100% SOIL AND OR PLANT MATERIAL TO BE RECYCLED.

I HAVE COMPLIED WITH THE CRITERIA OF THE CITY OF HAYWARD BAY-FRIENDLY WATER EFFICIENT LANDSCAPE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE AND IRRIGATION DESIGN.

6-8-22
CA. LIC # 4511

LEGEND

- CHINESE PISTACHE SHADE TREE
- SYCAMORE STREET TREE
- FRUITLESS OLIVE 'SWAN HILL' SCREEN TREE
- WESTERN REDBUD FLW. ACCENT TREE
- CALIFORNIA MYRTLE SCREEN TREE
- BRISBANE BOX SHADE TREE
- LOW SHRUBS/PERENNIAL ACCENTS W/ BARK MULCH
- PROJECT ACCENT PLANTING: FLW. SHRUBS ORNAMENTAL GRASSES AND PERENNIALS BARK MULCH & BOULDER ACCENTS
- PERIMETER PLANTING 3'-8' SHRUBS SOME GROUNDCOVER WITH BARK MULCH
- 5'-10' TALL PLANTING LARGE SHRUBS WITH BARK MULCH
- BIO-SWALE NATIVE SOD IRRIGATED

0 50 100 200 Feet

N

BIO-SWALE NATIVE GRASS TO BE "NATIVE PRESERVATION SOD" AS AVAILABLE FROM DELTA BLUEGRASS CO. OR EQUAL. SOD SHALL BE GROWN IN A SANDY BASE TOPSOIL. IRRIGATION TO BE PROVIDED. SOD SHALL BE LAID WITH A MINIMUM OF 18" OVERLAP BETWEEN ROWS AND SHALL BE LAID HOROZONTAL/PARALLEL TO ANY SLOPE. SOD SHALL BE LAID TIGHT TO HEADER AND OR ADJACENT PAVEMENT. THE MINIMUM DIMENSION OF ANY CUT PIECE SHALL BE 12".

BARK MULCH-ALL PLANTERS NOT DESIGNATED FOR SOD
ORGANIC RECYCLED CHIPPED WOOD MULCH- PLACE 3" MIN. DEPTH
3/4"- 1" DIA. COLOR DARK BROWN, NO VISIBLE CONTAMINANTS
PLACE 3" MIN. DEPTH OF BARK IN ALL PLANT BASINS

Source: HPA, Inc., January 17, 2023.

LANDSCAPING PLAN

FIGURE 3.2-6

3.2.6 Remediation Activities

The project applicant has entered into a voluntary remediation agreement with the Alameda County Department of Environmental Health to address shallow soil, soil gas, and groundwater contamination on-site. Remediation activities would be completed following demolition of the existing industrial buildings but prior to the start of grading and construction activities for the proposed industrial building. The proposed remediation activities are subject to oversight by the Alameda County Department of Environmental Health (ACDEH). All remedial actions, including development and approval of a Media Management Plan, will be reviewed and approved by ACDEH prior to implementation. Based on the known environmental conditions at the proposed Project site, it is likely that remedial activities will include source removal via soil excavation and off-site disposal.[2] Off haul of impacted soil is accounted for as part of the construction and grading activities described below.

3.2.7 Construction

Construction of the project would be completed in one phase over a period of approximately 12 months and is anticipated to start construction in May 2025. During this time, construction activities would occur between 7:00 AM and 7:00 PM Monday through Friday. During project construction, the existing buildings, pavement, landscaping, and improvements on-site would be removed. The existing driveways would be retained during project construction to provide access to the site.

To prepare the site for project construction, existing fill on-site would be removed, requiring excavation to a depth of approximately six feet below ground surface (bgs). Once existing fill is removed, approximately 0.5 to 4.5 feet of engineered fill would be laid where the proposed building would be located to elevate the site to the base flood elevation of 13 feet above mean sea level (amsl).[3] The soil would then be scarified to a depth of approximately eight inches for the proposed building foundation. The project would require excavation to a maximum depth of three feet bgs for the parking lot, four feet bgs for the bioretention areas, and 20 feet bgs for relocation of the existing sanitary sewer line. During construction of the proposed project, approximately 14,987 cubic yards of soil would be exported and 15,700 cubic yards of soil would be imported to the site.[4] No pile driving is proposed to be used during construction.

3.2.8 Green Building Measures

The proposed project would be built to the California Green Building Standards Code (CalGreen) which includes design provisions intended to minimize wasteful energy consumption. In addition,

[2] Farallon Consulting. *Data Gap Investigation Work Plan, Industrial Parkway and Ruus Road Properties 1571, 1581, 1593, and 1617 Industrial Parkway West and 29469 Ruus Road, Hayward, California*. March 31, 2023.
[3] The project site is located within Zone AH where the base flood elevation is 13 feet above mean sea level. Source: Federal Emergency Management Agency (FEMA). *Flood Rate Insurance Map 06001C0427G.* Effective August 3, 2009.
[4] Includes soil exported during remediation activities.

the project would include the following green building measures and design features:

- EV charging infrastructure (consistent with CalGreen Tier 2 standards)
- All electric building construction[5] (exceeding Reach Code Ordinance No. 22-11 requirements)
- Private on-site multi-use paths
- Water efficient landscaping and irrigation system
- Recycled or responsibly sourced building materials, products, and finishes
- Low Volatile Organic Compound (VOC) finishes and coatings
- Heating/Ventilation/Air Conditioning (HVAC) system designed to comply with American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc. (ASHRAE) 62.1-2010 standards
- Implement Indoor Air Quality (IAQ) Management Plan during construction

[5] No natural gas infrastructure or appliances will be installed as part of the proposed project.

Section 4.0 Environmental Setting, Checklist, and Impact Discussion

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.12	Mineral Resources
4.2	Agriculture and Forestry Resources	4.13	Noise
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project's impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.1 refers to the first mitigation measure for the first impact in the Biological Resources section.

4.1 Aesthetics

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Senate Bill 743

Senate Bill (SB) 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically vehicle miles traveled (VMT). SB 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under SB 743, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential or mixed-use residential project, or employment center project, and
- The project is located on an infill site within a transit priority area.

SB 743 also clarifies that local governments retain their ability to regulate a project's aesthetics impacts outside of the CEQA process.

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment.

Local

Hayward 2040 General Plan Policy Document

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to aesthetics and are applicable to the proposed project.

Policy	Description
LU-1.2	The City shall maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies.
LU-6.7	Design Strategies. The City shall encourage developments within the Industrial Technology and Innovation Corridors to incorporate the following design strategies: • Provide attractive on-site landscaping and shade trees along street frontages and within employee and visitor parking lots.

	• Screen areas used for outdoor storage, processing, shipping and receiving, and other industrial operations with a combination of landscaping and decorative fences or walls. • Encourage consistent architectural façade treatments on all sides of building. • Screen roof-top equipment with roof parapets. • Design shipping and receiving areas and driveways to accommodate the turning movements of large trucks. • Develop coordinated and well-designed signage for tenant identification and way-finding. • Incorporate attractive building and site lighting to prevent dark pockets on the site. • Provide pedestrian walkways and connect building entrances to sidewalks. • Use landscaped buffers with trees and attractive sound walls to screen adjacent residential areas and other sensitive uses.
NR-8.3	The City shall protect the visual characteristics of transportation corridors that are officially designated as having unique or outstanding scenic qualities, including portions of I-580, I-880, and SR 92.
NR-8.4	The City shall maintain and implement residential and non-residential design guidelines in order to protect existing views of the Bay shoreline.

City of Hayward Exterior and Parking Lot Lighting Ordinance (Municipal Code Section 10-24.3.2.030)

The City of Hayward's Exterior and Parking Lot lighting ordinance requires outdoor lighting on private property to be designed by a qualified lighting designer and include shielding to reduce light pollution and spill over onto adjacent properties or the public rights-of-way. This policy also requires lighting to be decorative and in keeping with the design of the development.

4.1.1.2 *Existing Conditions*

Existing On-Site Setting

The project site is currently developed with five one-story industrial buildings, surface parking, paved storage areas, and landscaping. The buildings are utilitarian in design with no ornamentation. The buildings are of wood frame construction and have corrugated metal siding and flat metal roofs. The majority of the site surrounding the buildings is paved and used for vehicle, equipment, or material storage. Six-foot-tall chain link fences separate tenant spaces within the site and demark the different parcels that make up the project site. Limited ornamental landscaping is located along the perimeter of individual parcels and buildings, as well as in median islands on either side of a drive aisle that extends from Industrial Parkway West in the south to the northern project boundary in the north. Photos 1 through 4 show views of the existing development on-site.

Existing Surrounding Setting

The site is bounded by industrial uses to the north, Industrial Parkway West and existing industrial uses to the south, existing commercial and residential uses to the west, and existing industrial and residential uses and Ruus Road to the east.

Surrounding industrial development to the north, east, and south of the project site (across Industrial Parkway West) includes one-story wood frame industrial buildings, paved and gravel parking/storage areas and limited landscaping. The industrial buildings in the project vicinity are utilitarian structures with corrugated metal siding and flat or low-pitched roofs. Landscaping is limited and includes ornamental trees and shrubs around the perimeter of sites and buildings.

Commercial uses to the west of the project site include one-story commercial buildings featuring flat roofs, glass storefronts, and stucco siding. Landscaping along Industrial Parkway West consists of mature trees, shrubs, and planter strips.

Surrounding residential development in the project area includes two-story single-family buildings within the Stratford Village neighborhood to the west and one-story mobile homes within the New England Village Mobile Home park to the east, across Ruus Road from the project site. The single-family residences to the west are wood frame buildings with various architectural styles and façade materials including stucco, brick, and wood.

Within the project area, Industrial Parkway West is a four-lane arterial road with a landscaped median island and Ruus Road is a two-lane connector road. Photos 5 through 8 show views of the existing development adjacent to the project site.

Scenic Views and Resources

The City of Hayward has many scenic resources including the hillsides and San Francisco Bay. Hillsides visible from the City include the Diablo Range to the east and Santa Cruz Mountains to the west, across the San Francisco Bay. The project site is relatively flat and is located in an urban area. There are no baylands visible from the project site. Views of the surrounding mountains and hills are currently mostly obscured by existing development and mature trees. However, the tops of the Diablo Range are visible looking east from the project site. Views of the Diablo Range are also available from public viewpoints surrounding the site. As shown in Photo 8, intermittent views of the Diablo Range are currently provided from Welford Circle and Bowhill Road looking east through the project site; however, these views are partially obscured by existing development and landscaping. No natural scenic resources such as rock outcroppings are present on the site or adjacent to the site.

Scenic Corridors

The project site is not located along a State-designated scenic highway. The nearest State-designated scenic highway is I-580 from Estudillo Avenue in San Leandro to SR-24 in Oakland, approximately 8.5-miles north of the project site. The designated scenic and eligible State scenic highways are not visible from the project site. The City's General Plan identifies Gateways where preservation and enhancement of views of the natural and man-made environment are crucial. The nearest Gateway to the project site is at Industrial Parkway Southwest at the City limits, approximately 0.7 miles southwest of the project site.

Photo 1: Existing industrial building at 29469 Ruus Road.

Photo 2: Existing industrial building in northwestern parcel.

Photo 3: Existing industrial buildings at 1571 Industrial Parkway West.

Photo 4: Existing industrial buildings at 1617 Industrial Parkway West.

PHOTOS 3 & 4

Photo 5: Surrounding industrial uses on Ruus Road.

Photo 6: Surrounding commercial uses on Industrial Parkway West.

Photo 7: Surrounding residential uses on Ruus Road.

Photo 8: Surrounding residential uses on Welford Circle.

4.1.2 Impact Discussion

	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?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?[6] If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

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

As noted in Section 4.1.1.2 Existing Conditions, intermittent views of the Diablo Range are currently provided from public viewpoints on surrounding roadways including Ruus Road, Industrial Parkway West, Welford Court, and Bowhill Road; however, views of the hills from these roadways are partially obscured by existing development and mature trees (refer to Photos 7 & 8).

The proposed project would remove the five existing buildings on-site and construct one new 45-foot-tall industrial building in the southern portion of the site oriented to Industrial Parkway West. Implementation of the proposed project would not affect views from Ruus Road and Industrial Parkway West. Removal of the existing buildings would increase views from Bowhill Road looking through the site and reduce views of the Diablo Range looking east from Welford Court compared to existing conditions. Although the proposed project would diminish views of the Diablo Range from Welford Court, these views are currently intermittent and only available for a few seconds as one travels along the roadway before being interrupted by existing residences. Therefore, further disruption of these views resulting from implementation of the proposed project would not result in a substantial adverse effect on scenic vistas compared to existing conditions. **(Less than Significant Impact)**

[6] Public views are those that are experienced from publicly accessible vantage points.

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 project site is not located on a State Designated Scenic Highway. The nearest State Designated Scenic Highway to the project site is I-580, approximately 8.5 miles north of the site. The site is not visible from I-580. The project site is not located within a state scenic highway; therefore, implementation of the project would not damage scenic resources within a State Designated Scenic Highway. **(Less than Significant Impact)**

c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project site is located in an urbanized area. As discussed in Section 4.11 Land Use and Planning, the project would be consistent with the existing Industrial Technology and Innovation Corridor General Plan land use designation and Light Industrial zoning for the site by constructing a 103,406-square-foot industrial building with an FAR of 0.3 and maximum height of 45 feet where a maximum of 0.8 FAR and maximum height of 45 feet is allowed.

The height and character of the proposed project would be similar to the existing adjacent commercial and industrial buildings and would be consistent with the surrounding architectural styles. The project would comply with the Hayward Industrial Design Guidelines by incorporating various building materials and colors in the building elevations including areas of glass, painted concrete and brick. The proposed building would generally be set back 68 feet from Industrial Parkway West and new landscaping would be planted along the perimeter of the building and project site and within the surface parking lot, shielding the proposed building and improving the overall visual appearance of the site. The proposed project would be consistent with the uses planned for the site by the Hayward 2040 General Plan and would be compatible with other buildings in the area. For these reasons, the proposed project would not conflict with applicable zoning or other regulations governing scenic quality. **(Less than Significant Impact)**

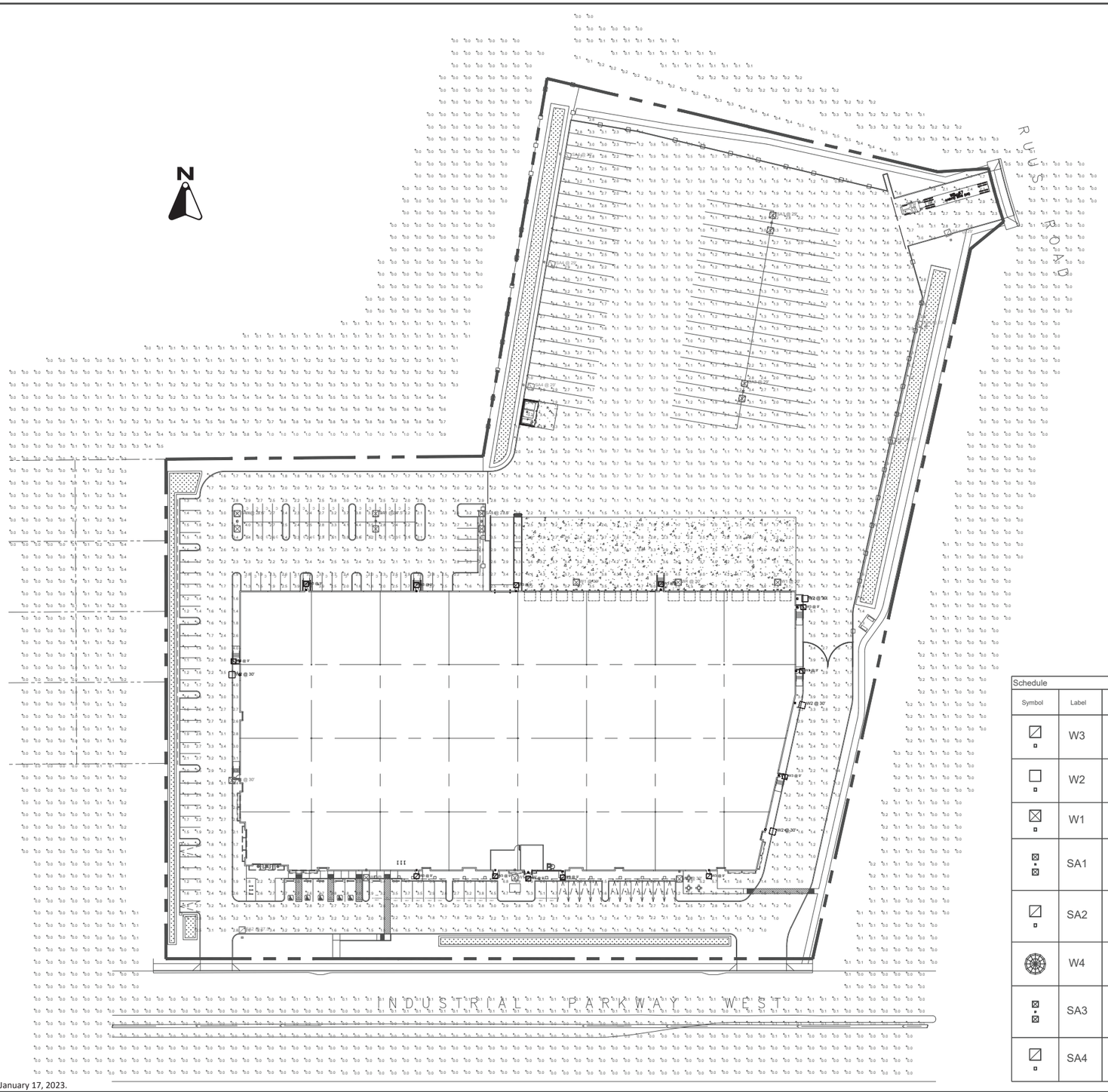
d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The project site is located in an urban area with existing industrial, commercial, and residential development and vehicular traffic. The project site is currently developed with five industrial buildings, surface parking and storage areas, and ornamental landscaping. Existing lighting on-site includes building-mounted security lighting, pole-mounted lights throughout parking and storage areas, and streetlights along Industrial Parkway West and Ruus Road. The existing uses result in

light and glare from on-site lights, streetlights, and vehicle headlights as vehicles enter and exit the project site.

As noted in Section 3.2 Project Description, all proposed lighting would include shielding to reduce light spillover onto adjacent properties, consistent with the City's Exterior and Parking Lot Lighting Ordinance. Furthermore, as shown in Figure 4.1-1, with implementation of the project, lighting levels on the project site would range from 0.0 to 7.9-foot candles with the highest levels of light occurring at the main building entrance (7.9-foot candles) and at the Ruus Road driveway (3.7-footcandles). The passenger vehicle surface parking lot in the northwest corner of the site would be illuminated to approximately 4.1-foot candles. Lighting levels on adjacent properties would range from 0.0 to 0.2-foot candles on the adjacent commercial property to the east, 0.2- to 0.4-foot candles on the adjacent residential properties to the west, and from 0.0 to 1.0-foot candles on industrial property to the northwest.

As shown in Figure 3.2-5, the project would utilize concrete, brick and wood siding materials and would not include large portions of glass siding or other materials that would create glare. Additionally, proposed trees and landscaping along the Industrial Parkway West frontage would partially obscure the building from view of passing vehicles, further reducing potential glare. For the reasons described above, the project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**



Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	2.1 fc	7.9 fc	0.5 fc	15.8:1	4.2:1
Calc Zone #2	+	2.6 fc	3.6 fc	1.7 fc	2.1:1	1.5:1
Calc Zone #3	+	0.1 fc	1.0 fc	0.0 fc	N/A	N/A
Calc Zone #4	+	0.3 fc	0.5 fc	0.1 fc	5.0:1	3.0:1

Schedule

Symbol	Label	QTY	Manufacturer	Catalog Number	Description	Lamp	LLF	Wattage
	W3	13	U.S. ARCHITECTURAL LIGHTING	RZR-WM1-PLED-III-W-20LED-350mA-40K EM1MM511 WALL MT AT 9 FT AFG MM511 BUG RATING B1 U0 G1	CAST BLACK PAINTED FINNED METAL HOUSING.	20 WHITE LIGHT EMITTING DIODES (LEDS), BASE UP.	0.9	21.4
	W2	4	U.S. ARCHITECTURAL LIGHTING	VLL-PLED-III-W-80LED-525mA-40K MM511WALL MT AT 30 FT AFG BUG RATING B3 U0 G3	CAST BLACK PAINTED FINNED METAL HOUSING.	80 WHITE LIGHT EMITTING DIODES (LEDS), BASE UP.	0.9	129.7
	W1	7	U.S. ARCHITECTURAL LIGHTING	VLL-PLED-IV--80LED-700mA-40K MM511 WALL MT AT 30 FT AFG BUG RATING B3 U0 G3	CAST BLACK PAINTED FINNED METAL HOUSING.	80 WHITE LIGHT EMITTING DIODES (LEDS), BASE UP.	0.9	173.5
	SA1	3	U.S. ARCHITECTURAL LIGHTING	VLL-PLED-VSQ-W-80LED-525mA-40K MM511 POLE MT AT 27.5 FT AFG 25 FT POLE 30 IN BASE BUG RATING B5 U0 G3	CAST BLACK PAINTED FINNED METAL HOUSING.	80 WHITE LIGHT EMITTING DIODES (LEDS), BASE UP.	0.9	259.4
	SA2	1	U.S. ARCHITECTURAL LIGHTING	VLL-PLED-IV-80LED-700mA-40K-HS MM511 POLE MT AT 27.5 FT AFG 25 FT POLE 30 IN BASE BUG RATING B1 U0 G3	CAST BLACK PAINTED FINNED METAL HOUSING.	80 WHITE LIGHT EMITTING DIODES (LEDS), BASE UP.	0.9	173.5
	W4	3	PRESCOLITE	LC6SLEM 6LCSL 14 L EM	6 INCH LBR DOWNLIGHT 1400LM 4000K		0.9	18
	SA3	2	U.S. ARCHITECTURAL LIGHTING	VLL-PLED-VSQ-W-80LED-525mA-40K MM5611 POLE MT AT 29 FT AFG 25 FT POLE 4 FT BASE BUG RATING B5 U0 G3	CAST BLACK PAINTED FINNED METAL HOUSING.	80 WHITE LIGHT EMITTING DIODES (LEDS), BASE UP.	0.9	259.4
	SA4	6	U.S. ARCHITECTURAL LIGHTING	VLL-PLED-IV-80LED-700mA-40K-HS MM511 POLE MT AT 29 FT AFG 25 FT POLE 4 FT BASE BUG RATING B1 U0 G3	CAST BLACK PAINTED FINNED METAL HOUSING.	80 WHITE LIGHT EMITTING DIODES (LEDS), BASE UP.	0.9	173.5

Source: HPA, Inc., January 17, 2023.

PROPOSED LIGHTING PLAN

FIGURE 4.1-1

4.2 Agriculture and Forestry Resources

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is identified as Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.[7]

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.[8]

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[9] Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.[10]

[7] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed March 13, 2023. http://frap.fire.ca.gov/.
[8] California Department of Conservation. "Williamson Act." http://www.conservation.ca.gov/dlrp/lca.
[9] Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).
[10] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed March 13, 2023. http://frap.fire.ca.gov/.

4.2.1.2 *Existing Conditions*

The Alameda County Important Farmland 2018 Map designates the project site as Urban and Built-Up land.[11] Urban Built-Up Land is defined as land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. The site is currently developed with five one-story industrial buildings, paved surface parking and storage areas, and landscaping. There is no forest land located on or adjacent to the project site and the site is not subject to a Williamson Act contract.

4.2.2 Impact Discussion

	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 the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

[11] California Department of Conservation. "California Important Farmland Finder." 2022. https://maps.conservation.ca.gov/DLRP/CIFF/

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The project site is not used for agricultural purposes. The site is not designated by the California Department of Conservation, Farmland Mapping and Monitoring Program as farmland of any type. For these reasons, the project would not result in impacts to agricultural resources. **(No Impact)**

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The project site is zoned Light Industrial and is not subject to a Williamson Act contract. For this reason, the proposed project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract. **(No Impact)**

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

The project site is zoned Light Industrial and does not contain forest land or timberland. For this reason, the proposed project would not result in a conflict with or cause rezoning of forest land or timberland. **(No Impact)**

d) Would the project result in a loss of forest land or conversion of forest land to non-forest use?

Neither the project site, nor any of the properties adjacent to the project site or in the vicinity, are used for forest land or timberland. The proposed project would, therefore, not impact forest land or timberland. **(No Impact)**

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?

According to the Alameda County Important Farmland 2018 map, the project site and surrounding area are designated as Urban Built-Up land. There is no designated farm or forest land on the project site or in the surrounding area. For these reasons, the project would not result in conversion of farmland to non-agricultural uses or conversion of forest land to non-forest uses, and there would be no impact to agricultural or forest resources. **(No Impact)**

4.3 Air Quality

The discussion in this section is based, in part, on the results of a Health Risk Assessment prepared by Illingworth & Rodkin, Inc., in May 2023. The Health Risk Assessment report is included as Appendix A to this Initial Study.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O_3), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead. Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.3-1: Health Effects of Air Pollutants

Pollutants	Source	Primary Effects
Ozone (O_3)	Atmospheric reaction of organic gases and nitrogen oxides in sunlight	Aggravation of respiratory and cardiovascular diseases Irritation of eyes Cardiopulmonary function impairment
Nitrogen Dioxide (NO_x)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	Aggravation of respiratory illness Reduced visibility
Fine Particulate Matter ($PM_{2.5}$) and Coarse Particulate Matter (PM_{10})	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	Reduced lung function, especially in children Aggravation of respiratory and cardiorespiratory diseases Increased cough and chest discomfort Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	Cancer Chronic eye, lung, or skin irritation Neurological and reproductive disorders

High O_3 levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_X. These precursor pollutants react under certain meteorological conditions to form high O_3 levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to

reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of diesel particulate matter (DPM) emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury). Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O_3, CO, SO_x, NO_x, and lead.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in additional to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NOX.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Community Air Risk Evaluation Program

Under the Community Air Risk Evaluation (CARE) program, BAAQMD has identified areas with high TAC emissions, and sensitive populations that could be affected by them, and uses this information to establish policies and programs to reduce TAC emissions and exposures. Impacted communities identified to date are located in Concord, Richmond/San Pablo, San José, eastern San Francisco, western Alameda County, Vallejo, San Rafael, and Pittsburg/Antioch. The project site is within a BAAQMD CARE area. The main objectives of the program are to:

- Evaluate health risks associated with exposure to TACs from stationary and mobile sources;
- Assess potential exposures to sensitive receptors and identify impacted communities;
- Prioritize TAC reduction measures for significant sources in impacted communities; and
- Develop and implement mitigation measures to improve air quality in impacted communities.

Local

Hayward 2040 General Plan Policy Document

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to air quality and are applicable to the proposed project.

Policy	Description
NR-2.1	Ambient Air Quality Standards. The City shall work with the California Air Resources Board and the Bay Area Air Quality Management District to meet State and Federal ambient air quality standards in order to protect all residents from the health effects of air pollution.
NR-2.2	New Development. The City shall review proposed development applications to ensure projects incorporate feasible measures that reduce construction and operational emissions for reactive organic gases (ROG), nitrogen oxides (NO_x), and particulate matter (PM_{10} and $PM_{2.5}$) through project location and design.
NR-2.3	Emissions Reduction. The City shall require development projects that exceed Bay Area Air Quality Management District reactive organic gas (ROG), nitrogen oxide (NO_x) operational thresholds to incorporate design or operational features that reduce emissions equal to at least 15 percent below the level that would be produced by an unmitigated project.
NR-2.15	Community Risk Reduction Strategy. The City shall maintain and implement the General Plan as Hayward's community risk reduction strategy to reduce health risks associated with toxic air contaminants (TACs) and fine particulate matter ($PM_{2.5}$) in both existing and new development.
NR-2.16	Sensitive Uses. The City shall minimize exposure of sensitive receptors to toxic air contaminants (TAC), fine particulate matter ($PM_{2.5}$), and odors to the extent possible, and consider distance, orientation, and wind direction when siting sensitive land uses in proximity to TAC- and PM2.5-emitting sources and odor sources in order to minimize health risk.
NR-2.19	Exposure Reduction Measures for both Existing and New Receptors. The City shall work with area businesses, residents and partnering organizations to provide information about best management practices that can be implemented on a voluntary basis to reduce exposure of sensitive receptors to toxic air contaminants (TAC) and fine particulate matter ($PM_{2.5}$).

4.3.1.3 *Existing Conditions*

The Bay Area is considered a non-attainment area for ground-level O_3 and $PM_{2.5}$ under both the federal Clean Air Act and state Clean Air Act. The area is also considered non-attainment for PM_{10} under the state act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O_3 and PM_{10}, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O_3 precursor pollutants (ROG and NO_X), PM_{10}, and $PM_{2.5}$, and apply to both construction period and operational period impacts.

The nearest sensitive receptors are the residences on Welford Circle, adjacent to the west of the project site. Additional sensitive receptors are located at the New England Village Mobile Home Park, approximately 62 feet east of the project site on Ruus Road.

4.3.2 Impact Discussion

	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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Note: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the determinations.

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

The BAAQMD CEQA Air Quality Guidelines set forth criteria for determining consistency with the 2017 CAP. In general, a project is considered consistent if, a) the plan supports the primary goals of the 2017 CAP; b) it includes relevant control measures; and c) it does not interfere with implementation of 2017 CAP control measures. The project's consistency with the Bay Area 2017 CAP is summarized in Table 4.3-2, below.

Table 4.3-2: Applicable Control Measures

Control Measure	Project Consistency with Measure Intent
Energy Measures	
EN2 - Decrease Electricity Demand: Work with local governments to adopt additional energy-efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	The project would be designed to comply with the City's Energy Code and the most recent CALGreen requirements. Additionally, the project would include all electric building construction and on-site electric vehicle charging infrastructure. For these reasons, the project would be consistent with this measure.
Building Measures	
BL1 - Green Buildings: Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the California Green Building Standards Code (CalGreen; Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	As noted above, the project would be designed to comply with the City's Energy Code, the most recent CALGreen requirements, and exceed the City's Reach Code requirements by including all electric building construction. For these reasons, the project would be consistent with this measure.
BL2 - Decarbonize Buildings: Explore potential Air District rulemaking options regarding the sale of fossil fuel-based space and water heating systems for both residential and commercial use. Explore incentives for property owners to replace their furnace, water heater or natural-gas powered appliances with zero-carbon alternatives. Update Air District guidance documents to recommend that commercial and multi-family developments install ground source heat pumps and solar hot water heaters.	As noted above, the project would be designed to comply with the City's Energy Code, the most recent CalGreen requirements, and exceed the City's Reach Code requirements by including all electric building construction. Additionally, the project would include on-site electric vehicle charging infrastructure to reduce fossil fuel use. For these reasons, the project would be consistent with this measure.
BL4 - Urban Heat Island Mitigation: Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/roofing upgrades for commercial and residential multifamily housing.	The proposed surface parking lots would be landscaped and include landscaped bio retention areas to reduce the urban heat island effect. Therefore, the project is consistent with this control measure.
Natural and Working Lands Measures	
NW2 - Urban Tree Planting: Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, BAAQMD's technical guidance, best management practices for local plans, and CEQA review.	A total of 49 trees on-site would be removed as a part of the project. The project would be required to comply with the City's tree replacement policy which would result in 66 replacement trees being planted. Therefore, the project is consistent with this measure.

Control Measure	Project Consistency with Measure Intent
Waste Management	
WA3 - Green Waste Diversion: Develop model policies to facilitate local adoption of ordinances and programs to reduce the amount of green waste going to landfills.	Organics waste generated in the City is sorted at the Davis Street Complex before being brought to the Redwood Recycling Center in Marin County where it is composted to prevent this waste from being deposited at landfills. The project would be served by the City's solid waste collection service. Therefore, the project is consistent with this control measure.
WA4 - Recycling and Waste Reduction: Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The project would comply with local requirements for waste management (e.g., recycling and composting services), including Municipal Code Chapter 5 Article 10, Construction and Demolition Debris Waste Reduction and Recycling Requirements, which would divert demolition and construction debris from landfills, and process and return the materials into the economic mainstream, thereby conserving natural resources and stimulating markets for recycled and salvaged materials. Therefore, the project would be consistent with the Waste Management Control Measures of the Clean Air Plan.
Water Measures	
WR2 - Support Water Conservation: Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project would be required to comply with the latest CALGreen standards, which includes a variety of different measures, including reduction of wastewater and water use. In addition, the proposed project would be required to comply with the California Model Water Efficient Landscape Ordinance, which would reduce outdoor water use. Therefore, the proposed project would not conflict with any water conservation and efficiency measures.

The project is consistent with the planned growth in the General Plan and the applicable control measures identified above. Therefore, the proposed project would not result in a significant impact related to consistency with the Bay Area 2017 CAP.

Regional Criteria Pollutant Emissions

The California Emissions Estimator Model (CalEEMod) Version 2020.4.0 was used to estimate emissions from project construction and operations. The project land use types, size, and anticipated construction schedule were inputted into CalEEMod (refer to Appendix A for details regarding assumptions and CalEEMod inputs).

Construction Period Emissions

Construction emissions would be generated primarily by operation of construction equipment and vehicles on-site and on area roadways. The project construction schedule and equipment usage assume the project would take 12 months to construct. Table 4.3-3 shows average daily

construction emissions of ROG, NO_x, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project.

Table 4.3-3: Construction Period Emissions

Year	ROG	NO_x	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Total Construction Emissions (tons)	0.58	0.61	0.02	0.02
Average Daily Emissions (pounds)[1]	4.93	5.13	0.15	0.14
BAAQMD Thresholds (pounds per day)	*54*	*54*	*82*	*54*
Exceeds Threshold?	**No**	**No**	**No**	**No**

[1] Assumes 237 construction workdays
Source: Appendix A

As shown in Table 4.3-3, criteria pollutant emissions generated by project construction would not exceed the respective BAAQMD significance thresholds and, therefore, impacts would be less than significant.

Operational Emissions

Operational period criteria pollutant emissions associated with the project would be generated primarily from truck trips and operation of the proposed diesel emergency backup generator. The earliest the project would be constructed and operational would be 2026. Any emissions associated with buildout later than 2026 would be lower due to assumed efficiencies over time.

The BAAQMD CEQA Guidelines include screening criteria to provide lead agencies and project applicants with a conservative indication of whether a project would result in a potentially significant air quality impact. If a project proposes less development than the screening criteria, it can be conservatively assumed the project would not result in a significant air quality impact. The screening criteria for warehouse uses is 1.42 million square feet. The proposed project includes construction of a 103,406-square-foot warehouse building, which is below the BAAQMD's screening criteria and would, therefore, result in less than significant operational air quality emissions.[12]

The project, therefore, would not result in a significant increase of regional criteria pollutants and would not conflict with or obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

[12] This analysis was initiated prior to BAAQMD's release of updated screening for criteria air pollutants and precursors on April 20, 2023, and therefore, adheres to the prior screening criteria established in the 2017 BAAQMD CEQA Air Quality Guidelines. Nonetheless, operational criteria pollutant emissions associated with the proposed project were estimated using CalEEMod and found to be 0.77 tons per year for ROG, 3.80 tons per year for NOx, 0.68 tons per year for PM_{10}, and 0.19 tons per year for $PM_{2.5}$, which is below the BAAQMD thresholds of10, 10, 15, and 10 tons per year, respectively. Source: Illingworth & Rodkin, Inc. *Centerpoint Industrial Project Health Risk Assessment, Hayward, California.* May 25, 2023. Attachment 1.

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?

Per the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in non-attainment of ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed above, the proposed project would not, by itself, result in any air pollutant emissions exceeding BAAQMD's significance thresholds. As a result, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. **(Less than Significant Impact)**

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

Fugitive Dust Emissions

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less-than-significant if best management practices are implemented to reduce these emissions.

Standard Condition of Approval: The project would implement the following measures, consistent with the Bay Area Air Quality Management District (BAAQMD) Basic Construction Mitigation Measures to control dust and exhaust during construction.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt tracked-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.
- 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 City of Hayward 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.

With implementation of the above Standard Condition of Approval, construction dust emissions associated with the proposed project would be less than significant. **(Less than Significant Impact)**

Community Health Risks

The project would introduce new sources of TACs during construction and operation that would affect nearby sensitive receptors. Sensitive receptors in the project vicinity include existing residences to the west and east across Ruus Road from the project site. Project construction activities would generate dust and equipment exhaust while project operation would generate traffic consisting of mostly light-duty gasoline-powered vehicles. Additionally, during project operation, the project would include a 102-horsepower diesel-powered emergency generator located within the pump room of the building and generate approximately 233 average daily truck trips.[13] [14]

Community health risk impacts were addressed by predicting increased cancer risk, the increase in annual $PM_{2.5}$ concentrations, and computing the Hazard Index for non-cancer health risks. The maximally exposed individual (MEI) for construction cancer risk was determined to be located on the first floor of the single-family residence to the west of the project site, and the MEI for $PM^{2.5}$ concentrations was determined to be located at another residence to the east of the project site. The project health risk impacts are summarized in Table 4.3-4. Figure 4.3-1 shows the location of the project MEIs.

[13] Appendix F, Transportation Analysis.

[14] Because this project is being developed without a specific tenant, the transportation analysis for the project applied an ITE code (High-Cube Fulfillment Center) that estimates a relatively high number of potential passenger and truck trips. As such, the trip generation disclosed in the transportation analysis represents a conservative estimate of the maximum daily traffic volumes and the project may actually generate fewer trips depending on the specific operations of the eventual tenant for the project.

Table 4.3-4: Construction and Operational Health Risk Impacts at the Off-Site MEI

Source	Cancer Risk (per million)	Annual PM2.5 ($\mu g/m^3$)	Hazard Index
Project Construction (years 0-1)	1.12 (infant)	0.02	<0.01
Project Operation, Generator (Years 1-30)	0.4 (infant)	<0.01	<0.01
Project Operation, Traffic (Years 1-30)	2.74 (infant)	<0.01	<0.01
Total/Maximum Project Impact (Years 0-30)	4.3	0.02	<0.01
BAAQMD Threshold	*10*	*0.3*	*1.0*
Exceed Threshold?	**No**	**No**	**No**
Source: Appendix A			

As shown in Table 4.3-4, the maximum cancer risks, annual $PM_{2.5}$ concentration, and non-cancer hazards generated by the project (construction and operational activities) at the MEIs would not exceed the BAAQMD single-source thresholds. For these reasons, the project would result in a less than significant impact regarding exposure of sensitive receptors to substantial pollutant concentrations.

Criteria Pollutant Emissions

In a 2018 decision (*Sierra Club v. County of Fresno*), the state Supreme Court determined CEQA requires that when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute a cumulatively considerable contribution to a significant cumulative regional criteria pollutant impact, the potential for the project's emissions to affect human health in the air basin must be disclosed. State and federal ambient air quality standards are health-based standards, and exceedances of those standards result in continued unhealthy levels of air pollutants. As stated in the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in non-attainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect. The project would not exceed the screening size for criteria pollutant emissions and, therefore, would have no adverse health effect.

For the reasons discussed above, the proposed project would not expose sensitive receptors to substantial pollutant concentrations during construction or operations. **(Less than Significant Impact)**

Source: Illingworth & Rodkin, Inc., May 25, 2023.

LOCATION OF TAC SOURCES AND OFF-SITE SENSITIVE RECEPTORS | FIGURE 4.3-1

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

Odors are generally considered an annoyance rather than a health hazard. Land uses that have the potential to be sources of odors that generate complaints include, but are not limited to, wastewater treatment plants, landfills, composting operations, and food manufacturing facilities.

The project would replace five existing industrial buildings with one new warehouse building. Construction of the proposed project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. Odors from these emissions would be noticeable from time to time by adjacent receptors; however, diesel exhaust has highly diffusive properties, and the odors would be localized and temporary. During operations, the proposed warehouse project would not generate objectionable odors. Furthermore, in accordance with Section 10-1.1607 (d) of the Hayward Municipal Code, all industrial uses are prohibited from operating in a manner that emits excessive odor. The project would replace existing industrial operations with one warehouse building that would be subject to the odor requirements of the City's Municipal Code and, therefore, this impact would be less than significant. **(Less than Significant Impact)**

4.4 Biological Resources

The discussion in this section is based, in part, on the results of an Arborist Report prepared by HortScience/Bartlett Consulting in December 2022 and a Biological Resources Report prepared by WRA in April 2023. These reports are included as Appendix B to this Initial Study.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" these species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Sections 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. This includes direct and indirect acts, except for harassment and habitat modification, which are not included unless they result in direct loss of birds, nests, or eggs. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to

regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Regional and Local

Hayward 2040 General Plan

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to biological resources and are applicable to the proposed project.

Policy	Description
M-3.11	Adequate Street Tree Canopy. The City shall ensure that all new roadway projects and major reconstruction projects provide for the development of an adequate street tree canopy.
HQL-8.1	Manage and Enhance Urban Forest. The City shall manage and enhance the urban forest by planting new trees, ensuring that new developments have sufficient right-of-way width for tree plantings, managing and caring for all publicly owned trees, and working to retain healthy trees.
HQL-8.2	Urban Forest Management Plan. The City shall maintain and implement an Urban Forest Management Plan.
HQL-8.3	Trees of Significance. The City shall require the retention of trees of significance (such as heritage trees) by promoting stewardship and ensuring that project design provides for the retention of these trees wherever possible. Where tree removal cannot be avoided, the City shall require tree replacement or suitable mitigation.
NR-1.1	The City shall limit or avoid new development that encroaches into important native wildlife habitats; limits the range of listed or protected species; or creates barriers that cut off access to food, water, or shelter of listed or protected species.
NR-1.2	The City shall protect sensitive biological resources, including State and federally designated sensitive, rare, threatened, and endangered plant, fish, and wildlife species and their habitats from urban development and incompatible land uses.
NR-1.7	The City shall encourage protection of mature, native tree species to the maximum extent practicable, to support the local eco-system, provide shade, create windbreaks, and enhance the aesthetics of new or existing development.

Hayward Tree Preservation Ordinance

The Hayward Tree Preservation Ordinance (Article 10.15 of the HMC) is intended to protect and preserve significant trees and control the re-shaping, removal, or relocation of those trees. Protected Trees are defined as any of the following: 1) trees that have a minimum trunk diameter of eight inches measured 54 inches above the ground; 2) street trees or other required trees such as

those required as a condition of approval, Use Permit, or other Zoning requirement, regardless of size; 3) all memorial trees dedicated by an entity recognized by the City, and all specimen trees that define a neighborhood or community; 4) specific native tree species that have reached a minimum of four inches diameter trunk size; and 5) a trees of any size planted as a replacement for a Protected Tree.

4.4.1.2 *Existing Conditions*

The project site is currently developed with five existing industrial buildings, paved surface parking and vehicle/equipment storage areas, and limited ornamental landscaping along the perimeter of the parcels and buildings. A reconnaissance survey of the 7.4-acre project site was completed in March 2023.[15] No waterways, riparian corridors, or other sensitive habitats were identified on-site. The nearest waterway to the project site is Ward Creek, located approximately 650 feet south of the project site. The nearest wildlife corridor to the project site is the Diablo Range, located approximately 1.6 miles east of the project site. No special status plant or wildlife species were observed on-site during the reconnaissance survey. However, the site does have low potential to provide roosting habitat for Townsend's western big-eared bat and pallid bat, and nesting habitat for songbirds.[16] The existing building at 29469 Ruus Road was recently vacant[17] and could have provided roosting habitat for special status bats. In addition, the large palm and pine trees on-site could provide roosting habitat for special status bats and nesting birds. No evidence of historic or current bat occupancy and no active nests were identified during the reconnaissance survey. Although the existing building at 29469 Ruus Road and large trees on-site could provide roosting habitat for both bat species and the trees could provide nesting habitat for birds, due to the active occupation and continual human disturbance at the buildings on-site and in the project vicinity, the habitat suitability for these species would be low.[18]

There are 57 existing trees on-site, including 54 trees that are considered protected trees per the City's Tree Preservation Ordinance. The species of the existing trees are summarized below in Table 4.4-1.

Table 4.4-1: Summary of On-Site Trees

Species	Number of Trees	Number of Protected Trees
Marina madrone (Arbutus 'Marina')	7	6
Carob (Ceratonia siliqua)	4	4
Hollywood juniper (Juniperus chinensis 'Kaizuka')	10	10

[15] WRA. Biological Report for the CenterPoint Industrial Project in the City of Hayward, Alameda County, California. April 5, 2023.
[16] Ibid. Page 7
[17] Since completion of the Biological Resources Report for this project, the building at 29469 Ruus Road has been occupied and is no longer vacant. Due to the active occupation of this building, it no longer has potential to provide roosting habitat for special status bats.
[18] WRA. Biological Report for the CenterPoint Industrial Project in the City of Hayward, Alameda County, California. April 5, 2023.

Species	Number of Trees	Number of Protected Trees
Cajeput paperbark (Melaleuca quinquenervia)	6	6
Canary Island pine (Pinus canariensis)	13	13
Victoria box (Pittosporum undulatum)	1	0
California pepper (Schinus molle)	2	2
Brazilian pepper (Schinus terebinthifolius)	1	1
Queen palm (Syagrus romanzoffianum)	5	4
Mexican Fan Palm (Washingtonia robusta)	8	8

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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, impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐

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

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 CDFW or USFWS?

As discussed in Section 4.4.1.2 Existing Conditions above, the project site is currently developed and has low potential to provide roosting habitat for Townsend's big-eared bat and pallid bats. There are no known candidate, sensitive, or special status species present on the project site.[19] Therefore, the proposed project would not have any effect, directly or indirectly, on Townsend's big-eared bat or pallid bats.

The mature trees on and adjacent to the project site could, however, provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800.

Construction of the project during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact. The project would implement the following Conditions of Approval, consistent with the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Sections 3503, 3503.5, and 3800.

Standard Condition of Approval: The project shall implement the following standard conditions to ensure impacts to raptors and nesting birds are less than significant:

- Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist or ornithologist no more than 14 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary.

[19] WRA. Biological Report for the Centerpoint Industrial Project in the City of Hayward, Alameda County, California. April 5, 2023.

- If an active nest is found in an area that would be disturbed by construction, the biologist or ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest. The buffer would ensure that the nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.

- The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Development Services, prior to the removal of any trees and issuance of a grading permit or demolition permit.

With implementation of the above Standard Condition of Approval, the project would conform to State and federal law protecting nesting birds and would result in less than significant impacts to candidate, sensitive, or special status species. **(Less than Significant Impact)**

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, regulations, or by the CDFW or USFWS?

The project site is located in a developed, urban area of Hayward. There are no riparian habitats or other sensitive habitat areas on or adjacent to the project site.[20] The nearest waterway is Ward Creek, approximately 650 feet south of the project site. Therefore, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(No Impact)**

c) Would the project have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means?

There are no federally protected wetlands on or adjacent to the project site.[21] Therefore, the project would not result in impacts to such 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 surrounded by developed, urban land uses. The project site is not part of an established native or migratory wildlife corridor or nursery site. The nearest wildlife corridor to the project site is the Diablo Range. Impacts to migratory birds are discussed under checklist question a,

[20] WRA. Biological Report for the CenterPoint Industrial Project in the City of Hayward, Alameda County, California. April 5, 2023.
[21] Ibid.

above. Therefore, the project would not interfere substantially with the movement of any native resident or migratory wildlife species. **(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 project would remove 49 existing trees on-site, including 48 protected trees. The project would plant 66 new trees, resulting in a net increase of 17 trees on-site. Pursuant to the Hayward Tree Preservation Ordinance, the project would be required to obtain a Tree Removal Permit prior to project demolition and would be required to replace each Protected Tree with trees equal in size and species or value. Out of the proposed 66 new trees, the project would include 12 new street trees along Industrial Parkway West. The project would comply with the Hayward Tree Preservation Ordinance. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources. **(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?

The project site is not located within a Habitat Conservation Plan or Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would not result in a conflict with such a plan. **(No Impact)**

4.5 Cultural Resources

The following discussion is based upon a Literature Search prepared by Archaeological/Historic Consultants, Inc. in May 2023. A copy of the Literature Search, which is a confidential report, is on file at the City of Hayward Department of Development Services and is available upon request with appropriate credentials.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

The NRHP is the nation's master inventory of historic resources that are considered significant at the national, state, or local level. The minimum criteria for determining NRHP eligibility include:

- The property is at least 50 years old (properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
- It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
- It possesses at least one of the following characteristics:
    - Association with events that have made a significant contribution to the broad patterns of history;
    - Association with the lives of persons significant in the past;
    - Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction; or
    - Has yielded, or may yield, information important to prehistory or history.

Code of Federal Regulations Title 36, Part 800.5(a)

CFR Title 36, Part 800.5(a) describes procedures for evaluating a project's adverse effects on cultural resources for federal undertakings. An adverse effect is found when a federal undertaking

may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Examples of adverse effects are provided in CFR Title 36, Part 800.5(a)(2) and include, but are not limited to, the following:

- Physical destruction of or damage to all or part of the property;
- Alteration of a property—including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access—that is not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR Part 68) and applicable guidelines;
- Removal of the property from its historic location;
- Change of the character of the property's use, or of physical features within the property's setting, that contribute to its historic significance;
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features;
- Neglect of a property that causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to a Native American tribe or native Hawaiian organization; and
- Transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as "the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity

that are used to evaluate a resource's eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

Senate Bill 18

The intent of SB 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Hayward 2040 General Plan

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to cultural resources and are applicable to the proposed project.

Policy	Description
LU-8.1	Value of Historic Preservation. The City shall recognize the value and co-benefits of local historic preservation, including job creation, economic development, increased property values, and heritage tourism.

Policy	Description
LU-8.2	Local Preservation Programs. The City shall strive to enhance its local historic preservation programs to qualify for additional preservation grants and financing programs.
LU-8.3	Historic Preservation Ordinance. The City shall maintain and implement its Historic Preservation Ordinance to safeguard the heritage of the city and to preserve historic resources.
LU-8.4	Survey and Historic Reports. The City shall maintain and expand its records of reconnaissance surveys, evaluations, and historic reports completed for properties located within the city.
LU-8.5	Flexible Land Use Standards. The City shall maintain flexible land use standards to allow the adaptive reuse of historic buildings with a variety of economically viable uses, while minimizing impacts to the historic value and character of sites and structures.
LU-8.6	Historic Preservation Standards and Guidelines. The City shall consider The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings when evaluating development applications and City projects involving historic resources, or development applications that may affect scenic view or historic context of nearby historic resources.

Hayward Historic Preservation Ordinance

The City's Historic Preservation Ordinance (Article 10.11 of the HMC) is intended to identify, protect, and enhance historical resources, archaeological sites, and other cultural resources within the City. The Historic Preservation Ordinance sets forth conditions of approval required for projects that may impact historic or archaeological resources.

4.5.1.2 *Existing Conditions*

Pre-Historic Uses of the Site

Native Americans inhabited the area that is now the City of Hayward and are believed to have had a major village site along San Lorenzo Creek approximately five miles north of the project site.[22] According to an archaeological literature search completed for the proposed project, there are no previously recorded archaeological resources within the project site or a 0.25-mile radius of the project site.[23] The project has low sensitivity for archaeological resources.[24]

Historic Uses of the Site

During the Mexican period, the project site and surrounding area was part of Rancho Arroyo de la Alameda which extended from Alameda Creek to the south and southwest to Mount Eden. By 1878, after California became a State, the area was labeled Eden Township. The project site and surrounding area was used for agricultural purposes from the 1800s to the mid-twentieth century when industrial uses were developed. By 1965, the eastern portion of the site was used for truck trailer storage and a few structures were constructed on-site between 1968 and 1975. The

[22] City of Hayward. *Public Review Draft Background Report.* January 2014. Page 1-30.
[23] Archaeological/Historical Consultants. *Archaeological Sensitivity Assessment, Centerpoint Industrial Park.* May 2023.
[24] Ibid.

remaining industrial buildings present on-site today were constructed in the 1980s and 1990s. Due to the previous agricultural use of the site (which is not typically associated with buried historic archaeological deposits) and relatively recent development of the site with industrial uses, the project site was found to have low sensitivity for buried historic-era archaeological resources.[25]

4.5.2 Impact Discussion

	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 CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

The existing industrial buildings on-site are not listed as a historic resource on the NRHP[26] or CRHR[27] and are not considered historic resources by the City of Hayward.[28] As discussed in Section 4.5.1.2 Existing Conditions above, several of the existing industrial buildings in the eastern portion of the site were constructed between 1968 and 1975. Although these buildings are over 50 years old, they are not known to be associated with a significant historical event or person and do not embody characteristics of a significant architectural type. There are no historic resources adjacent to the project site. For these reasons, the project would not cause a substantial adverse change in the significance of a historical resource. **(Less than Significant Impact)**

[25] Ibid.
[26] National Park Service. "National Register of Historic Places, National Register Database and Research." Accessed March 16, 2023. https://www.nps.gov/subjects/nationalregister/database-research.htm#table
[27] California Office of Historic Preservation. "California Historical Resources." Accessed March 16, 2023. https://ohp.parks.ca.gov/ListedResources/?view=county&criteria=1
[28] City of Hayward. "Hayward Web Map." Accessed March 16, 2023. https://webmap.hayward-ca.gov/

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

The project site is not located in an archaeologically sensitive area and there are no recorded archaeological resources on-site. However, project-related grading during construction could result in discovery of previously unrecorded resources. In the event that unrecorded archaeological resources are discovered during project construction, the project would be required to implement the following Standard Conditions of Approval, consistent with Public Resources Code Sections 5097 and 5097.98.

Standard Conditions of Approval: The project will be required to implement the following conditions to ensure potential impacts to archaeological resources are less than significant:

- If evidence of an archaeological site or other suspected cultural resources as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City's Planning Manager shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City's Planning Manager shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the qualified archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.

- If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City's Planning Manager prior to issuance of certificate of occupancy. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/ curation of the resources.

With implementation of the above Standard Conditions of Approval, any impacts to unrecorded archaeological resources would be less than significant. **(Less than Significant Impact)**

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

As described above, there are no recorded archaeological resources, including human remains, on-site. In the unlikely event human remains are unearthed during project construction, the project

would be required to implement the following Standard Conditions of Approval, pursuant to the City's Historic Preservation Ordinance and Public Resources Code Sections 5097 and 5097.98.

Standard Condition of Approval: The project will be required to implement the following condition to ensure potential impacts to buried human remains are less than significant:

- If human remains are discovered during project construction, all ground disturbing activity within 100 feet of the remains shall be halted and the City's Planning Manager and the Alameda County Coroner shall be notified immediately, in accordance with Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Hayward shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Hayward, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

With implementation of the above Standard Condition of Approval, any potential impacts to unrecorded human remains would be less than significant. **(Less than Significant Impact)**

4.6 Energy

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO-S-14-08 was signed into law, requiring retail sellers of electricity to serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 To Achieve Carbon Neutrality, setting a statewide goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter." The executive order requires CARB to "ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal." EO-B-55-18 supplements EO-S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO_2 from the atmosphere through sequestration.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars II program in 2022 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2026 through 2035. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[29]

Regional and Local

Hayward 2040 General Plan

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to energy and are applicable to the proposed project.

Policy	Description
NR-4.1	Energy Efficient Measures. The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment.
NR-4.3	Efficient Construction and Development Practices. The City shall encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources throughout the lifecycle of a structure.
NR-4.6	Renewable Energy. 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).
NR-4.11	Green Building Standards. The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of meeting or exceeding the State's zero net energy goals by 2020.
NR-6.15	Native Vegetation Planting. The City shall encourage private property owners to plant native or drought-tolerant vegetation in order to preserve the visual character of the area and reduce the need for toxic sprays and groundwater supplements.

[29] California Air Resources Board. "Advanced Clean Cars II." Accessed May 26, 2023. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii.

Policy	Description
NR-6.16	Landscape Ordinance Compliance. The City shall continue to implement the BayFriendly Water Efficient Landscape Ordinance.

Hayward Climate Action Plan

In July 2009, Hayward City Council adopted the Hayward Climate Action Plan. In 2014, the climate action plan was incorporated into the City's General Plan. The General Plan contains policies and implementation programs that serve as the actions to reduce greenhouse gas emissions. The overall objectives of these policies and implementation programs are to reduce Hayward's greenhouse gas 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.

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,359.4 trillion British thermal units (Btu) in the year 2021, the most recent year for which this data is available.[30] Out of the 50 states, California is ranked second in total energy consumption and 47th in energy consumption per capita. The breakdown by sector was approximately 20.0 percent (1,473.2 trillion Btu) for residential uses, 19.0 percent (1,396.7 trillion Btu) for commercial uses, 23.2 percent (1,704.4 trillion Btu) for industrial uses, and 37.8 percent (2,785.1 trillion Btu) for transportation.[31] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

In 2021, a total of approximately 10,237 gigawatt hours (GWh) of electricity was consumed in Alameda County.[32] Electricity was primarily consumed by the non-residential sector (68 percent), followed by the residential sector (33 percent).

East Bay Community Energy (EBCE) is the electricity provider for Alameda County. EBCE sources the electricity and PG&E delivers it to customers over their existing utility lines. EBCE customers are automatically enrolled in Brilliant 100, which provides electricity from 100 percent carbon-free sources (hydropower).[33] Customers in Hayward are automatically enrolled in the Renewable 100 option which sources energy from 100 percent renewable sources (small hydroelectric, solar, and

[30] United States Energy Information Administration. "State Profile and Energy Estimates, 2021." Accessed August 1, 2023. https://www.eia.gov/state/?sid=CA#tabs-2.
[31] United States Energy Information Administration. "State Profile and Energy Estimates, 2021." Accessed August 1, 2023. https://www.eia.gov/state/?sid=CA#tabs-2.
[32] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed March 13, 2023. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[33] East Bay Community Energy. "Power Mix". Accessed March 13, 2023. https://ebce.org/our-power-mix/index.html/

wind); however, customers can select the Bright Choice option, which sources energy from at least 38 percent renewable and an additional 47 percent carbon-free sources or opt out of EBCE to purchase electricity from PG&E.

Natural Gas

PG&E provides natural gas services in Hayward. In 2022, California's natural gas supply came from a combination of in-state production and imported supplies from other western states and Canada.[34] In 2021, residential and commercial customers in California used 39 percent of the state's natural gas, transportation used 38 percent, and industrial uses used 23 percent.[35] In 2021, Alameda County used approximately three percent of the state's total consumption of natural gas.[36]

Fuel for Motor Vehicles

In 2022, California produced 122 million barrels of crude oil and in 2019, 19.2 billion gallons of gasoline were sold in California.[37,38] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 25.4 mpg in 2021.[39] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in April 2022 to require all cars and light duty trucks achieve an overall industry average fuel economy of 49 mpg by model year 2026.[40,41]

[34] California Gas and Electric Utilities. *2022 California Gas Report*. 2022.
[35] [35] United States Energy Information Administration. "Natural Gas Consumption by End Use. 2021." Accessed August 2, 2023. https://www.eia.gov/state/?sid=CA#tabs-2.
[36] California Energy Commission. "Natural Gas Consumption by County." Accessed March 13, 2023. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[37] U.S. Energy Information Administration. "Petroleum & Other Liquids, California Field Production of Crude Oil." February 28, 2023. https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfpca1&f=a
[38] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed February 3, 2021. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.
[39] United States Environmental Protection Agency. "The 2022 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." December 2022. https://www.epa.gov/system/files/documents/2022-12/420r22029.pdf
[40] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed March 13, 2023. http://www.afdc.energy.gov/laws/eisa.
[41] United States Department of Transportation. "USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026." Accessed March 13, 2023. https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026

4.6.2 Impact Discussion

	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?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

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?

Construction

Project construction would consume energy during demolition, grading, excavation, trenching, and paving; however, the project would not waste or use energy inefficiently. Construction processes are generally designed to be efficient in order to save money. That is, equipment and fuel are not typically used wastefully on the site because of the added expense associated with renting the equipment, as well as maintenance and fuel. Compared to construction in outlying, undeveloped areas, the proposed project would save energy by constructing in an urbanized area that is proximate to roadways, construction supplies, and workers. In addition, construction of the proposed project includes several measures to improve the efficiency of the construction process, including participating in the City's recycling construction and demolition materials program, restricting equipment idling times to five minutes or less, and requiring the project to post signs on-site reminding workers to shut off idling equipment (see discussion under Air Quality checklist question c). **(Less than Significant Impact)**

Operations

Operation of the proposed project would consume energy for multiple purposes, including building heating and cooling, lighting, and appliance use. Energy would also be consumed by vehicles (e.g., residents, visitors and building management employees, etc.) traveling to and from the project site. The net increase in energy use resulting from the proposed project compared to existing uses on-site is summarized in Table 4.6-1.

Table 4.6-1: Annual Energy Use and Proposed Development

	Electricity (kWh)	Natural Gas (kBtu)	Gasoline (gallons)
Existing Use	1,001,903	3,152,816	45,052
Proposed Project	1,290,586	0	107,903
Project Net Increase	288,683	(3,152,816)	62,851

Note: The estimated gasoline demand is based on the estimated VMT of 1,144,315 for existing uses and 1,378,220 for the project. Vehicle trips associated with existing uses consist of passenger vehicles , therefore, the average fuel economy of 25.4 mpg was used to calculate gasoline demand. As noted in Appendix F Transportation Analysis, vehicle trips associated with the proposed project would consist of 66 percent passenger vehicles and 34 percent delivery trucks. Therefore, gasoline demand associated with the project was calculated assuming 66 percent of VMT was generated by passenger vehicle (with an average fuel economy of 25.4 mpg), and 34 percent of VMT was generated by delivery trucks (with an average fuel economy of 6.5 mpg).

kWh = kilowatt per hour

kBtu = kilo-British thermal unit

Source: Illingworth & Rodkin, Inc. CenterPoint Industrial Project Health Risk Assessment. May 25, 2023. U.S. Department of Energy. "Alternative Fuels Data Center, Average Fuel Economy by Major Vehicle Category." Accessed August 2, 2023.

As shown in Table 4.6-1, the project would result in a reduction in natural gas demand and an increase in electricity and gasoline demand compared to existing conditions. The project, however, would not represent a wasteful or inefficient use of energy resources because it would be required to comply with Title 24 and CALGreen requirements to reduce energy consumption, include on-site electric vehicle charging stations, and be all electric consistent with the City's Reach Code. For these reasons, the project would not result in a wasteful use of energy or conflict with a state or local plan for renewable energy or energy efficiency 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 project would be consistent with the policies described in Section 4.6.1.1. In addition, the proposed project would comply with Title 24 and CALGreen and the green building measures listed above. For these reasons, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

4.7 Geology and Soils

The following discussion is based, in part, on a Preliminary Geotechnical Investigation prepared for the project by ENGEO in January 2023. The Preliminary Geotechnical Investigation is included as Appendix C to this Initial Study.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction in active fault zones. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to geology and soils and are applicable to the project:

Policy	Description
NR-6.4	Minimizing Grading. The City shall minimize grading and, where appropriate, consider requiring onsite retention and settling basins.
NR-6.5	Erosion Control. The City shall concentrate new urban development in areas that are the least susceptible to soil erosion into water bodies in order to reduce water pollution.
NR-7.1	Paleontological Resource Protection. The City shall prohibit any new public or private development that damages or destroys a historically- or prehistorically-significant fossil, ruin, or monument, or any object of antiquity.
NR-7.2	Paleontological Resource Mitigation. The City shall develop or ensure compliance with protocols that protect or mitigate impacts to paleontological resources, including requiring grading and construction projects to cease activity when a paleontological resource is discovered so it can be safely removed.
HAZ-2.1	Seismic Safety Codes and Provisions. The City shall enforce the seismic safety provisions of the Building Code and Alquist-Priolo Special Studies Zone Act to minimize earthquake-related hazards in new construction, particularly as they relate to high occupancy structures or buildings taller than 50 feet in height.
HAZ-2.2	Geologic Investigations. The City shall require a geologic investigation for new construction on sites within (or partially within) the following zones: • Fault Zone

Policy	Description
	• Liquefaction Zone • Landslide Zone A licensed geotechnical engineer shall conduct the investigation and prepare a written report of findings and recommended mitigation measures to minimize potential risks related to seismic and geologic hazards.
HAZ-2.4	New Buildings in a Fault Zone. The City shall prohibit the placement of any building designed for human occupancy over active faults. All buildings shall be set back from active faults by at least 50 feet. The City may require a greater setback based on the recommendations of the licensed geotechnical engineer evaluating the site and the project.

4.7.1.2 *Existing Conditions*

Regional Geology

Hayward is located on the eastern side of San Francisco Bay, a region of varied geographic composition and topography. Hayward contains three distinct geologic zones: (1) properties near the Bay in the western portion of the community (bay lands); (2) the primarily urbanized portion of the community below the elevation of 500 feet above sea level (bay plain); and (3) the Hayward Hills, which are part of the Diablo Range and have elevations of up to 1,500 feet, in the eastern portion of Hayward.[42]

Geologic materials beneath Hayward include bedrock, Bay Mud near estuarine areas, semi-consolidated and unconsolidated alluvium along streams and beneath flat-lying areas, colluvium on slopes derived from bedrock, and artificial fill (especially along the Bay margins).[43]

On-site Geologic Conditions

Topography and Soils

The topography of the project site is relatively flat with the site having an elevation of between 8.5 and 12.5 feet above mean sea level. The project site is underlain by an approximately six-foot deep layer of existing fill consisting of stiff to very stiff clay with varying amounts of sand. Below the existing fill, the project site is underlain by alluvium deposits consisting primarily of medium stiff to stiff lean clay with varying amounts of silt and sand to approximately 50 feet below ground surface. Based on the Preliminary Geotechnical Investigation, the soils underneath the project site have high shrink-swell potential and high potential for expansion.

Groundwater

Based on the geotechnical study prepared for the project site, groundwater within the vicinity of the project site has been estimated at a depth of approximately 10 to 13 feet bgs. Historic high groundwater is approximately 10 feet bgs for the site. Fluctuations in groundwater levels may occur

[42] City of Hayward. *Hayward 2040 General Plan Background Report.* January 2014. Page 9-2.
[43] Ibid.

due to seasonal changes, variations in rainfall, underground patterns, and other factors. For the purposes of this analysis, the historic high groundwater level of 10 feet bgs is assumed.

Seismicity and Seismic Hazards

There are several major fault zones present in the Bay Area. The Working Group on California Earthquake Probabilities has estimated that there is a 62 percent probability that one or more major earthquakes would occur in the San Francisco Bay Area between 2002 and 2031.[44] The Hayward Fault is located approximately 4.7-mile east of the project site at its nearest point.[45] The project site is not located within an Alquist-Priolo Fault Zone.[46] The project site would be subject to strong ground shaking during a seismic event but would not be expected to experience surface rupturing.

Liquefaction

Liquefaction is a result of seismic activity characterized by the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. According to the California Geological Survey, the project site is located within a liquefaction hazard zone.[47]

Landslides and Lateral Spreading

The potential for landslides or downslope movement is dependent on slope geometry, subsurface soils, and groundwater conditions, prior slope behavior, and severity of ground shaking. The project site is located in a relatively flat area and is not within a landslide hazard zone.[48]

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying soil material toward an open face, such as the steep bank of a stream channel. The project site does not contain any features susceptible to lateral spreading.

Paleontological or Geological Features

Most of Hayward is located on Quaternary sedimentary deposits which are from the most recent geologic periods dating back to 1.6 million years ago and have low potential to contain paleontological resources. However, some of eastern Hayward is located on sedimentary rocks from the Mesozoic period dating back to 245 million years ago, when dinosaurs inhabited the earth and therefore, may contain paleontological resources. There are no known paleontological resources or unique geologic features on the project site.

[44] Working Group on California Earthquake Probabilities. "Uniform California Earthquake Rupture Forecast (Version 3)." Accessed April 28, 2023. http://wgcep.org/
[45] ENGEO. Preliminary Geotechnical Exploration, Industrial Parkway West, Hayward, California. January 31, 2023.
[46] City of Hayward. Web Map, Property information, demographics, business statistics: 29469 Ruus Road. Accessed March 13, 2023. https://webmap.hayward-ca.gov/ and California Geological Survey. Earthquake Zones of Required Investigation Newark Quadrangle. Map. July 2, 2003. Accessed March 13, 2023.
[47] California Geological Survey. Earthquake Zones of Required Investigation Newark Quadrangle. Map. July 2, 2003. Accessed March 13, 2023.
[48] Ibid.

4.7.2 Impact Discussion

	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:				
– Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☒	☐
– Strong seismic ground shaking?	☐	☐	☒	☐
– Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
– Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
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?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐

a) 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?

Fault Rupture

The project site is not located in an Alquist-Priolo Earthquake Fault Zone. No known surface expression of active faults is known to cross the site.[49] Fault rupture through the site, therefore, is not anticipated.

Seismic Ground Shaking

As discussed in Section 4.7.1.2 Existing Conditions above, the project site is located in a seismically active region and would be subject to strong seismic ground shaking and seismic-related ground failure, including liquefaction in the event of a large earthquake. The Hayward Fault is located approximately 4.7 mile east of the project site. The intensity of ground shaking on-site would depend on the characteristics of the fault, distance from the fault, the earthquake magnitude and duration, and site-specific geologic conditions. The City requires projects to comply with the most recent CBC (Title 24, California Code of Regulations), which includes stringent construction requirements for projects in areas of high seismic risk based on numerous inter-related factors. Compliance with the applicable CBC sections would ensure that the potential impacts associated with ground shaking would be less than significant.

Liquefaction

The project site is located within a liquefaction hazard zone. A site-specific, design-level geotechnical report would be prepared prior to construction in order to ensure project safety and compliance with state policies and General Plan Policy HAZ-2.2. Additionally, the project would implement the following Standard Condition of Approval.

Standard Condition of Approval: The project shall implement the following measure to ensure liquefaction hazards are addressed by the building design:

- The applicant shall have a design-level geotechnical investigation prepared which includes recommendations to address and mitigate geologic hazards in accordance with the specifications of California Geological Survey Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards, and the requirements of the Seismic Hazards Mapping Act. The report will be submitted to the City prior to the issuance of building permits, and the recommendations made in the geotechnical report will be implemented as part of the project.

[49] ENGEO. *Preliminary Geotechnical Exploration, Industrial Parkway West, Hayward, California*. January 31, 2023.

With implementation of the above Standard Condition of Approval, the project would conform to the standard engineering and seismic safety design techniques outlined in the CBC and would not expose people or structures to substantial adverse effects due to liquefaction; nor would the project exacerbate existing geological hazards on-site such that it would impact (or worsen) off-site geological and soil conditions.

Landslides

The project site is not located in a landslide hazard zone. The project site is relatively flat and is not located in the vicinity of any slope that could be affected by a landslide.

Overall, with implementation of the above Standard Condition of Approval and compliance with City and State engineering requirements, the proposed project would not directly or indirectly cause potential substantial adverse effects related to fault rupture, strong seismic ground shaking, or seismic-related ground failure. **(Less than Significant Impact)**

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

The project site is relatively flat and is currently developed with five industrial buildings, surface parking and storage areas, and limited ornamental landscaping. Construction of the project would involve ground disturbing activities such as excavation of the site, grading, and trenching. Such work would increase the potential for erosion from wind or stormwater runoff. As discussed in Section 4.11 Hydrology and Water Quality, the project would not include construction activities within or adjacent to Ward Creek and the project would be required to adhere to the National Pollutant Discharge Elimination System (NPDES) requirements and implement construction sediment and erosion control measures as a Standard Condition of Approval. Implementation of this Standard Condition of Approval would avoid soil erosion and would not cause a significant loss of topsoil. **(Less than Significant Impact)**

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 within a liquefaction hazard zone; however, it is not subject to landslides or lateral spreading. With implementation of the standard engineering and seismic safety design techniques outlined in the CBC (refer to Standard Condition listed under Checklist Question a), the project would not exacerbate existing geological hazards on-site. Therefore, the project would not result in impacts related to its location on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in geological hazards. **(Less than Significant Impact)**

d) Would the project be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?

Expansive soils can affect buildings and structures due to fluctuations in volume when saturated. On-site soils have high expansion potential. The preparation of the required design-level geotechnical report (refer to Standard Condition of Approval listed under Checklist Question a) and adherence to engineering recommendations during project construction would ensure the proposed building is designed to address the expansive soils on-site. For these reasons, the proposed project would not create substantial direct or indirect risks to life or property due to the expansive soils underlying the site. **(Less than Significant Impact)**

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 be served by the existing municipal sanitary sewer system. No alternative wastewater disposal systems, such as septic tanks, are proposed on-site. Therefore, there would be no impact due to soils incapable of supporting alternative wastewater disposal systems. **(No Impact)**

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

The project site is not known to contain any subsurface paleontological resources or unique geological features. Although unlikely, grading of the project site could result in the disturbance of previously undiscovered paleontological resources. Consistent with General Plan Policy NR-7.2, the project would be required to implement a Standard Condition of Approval to avoid impacts to paleontological resources.

Standard Condition of Approval: The project would be required to implement the following condition to ensure potential impacts to unrecorded paleontological resources are less than significant:

- Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City's Planning Manager shall be notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is implemented. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.

With implementation of the above Standard Condition of Approval, impacts to undiscovered paleontological resources would be less than significant. **(Less than Significant Impact)**

4.8 Greenhouse Gas Emissions

4.8.1 Environmental Setting

4.8.1.1 *Background*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO_2 equivalents (CO_2e). The most common GHGs are carbon dioxide (CO_2) and water vapor but there are also several others, most importantly methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO_2 and N_2O are byproducts of fossil fuel combustion.
- N_2O is associated with agricultural operations such as fertilization of crops.
- CH_4 is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF_6 emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32 and Senate Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of

GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO_2e ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2050. Plan Bay Area 2050 establishes a course for reducing per capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Regional and Local

2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Hayward 2040 General Plan

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to greenhouse gas emissions and are applicable to the proposed project.

Policy	Description
LU-1.1	Jobs-Housing Balance. 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.
LU-1.8	Green Building and Landscaping Requirements. The City shall maintain and implement green building and landscaping requirements for private- and public-sector developments to: • Reduce the use of energy, water, and natural resources • Minimize the long-term maintenance and utility expenses of infrastructure, buildings, and properties • Create healthy indoor environments to promote the health and productivity of residents, workers, and visitors • Encourage the use of durable, sustainably-sourced, and/or recycled building materials • Reduce landfill waste by promoting practices that reduce, reuse, and recycle solid waste
M-1.6	Bicycling, Walking, and Transit Amenities. The City shall encourage the development of facilities and services, (e.g., secure term bicycle parking, streetlights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.
M-6.1	Bikeway System. The City shall maintain and implement the Hayward Bicycle Master Plan.
M-6.2	Encourage Bicycle Use. The City shall encourage bicycle use in all neighborhoods especially where short trips are most common.
M-7.10	New facilities. The City shall require developers of large projects to identify and address, as feasible the potential impacts of their projects on AC Transit ridership and bus operations as part of the project review and approval process.
M-8.1	Increase Vehicle Occupancy. The City shall work with a broad range of agencies (e.g., Metropolitan Transportation Commission, BAAQMD, AC Transit, Caltrans) to encourage and support programs that increase vehicle occupancy including the provision of traveler information, shuttles, preferential parking for carpools/vanpools, transit pass subsidies, and other methods.
M-8.2	Citywide TDM Plan. The City shall maintain and implement a citywide Travel Demand Management Program, which provides a menu of strategies and programs for developers and employers to reduce single-occupant vehicle travel in the city.
M-8.4	Automobile Commute Trip Reduction. The City shall encourage employers to provide transit subsidies, bicycle facilities, alternative work schedules, ridesharing, telecommuting and work-at-home programs, employee education, and preferential parking for carpools/vanpools.
M-8.5	Commuter Benefits Programs. The City shall assist businesses in developing and implementing commuter benefits programs (e.g., offers to provide discounted or subsidized transit passes, emergency ride home programs, participation in commuter rideshare programs, parking cash-out or parking pricing programs, or tax credits for bike commuters).
M-9.9	Alternative Fuel Vehicle Parking. The City shall require new private parking lots to grant low-carbon vehicle access to preferred parking spaces, and shall require new private parking lots to provide

Policy	Description
	electric vehicle charging facilities. The City shall provide electric vehicle parking facilities in public parking lots.
NR-2.4	Community Greenhouse Gas Reduction. The City shall work with the community to reduce community-based GHG emissions by 20 percent below 2005 baseline levels by 2020, and strive to reduce community emissions by 61.7 percent and 82.5 percent by 2040 and 2050, respectively.
NR-2.6	Greenhouse Gas Reduction in New Development. The City shall reduce potential greenhouse gas emissions by discouraging new development that is primarily dependent on the private automobile; promoting infill development and/or new development that is compact, mixed use, pedestrian friendly, and transit oriented; promoting energy-efficient building design and site planning; and improving the regional jobs/housing balance ratio.
NR-4.1	Energy Efficiency Measures. The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment.
NR-4.2	Efficient Construction and Development Practices. The City shall encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources through the life-cycle of a structure.
NR-4.11	Green Building Standards. The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of meeting or exceeding the State's zero net energy goals by 2020.
NR-4.12	Urban Forestry. 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.
NR-6.9	Water Conservation. The City shall require water customers to actively conserve water year-round, and especially during drought years.
NR-6.12	Dual Plumbing Systems. The City shall encourage the installation and use of dual plumbing systems in new buildings to recycle greywater.
HQL-8.4	Urban Heat Island Effects. The City shall promote planting shade trees with substantial canopies, and require, where feasible, site design that uses appropriate tree species to shade parking lots, streets, and other facilities to reduce heat island effects.
HQL-9.6	Energy Resiliency. The City shall continue to encourage residents and businesses to use less gasoline for transportation, and improve energy efficiency in and renewable energy generation from buildings and industry processes to reduce impacts from rising oil and energy prices.
PFS-3.17	Bay-Friendly landscaping. The City shall promote landscaping techniques that use native and climate appropriate plants, sustainable design and maintenance, water efficient irrigation systems, and yard clipping reduction practices.
PFS-7.12	Construction and Demolition Waste Recycling. The City shall require demolition, remodeling and major new development projects to salvage or recycle asphalt and concrete and all other nonhazardous construction and demolition materials to the maximum extent practicable.

City of Hayward Climate Action Plan

The City of Hayward's Climate Action Plan (CAP) was adopted in 2009 and incorporated into the 2040 General Plan in 2014. In 2020, the City Council approved a General Plan amendment to set Hayward's GHG reduction targets to:

- 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.

4.8.1.3 *Existing Conditions*

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns.

The existing industrial buildings on-site are currently occupied, with the exception of one building at 29469 Ruus Road which is vacant.[50] GHG emissions are generated by automobiles traveling to and from the site and from lighting, heating, and cooling of the existing buildings.

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☒	☐

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

Construction Emissions

Construction activities associated with the proposed project would result in temporary GHG emissions. Construction related GHG emissions vary depending on the level of activity, length of construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of Hayward nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. Project construction would occur over a period of approximately 12 months and include use of equipment for grading, excavation, trenching, building construction, and landscaping. Project construction would not result in a permanent increase in emissions since construction-related GHG emissions would cease upon completion of the development.

[50] Since this analysis was completed, the building at 29469 Ruus Road has been occupied.

Operational Emissions

Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgement on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. In April 2022, BAAQMD adopted new CEQA thresholds for evaluating the significance of climate impacts from land use projects and plans. Pursuant to the latest CEQA Air Quality Guidelines and GHG thresholds of significance if a project is all electric, does not result in wasteful or inefficient use of energy, achieves a VMT that is at least 15 percent lower than the regional average and complies with CALGreen Tier 2 off-street electric vehicle requirements, it will not make a cumulatively considerable contribution to global climate change and would, therefore, have a less than significant GHG emissions impact under CEQA.

The project would include all electric building construction and EV charging infrastructure consistent with CALGreen Tier 2 standards. As discussed in Section 4.6 Energy, the project would not represent a wasteful or inefficient use of energy resources because it would be considered an infill development and comply with Title 24 and CALGreen requirements to reduce energy consumption. In addition, as discussed in Section 4.17 Transportation, the project would not generate VMT greater than or equal to 15 percent below the regional average VMT per employee, consistent with the City's Transportation Analysis Guidelines (a locally adopted SB 743 VMT target). Therefore, operation of the project would not exceed the BAAQMD threshold of significance for GHG emissions and would not interfere with the implementation of SB 32 in 2030. **(Less than Significant Impact)**

b) Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

Hayward General Plan and Climate Action Plan

As noted in Section 4.8.1.2 above, the City of Hayward's CAP was adopted in 2009 and incorporated into the 2040 General Plan in 2014. A number of General Plan/CAP policies applicable to the proposed project would reduce GHG emissions associated with the project. These measures and the project's consistency with them are discussed in Table 4.8-1 below.

Table 4.8-1: General Plan and Climate Action Plan Consistency

Policy	Description	Consistency
LU-1.1	Jobs-Housing Balance. 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.	The project would result in a net increase of 40 jobs on a site located within an area of the City with low VMT per employee. Therefore, the project would increase jobs in the region in a manner that would reduce automobile, regional and local traffic congestion, and pollution.
LU-1.8	Green Building and Landscaping Requirements. The City shall maintain and implement green	As noted in Section 3.0 Project Description and discussed under checklist question a above, the

Policy	Description	Consistency
	building and landscaping requirements for private- and public-sector developments to: • Reduce the use of energy, water, and natural resources • Minimize the long-term maintenance and utility expenses of infrastructure, buildings, and properties • Create healthy indoor environments to promote the health and productivity of residents, workers, and visitors • Encourage the use of durable, sustainably-sourced, and/or recycled building materials • Reduce landfill waste by promoting practices that reduce, reuse, and recycle solid waste	project would be built to CALGreen standards which includes design provisions intended to minimize wasteful energy consumption. In addition, the project would include EV charging infrastructure, all electric building construction (exceeding the City's Reach Code), a private on-site pedestrian trail, water efficient landscaping and irrigation system, recycled or responsibly sourced building materials, products, and finishes, low VOC finishes and coatings, HVAC system designed to comply with ASHRAE 62.1-2010 standards, and implement IAQ Management Plan during construction.
M-1.6	Bicycling, Walking, and Transit Amenities. The City shall encourage the development of facilities and services, (e.g., secure term bicycle parking, streetlights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.	The project would include 12 bicycle parking spaces, consistent with City requirements, and two on-site pedestrian paths to encourage bicycling and walking in the project area. Therefore, the project is consistent with this measure.
M-6.2	Encourage Bicycle Use. The City shall encourage bicycle use in all neighborhoods especially where short trips are most common.	The project would include 12 bicycle parking spaces, consistent with City requirements to encourage bicycling in the project area. Therefore, the project is consistent with this measure.
M-7.10	New facilities. The City shall require developers of large projects to identify and address, as feasible the potential impacts of their projects on AC Transit ridership and bus operations as part of the project review and approval process.	As discussed in Section 4.17 Transportation, the Local Transportation Analysis prepared for the project included an analysis of the project's impacts on transit ridership and transit facilities. The proposed project is expected to generate very few trips via transit services, which can be accommodated by the existing transit capacity. Therefore, the project would not conflict with or impede implementation of a program, plan, ordinance, or policy addressing transit facilities.
M-8.4	Automobile Commute Trip Reduction. The City shall encourage employers to provide transit subsidies, bicycle facilities, alternative work schedules, ridesharing, telecommuting and work-at-home programs, employee education, and preferential parking for carpools/vanpools.	As discussed in Section 4.17 Transportation, the project site is located in a low-VMT area and would result in a less than significant VMT impact. For these reasons, this policy is not applicable to the project.
M-8.5	Commuter Benefits Programs. The City shall assist businesses in developing and implementing commuter benefits programs (e.g., offers to provide discounted or subsidized transit passes, emergency ride home programs,	As discussed in Section 4.17 Transportation, the project site is located in a low-VMT area and would result in a less than significant VMT

Policy	Description	Consistency
	participation in commuter rideshare programs, parking cash-out or parking pricing programs, or tax credits for bike commuters).	impact. For these reasons, this policy is not applicable to the project.
M-9.9	Alternative Fuel Vehicle Parking. The City shall require new private parking lots to grant low-carbon vehicle access to preferred parking spaces, and shall require new private parking lots to provide electric vehicle charging facilities. The City shall provide electric vehicle parking facilities in public parking lots.	The proposed project would include 19 electric vehicle charging stations and 38 electric vehicle capable spaces to encourage the use of low-carbon vehicles.
NR-2.4	Community Greenhouse Gas Reduction. The City shall work with the community to reduce community-based GHG emissions by 20 percent below 2005 baseline levels by 2020, and strive to reduce community emissions by 61.7 percent and 82.5 percent by 2040 and 2050, respectively.	As discussed under Checklist Question a) above, the project would include all project design elements required as part of the BAAQMD threshold of significance for greenhouse gas emissions. Therefore, the project would be aligned with the state's goal of achieving carbon neutrality by 2045.
NR-2.6	Greenhouse Gas Reduction in New Development. The City shall reduce potential greenhouse gas emissions by discouraging new development that is primarily dependent on the private automobile; promoting infill development and/or new development that is compact, mixed use, pedestrian friendly, and transit oriented; promoting energy-efficient building design and site planning; and improving the regional jobs/housing balance ratio.	The project would increase the density of development on an infill lot, be constructed to CALGreen standards and exceed the City's reach code ordinance requirements. The project would result in a net increase of approximately 40 jobs on-site and be located near existing residences and within an area of the City with low VMT. For these reasons, the project would be consistent with this measure.
NR-4.1	Energy Efficiency Measures. The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment.	The proposed industrial building would be all electric, designed to meet CALGreen requirements for energy efficiency, and utilize recycled or responsibly sourced building materials. Therefore, the project would be consistent with this measure.
NR-4.2	Efficient Construction and Development Practices. The City shall encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources through the life-cycle of a structure.	The proposed industrial building would be all electric, designed to meet CALGreen requirements for energy efficiency, include EV charging infrastructure, and utilize recycled or responsibly sourced building materials. Therefore, the project would be consistent with this measure.
NR-4.11	Green Building Standards. The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of meeting or exceeding the State's zero net energy goals by 2020.	The proposed industrial building would be all electric, designed to meet CALGreen requirements for energy efficiency, and utilize recycled or responsibly sourced building materials. Therefore, the project would be consistent with this measure.
NR-4.12	Urban Forestry. The City shall encourage the planting of native and diverse tree species to reduce heat island effect, reduce energy	The project would plant 66 trees and water efficient landscaping plants and shrubs throughout the site to reduce the heat island

Policy	Description	Consistency
	consumption, and contribute to carbon mitigation.	effect. Therefore, the project would be consistent with this measure.
NR-6.9	Water Conservation. The City shall require water customers to actively conserve water year-round, and especially during drought years.	The project would be designed to meet CALGreen requirements for building efficiency including use of water efficient plumbing fixtures and would utilize water efficient landscaping plants and irrigation systems to reduce water demand on-site. Therefore, the project would be consistent with this measure.
NR-6.12	Dual Plumbing Systems. The City shall encourage the installation and use of dual plumbing systems in new buildings to recycle greywater.	This policy requires action on the part of the City. The City does not currently have a program to support use of dual plumbing and greywater use within buildings. For this reason, the measure is not applicable to the proposed project.
HQL-8.4	Urban Heat Island Effects. The City shall promote planting shade trees with substantial canopies, and require, where feasible, site design that uses appropriate tree species to shade parking lots, streets, and other facilities to reduce heat island effects.	The project would plant 66 trees and water efficient landscaping plants and shrubs throughout the site to reduce heat island effect. Therefore, the project would be consistent with this measure.
HQL-9.6	Energy Resiliency. The City shall continue to encourage residents and businesses to use less gasoline for transportation, and improve energy efficiency in and renewable energy generation from buildings and industry processes to reduce impacts from rising oil and energy prices.	The project would include installation of 19 EV charging stations and 38 EV capable spaces on-site to reduce gasoline use for transportation. Therefore, the project is consistent with this measure.
PFS-3.17	Bay-Friendly landscaping. The City shall promote landscaping techniques that use native and climate appropriate plants, sustainable design and maintenance, water efficient irrigation systems, and yard clipping reduction practices.	The project would plant 66 trees and water efficient landscaping plants and shrubs throughout the site to reduce heat island effect. Therefore, the project would be consistent with this measure.
PFS-7.12	Construction and Demolition Waste Recycling. The City shall require demolition, remodeling and major new development projects to salvage or recycle asphalt and concrete and all other nonhazardous construction and demolition materials to the maximum extent practicable.	The project would comply with City and state waste construction waste diversion requirements and utilize recycled or responsibly sourced building materials. Therefore, the project is consistent with this measure.

For the reasons discussed in the table above, the project would be consistent with all applicable measures of the City of Hayward's General Plan/CAP and would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

4.9 Hazards and Hazardous Materials

This discussion is based, in part, on a Phase I Environmental Site Assessment (August 2022), two Phase II Subsurface Investigations (December 2021 and January 2022), Draft Data Gap Investigation Work Plan (March 2023), and a CEQA Technical Memo (July 2023), prepared for the project by Farallon Consulting. These reports are included as Appendix D to this Initial Study.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

<u>Federal Aviation Regulations Part 77</u>

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

<u>Comprehensive Environmental Response, Compensation, and Liability Act</u>

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to

releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, $1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[51]

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement

[51] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed May 11, 2020. https://www.epa.gov/superfund/superfund-cercla-overview.

authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[52]

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[53]

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of a property. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The Alameda County Department of Environmental Health reviews CalARP risk management plans as the CUPA.

Asbestos-Containing Materials

Friable asbestos is any asbestos-containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA began phasing out use of friable asbestos products in 1973 and issued a ban in 1978 on manufacture, import, processing, and distribution of some asbestos-containing products and new uses of asbestos products.[54] The EPA is currently considering a proposed ban on on-going use of

[52] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed May 11, 2020. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.
[53] California Environmental Protection Agency. "Cortese List Data Resources." Accessed May 28, 2020. https://calepa.ca.gov/sitecleanup/corteselist/.
[54] United States Environmental Protection Agency. "EPA Actions to Project the Public from Exposure to Asbestos." Accessed April 19, 2022. https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos

asbestos.[55] National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by the Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

Regional and Local

Municipal Regional Permit Provision C.12.f

PCBs were produced in the United States between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the EPA banned the production and use of PCBs due to their potential harmful health effects and persistence in the environment. PCBs can still be released to the environment today during demolition of buildings that contain legacy caulks, sealants, or other PCB-containing materials.

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment methodology for applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.[56] Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family homes and wood-frame structures are exempt from these requirements.

Hayward 2040 General Plan

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to hazards and hazardous materials and are applicable to the proposed project.

Policy	Description
HAZ-6.2	Site Investigations. The City shall require site investigations to determine the presence of hazardous materials and/or waste contamination before discretionary project approvals are issued by the City.

[55] Ibid.

[56] California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit.* November 2015.

Policy	Description
	The City shall require appropriate measures to be taken to protect the health and safety of site users and the greater Hayward community.
HAZ-6.3	Permit Requirements. The City shall direct the Fire Chief (or their designee) and the Planning Director (or their designee) to evaluate all project applications that involve hazardous materials, electronic waste, medical waste, and other hazardous waste to determine appropriate permit requirements and procedures.
HAZ-6.4	Land Use Buffers. The City shall review applications for commercial and industrial uses that involve the use, storage, and transport of hazardous materials to determine the need for buffer zones or setbacks to minimize risks to homes, schools, community centers, hospitals, and other sensitive uses.
HAZ-6.8	Truck Routes. The City shall maintain designated truck routes for the transportation of hazardous materials through the City of Hayward. The City shall discourage truck routes passing through residential neighborhoods to the maximum extent feasible.

Hayward Executive Airport Land Use Compatibility Plan

The project site is located within the jurisdiction of the Hayward Executive Airport Land Use Compatibility Plan (ALUCP). The ALUCP identifies potential conflicting land uses within the Airport Influence Area (AIA).

4.9.1.2 *Existing Conditions*

On-site Conditions

Historic and Current Uses

The project site was undeveloped and used for limited agricultural purposes from at least 1899 to 1960. By 1974, the buildings at 1593 and 1571 Industrial Parkway West were constructed and the northeastern portion of the site was used for materials storage and truck parking. Between 1980 and 1982, the 1581 Industrial Parkway West building was expanded to its current configuration. In 1993, the building at 1617 Industrial Parkway West was constructed. A 1,000-gallon waste oil underground storage tank (UST) previously located on the site near the building at 1571 Industrial Parkway West was removed as part of remediation activities associated with the adjacent property to the east between 1998 and 1999. The former waste oil UST was owned by and associated with operations at the east-adjoining property. The western parcel within the project site remained unpaved until 2016.

The site has been occupied by various industrial and commercial uses including auto repair, tire, trucking companies, roofing and sign companies, and plastics, welders, and stone materials suppliers since the 1970s. The project site is currently occupied by automotive repair and service companies. The majority of the tenants use automotive repair and maintenance chemicals and generate automotive chemical waste.

The Phase I Environmental Site Assessment for the project site identified an aged oil-water separator in the southeastern interior of the building at 1571 Industrial Parkway West, stained soil

and pavement in multiple locations on the site, spray-paint booths in three locations on-site, and two open polyvinyl chloride (PVC) drains in the outdoor general contractor storage area associated with Manada Roofing, indicating potential for unrecorded releases of hazardous materials on-site.

Contaminants

The project site is included on the GeoTracker database (a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5) with a status of Open Site Assessment.[57] Two Phase II reports were prepared for the project site by Farallon Consulting, LLC in December 2021, and January 2022, respectively. The Phase II reports included soil, soil gas, and groundwater investigations to determine if the site has been impacted by the recognized environmental conditions identified in the 2021 Phase I report. Laboratory analysis detected oil-range organics in on-site groundwater, and benzene and other petroleum volatile organic compounds (VOCs) in soil gas samples collected along the eastern property boundary near the Golden Gate Petroleum property at concentrations below their respective environmental screening levels (ESLs) for commercial/industrial uses. In addition, tetrachloroethene (PCE) and trichloroethene (TCE), naphthalene, benzene, and chloroform were detected in soil gas samples collected in the northern portion of the site at concentrations exceeding commercial/industrial ESLs.

On-site soils contained residual petroleum impacts associated with the former waste oil UST, total petroleum hydrocarbons as oil range organics, and nickel above commercial/industrial ESLs.

On-Going Remediation

As noted in Section 3.2.6 Remediation Activities, the project applicant has entered into a voluntary remediation agreement with the County of Alameda Department of Environmental Health under the Local Oversight Program. A Data Gap Investigation Workplan has been submitted to and is currently under review by the Alameda County Department of Environmental Health. The Data Gap Investigation Workplan outlines methods for evaluating historical releases and impacted soil, soil gas, and groundwater on-site which are currently inaccessible due to the presence of existing buildings and pavement.

Specifically, the Data Gap Investigation Work Plan proposes confirmation soil gas sampling beneath the proposed building footprint to further confirm whether engineering controls are warranted for the proposed project, soil excavation and off-site disposal of impacted soils beneath the existing building at 1581 Industrial Parkway West and near the former on-site waste oil UST, and installation of groundwater monitoring wells for on-going testing of groundwater quality.

[57] State Water Resources Control Board. "Geotracker." Accessed April 26, 2023. https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000017600

Surrounding Conditions

Historic Uses

Similar to the project site, the surrounding area was undeveloped, used for limited agricultural purposes and several residences associated with the agricultural uses were present from 1899 to 1960. Industrial Parkway West and Ruus Road were present but unimproved until 1968. At this time, several commercial buildings were also developed to the north, east, and south of the project site, including a gasoline fueling station that was constructed adjacent to the east of the project site in 1960. By 1974, the northwest adjoining property was used for materials storage. Several commercial and industrial buildings were developed on the northern adjoining properties by 1980 and 1993. By 2003, adjoining properties to the east were developed with the Golden Gate Petroleum (GGP) facility and, by 2004, the current commercial and residential uses to the west were developed.

Regulatory Database Listings

Recorded facilities within 0.25-mile up- and cross-gradient of the project site were reviewed for their potential to impact the project site. One active clean up case was recorded in the project area (Golden Gate Petroleum, Bay Holdener Petroleum Company, Bay Area Diablo Petroleum, and Eastgate Petroleum DBA Hayward GGP) at 1565 Industrial Parkway West, adjacent to the east of the project site. The Golden Gate Petroleum facility is an open leaking underground storage tank (LUST) case where gasoline, diesel fuel, Stoddard solvent, and kerosene USTs were removed in 1998. Free-product and impacted soil and groundwater were observed at the time of the UST removals. No information regarding remedial actions conducted was identified in the regulatory record.[58]

Other Hazards

Airports

The Hayward Executive Airport is located approximately 3.6-mile northwest of the project site. The project site is not located within the AIA.[59] The project site is not located within any of the airport's Community Noise Equivalent Level (CNEL) noise contours or within any safety zones for the airport.

Wildland Fire Hazards

The project site is not located within a Wildfire Hazard Severity Zone.[60]

[58] State Water Resources Control Board. *Review Summary Report – Additional Work Fifth Review.* June 2023. https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/2775769889/13771%205th%20RSR%20Add%20Work%20June%202023.pdf

[59] County of Alameda. *Hayward Executive Airport Land Use Compatibility Plan.* August 2012. Figure 3-2.

[60] CalFire. Alameda County Fire Hazard Severity Zones in State Responsibility Area (SRA). Map. Adopted November 21, 2022. https://osfm.fire.ca.gov/media/1yelle2d/fhsz_county_sra_11x17_2022_alameda_ada.pdf

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

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

The proposed project would construct a new 103,406-square-foot industrial building, surface parking and landscaping on-site. Although the tenant and exact operations of the proposed project are not currently known, the project area is zoned for industrial uses. Therefore, operation of the proposed project may involve routine transport, use, and/or disposal of hazardous materials. Hazardous materials (e.g., oil, grease, fuels, paints) would also be transported and used on-site during proposed construction activities. The routine transport, use, or disposal of these hazardous

materials could pose a potential hazard to construction workers and future employees working at the project site. However, compliance with existing federal, state, and local regulatory programs and policies for hazardous materials as outlined in Section 4.9.1.1 Regulatory Framework above, would ensure the routine transport, use, or disposal of these hazardous materials during construction and operations of the project would not pose a significant hazard to the public or environment. **(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?

On-Site Building Materials

As noted in Section 4.9.1.2 Existing Conditions, two of the existing industrial buildings on-site were constructed prior to the 1978 ban on the use of ACMs and may also contain lead-based paints (LBPs) and polychlorinated biphenyls (PCBs). Therefore, ACMs, LBPs, and PCBs may still be present within the buildings and could be released into the environment during demolition activities associated with the proposed project.

Impact HAZ-1: Demolition of the existing buildings on-site could result in the release of ACMs, LBPs, and PCBs into the environment. **(Significant Impact)**

Mitigation Measure: The project will be required to implement the following mitigation measure to reduce impacts associated with release of ACMs, LBPs, and PCBs during project construction to a less than significant level:

MM HAZ-1.1: The project will implement the following measures to address hazardous substances in on-site buildings materials:

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs), lead-based paint (LBP), and/or polychlorinated biphenyls (PCBs).
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- All potentially friable ACMs shall be removed in accordance with National Emissions standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All

demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Sections 1528 and 1529, to protect workers from asbestos and PCB exposure.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

Implementation of Mitigation Measure MM HAZ- 1.1 would reduce the potential release of hazardous building materials on-site to a less than significant level during construction of the proposed project. **(Less Than Significant with Mitigation Incorporated)**

On-Site Contamination

As noted in section 4.6.1.2 Existing Conditions above, on-site soil, soil gas, and groundwater are impacted by contaminants from historic industrial uses on and adjacent to the site. Following approval of the proposed Data Gap Investigation Work Plan, a Data Gap Investigation will be conducted to further evaluate soil, soil gas, and groundwater contamination levels on-site. Based on the results of the Data Gap Investigation, a Media Management Plan (MMP) would be prepared to identify remedial action and/or monitoring requirements to be implemented during project construction. The Data Gap Investigation Work Plan, Data Gap Investigation, further remedial actions, and MMP are subject to review and approval by Alameda County Department of Environmental Health.

Based on the location of the proposed building in the southern/central portion of the site and the lack of occupiable structures in the northern portion of the site where soil gas containing contaminants exceeding the ESLs for commercial/industrial uses were detected, engineering controls to prevent soil vapor intrusion into the proposed industrial building are not believed to be warranted.

The two areas where known soil impacts exist that will likely require removal via soil excavation include tetrachloroethene and trichloroethene beneath the 1581 Building and residual petroleum impacts at former waste oil underground storage tank 6 (refer to Appendix D). The known areas of impact will be managed by environmental professionals in a manner dictated in the MMP and under the oversight of Alameda County Department of Environmental Health. It is assumed that all soil exceeding commercial/industrial ESLs will be removed from the site as part of the MMP.

Impact HAZ-2: Due to the presence of contaminated groundwater, soil, and soil gas on-site, ground disturbing construction activities associated with the proposed project,

could result in the release of these hazardous materials into the environment. **(Significant Impact)**

Mitigation Measures: The project shall implement the following mitigation measures to ensure impacts from on-site contamination are reduced to a less than significant level:

MM HAZ-2.1: Consistent with Alameda County Department of Environmental Health Local Oversight Program protocols, following approval of the Data Gap Investigation Work Plan, the applicant shall retain a qualified environmental professional to prepare and implement a Data Gap Investigation to further evaluate soil, soil gas, and groundwater contamination levels on-site which are currently inaccessible due to the presence of existing structures and pavement on-site.

MM HAZ-2.2: Prior to demolition of the existing building and pavement, the project applicant shall retain a qualified environmental professional to complete a Data Gap Investigation under regulatory oversight and approval of Alameda County Department of Environmental Health (ACDEH) to evaluate soil, soil gas, and groundwater contamination levels. The Data Gap Investigation shall include soil sampling and groundwater monitoring and analysis for petroleum products, tetrachloroethene (PCE), trichloroethene (TCE), naphthalene, benzene, chloroform, oil range organics, and nickel to determine if these chemicals are present above their respective environmental screening levels (ESLs) for construction worker safety and commercial/industrial uses. The results of the soil sampling and groundwater monitoring must be provided to the Director of the Department of Development Services or the Director's designee and ACDEH.

MM HAZ-2.3: A Media Management Plan (MMP) shall be prepared by a qualified environmental consultant under regulatory oversight and approval of the Alameda County Department of Environmental Health (ACDEH) that identifies remedial measures and/or soil, soil gas, and groundwater management practices to ensure construction worker safety and the health of future site occupants. The MMP and evidence of regulatory oversight shall be provided to the Director of the Department of Development Services or the Director's designee. The MMP may include, but would not be limited to, the following components:

- Procedures for excavation and off-site disposal of impacted soil to protect human health and the environment.
- Identification of sub-slab engineering controls such as venting and/or vapor barrier requirements if determined necessary by ACDEH.
- Procedural actions for unknown conditions if encountered.
- If impacted soil, soil gas, and groundwater are encountered during construction, the criteria for determining if response actions are required, and general construction management procedures for

managing and minimizing the spread of suspect materials, including but not limited to stockpiles management and dust suppression.

- In the event that conditions are identified that cannot be remediated to the commercial/industrial standard, the applicant shall work with the Alameda County Department of Environmental Health to establish procedures for maintaining the materials on-site such as the placement of the materials on the northern portion of the site with a cap of six inches of asphalt.
- Monitoring requirements for any materials capped on-site, such as annual impervious cover inspections, and procedures for monitoring subslab engineering controls under the jurisdiction of ACDEH.

Through incorporation of mitigation measure MM HAZ-2.1 through MM HAZ-2.3, the level of soil, soil gas, and groundwater contamination would be remediated such that the project site would be suitable for commercial industrial use. The proposed project, therefore, would not result in any impact to the public due to the release of hazardous materials during construction or long-term operation of the proposed project. **(Less than Significant Impact with Mitigation Incorporated)**

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

There are no existing or proposed schools within 0.25-mile of the project site. The nearest school is Kidango Piexoto Center, a preschool located at 29150 Ruus Road, approximately 0.26 miles northeast of the project site. Therefore, the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of a school and there would be no impact. **(No Impact)**

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

As noted in Section 4.9.1.2 Existing Conditions and under checklist question b. above, the project site is included on the GeoTracker database (a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5) and has an Open Site Assessment case status.[61] Therefore, ground disturbing construction activities associated with the proposed project could result in impacts to construction workers and the public from exposure to contaminated soil, soil gas, and groundwater during construction and operation of the proposed project. However, implementation of Mitigation Measures MM HAZ-2.1 through MM HAZ-2.3 would ensure on-site contamination is

[61] State Water Resources Control Board. "Geotracker." Accessed April 26, 2023. https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000017600

remediated consistent with existing federal, state, and local laws, reducing this impact to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

e) If 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 nearest airport to the project site is Hayward Executive Airport, approximately 3.6-miles northwest of the project site. The project site is not located within the Airport Influence Area, or within an airport safety zone or noise contour for the Hayward Executive Airport. For these reasons, the project would not result in aircraft safety hazards and would not result in a substantial safety hazard for people residing or working in the project area. **(No Impact)**

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

The proposed project would not impair or physically interfere with any adopted emergency response or evacuation plan. The proposed project would be constructed to comply with all applicable building and fire codes. During construction and operation of the project, roadways would not be blocked such that emergency vehicles would be unable to access the site or surrounding properties. During operation, emergency ingress and egress to the project site would be provided by the surrounding roadways. The alignments of the drive aisles on-site and the radii of the corners and curbs would be adequate to accommodate the circulation of emergency vehicles (refer to Section 4.17 Transportation). **(Less than Significant 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?

The project vicinity is entirely urbanized and is not located within a wildlands hazard area. Therefore, the project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. **(No Impact)**

4.10 Hydrology and Water Quality

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the EPA and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the NPDES permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Under Section 303(d) of the federal Clean Water Act, the SWRCB and RWQCBs are required to identify impaired surface water bodies that do not meet water quality standards and develop total maximum daily loads (TMDLs) for contaminants of concern. The list of the state's identified impaired surface water bodies, known as the "303(d) list" can be found on the on the SWRCB's website.[62]

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of

[62] California State Water Resources Control Board. "2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)." May 11, 2022. Accessed September 2, 2022. https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html.

pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in May 2022 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.[63] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 5,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if: (1) the post-project impervious surface area is less than, or the same as, the pre-project impervious surface area; (2) the project is located in a catchment that drains to a hardened (e.g., continuously lined with concrete) engineered channel or channels or enclosed pipes, which extend continuously to the Bay, Delta, or flow-controlled reservoir, or, in a catchment that drains to channels that are tidally influenced; or

[63] California Regional Water Quality Control Board San Francisco Region. *Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008*. May 11, 2022

(3) the project is located in a catchment or subwatershed that is highly developed (i.e., that is 70 percent or more impervious).[64]

Municipal Regional Permit Provision C.12.f

Provision C.12.f of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.[65] Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area are updating their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family residential and wood frame structures are exempt.

Construction Dewatering Waste Discharge Requirements

Each of the RWQCBs regulate construction dewatering discharges to storm drains or surface waters within its Region under the NPDES program and Waste Discharge Requirements.

Hayward 2040 General Plan

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to hydrology and water quality and are applicable to the proposed project.

Policy	Description
NR-6.6	Stormwater Management. The City shall promote stormwater management techniques that minimize surface water runoff and impervious ground surfaces in public and private developments, including requiring the use of Low Impact Development (LID) techniques to best manage stormwater through conservation, onsite filtration, and water recycling.
NR-6.8	NPDES Permit Compliance. The City shall continue to comply with the San Francisco Bay Region National Pollutant Discharge Elimination System (NPDES) Municipal Regional Stormwater Permit.
NR-6.9	Water Conservation. The City shall require water customers to actively conserve water year-round, and especially during drought years.
HAZ-3.2	Development in Floodplains. The City shall implement Federal, State, and local requirements related to new construction in flood plain areas to ensure that future flood risks to life and property are minimized.

[64] The Hydromodification Applicability Maps developed under Order No. R2-2009-0074 were prepared using this standard, adjusted to 65 percent imperviousness to account for the presence of vegetation on the photographic references used to determine imperviousness. Thus, the maps for Order No. R2-2009-0074 are accepted as meeting the 70 percent requirement.

[65] California Regional Water Quality Control Board San Francisco Region. *Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008*. May 11, 2022

Policy	Description
PFS-4.11	Industrial Pretreatment. The City shall enforce appropriate industrial pretreatment standards and source control to prevent materials prohibited by Federal and State regulations from entering the wastewater system and to ensure compliance with the City's local discharge limits. The City shall work with the business community to maintain and implement programs to ensure compliance with all Federal, State and local discharge requirements.
PFS-5.1	Accommodate New and Existing Development. The City shall work with the Alameda County Flood Control and Water Conservation District to expand and maintain major stormwater drainage facilities to accommodate the needs of existing and planned development.
PFS-5.6	The City shall impose appropriate conditions on grading projects performed during the rainy season to ensure that silt is not conveyed to storm drainage systems

City of Hayward Stormwater Management and Urban Runoff Control Ordinance

The City's Stormwater Management and Urban Runoff Control Ordinance (Article 11.5 of the HMC) is intended to protect and enhance the water quality of watercourses, water bodies, and wetlands in a manner pursuant and consistent with the Clean Water Act and the current MRP NPDES Permit. The ordinance requires projects to implement stormwater treatment measures to reduce water quality impacts of urban runoff and to implement the City's Construction Best Management Practices (BMPs).

East Bay Plain Subbasin Groundwater Sustainability Plan

In January 2022, the City of Hayward City Council adopted a Groundwater Sustainability Plan (GSP) for the East Bay Plain Subbasin. The East Bay Plain Subbasin Groundwater Sustainability Plan creates the framework for sustainable management of groundwater in the EBP Subbasin. The East Bay Municipal Utility District (EBMUD) and the City of Hayward are the water providers that lie atop the subbasin and became the exclusive groundwater sustainability agencies for the portions of the EBP Subbasin located beneath their service areas and have jointly prepared this GSP that meets the regulatory requirements listed in California Code of Regulations Title 23, Section 354 (Groundwater Sustainability Plans, Plan Contents).

4.10.1.2 *Existing Conditions*

Stormwater

The project site is located within the Old Alameda Creek Watershed, which includes Ward Creek and extends from the Hayward Highlands to the San Francisco Bay.[66]

The project site is currently developed with five existing industrial buildings, paved surface parking and storage areas, and limited landscaping. Approximately 319,103 square feet (96 percent) of the site is composed of impervious surfaces and the remaining 11,953 square feet (four percent) is

[66] Alameda County Flood Control & Water Conservation District. Interactive Map: Alameda County Watersheds. Accessed March 14, 2023. https://acfloodcontrol.org/the-work-we-do/resources/#explore-watersheds

composed of pervious surfaces. An existing storm sewer easement extends from the 12-inch stormwater main in Industrial Parkway West to Sims Court through the project site.

Groundwater

The City of Hayward is located in the Santa Clara Valley Groundwater Basin.[67] The project site is within the East Bay Plain Subbasin. The East Bay Plain Subbasin is bounded by the San Francisco Bay in the north and the west, the Hayward Fault Zone to the east and the Nile Cones Subbasin to the south. The City of Hayward acts as the Groundwater Sustainability Agency (GSA) for the portion of the East Bay Plain Subbasin that includes the project site.[68]

Based on the geotechnical study prepared for the project site, groundwater within the vicinity of the project site has been estimated at a depth of approximately 10 to 13 feet bgs. Historic high groundwater is approximately 10 feet bgs for the site. Fluctuations in groundwater levels may occur due to seasonal changes, variations in rainfall, underground patterns, and other factors. For the purposes of this analysis, the historic high groundwater level of 10 feet bgs is assumed.

Flood Hazards

FEMA has designated the project site and the surrounding vicinity as Zone AH.[69] Flood Zone AH is defined as areas with a one percent annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from one to three feet. These areas have a 26 percent chance of flooding over the life of a 30-year mortgage. Base flood elevations derived from detailed analyses are shown at selected intervals within these zones.[70]

Seiches, Tsunamis, and Mudflow Hazards

The project site is not located within a tsunami inundation area.[71] There are no lakes or other bodies of water within the project vicinity that would be subject to seiches.

[67] City of Hayward. *Hayward 2040 General Plan Draft EIR*. January 30, 2014. Page 13-1.
[68] East Bay Municipal Utility District and the City of Hayward. *East Bay Plain Subbasin Sustainable Groundwater Management – Draft Stakeholder Communication and Engagement Plan.* February 2018. https://www.hayward-ca.gov/sites/default/files/Draft%20C%26E%20Plan_022718.pdf
[69] Federal Emergency Management Agency (FEMA). Flood Rate Insurance Map 06001C0427G. Effective August 3, 2009.
[70] FEMA. "Zone AH." Accessed March 14, 2023. https://www.fema.gov/glossary/zone-ah
[71] California Department of Conservation. California Tsunami Maps and Data. Accessed March 14, 2023. https://www.conservation.ca.gov/cgs/tsunami/maps

4.10.2 Impact Discussion

	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?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
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:	☐	☐	☒	☐
– result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
– 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	☐	☐	☒	☐
– impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Construction Impacts

Construction activities (e.g., grading and excavation) on the project site may result in temporary impacts to surface water quality. When disturbance of underlying soils occurs, the surface runoff that flows across the site may contain sediments that are discharged into the storm drainage system. Construction of the proposed project would disturb the entire approximately 7.4-acre project site. Since construction of the project would disturb more than one acre of soil, the project would be required to comply with the NPDES General Permit for Construction Activities. Because the project would include replacement of more than 5,000 square feet of impervious surfaces, the project would also be subject to the requirements of the RWQCB MRP. All development projects in Hayward are required to comply with the City's Municipal Stormwater Management and Urban Runoff Control Ordinance. This ordinance requires that all projects include construction best management practices (BMPs) to prevent stormwater pollution.

Pursuant to City requirements, the following Standard Condition of Approval would be required during construction to reduce potential construction-related water quality impacts.

Standard Condition of Approval: The project would be required to implement the following construction BMPs as part of the SWPPP prepared for the project to ensure construction-related water quality impacts are less than significant.

- Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
- Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
- Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information.
- Ensure that concrete/gunite supply trucks or concrete/plaster finishing operations do not discharge wash water into street gutters or drains.
- The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.

- No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- Non-storm water discharges to the City storm sewer system are prohibited. Prohibited discharges include but are not limited to the following: polluted cooling water, chlorinated or chloraminated swimming pool water, hazardous or toxic chemicals, grease, animal wastes, detergents, solvents, pesticides, herbicides, fertilizers, and dirt. All discharges of material other than storm water must comply with a NPDES Permit issued for the discharge other than NPDES Permit No. CAS612008.

Compliance with the MRP and the City's BMPs would ensure that project construction would not substantially degrade surface water or groundwater quality. **(Less than Significant Impact)**

Post-Construction Water Quality Impacts

The project would result in approximately 322,828 square feet (97 percent) of impervious surface area and 8,228 square feet (three percent) of pervious surface area on-site, a one percent increase in impervious surfaces compared to existing conditions.[72] As noted under Construction Impacts above, the project is considered a regulated project under Provision C.3 of the MRP. As such, the project would include bioretention basins and self-retaining areas on the eastern, western, and southern project boundaries designed to meet on-site runoff treatment requirements and ensure that stormwater discharge rates and durations under project operations do not exceed existing conditions on-site. Stormwater would be retained in these bioretention basins and self-retaining areas to reduce the amount and rate of stormwater runoff prior to discharge into the City's existing 12-inch storm water main on Industrial Parkway West. In addition, the project includes site design and pollutant source control measures such as the use of drought-tolerant and water-conserving landscape materials, and stenciled storm drain inlets. Implementation of these measures would reduce the rate of stormwater runoff while also removing the pollutants. For these reasons, the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality. **(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?

Although Hayward does not use groundwater as a regular water supply, the City maintains groundwater wells that are critical to the City's ability to provide water service during an earthquake or other water supply emergency. Given that the project site is currently developed almost entirely with impervious surface area (buildings and surface parking/storage areas), the project site is not considered an important groundwater recharge zone. The project would result in

[72] Existing impervious surfaces 319,103 square feet or 96 percent of the project site.

a slight net increase of impervious surface area on-site, thereby further diminishing the opportunity for groundwater recharge to occur on-site.

The project would connect to the existing municipal water system and does not propose to draw groundwater on-site. The project would require excavation to a maximum depth of three feet bgs for the parking lot, four feet bgs for the bioretention areas, and 20 feet bgs for relocation of the existing sanitary sewer line. Given that groundwater is located approximately 10 feet bgs on-site, temporary dewatering would be required during relocation of the existing sanitary sewer line and would not substantially contribute to the depletion of groundwater. No permanent dewatering is proposed. For these reasons, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

c) 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; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; 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 impede or redirect flood flows?

The project site does not contain, nor is it adjacent to, any waterway. Therefore, the proposed project would not alter the course of a stream or river. As discussed under Checklist Question a) above, construction on-site will comply with the City's BMPs to ensure construction activities do not result in increased soil erosion and siltation. In addition, although the project would increase impervious surfaces on-site slightly above existing conditions, stormwater would be directed to bioretention basins and self-retaining areas on the eastern, western, and southern project boundaries where runoff would be retained and treated prior to entering the municipal storm drainage system. For these reasons, the project would not 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.

The project site is located within special hazard Flood Zone AH. Zone AH indicates a one percent annual chance of shallow flooding in the form of ponding with an average depth ranging from one to three feet.[73] Flooding in this flood zone is the result of runoff from a 100-year storm exceeding the capacity of the storm drainage system resulting in ponding rather than runoff overtopping the banks of a waterway resulting in overland flows.[74] The existing municipal storm drainage system is

[73] FEMA. "Glossary, Zone AH." Accessed March 24, 2023. https://www.fema.gov/glossary/zone-ah#:~:text=Areas%20with%20a%201%25%20annual,of%20a%2030%E2%80%90year%20mortgage.
[74] Paul Boumann, Senior Civil Engineer. Keir & Wright. Personal Communication. March 24, 2023.

designed to accommodate runoff from a 10-year storm.[75] The on-site stormwater system proposed by the project would be designed to accommodate a 10-year storm.

As discussed in Section 3.2 Project Description, the project would elevate the site to 13 feet amsl consistent with the base flood elevation under a 100-year storm. During normal rain conditions and up to a 10-year storm event, runoff from the site would not exceed the capacity of the proposed on-site and existing municipal storm drainage systems and no on- or off-site flooding would occur. During a 100-year storm, runoff on-site could exceed the capacity of existing and proposed storm drainage systems, resulting in ponding on- and off-site with an average depth ranging from one to three feet.

Consistent with Section 9-4.90(a)(4) of the City's Municipal Code, the project would implement the following Standard Condition of Approval.

Standard Condition of Approval: The project will implement the following measure to ensure flooding impacts are addressed by the site design.

- The applicant shall have a flood plain study prepared which evaluates the increase in the surface elevations of the base flood resulting from implementation of the proposed project and cumulative development in accordance with the specifications of Section 9-4.90(a)(4) of the City's Municipal Code. The flood plain study shall be submitted to the City prior to issuance of any grading permit for the project. Any recommendations made in the flood plain study in order to ensure that the project in combination with cumulative projects does not increase the water surface elevations of the base flood more than one foot at any point in the City of Hayward shall be implemented as part of the project.

Compliance with Section 9-4.90(a)(4) of the City's Municipal Code, as outlined in the Standard Condition of Approval above would ensure that the project would not create or contribute runoff exceeding the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff and would not result in flooding on- or off-site.

As previously mentioned, Zone AH is subject to shallow flooding in the form of ponding and is not subject to overland flood flows. For these reasons, although the project would elevate the site above the base flood elevation, it would not impede or redirect flood flows because over-land flood flows do not occur on- or adjacent to the site. **(Less than Significant Impact)**

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

As noted in section 4.10.1.2 Existing Conditions above, the project site is not located in a tsunami or seiche hazard zone. Although the project site is located in a special hazard flood zone, as discussed

[75] Scott Wikstrom, Senior Engineer, City of Hayward. Personal Communication. March 31, 2023.

under Checklist Question c) above, the project site is designated as special hazard Flood Zone AH which indicates shallow flooding in the form of ponding rather than runoff overtopping the banks of a waterway resulting in overland flows.[76,77] The proposed building would be elevated above the base flood elevation and, therefore, any potential pollutants used in the building would not be at risk nor released due to project inundation in a flood hazard zone. **(Less than Significant Impact)**

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

In January 2022, the City of Hayward City Council adopted a Groundwater Sustainability Plan for the East Bay Plain Subbasin. The Groundwater Sustainability Plan identifies the need for planning and specialized studies, ongoing monitoring of groundwater levels within the subbasin, and installation of new groundwater facilities. The project site is not located within an identified recharge zone. Furthermore, as discussed in Checklist Questions a) and b) above, through implementation of construction BMPs and on-site bioretention basins, the project would be consistent with the City's Stormwater Management and Urban Runoff Control Ordinance and would not result in water quality impacts. For these reasons, the project would not conflict with implementation of a water quality or groundwater management plan. **(Less than Significant Impact)**

[76] Paul Boumann, Senior Civil Engineer. Keir & Wright. Personal Communication. March 24, 2023.
[77] FEMA. "Glossary, Zone AH." Accessed March 24, 2023. https://www.fema.gov/glossary/zone-ah#:~:text=Areas%20with%20a%201%25%20annual,of%20a%2030%E2%80%90year%20mortgage.

4.11 Land Use and Planning

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Local

Hayward 2040 General Plan

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to land use and are applicable to the proposed project.

Policy	Description
LU-6.2	Industrial and Warehouse Conversions. The City shall encourage the conversion of obsolete industrial and warehouse distribution space to a productive use, such as advanced manufacturing, professional office centers, corporate campuses, research and development parks, and flex space.
LU-6.3	Parcel Consolidation. The City shall promote the consolidation of small and irregular shaped parcels within the Industrial Technology and Innovation Corridor to improve the economic feasibility of development projects.
LU-6.7	Design Strategies. The City shall encourage developments within the Industrial Technology and Innovation Corridors to incorporate the following design strategies: - Provide attractive on-site landscaping and shade trees along street frontages and within employee and visitor parking lots. - Screen areas used for outdoor storage, processing, shipping and receiving, and other industrial operations with a combination of landscaping and decorative fences or walls. - Encourage consistent architectural façade treatments on all sides of building. - Screen roof-top equipment with roof parapets. - Design shipping and receiving areas and driveways to accommodate the turning movements of large trucks. - Develop coordinated and well-designed signage for tenant identification and way-finding. - Incorporate attractive building and site lighting to prevent dark pockets on the site. - Provide pedestrian walkways and connect building entrances to sidewalks. Use landscaped buffers with trees and attractive sound walls to screen adjacent residential areas and other sensitive uses.
LU-6.8	Employee Amenities. 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.

Hayward Executive Airport Land Use Compatibility Plan

The Hayward Executive Airport is located approximately 3.6 miles northwest of the project site. The project site is not located within the AIA. The project site is also not located within any of the airport's CNEL noise contours or within any safety zones for the airport.

Hayward Zoning Ordinance

The Hayward Zoning Ordinance (Article 10.1 of the HMC) provides regulations to ensure an appropriate mix of land uses in an orderly manner throughout the City.

4.11.1.2 *Existing Conditions*

The project site has a General Plan land use designation of Industrial Technology and Innovation Corridor. The Industrial Technology and Innovation Corridor designation generally applies to warehouses, office buildings, research and development facilities, manufacturing plants, business parks, and corporate campus buildings. The project site is zoned Light Industrial (IL). The IL zoning is primarily intended for a wide variety of light industrial uses taking place primarily within enclosed buildings and producing minimal impacts on nearby properties.

Surrounding land uses include industrial uses to the north and south, across Industrial Parkway West, commercial and residential uses to the west, and existing industrial and residential uses to the east, across Ruus Road.

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

a) Would the project physically divide an established community?

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The project proposes demolition of five existing industrial buildings, paved surface parking and storage areas, and landscaping, and construction of a new 103,406-square-foot warehouse, surface parking, and landscaping on-site. No new roadways or freeways are proposed. Therefore, the project would not physically divide an established community. **(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 Industrial Technology and Innovation Corridor land use designation for the site allows for professional offices, corporate campuses, research and development, warehousing and logistics, manufacturing, and biotechnology uses with a maximum floor area ratio (FAR) of 0.8. The Light Industrial (IL) zoning allows for buildings with a maximum height of 45 feet.

The project proposes development of a 103,406-square-foot warehouse building (including a two-story office) with a maximum height of 45 feet. The project would have an FAR of 0.3. Therefore, the proposed project would be consistent with the current General Plan land use designation and zoning for the site.

The project is located outside of the AIA for Hayward Executive Airport and, therefore, would not conflict with any Airport Comprehensive Land Use Plan.

For the reasons described above, with implementation of applicable General Plan policies, mitigation measures, and standard conditions of approval identified throughout this Initial Study, the project would not result in a significant environmental effect due to a conflict with a land use plan or policy. **(No Impact)**

4.12 Mineral Resources

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

Hayward 2040 General Plan

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to mineral resources and are applicable to the proposed project.

Policy	Description
NR-5.1	Mineral Resources Protection. The City shall protect mineral resources in undeveloped areas that have been classified by the State Mining and Geology Board as having statewide or regional significance for possible future extraction by limiting new residential or urban uses that would be incompatible with mining and mineral extraction operations.

4.12.1.2 *Existing Conditions*

According to the General Plan, the only designated mineral resource sector of regional significance within the City of Hayward was the La Vista Quarry. The La Vista Quarry was located east of Mission Boulevard and Tennyson Road, approximately 1.6 miles east of the project site and ceased operation prior to 2008 due to depletion of the accessible aggregate resource within the quarry.[78]

[78] City of Hayward. *Hayward 2040 General Plan Background Report.* January 2014. Page 7-109.

4.12.2 Impact Discussion

	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 will be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?

The project site is currently developed with five industrial buildings and associated surface parking and storage areas. No mining operations currently occur or have occurred on-site. The proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

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?

The only designated mineral resource recovery site identified within the City of Hayward was the La Vista Quarry, approximately 1.6 miles east of the project site. The La Vista Quarry ceased operations in 2008 when its mineral resource (aggregate) was depleted. Therefore, the project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. **(No Impact)**

4.13 Noise

The following discussion is based, in part, on a Noise and Vibration Assessment prepared for the project by Illingworth & Rodkin, Inc. in August 2023. This report is included as Appendix E to this Initial Study.

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq}, day/night level (DNL), or CNEL.[79] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a gas-powered leaf blower is operating nearby) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

[79] L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

4.13.1.1 *Regulatory Framework*

Federal

Federal Transit Administration Vibration Limits

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event (such as a train pass-by). The impact criteria for groundborne vibration are shown in Table 4.13-1 below. These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

Table 4.13-1: Groundborne Vibration Impact Criteria

Land Use Category	Groundborne Vibration Impact Levels (VdB inch/sec)		
	Frequent Event	**Occasional Events**	**Infrequent Events**
Category 1: Buildings where vibration would interfere with interior operations	65	65	65
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime use	75	78	83
Source: Federal Transit Administration. *Transit Noise and Vibration Assessment Manual.* September 2018.			

State and Local

California Green Building Standards Code

For commercial uses, CalGreen (Section 5.507.4.1 and 5.507.4.2) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} or greater noise contour for a freeway or expressway, railroad, or industrial or stationary noise source. The state requires interior noise levels to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation at a proposed commercial use.

Hayward 2040 General Plan

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to noise and are applicable to the proposed project.

Policy	Description
HAZ-8.1	Locating Noise Sensitive Uses. The City shall strive to locate noise sensitive uses, (e.g., residences, schools, hospitals, libraries, religious institutions, and convalescent homes) away from major sources of noise.
HAZ-8.2	Noise Study and Mitigation. The City shall require development projects in areas where they may be exposed to major noise sources (e.g., roadways, rail lines, and aircraft or other non-transportation noise sources) to conduct a project level environmental noise analysis. The noise analysis shall determine noise exposure and noise standard compatibility with respect to the noise standards identified in Table HAZ-1 and shall incorporate noise mitigation when located in noise environments that are not compatible with the proposed uses of the project. The City shall use Table HAZ-1 (Exterior Noise Standards for Various Land Uses) and Figure HAZ-1 (Future Noise Contour Maps) to determine potential noise exposure impacts, noise compatibility thresholds, and the need for mitigation. The City shall determine mitigation measures based on project-specific noise studies, and may include sound barriers, building setbacks, the use of closed windows and the installation of heating and air conditioning ventilation systems, and the installation of noise attenuating windows and wall/ceiling insulation.
HAZ-8.3	Incremental Noise Impacts of Commercial and Industrial Development. The City shall consider the potential noise impacts of commercial and industrial developments that are located near residences and shall require noise mitigation measures as a condition of project approval.
HAZ-8.4	Noise Mitigation and Urban Design. The City shall consider the visual impact of noise mitigation measures and shall require solutions that do not conflict with urban design goals and standards.
HAZ-8.14	Airport Noise. The City shall monitor noise impacts from aircraft operations at the Hayward Executive Airport and maintain and implement the noise abatement policies and procedures outlined in the Airport Noise Ordinance and Land Use Compatibility Plan.
HAZ-8.15	Airport Noise Evaluation and Mitigation. The City shall require project applicants to evaluate potential airport noise impacts if the project is located within the 60 dB CNEL contour line of the Hayward Executive Airport or Oakland International Airport (as mapped in the Land Use Compatibility Plan). All projects shall be required to mitigate impacts to comply with the interior and exterior noise standards established by the Land Use Compatibility Plan.
HAZ-8.20	Construction Noise Study. The City may require development projects subject to discretionary approval to assess potential construction noise impacts on nearby sensitive uses and to minimize impacts on those uses, to the extent feasible.
HAZ-8.21	Construction and Maintenance Noise Limits. The City shall limit the hours of construction and maintenance activities to the less sensitive hours of the day (7:00 am to 7:00 pm Monday through Saturday and 10:00 am to 6:00 pm on Sundays and holidays).
HAZ-8.22	Vibration Impact Assessment. The City shall require a vibration impact assessment for proposed projects in which heavy-duty construction equipment would be used (e.g., pile driving, bulldozing) within 200 feet of an existing structure or sensitive receptor. If applicable, the City shall require all feasible mitigation measures to be implemented to ensure that no damage or disturbance to structures or sensitive receptors would occur.

City of Hayward Municipal Code

The City's Municipal Code contains a Noise Ordinance that limits noise levels during construction activities and at adjacent properties. Section 4-1.03.1 of the Municipal Code outlines noise limits for residential, commercial, and industrial uses and Section 4-1.03.4 outlines construction noise limits. The applicable Municipal Code sections are presented below.

Section 4-1.03.1 Noise Restriction by Decibel

(a) Residential Property Noise Limits.

1. No person shall produce or allow to be produced by human voice, machine, device, or any combination of same, on residential property, a noise level at any point outside of the property plane that exceeds 70 dBA between the hours of 7:00 a.m. and 9:00 p.m. or 60 dBA between the hours of 9:00 p.m. and 7:00 a.m.

2. No person shall produce or allow to be produced by human voice, machine, device, or any combinations of same, on multifamily residential property, a noise level more than 60 dBA three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located.

(b) Commercial and Industrial Property Noise Limits. Except for commercial and industrial property abutting residential property, no person shall produce or allow to be produced by human voice, machine, device, or any other combination of same, on commercial or industrial property, a noise level at any point outside of the property plane that exceeds 70 dBA. Commercial and industrial property that abuts residential property shall be subject to the residential property noise limits set forth in sections (a)(1) and (2) above.

Section 4-1.03.4 Construction and Alteration of Structures; Landscaping Activities

Unless otherwise provided pursuant to a duly issued permit or a condition of approval of a land use entitlement, the construction, alteration, or repair of structures and any landscaping activities, occurring between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays, and 7:00 a.m. and 7:00 p.m. on other days, shall be subject to the following:

(a) No individual device or piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet from the source. If the device or equipment is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close as possible to 25 feet from the equipment.

(b) The noise level at any point outside the property plane shall not exceed 86 dBA.

(c) During all other times, the decibel levels set forth in Section 4-1.03.1 shall control.

4.13.1.2 *Existing Conditions*

The existing noise environment at the project site results primarily from local vehicular traffic along the surrounding roadways. Operational noise from the industrial land uses in the project vicinity also contribute to the noise environment. A noise monitoring survey was conducted to establish the existing ambient noise levels. The noise monitoring survey consisted of two long-term noise

measurements (LT-1 and LT-2) and three short-term measurements (ST-1, ST-2, and ST-3) as shown in Figure 4.13-1. The results of the noise monitoring survey are shown in Table 4.13-2.

Table 4.13-2: Existing Ambient Noise Levels

Noise Measurement Location	Day and Time	dBA L_{eq}	Daytime dBA L_{eq}	Nighttime dBA L_{eq}
Short-Term Noise Measurements				
ST-1: 1366 Buckingham Way	4/19/23 10:20 AM – 10:30 AM	58	--	--
ST-2: 29482 Sandburg Way	4/19/23 10:40 AM – 10:50 AM	46	--	--
ST-3: 1609 Welford Circle	4/19/23 11:00 AM - 11:10 AM	51	--	--
Long-Term Noise Measurements				
LT-1: 35 feet from centerline of Ruus Road	4/20/23	69	62-73	53-66
LT-2: Terminus of Bowhill Road	4/20/23	58	52-63	40-61

Source: Illingworth & Rodkin, Inc. *CenterPoint Industrial Project Noise Assessment, Hayward, California.* August 2023.

NOISE MEASUREMENT LOCATIONS | FIGURE 4.13-1

4.13.2 Impact Discussion

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

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?

Temporary Construction Noise

As noted in Section 3.2.7 Construction, project construction would be completed in one phase over a period of approximately 12 months. During this time, construction activities would occur between 7:00 AM and 7:00 PM Monday through Friday, consistent with General Plan Policy HAZ-8.21 and Municipal Code Section 4-1.03.4. Noise from individual construction equipment shall not exceed 83 dBA at a distance of 25 feet from the equipment or from the housing in which the equipment is located. In addition, noise levels shall not exceed 86 dBA at any point outside the property line.

Construction activities generate considerable amounts of noise, especially during earth moving activities when heavy equipment is used. Construction of the project would involve demolition of the existing structures and pavement, site preparation, grading and excavation, trenching, building construction, and paving which would temporarily increase noise levels in the immediate vicinity of the site for a period of 12 months. The estimated noise levels generated by the proposed construction equipment are shown in Table 4.13-3 below.

Table 4.13-3: Construction Noise Levels

Construction Phase	Approximate Start/End Date	Construction Equipment	Noise Level at 25 Feet (L_{eq})		Setback to Meet 86 dBA Limit at Property Line (feet)
			Individual Equipment (Lmax)	Construction Phase (L_{eq})	
Demolition	5/1/25-7/1/25	Concrete/Industrial Saw Excavator Rubber-Tired Dozer	96 87 88	92	50
Grading/Excavation	7/2/25 – 8/1/25	Excavator Grader Rubber-Tired Dozer Tractor/Loader/Backhoe	87 91 88 85-90	92	50
Trenching/Foundation	8/2/25-8/23/25	Tractor/Loader/Backhoe	90	86	None
Building – Exterior	8/26/25 – 12/1/25	Crane Forklift Tractor/Loader/Backhoe Welder	87 81 84-90 80	89	35
Building – Interior/Architectural Coating	12/2/25 – 3/1/26	Air Compressor	84	80	None
Paving	3/2/26 – 4/1/26	Paver Paving Equipment Roller	83 83-86 86	88	30
Source: Illingworth & Rodkin, Inc. *CenterPoint Industrial Project Noise Assessment, Hayward, California.* August 2023.					

As shown in Table 4.13-3, operation of concrete/industrial saws, excavators, dozers, graders, tractors, loaders, and backhoes, cranes, air compressors, paving equipment, and rollers during project construction would exceed the City's 83 dBA noise limit. Construction activities during the demolition, grading, and excavation phases would exceed the 86 dBA noise limit at the nearest residential uses to the west when activities occur within 50 feet of the residential property line. Paving activities associated with the proposed project would exceed the 86 dBA noise limit at the nearest residential uses to the west when those activities occur within 30 feet of the nearest property line. However, the interior and exterior building construction phases would not exceed the 86 dBA noise limit at the nearest residential uses because these activities would occur approximately 55 feet from the nearest residential property line.

Impact NOI-1: Project construction would result in the use of construction equipment exceeding the noise limit of 83 dBA for individual pieces of equipment and 86 dBA at the nearest residential property line and impacts would be significant. **(Significant Impact)**

Mitigation Measure: The project will be required to implement the following mitigation measure to reduce construction noise levels to a less than significant level:

MM NOI-1.1: Construction activities shall be conducted in accordance with the provisions of the City's General Plan and the Municipal Code, which limits temporary construction work to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday and between 10:00 a.m. to 6:00 p.m. on Sundays and holidays. Further, the City shall require the construction contractor adhere to the following construction noise control practices to reduce construction noise levels emanating from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity.

- The construction contractor shall develop a construction noise control plan, including, but not limited to, the following available construction noise controls:
    - Selection of quieter concrete/industrial saws, excavators, dozers, graders, tractors, loaders, and backhoes, cranes, air compressors, paving equipment, and rollers. No individual device or piece of equipment shall produce a noise level exceeding eighty-three (83) dBA at a distance of twenty-five (25) feet from the source.
    - Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
    - Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools;
    - Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
    - Construct a 12-foot temporary noise barrier to screen the second story windows of residences on Welford Circle from noise-generating equipment or activities along the western site boundary. A 12-foot temporary noise barrier would provide a 5 dBA noise reduction at second story windows if the noise barrier interrupts the line-of-sight between the noise source and receptor. The 12-foot temporary noise barrier would provide 9 to 12 dBA of noise reduction at fully shielded ground level private outdoor activity areas of residences on Welford Circle.

- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Where feasible, temporary power service from local utility companies should be used instead of portable generators.
- Locate cranes as far from adjoining noise-sensitive receptors as possible.
- Substitute nail guns for manual hammering, where feasible.
- Avoid the use of saws near the adjoining noise-sensitive receptors. Where feasible, shield saws with a solid screen with material having a minimum surface density of 2 lbs/ft^2 (e.g., such as ¾ inch plywood).
- Trucks shall access the construction site from Industrial Parkway West. Construction trucks shall avoid Ruus Road and local residential neighborhoods.
- Maintain smooth vehicle pathways for trucks and equipment accessing the site and avoid local residential neighborhoods as much as possible.
- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities and this schedule shall be shared with residents along the westernmost site boundary.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

With implementation of MM NOI-1.1, construction noise levels would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Permanent Operational Noise

Permanent noise level increases from project operation would be primarily associated with various mechanical equipment and increased traffic from future occupants of the proposed warehouse. A significant permanent noise increase would occur if the project would increase noise levels at noise-sensitive receptors by three dBA L_{dn} or more where ambient noise levels exceed the "normally acceptable" noise level standard. Where ambient noise levels are at or below the "normally acceptable" noise level standard, noise level increases of five dBA L_{dn} or more would be considered significant. The City's General Plan defines the "normally acceptable" outdoor noise level standard for nearby residential land uses to be 60 dBA L_{dn}.

Furthermore, a significant permanent noise increase would occur if the project would produce a noise level at any point outside of the property plane that exceeds 70 dBA between the hours of 7:00 AM and 9:00 PM or 60 dBA between the hours of 9:00 PM and 7:00 AM.

As described in Section 4.13.1.2 Existing Conditions above, the existing noise levels near the project site range from 58 to 69 dBA which is above the City's "normally acceptable" noise level for residential uses. A significant impact would occur if the proposed project would permanently increase ambient levels by three dBA L_{dn}.

Project-Generated Traffic

The project site would be accessed via three full access driveways, including one on Ruus Road and two on Industrial Parkway West. Passenger vehicles accessing the project site would use the western driveway on Industrial Parkway West and trucks would use the Ruus Road and eastern Industrial Parkway West driveways. According to the Transportation Impact Analysis prepared for the proposed project (Appendix F), the project would result in 396 new passenger vehicle and 233 new daily truck trips.[80] Based on the trip distribution pattern for the project and due to the access limitations for passenger vehicles, it is assumed that passenger vehicles would primarily travel on Industrial Parkway West. Industrial Parkway West has approximately 19,366 average daily trips.[81] Therefore, project-generated passenger vehicle trips represent a two percent increase compared to existing conditions on Industrial Parkway West and would result in a less than one dBA increase in noise levels on Industrial Parkway West.[82] This noise level increase would not be perceptible. Furthermore, for the purposes of providing a credible worst-case assessment of project-generated traffic noise, this analysis assumed that all truck traffic associated with the project would access the

[80] Because this project is being developed without a specific tenant, the transportation analysis for the project applied an ITE code (High-Cube Fulfillment Center) that estimates a relatively high number of potential passenger and truck trips. As such, the trip generation disclosed in the transportation analysis represents a conservative estimate of the maximum daily traffic volumes and the project may actually generate fewer trips depending on the specific operations of the eventual tenant for the project.

[81] Ollie Zhou, Vice President & Principal Associate, Hexagon Transportation Consultants. Personal Communication. May 23, 2023.

[82] A doubling of traffic volumes along a roadway would result in a three decibel increase in traffic noise. Source: Illingworth & Rodkin, Inc. *Centerpoint Industrial Project Noise Assessment, Hayward, California.* August 2023.

site via the Ruus Road driveway. The predicted day-night average noise level from project truck trips would be 63 dBA L_{dn}.

Combined with existing noise levels in the project area, existing plus project noise levels would be 70 dBA L_{dn}.[83] Thus, project generated traffic would result in an increase of one dBA L_{dn} over existing conditions and would not result in a substantial permanent increase in noise levels (i.e., three dBA L_{dn} or more at noise-sensitive receptors in the project vicinity). **(Less than Significant Impact)**

Truck Loading/Unloading, Parking, and Mechanical Equipment

During project operations, truck loading/unloading activities, truck parking, and operation of mechanical equipment would generate noise perceptible in the project vicinity. Average loading dock activities are anticipated to reach 66 dBA L_{eq} at 50 feet, and an average noise level resulting from truck circulation and maneuvering activities are anticipated to range from 58 to 60 dbA L_{eq} at 50 feet. Parking lot activities are expected to produce noise levels of 56 dBA L_{eq} at 50 feet. Similarly, noise levels produced by mechanical equipment are expected to reach 57 dBA L_{eq} at 50 feet. Table 4.13-4 shows the estimated operational noise levels due to on-site activities at the nearest residential property lines.

Table 4.13-4: Noise Levels from Project Operations at Residential Land Uses

Receptor	Noise Source and Distance from Center of Activity (feet)	L_{eq} (dBA)	L_{dn} (dBA)	Noise Level Increase (dBA L_{dn})
Welford Circle Residences	Parking lot – 120 feet	49	59	4
	Loading dock – 400 feet	48		
	Trailer parking – 500 feet	40		
	Truck circulation – 540 feet	37		
	HVAC – 260 feet	43		
Bowhill Road Residences	Parking Lot – 260 feet	42	56	2
	Loading dock – 460 feet	46		
	Trailer parking – 450 feet	41		
	Truck circulation – 570 feet	37		
	HVAC – 460 feet	38		

[83] To approximate the combined sound level when two sounds differ by 4 to 9 dB, 1 dB is added to the higher sound level. Examples: 63 dB+69 dB=70 dB, 66 dB+60 dB=67 dB. Source: Illingworth & Rodkin, Inc. *Centerpoint Industrial Project Noise Assessment, Hayward, California.* August 2023.

Receptor	Noise Source and Distance from Center of Activity (feet)	L_{eq} (dBA)	L_{dn} (dBA)	Noise Level Increase (dBA L_{dn})
Sandburg Way Residences	Parking lot – 650 feet	34	57	1
	Loading Dock – 430 feet	47		
	Trailer Parking – 300 feet	44		
	Truck circulation – 190 feet	46		
	HVAC – 810 feet	33		
Source: Source: Illingworth & Rodkin, Inc. *CenterPoint Industrial Project Noise Assessment, Hayward, California.* August 2023.				

As shown in Table 4.13-4, operation of the proposed project would result in a permanent increase in noise levels of four dBA above existing ambient noise levels at the residences on Welford Circle and less than three dBA increase at residences on Bowhill Road and Sandburg Way. Therefore, project operations would result in a substantial increase in noise levels at the residential properties on Welford Circle.

Impact NOI-2: The proposed project would result in permanent increases in noise levels of up to four dBA above existing ambient noise levels at sensitive receptors near the site. **(Significant Impact)**

Mitigation Measure: The project will be required to implement the following mitigation measure to reduce operational noise levels at the residences on Welford Circle to a less than significant level:

MM NOI-2.1: The following measures shall be implemented during operations of the proposed project:

- Construct a 10-foot noise barrier along the west edge of the concrete ramp west of the loading dock area to shield loading dock activities from Welford Circle residences. The noise barrier shall be solid over the face and at the base of the barrier and be constructed from materials having a minimum surface weight of three lbs./ft^2.
- Construct two eight-foot noise barriers and an eight-foot gate at the northeast corner of the site to shield truck circulation activities from Sandburg Way residences. The total length of the noise barriers and gate shall be a minimum of 450 feet. The gate shall be made of solid material, or a solid sound-absorbing material shall be affixed to the gate. The noise barriers and gate shall be solid over the face and at the base of the barrier/gate and be constructed from materials having a minimum surface weight of three lbs/ft^2. Small openings necessary for proper

operation of the gate shall not compromise the effectiveness of the barrier when closed.

- Trucks entering or exiting the warehouse between the hours of 9:00 PM and 7:00 AM shall access the site via the Industrial Parkway West driveway only. The Ruus Road driveway shall be closed and locked during these nighttime hours.
- Parking shall be prohibited between the hours of 9:00 PM and 7:00 AM within 50 feet of Welford Circle residences. The applicant shall install signs on each affected parking stall prohibiting parking during these nighttime hours.
- Mechanical equipment shall be selected and designed to reduce noise levels to meet City requirements at Welford Circle residences. A qualified acoustical consultant shall be retained to review mechanical noise levels as these systems are selected to determine the specific noise reduction measures necessary to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures may include locating equipment in less noise-sensitive areas, such as locations on the roof farthest from the adjacent neighbors, where feasible.

With implementation of MM NOI-2.1, the noise level increases at nearby sensitive receptors resulting from project operations would be reduced to a less than significant level (less than three dBA). **(Less than Significant Impact with Mitigation Incorporated)**

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

Construction activities such as drilling, use of jackhammers (approximately 0.035 in/sec PPV at 25 feet), rock drills and other high-power or vibratory tools (approximately 0.09 in/sec PPV at 25 feet), and rolling stock equipment such as tracked vehicles, compactors, etc. (approximately 0.89 in/sec PPV at 25 feet) may generate substantial vibration in the project vicinity. Construction of the project would require demolition and site preparation work, foundation work, and new building framing and finishing. No pile driving is proposed.

The California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for structurally sound buildings of modern construction (constructed since the 1990s) and a vibration limit of 0.3 in/sec PPV for buildings that are structurally sound but where structural damage is a major concern such as older residences built with conventional materials.

Vibration levels generated during project construction would range from 0.210 in/sec PPV during operation of vibratory rollers to 0.003 in/sec PPV during operation of small bulldozers as measured at a distance of 25 feet. The nearest industrial buildings to the east are located approximately 15 feet from the project boundary. At this distance, vibration levels could reach up to 0.368 in/sec PPV. The nearest commercial buildings to the west are located approximately 50 feet from the project boundary and vibration levels would be 0.098 in/sec PPV. Therefore, vibration levels would not exceed the 0.5 in/sec PPV significance threshold at the nearest buildings to the east or west.

The nearest residential buildings to the project site are located approximately 30 feet west of the project boundary. At this distance, vibration levels could reach up to 0.172 in/sec PPV. Similarly, vibration levels would not exceed the 0.3 in/sec PPV significance threshold at the nearest residential buildings. **(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 nearest airport to the site is Hayward Executive Airport, approximately 3.6-mile northwest of the project site. The project site is not located within an adopted AIA and is not located within two miles of an airport.[84] The project would be located outside the noise contour levels of 65 dBA CNEL for the Hayward Executive Airport.[85] As a result, the project would not expose people residing or working in the project area to excessive noise levels. **(No Impact)**

[84] County of Alameda. Hayward Executive Airport Land Use Compatibility Plan. August 2012. Figure 3-2.
[85] County of Alameda. Ibid. Figure 3-3.

4.14 Population and Housing

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[86] The City of Hayward Housing Element and related land use policies were last updated in July 2023.

Regional and Local

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.[87]

ABAG allocates regional housing needs to each city and county within the San Francisco Bay Area, based on statewide goals. These allocations are designed to lay the foundation for Plan Bay Area 2050's long-term envisioned growth pattern for the region. ABAG also develops a series of forecasts and models to project the growth of population, housing units, and jobs in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Forecasting and Modeling Report, which is a technical overview of the of the growth forecasts and land use models upon which Plan Bay Area 2050 is based.

[86] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed March 15, 2023. http://hcd.ca.gov/community-development/housing-element/index.shtml.

[87] Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050.* October 21, 2021. Page 20.

4.14.1.2 *Existing Conditions*

According to the last Census, the City of Hayward had a population of 162,954 in April 2020. As of January 2022, there are approximately 52,268 residential units in the City.[88] According to ABAG projections, Hayward's population is expected to grow to a total of 178,270 by 2040.[89]

The project site is currently developed with five industrial buildings totaling 72,082 square feet. Four of the five existing buildings are currently occupied. There are approximately 75 existing employees on-site.

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

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 proposes to replace five existing industrial buildings (including four that are currently occupied by commercial tenants) with a new 103,406-square-foot industrial building and 115 space surface parking lot. No residential uses are proposed. Assuming there are as many employees as parking spaces provided, the project would generate 115 jobs, a net increase of 40 jobs over existing conditions on-site. Because the project does not include residential uses, it would not directly result in population growth. Furthermore, as discussed in Section 4.11 Land Use and Planning, the proposed project is consistent with the existing General Plan land use designation for the site, and therefore, is consistent with the General Plan growth projections for the site. For these

[88] California Department of Finance. E-5 Population and Housing Estimates for Cities, Counties, and the State 2021-2022 with 2020 Census Benchmark. Accessed March 15, 2023. Available at: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/

[89] Association of Bay Area Governments. "Projections 2040." Accessed March 15, 2023. Available at: http://projections.planbayarea.org/.

reasons, the project would not induce or indirectly result in substantial unplanned growth, and, therefore, 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?

The project site is currently occupied by five industrial buildings, associated surface parking/ storage, and landscaping. There are no residential units on-site. Therefore, the project would not displace any existing people or housing. **(No Impact)**

4.15 Public Services

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Regional and Local

Hayward 2040 General Plan

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to public services and are applicable to the proposed project.

Policy	Description
CS-1.10	Lighting. The City shall encourage property owners to use appropriate levels of exterior lighting to discourage criminal activity, enhance natural surveillance opportunities, and reduce fear
CS-2.4	Response Time for Priority 1 Calls. The City shall strive to arrive at the scene of Priority 1 Police Calls within 5 minutes of dispatch, 90 percent of the time.

Policy	Description
CS-2.5	Police Equipment and Facilities. The City shall ensure that Police equipment and facilities are provided and maintained to meet modern standards of safety, dependability, and efficiency
CS-2.6	Police Facilities Master Plan. The City shall maintain and implement a Police Department Facilities Master Plan that serves as the long-term plan for providing the Police Department with state-of-the-art equipment and facilities, including police headquarters, police substations, training facilities, detention facilities, shooting ranges, and emergency operations centers.
CS-2.14	Development Fees. The City shall consider the establishment of development impact fees to help fund Police Department operations.
CS-3.2	Fire and Building Codes. The City shall adopt and enforce fire and building codes
CS-3.3	Development Review. The City shall continue to include the Fire Department in the review of development proposals to ensure projects adequately address fire access and building standards.
CS-3.4	Adequate Water Supply for Fire Suppression. The City shall require new development projects to have adequate water supplies to meet the fire suppression needs of the project without compromising existing fire suppression services to existing uses.
CS-4.12	Development Fees. The City shall consider the establishment of development impact fees to fund Fire Department operations.
EDL-3.11	School Impact Fees. The City shall coordinate with school districts to ensure that the impacts of new development are identified and mitigated through the payment of school impact fees in accordance with State law.
EFS-1.4	Development Fair Share. The City shall, through a combination of improvement fees and other funding mechanisms, ensure that new development pays its fair share of providing new public facilities and services and/or the costs of expanding/upgrading existing facilities and services impacted by new development (e.g., water, wastewater, stormwater drainage).

Hayward Municipal Code Chapter 10, Article 16

In December 2019, the City Council adopted new park impact fees in accordance with the Mitigation Fee Act and Quimby Act requirements. Park impact fees are applicable to residential development and subdivisions, residential remodels that increase the bedroom count of homes built after February 19, 2020, and industrial development and additions. The City's park impact fee requirements are outlined in Chapter 10, Article 16 of the Municipal Code.

4.15.1.2 *Existing Conditions*

Fire Protection Services

The Hayward Fire Department (HFD) provides fire protection services throughout the City. The HFD staffs nine different stations housing nine engine companies and two truck companies.[90] The closest fire station to the project site is Fire Station 7, located at 28270 Huntwood Avenue, approximately 0.9 miles northeast of the project site.

[90] Hayward Fire Department. "Stations." Accessed March 15, 2023. https://www.hayward-ca.gov/fire-department/stations

Police Protection Services

The Hayward Police Department (HPD) provides police protection services throughout the City. The HPD has a staff of 300, including sworn and professional personnel.[91] The HPD is headquartered at 300 West Winton Avenue, approximately 3.1 miles northeast of the project site.

Schools

The project site is served by the Hayward Unified School District (HUSD). Students in the project area attend Palma Ceia Elementary School, located at 27676 Melbourne Avenue (approximately 1.3 miles northwest of the project site), Anthony W. Ochoa Middle School, located at 2121 Depot Road (approximately 2.7 miles northwest of the project site), and Mt. Eden High School, located at 23000 Panama Street (approximately one mile northwest of the project site).[92]

Parks

The City of Hayward contains more than 3,000 acres of parks and open space and features 20 miles of running and hiking trails.[93] The City does not administer its own parks. Parks within the City are managed by the Hayward Area Recreation and Park District (HARD) and the East Bay Regional Park District (EBRPD). The nearest park to the project site is Stratford Village Park, located at 1768-1798 Canterbury Lane, approximately 915 feet west of the project site. Stratford Village Park includes a basketball court, skate park, open lawn area, playground, and picnic tables.

Other Public Facilities

Libraries

The Hayward Public Library provides library services within the City of Hayward. The Hayward Public Library consists of two branch locations. The nearest library branch to the project site is the Weekes Branch Library, located at 27300 Patrick Avenue, approximately 1.1 miles northwest of the project site.

Community Centers

The HARD operates 11 community centers available for rent within its total jurisdiction, which includes all of the City of Hayward as well as some unincorporated communities of Castro Valley, San Lorenzo, Ashland, Cherryland, and Fairview. The nearest community center to the project site is the Matt Jimenez Community Center, located at 28200 Ruus Road, approximately 0.7 miles northeast of the project site. The Matt Jimenez Community Center features a gymnasium, meeting rooms, video game room, and commercial kitchen.

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[91] Hayward Police Department. "Divisions." Accessed March 15, 2023. https://www.hayward-ca.gov/police-department/about

[92] Hayward Unified School District. "School Locator." Accessed March 15, 2023. http://apps.schoolsitelocator.com/index.html?districtCode=41834

[93] City of Hayward. "Parks & Recreation." Accessed March 15, 2023. https://www.hayward-ca.gov/residents/arts-leisure/parks-recreation

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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:				
a) Fire Protection?	☐	☐	☒	☐
b) Police Protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☒	☐
e) Other Public Facilities?	☐	☐	☐	☒

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

The HFD reviews project plans before building permits are issued to ensure compliance with all applicable fire and building code standards and to ensure that adequate fire and life safety measures are incorporated into the project in compliance with all applicable state and city fire safety regulations. As discussed in Section 4.14 Population and Housing, the proposed project would result in a net increase of 40 jobs on-site, incrementally increasing the demand for fire protection services compared to existing conditions. The HFD currently serves the existing industrial buildings on-site and the increase in service population from the project would be incremental compared to existing conditions. Therefore, the project would not individually require new or altered fire protection facilities, and as a result, would have a less than significant impact on the environment. **(Less than Significant Impact)**

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

The HPD currently serves the existing industrial buildings on-site. As discussed in Section 4.14 Population and Housing, the proposed project would result in a net increase of 40 jobs on-site, incrementally increasing the demand for police protection services compared to existing conditions. However, the increase in service population from the project would be incremental compared to existing conditions and would not exhaust existing police facilities. Therefore, the project would have a less than significant impact on the provision of police protection services and would not require new or altered police facilities. **(Less than Significant Impact)**

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

The proposed industrial building would not result in a net increase in students. Project implementation, therefore, would not impact existing school services or result in the need for new or physically altered schools in the project area. **(No Impact)**

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

Unlike residential development, which increases City population and associated demand on City parks, the proposed industrial development would not create substantial demand for more parks within the City. Employees of the proposed project may use Stratford Village Park (or others in the vicinity, such as Ruus Park, or Silver Star Veterans Park) during breaks or before or after work. The incremental increase in usage of these facilities by future employees would not be substantial enough to require new or physically altered parks in the project area, resulting in significant environmental impacts. Nonetheless, the proposed project would be required to pay the City's park impact fee toward new parks and needed improvements to existing parks within the City. For these reasons, the proposed project would not result in the need for new or physically altered parks in the project area. **(Less than Significant Impact)**

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

As described above, the project would result in a net increase of 40 jobs on-site compared to existing conditions. However, the increased jobs resulting from the proposed project would be within the planned service population growth for the City, and, as a result, would not cause a substantial adverse impact associated within the provision of new or altered libraries, community centers, or other public facilities. **(No Impact)**

4.16 Recreation

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Local

Hayward 2040 General Plan

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to recreation and are applicable to the proposed project.

Policy	Description
HQL-10.2	Parks Standard. The City shall seek to increase the number of parks throughout the city by working with HARD to achieve and maintain the following park standards per 1,000 Hayward residents: • Two acres of local parks, • Two acres of school parks, • Three acres of regional parks, • One mile of trails and linear parks, and • Five acres of parks district-wide.

4.16.1.2 *Existing Conditions*

Parks

The City of Hayward contains more than 3,000 acres of parks and open space and features 20 miles of running and hiking trails. The City does not administer its own parks. Parks within the City are managed by the HARD and the EBRPD. The nearest park to the project site is Ruus Park, located at 24919 Folsom Avenue, approximately 0.5 miles northwest of the project site. Ruus Park includes a barbecue, baseball/softball field, open lawn area, playground, picnic tables, restrooms, and soccer fields.

4.16.2 Impact Discussion

		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 will 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?	☐	☐	☒	☐

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?

Unlike residential development, which increases City population and associated demand on City parks, the proposed industrial development would not create substantial demand for more parks within the City. While employees of the proposed project may use Stratford Village Park (or others in the vicinity, such as the Ruus Park or Silver Star Veterans Park) during breaks or before or after work, the incremental increase in use would not result in the deterioration of these facilities. Furthermore, future employees would have access to proposed on-site trails and the project would be required to pay the City's park impact fees. For these reasons, the proposed project would not result in the need for new or physically altered parks in the project area. **(Less than Significant Impact)**

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 proposed industrial development does not include publicly accessible recreational facilities. The project would include two small outdoor open space areas and two private pedestrian trails on-site for use by future tenants of the building only (not open to the public). As discussed in Checklist Question a) above, employees may use parks and recreational facilities in the project area during breaks or before or after work. However, usage of these facilities by future employees would not be substantial enough to require the construction of new recreational facilities or the expansion of existing recreational facilities, resulting in significant environmental effects. For these reasons, the project would not result in impacts due to the construction or expansion of recreational facilities. **(Less than Significant Impact)**

4.17 Transportation

The following discussion is based, in part, on a Local Transportation Analysis prepared by Hexagon Transportation Consultants, Inc. in September 2023. The Local Transportation Analysis is included as Appendix F to this Initial Study.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Alameda County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a VMT metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Specifically, CEQA Guidelines Section 15064.3(b)(2) provides that projects that reduce VMT, such as pedestrian, bicycle, and transit projects, would have a less than significant impact. This section further provides that lead agencies have discretion to evaluate roadway capacity projects (including highways), provided that any such analysis is consistent with the requirements of CEQA. Recognizing that roadway capacity projects may be analyzed at a programmatic level, subdivision (b)(2) states that lead agencies may be able to tier from a programmatic analysis that adequately addresses the effects of roadway capacity projects.

Regional and Local

Congestion Management Program

Alameda County Transportation Commission (Alameda CTC) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element. Alameda CTC has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

City of Hayward Transportation Impact Analysis Guidelines

The City's Transportation Impact Analysis (TIA) Guidelines, dated December 2020, provide CEQA transportation analysis exemption screening criteria for certain development projects. The criteria are based on the type of project, characteristics, and/or location. If a project meets the City's screening criteria, the project is expected to result in less than significant VMT impacts. According to the guidelines, the VMT screening criteria would be met for residential projects that are located in either of the following locations:

- Within a half mile of a major transit stop
- In an area with low (below the threshold) VMT per capita and in an area with planned growth

Projects must also meet the following criteria to be exempt from further VMT analysis:

- Density/FAR – Minimum of 35 units per acre as applicable for residential projects
- Parking – No more than the minimum number of parking spaces required; in cases where no minimum is required and a maximum is identified, no more than the maximum number of parking spaces
- Does not replace affordable residential units with a small number of moderate – or high income residential units
- Consistent with Plan Bay Area, the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Transportation Commission)

Projects that do not meet the screening criteria are required to conduct a VMT analysis and provide mitigation measures for significant impacts.

Hayward 2040 General Plan

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to transportation and are applicable to the proposed project.

Policy	Description
M-1.4	Multimodal System Extensions. The City shall require all new development that proposes or is required to construct or extend streets to development a transportation network that complements and contributes to the city's multimodal system, maximizes connections, and minimizes barriers to connectivity.
M-1.5	Flexible LOS Standards. The City shall consider flexible Level of Service (LOS) standards, as part of multimodal system approach, for projects that increase transit-ridership, biking, and walking in order to reduce air pollution, energy consumption, and greenhouse gas emissions.
M-1.7	Eliminate Gaps. The City shall strive to create a more comprehensive multimodal transportation system by eliminating "gaps" in roadways, bikeways, and pedestrian networks, increasing transit access in underserved areas, and removing natural and manmade barriers to accessibility and connectivity.
M-1.8	Transportation Choices. The City shall provide leadership in educating the community about the availability and benefits of using alternative transportation modes.
M-3.3	Balancing Needs. The City shall balance the needs of all travel modes when planning transportation improvements and managing transportation use in the public right-of-way.
M-3.7	Development Review. The City shall consider the needs of all transportation users in the review of development proposal to ensure on-site and off-site transportation facility improvements complement existing and planned land uses.
M-3.8	Connections with New Development. The City shall ensure that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways, pedestrian ways, and transit facilities.
M-4.1	Traffic Operations. The City shall strive to address traffic operations, including traffic congestion, intersection delays, and travel speeds, while balancing neighborhood safety concerns.
M-4.2	Roadway Network Development. The City shall develop a roadway network that categorizes streets according to function and type as shown on the Circulation Diagram and considering surrounding land use context.
M-4.3	Level of Service. The City shall maintain a minimum vehicle Level of Service E at signalized intersections during the peak commute periods except when a LOS F may be acceptable due to costs of mitigation or when there would be other unacceptable impacts, such as right-of-way acquisition or degradation of the pedestrian environment due to increased crossing distances or unacceptable crossing delays.
M-4.5	Emergency Access. The City shall develop a roadway system that is redundant (i.e., includes multiple alternative routes) to the extent feasible to ensure mobility in the event of emergencies.
M-5.8	Parking Facility Design. The City shall ensure that new automobile parking facilities are designed to facilitate safe and convenient pedestrian access, including clearly defined internal corridors and walkways connecting parking areas with buildings and adjacent sidewalks and transit stops and adequate lighting.
M-6.5	Connections between New Development and Bikeways. The City shall encourage that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways and do not interfere with existing and proposed bicycle facilities.
M-8.2	Citywide TDM Plan. The City shall maintain and implement a citywide Travel Demand Management Program, which provides a menu of strategies and programs for developers and employers to reduce single-occupant vehicle travel in the city.
M-8.3	Employer-based Strategies. The City shall encourage employers to participate in TDM programs (e.g., guaranteed ride home, subsidized transit passes, carpool and vanpool programs) and to participate in or create Transportation Management Association to reduce parking needs and vehicular travel.
M-11.2	Designated Truck Routes. The City shall require trucks to use designated routes and shall prohibit trucks on local streets to address traffic operations and safety concerns in residential neighborhoods.

Policy	Description
M-11.3	Truck Parking in Neighborhoods. The City shall prohibit overnight and other specified truck parking activities in residential areas.

City of Hayward Bicycle and Pedestrian Master Plan

On September 29, 2020, the Hayward City Council adopted the 2020 Bicycle and Pedestrian Master Plan (BPMP), which details the City's plan to establish a network of accessible, safe, and integrated bicycle and pedestrian facilities. The 2020 BPMP replaces and builds on the City's original 2007 Bicycle Master Plan with its inclusion of pedestrian-centered facilities and extensive public input. The new plan recommends a total of 153 miles of new bicycle facilities, including 32 miles of multiuse paths for both pedestrians and cyclists.

4.17.1.2 *Existing Conditions*

Regional Roadway Network

Regional access to the project site is provided by I-880. Local access to the project site is provided via Hesperian Boulevard, Industrial Parkway West, Stratford Road, Ruus Road, Industrial Parkway Southwest.

Interstate 880 (I-880) is a north-south freeway extending from Oakland to San Jose. In the vicinity of the project I-880 provides four lanes, including one express lane, in both directions.

Hesperian Boulevard is a north-south arterial street that extends from East 14th Street in San Leandro in the north to Alameda Creek in the south, where it transitions to Union City Boulevard. Hesperian Boulevard is six lanes wide and has sidewalks on both sides of the street. Within the vicinity of the project, Hesperian Boulevard has Class II bike lanes.

Industrial Parkway West is an east-west arterial street that extends from Hesperian Boulevard in the west to State Route 238 in the east. Within the vicinity of the project, Industrial Parkway West is four lanes wide and has sidewalks on both sides of the street with a few exceptions where the sidewalk is discontinuous. Class II bike lanes are available on Industrial Parkway West between Stratford Road and Ruus Road on both sides of the street.

Stratford Road is a north-south collector street that extends from Ruus Lane in the north to Addison Way in the east. Stratford Road is two to three lanes wide and has sidewalks on both sides of the street.

Ruus Road is a north-south collector street that extends from Tennyson Road in the north to Industrial Parkway West in the south, where it transitions to Industrial Parkway Southwest. Ruus Road is two lanes wide and has Class II bike lanes and sidewalks on both sides of the street. Truck traffic is prohibited on Ruus Road between Industrial Parkway West and Tennyson Road. The City plans to adjust this restriction to Ruus Road north of Ruus Lane.

Industrial Parkway Southwest is a north-south arterial that extends from Whipple Road in the south to Industrial Parkway West, where it transitions to Ruus Road. Industrial Parkway Southwest is four lanes wide and has Class II bike lanes on both sides of the street. Industrial Parkway Southwest has continuous sidewalks on the west side of the street and has sidewalks on the east side of the street between Whipple Road and 240 feet north of Whipple Road.

Existing Bicycle Facilities

The bicycle facilities in the vicinity of the project site consist of multi-use paths (Class I bikeway), bicycle lanes (Class II bikeway), and bicycle routes (Class III bikeway). The existing bicycle facilities within the project area are present at the following:

- Class I bikeways south of Industrial Parkway West between Ruus Road and Mission Boulevard;
- Class II bikeways on Ruus Road between Thiel Road and Industrial Parkway West;
  Class II bikeways on Huntwood Avenue between Schafer Road and Whipple Road;
- Class II bikeways on Hesperian Boulevard between Industrial Parkway West to Union City Boulevard in Union City;
- Class II bikeway on Industrial Parkway West between Stratford Avenue and Ruus Road;
- Class III bikeway on Industrial Parkway Southwest between Industrial Parkway West and Whipple Road; and a
- Class III bikeway on Stratford Avenue between Pacheco Way and Industrial Parkway West.

Existing Pedestrian Facilities

Sidewalks are generally found on both sides of all roadways in the study area in the immediate vicinity of the site, except on Industrial Parkway West and Industrial Parkway Southwest where sidewalks are discontinuous in places. All signalized study intersections have pedestrian crosswalks and curb ramps. Existing bicycle facilities are shown in Figure 4.17-1.

Although all the signalized study intersections have crosswalks, some of them lack crosswalks on some of the legs. At the I-880 Southbound Off-Ramp/Industrial Parkway West intersection, there are crosswalks on the north and west legs of the intersection. At the Ruus Road/Industrial Parkway West intersection, there is no crosswalk on the west leg of the intersection. The other signalized intersections have crosswalks on all legs.

Existing Transit Services

Existing bus service in the project vicinity is provided by the Alameda-Contra Costa Transit District (AC Transit). There are two bus routes in the area, described below. Existing transit service is shown in Figure 4.17-2.

Source: Hexagon Transportation Consultants, Inc., April 12, 2023.

EXISTING BICYCLE FACILITIES IN THE PROJECT AREA

FIGURE 4.17-1

Source: Hexagon Transportation Consultants, Inc., April 12, 2023.

EXISTING TRANSIT FACILITIES IN THE PROJECT AREA

FIGURE 4.17-2

Local Route 41 provides service between the Hayward BART station and the Union Landing Transit Center. Route 41 operates along Huntwood Avenue in the project study area, with 60-minute headways during the weekday peak commute hours and on weekends. The closest bus stop to the is located on Huntwood Avenue near Industrial Parkway West, approximately 0.5 miles from the project site.

Local Route 56 provides service between the Hayward BART station and the Union Landing Transit Center. Route 56 operates along Industrial Parkway West, Stratford Road, Ruus Lane, and Huntwood Avenue in the project study area, with 60-minute headways during the weekday peak commute hours and on weekends. The closest bus stop is located on Industrial Parkway West near Ruus Road/Industrial Parkway Southwest, approximately 650 feet from the project site.

4.17.2 Impact Discussion

	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, roadways, bicycle lanes, and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?

Transit Facilities

The proposed project is expected to generate very few trips via transit services. Due to the very small volume of transit trips associated with the project, they can be accommodated by the existing transit capacity. Therefore, the project would not conflict with or impede implementation of a program, plan, ordinance, or policy addressing transit facilities.

Bicycle Facilities

There are no existing bicycle facilities immediately adjacent to the project site, however, the Hayward Bicycle and Pedestrian Master Plan includes planned Class IV bikeways on Industrial

Parkway West and Ruus Road in the project vicinity. As shown in Figure 3.2-4, the project proposes to install short term bicycle parking racks in front of the building entrance on Industrial Parkway West and long-term bicycle parking inside the warehouse building. The proposed project would not include any permanent structures within the Ruus Road or Industrial Parkway West rights-of-way or otherwise impede implementation of the planned bikeways on these roads. For these reasons, the proposed project would not conflict with existing and planned bicycle facilities.

Pedestrian Facilities

Pedestrian facilities in the study area consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. The project would generate minimal pedestrian traffic in the project area.

The project proposes to implement pedestrian facilities within the site. The project would provide two pedestrian trails, one along the eastern project boundary and along the northern project boundary. The eastern pedestrian trail would connect the proposed building, Ruus Road, and Industrial Parkway West and shorten the walking distance for pedestrians walking between Industrial Parkway West and Ruus Road. The second pedestrian trail would provide pedestrian access between Ruus Road and the parking lot. According to the Hayward Municipal Code, sidewalks shall be a minimum width of four feet. The site plan shows the proposed pedestrian trails would be five feet wide, which meets the City Standard. For these reasons, the project would not conflict with any plans, ordinances, or policies related to pedestrian facilities and impacts would be less than significant.

As discussed above, the proposed project would not conflict with or impede implementation of a program, plan, ordinance, or policy addressing transit, bicycle, or pedestrian facilities. **(Less than Significant Impact)**

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

All new development projects within the City of Hayward are required to evaluate the effects of development on the transportation system using the VMT metric and conform to the City of Hayward Transportation Analysis Guidelines. The City of Hayward Transportation Analysis Guidelines provides screening criteria for development projects based on the type of project, characteristics, and/or the location of the project. If a project meets the City's screening criteria, the project is presumed to have a less-than-significant VMT impact and a detailed VMT analysis is not required.

The project proposes to replace the existing industrial uses on-site with a new 103,406-square-foot industrial building containing approximately 97,646 square feet of warehouse and 5,760 square feet of office space. The office component of the project as proposed would meet the screening criteria for a small infill project under 10,000 square feet, and the location-based screening criteria for office projects because the project site is located in an area where the VMT per employee is more

than 15 percent below the regional average VMT. The warehouse component of the project would meet the location-based screening criteria for industrial projects because the project site is located in an area where the VMT per employee is more than 15 percent below the regional average VMT. Therefore, the project would have a less-than significant VMT impact. **(Less than Significant Impact)**

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

The following site access and circulation evaluation is based on a review of the project site plan by Hexagon Transportation Consultants, Inc. in September 2023. Site access was evaluated to determine the adequacy of the site's access points with regard to traffic volumes, delays, vehicle queues, geometric design, and corner sight distance.

Site Access

Vehicle access to the project site would be provided via three driveways, including two driveways on Industrial Parkway West and one driveway on Ruus Road. As discussed in Section 3.0 Project Description, the western driveway on Industrial Parkway West would serve only employees accessing the site in passenger vehicles and the eastern driveway on Industrial Parkway West and the driveway on Ruus Road would serve trucks. According to the City of Hayward Standard Details, the minimum driveway width is 25 feet and the maximum driveway width is 35 feet. According to the site plan, the western driveway along Industrial Parkway West and the driveway along Ruus Road would be approximately 40 feet, which exceeds the City Standard driveway width of 35 feet. The Hayward Municipal Code states that a driveway shall not exceed one third the width of the project frontage or 35 feet in industrial districts, unless otherwise approved by the Planning Director. Therefore, the project would require approval by the Planning Director for the proposed 40-foot-wide driveway on Ruus Road.

Sight Distance and Gap Analysis

Sight distance and gap analyses were completed to determine if a driver would have adequate visibility to enter Industrial Parkway West and Ruus Road from the driveways and if adequate gaps would be provided to allow trucks to turn left into the site from northbound Ruus Road during midday and peak hours. The adequacy of sight distance was evaluated based on the City's standards and the adequacy of gaps in traffic on Ruus Road were evaluated based on the American Association of State Highway and Transportation Officials' Policy on Geometric Design of Highways and Streets.

The speed limit on Industrial Parkway West is 45 mph. According to the Highway Design Manual the required minimum stopping sight distance for design speed of 45 mph is 360 feet. The line of sight for vehicles exiting the driveways and vehicles travelling westbound on Industrial Parkway West are clear and visible for approximately 550 feet. There are no obstructions on the site plan that would impede vision for vehicles exiting the site. Parking is prohibited along Industrial Parkway West and vehicles exiting both driveways would be visible to the vehicles travelling westbound on Industrial

Parkway West. Therefore, the driveways on Industrial Parkway West provide sufficient sight distance.

The speed limit on Ruus Road is 25 mph. According to the Highway Design Manual, the required minimum stopping sight distance for design speed of 25 mph is 150 feet. The line of sight for vehicles exiting the driveways and vehicles travelling northbound and southbound on Ruus Road are clear and visible for at least 350 feet in each direction. There are no obstructions on the site plan that would impede vision for vehicles exiting the site.

The American Association of State Highway and Transportation Officials requires a time gap in traffic of 5.5 seconds for passenger vehicles, 6.5 seconds for single-unit trucks, and 7.5 for combination trucks to turn left into a driveway. Based on traffic data collected for the proposed project on Ruus Road, there would be between 116 and 176 gaps meeting the time requirements of American Association of State Highway and Transportation Officials during the AM, midday, and PM peak hours while only 4 to 14 trucks are expected to complete left turns into the project site during these times (refer to Appendix F for details). Therefore, the gap analysis concluded that there are adequate gaps in traffic on Ruus Road to accommodate project traffic turning left into the site from northbound Ruus Road.

Intersections Analysis

The Local Transportation Analysis prepared for the project included a review of collision data for roadways within 0.25-mile of the project site. Collision rates at the Ruus Road/Industrial Parkway West intersection (nearest intersection to the project site) were compared to similar intersections in the state to determine if specific aspects of the design resulted in increased hazards. This intersection's observed collision rate was found to be lower than the state average collision rate. The project would not involve changes to the existing roadway or intersection geometries and the proposed driveways would be designed to City standards, thus, the project would not have an adverse effect on collisions near the project site.

Truck Access and Queuing

As discussed above, truck access to the project site would be provided via one driveway on Industrial Parkway West and one driveway on Ruus Road. Ruus Road is currently signed with a No Trucks sign along the project frontage; however, the City plans to move this sign to just north of Ruus Lane. A right-turn only sign would be placed at the Ruus Road project driveway exit facing outbound driveway traffic as Ruus Road north of Ruus Lane would continue to not allow truck traffic.

A queuing analysis was completed for the proposed project to determine whether additional traffic control is needed to allow trucks to enter and exit the site without disrupting other traffic on the roadways. The queuing analysis found that 95th percentile vehicle queues can be accommodated by the proposed storage space during peak periods for all project scenarios (refer to Appendix F for details).

As discussed in Section 4.11 Land Use and Planning, the proposed warehouse development would be consistent with the existing General Plan land use designation and zoning for the site and would not be considered a change in land use. For this reason, the proposed project would not result in a substantial increase in hazards due to a change in land use.

For the reasons discussed above, the proposed project would not substantially increase hazards due to a geometric design feature or land use change. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

Emergency access to the project site would be provided via all three driveways and the drive aisles on-site. The California Fire Code requires a minimum width of 20 feet for emergency vehicle access roads. As discussed under checklist question c above, the proposed driveways have widths greater than 20 feet and all proposed drive aisles on-site have a width of at least 26 feet. Therefore, the project would not result in inadequate emergency access. **(Less than Significant Impact)**

4.18 Tribal Cultural Resources

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

Assembly Bill (AB) 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

4.18.1.2 *Existing Conditions*

Hayward is situated within the historic territory of the Chochenyo Tribelet of the Costanoan Indians (also known as the Ohlone).[94] Historic accounts suggest that the Native Americans may have had a village site along San Lorenzo Creek as well as temporary camps in its vicinity. The Costanoan aboriginal way of life disappeared by 1810 due to introduced diseases, a declining birth rate, and the impact of the Spanish mission system.[95]

There are no known tribal cultural resources on-site. As noted in Section 4.5 Cultural Resources, no recorded archaeological resources were identified on-site or within 0.25-mile radius of the project site. In addition, a records search of the Native American Heritage Commission (NAHC) Sacred Lands File was completed for the site and the results were negative.[96]

[94] City of Hayward. *Hayward 2040 General Plan Background Report*. January 2014. Page 1-28.
[95] Ibid.
[96] Archaeological Historical Consultants, Inc. *Cultural Resources Survey Report.* May 30, 2023.

4.18.2 Impact Discussion

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

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource 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)?

AB 52 provides for consultation between lead agencies and Native American tribal organizations during the CEQA process. Prior to the release of an Environmental Impact Report or Negative Declaration/Mitigated Negative Declaration for public review, a lead agency must provide the opportunity to consult with local tribes.

On March 2, 2016, the Ione Band of Miwok Indians requested AB 52 notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b). In addition, the Confederated Villages of Lisjan, a tribe that is traditionally and culturally affiliated with the geographic area of Hayward, also requested notification of projects pursuant to AB 52. Accordingly, AB 52 notification for this project was sent electronically to the Confederated Villages of Lisjan and Ione Band of Miwok Indians on December 20, 2022. No further consultation requests were received from the Confederated Villages of Lisjan or the Ione Band of Miwok Indians and no tribal cultural resources were identified by the tribes as being located on-site. For these reasons, and with compliance to the Standard Conditions of Approval identified in Section 4.5 Cultural Resources, the proposed project

would not cause a substantial adverse change in the significance of a tribal cultural resource. **(Less than Significant Impact)**

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is 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?

As discussed under Checklist Question a) above, no tribal cultural resources were identified during the records search or Native American consultation process. If previously unrecorded cultural resources are encountered during project construction, compliance with the Standard Conditions of Approval identified in Section 4.5 Cultural Resources would ensure impacts to these resources would be less than significant. For these reasons, the project would not result in a substantial adverse change in the significance of a tribal cultural resource. **(Less than Significant Impact)**

4.19 Utilities and Service Systems

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of Hayward adopted its most recent UWMP in July 2021.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate five or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 610

SB 610 amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 requires preparation of a WSA containing detailed information regarding water availability to be provided to the decision-makers prior to approval of specified large development projects that also require a General Plan Amendment. This WSA must be included in the administrative record that serves as the evidentiary basis for an approval action by the city or county on such projects. Under SB 610, WSAs must be furnished to local governments for inclusion in any environmental documentation for certain projects subject to CEQA. Pursuant to the California Water Code (Section 10912[a]), projects that require a WSA include any of the following:

- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- A proposed hotel or motel, or both, having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
- A mixed-use project that includes one or more of the projects identified in this list; or
- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025. CalRecycle released an analysis titled "Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals" in August of 2020, which recommended maintaining the disposal reduction targets set forth in SB 1383.[97]

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupants.

[97] CalRecycle. Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals. August 18, 2020. https://www2.calrecycle.ca.gov/Publications/Details/1693#:~:text=Analysis%20of%20the%20Progress%20Toward,(DRRR%2D2020%2D1693)&text=SB%201383%20establishes%20targets%20to,75%20percent%20reduction%20by%202025.

Local

Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50 percent of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if C&D materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities. Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

Hayward 2040 General Plan

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to utilities and are applicable to the proposed project.

Policy	Description
PFS-3.13	New Development. The City shall ensure that water supply capacity is in place prior to granting building permits for new development.
PFS-4.3	Sewer Collection System – Minimization of Sanitary Sewer Overflows. The City shall operate and maintain the sewer collection system to minimize the potential for sewer system overflows.
PFS-4.4	Water Pollution Control Facility Operation and Maintenance. The City shall operate and maintain the WPCF to ensure that wastewater discharge meets all applicable NPDES permit provisions.
PFS-4.9	Service New and Existing Development. The City shall ensure the provision of adequate wastewater service to all new development, before new developments are approved, and support the extension of wastewater service to existing developed areas where this service is lacking.
PFS-7.2	Adequate Service. The City shall monitor its solid waste and recycling services franchisee to ensure that services provided are adequate to meet the needs of the community and to meet the provisions of the City's Franchise Agreement.
PFS-7.3	Landfill Capacity. The City shall continue to coordinate with the Alameda County Waste Management Authority to ensure adequate landfill capacity in the region for the duration of the contract with its landfill franchisee.
PFS-7.4	Solid Waste Diversion. The City shall comply with State goals regarding diversion from landfill, and strive to comply with the provisions approved by the Alameda County Waste Management Authority.
PFS-7.12	Construction and Demolition Waste Recycling. The City shall require demolition, remodeling and major new development projects to salvage or recycle asphalt and concrete and all other nonhazardous construction and demolition materials to the maximum extent practicable.

Policy	Description
PFS-8.1	Electricity and Natural Gas Service. The City shall continue to work closely with energy providers (e.g., PG&E) to ensure that adequate electricity and natural gas services are available for existing and newly developing areas.
PFS-8.3	Coordination with Utility Providers. The City shall coordinate with energy providers (e.g., PG&E) in the siting and design of gas and electric facilities to minimize environmental, aesthetic, and safety impacts.
PFS-8.5	Underground New Utility Lines. The City shall require that all new utility lines constructed as part of new development projects are installed underground or, in the case of transformers, pad-mounted.
PFS-8.6	Undergrounding Existing Utility Lines. The City shall encourage the undergrounding of existing overhead facilities.
PFS-9.5	New Developments. The City shall establish requirements for the installation of state-of-the-art internal telecommunications technologies in new planned developments and office and commercial developments.
CS-3.5	Water Supply Infrastructure. The City shall require development to construct and install fire suppression infrastructure and equipment needed to serve the project.

Hayward Urban Water Management Plan (2020)

The UWMP is a long-range plan that assesses the City's water supply over a 20-year planning horizon (2040) to ensure adequate water supplies to meet existing and future demands for water. The UWMP presents forecasted supplies and demands, describes conservation programs, and includes a water shortage contingency analysis.

4.19.1.2 *Existing Conditions*

Water Supply

The City of Hayward purchases 100 percent of its potable water from the San Francisco Public Utilities Commission (SFPUC). Under normal conditions, the SFPUC meets demand in its service area from its watersheds, which consist of the Tuolumne River, San Antonio Creek, Upper Alameda Creek, Arroyo Honda, and San Mateo Creek watersheds.[98] The City completed construction of a new one-million-gallon tank, pump station, and recycled water distribution system in 2019 and a treatment plant was completed in 2020. Recycled water is currently provided to customers west of I-880. The project site is not served by recycled water.[99] The City will continue to explore greater opportunities to increase the use of recycled water throughout the City. The project site is served by an existing 12-inch water main in Ruus Road and an existing four-inch water main in Industrial Parkway West.

[98] City of Hayward. *2020 Urban Water Management Plan.* July 2021. Page 51.
[99] City of Hayward. "Hayward Recycled Water Project." Accessed March 16, 2023. https://www.hayward-ca.gov/your-government/departments/utilities-environmental-services/recycled-water

The existing industrial uses on-site have a water demand of approximately 35,860 gallons per day.[100]

Storm Drainage

The project site is located within the Old Alameda Creek Watershed, which includes Ward Creek and extends from the Hayward Highlands to the San Francisco Bay.[101] The project site is currently developed with five existing industrial buildings, paved surface parking and storage areas, and limited landscaping. Approximately 96 percent (319,103 square feet) of the site is composed of impervious surfaces and the remaining four percent (11,953 square feet) is composed of pervious surfaces (primarily ornamental landscaping). The project site currently connects to an existing 12-inch stormwater main in Industrial Parkway West. Additionally, an existing storm sewer easement extends from the 12-inch stormwater main in Industrial Parkway West to Sims Court through the project site.

Wastewater/Sanitary Sewer System

The City of Hayward owns and operates the wastewater collection, treatment, and disposal system that serves the majority of the City, including the project site. Wastewater is collected and transported via underground sewer lines to the City of Hayward Water Pollution Control Facility (WPCF).[102] The project site is served by the existing six-inch sanitary sewer main in Industrial Parkway West.

The existing industrial uses on-site generate approximately 32,274 gallons of wastewater per day.[103]

Solid Waste

Solid waste is collected from Hayward homes and businesses and is processed by Waste Management, Inc (WM). The Hayward community currently recycles or composts 75 percent of its waste.[104] After collection, WM first delivers solid waste to the Davis Street Transfer Station in San Leandro to be sorted and combined. Then, residential recyclables are sorted at the Tri-City Economic Development Corporation (Tri-CED) facility in Union City, organics are composted at the Redwood Recycling Center in Marin County, and solid waste that is not recyclable or compostable is delivered to the Altamont Landfill outside of Livermore.[105]

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[100] The building at 29469 Ruus Road was vacant at the time of this analysis. Therefore, it was conservatively assumed that 56,602 square feet of the existing industrial uses were occupied and generating water demand. 72,082 square feet - 15,480 square feet = 56,602 square feet of existing occupied industrial uses. Source: California Air Pollution Officers Association (CAPCOA). CalEEMod Appendix D: Default Data Tables. April 2022.

[101] Alameda County Flood Control & Water Conservation District. Interactive Map: Alameda County Watersheds. Accessed March 15, 2023. https://acfloodcontrol.org/the-work-we-do/resources/#explore-watersheds

[102] City of Hayward. *Hayward 2040 General Plan Background Report*. January 2014. Page 8-26

[103] Assuming wastewater generation is 90 percent of the project's water demand.

[104] City of Hayward. Reduce, Reuse, Recycle, Rot. Accessed June 28, 2023. https://www.hayward-ca.gov/your-environment/green-your-life/reduce-reuse-recycle-rot

[105] City of Hayward. "Garbage and Recycling." Accessed March 15, 2023. https://www.hayward-ca.gov/yourenvironment/green-your-community/garbage-and-recycling

The existing industrial uses on-site generate approximately 570 pounds per day of solid waste. [106]

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
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?	☐	☐	☒	☐
e) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

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

The project would connect to existing utilities in Industrial Parkway West. The project would be required to make any improvements necessary to accommodate the proposed development. Existing overhead utilities along the project frontages on Ruus Road and Industrial Parkway West

[106] The building at 29469 Ruus Road, which measures 56,602 square feet, was vacant at the time of this analysis. Therefore, it was conservatively assumed that 56,602 square feet of the existing industrial uses were unoccupied and not generating solid waste. CalRecycle. "Industrial Sector Generation Rates, Light Industrial." Accessed August 15, 2023. https://www2.calrecycle.ca.gov/wastecharacterization/general/rates

would be removed and replaced with an underground system and an existing telephone easement that currently runs through the project site from Industrial Parkway West to Sims Court would be vacated with the proposed project. The existing storm drain that extends from Sims Court to Industrial Parkway West through the project site will be reconfigured with the proposed project to convey stormwater to on-site bioretention facilities prior to discharge into the municipal stormwater system in Industrial Parkway West. The project would be 100 percent electric and include electric vehicle charging infrastructure on-site. Stormwater would be treated on-site in bioretention areas.

The construction of new utility improvements and connection extensions to existing facilities would be subject to the construction-related mitigation measures and standard conditions described in previous sections of this Initial Study and thus, would not have a significant impact on the environment. **(Less than Significant Impact)**

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

The City of Hayward purchases 100 percent of its water supply from the SFPUC. According to the 2020 UWMP, the City would have sufficient water supply to meet increased demand during normal years through 2040. However, the City would experience water shortages during single-dry and multiple-dry year scenarios every year leading up to 2040. In the event of water shortages, the City would implement its water shortage contingency plan to reduce water demand Citywide. The City has access to five emergency groundwater wells and has emergency water agreements with the EBMUD and the Alameda County Water District (ACWD).

The project would result in a net increase in water demand of approximately 28,030 gpd, or approximately 10.2 million gallons per year (mgy) compared to baseline conditions on-site.[107] The 2020 UWMP estimated that the City's total water demand in 2045 would be 7,671 mgy. Thus, the project would result in an approximately 0.36 percent increase in the City's total water demand. Therefore, the project would result in an incremental increase in the City's total water demand and would not exacerbate the City's water supplies. The project would have sufficient water supplies during normal years and would have sufficient supplies during single-dry and multiple-dry years with implementation of the Citywide water shortage contingency plan measures. **(Less than Significant Impact)**

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

[107] Proposed project (63,890 gallons per day) – existing uses (35,890 gallons per day) = 28,030 gallons per day. As noted above, the building at 29469 Ruus Road was vacant at the time of this analysis and therefore, it was conservatively not included in the calculation of existing water demand. Source: Illingworth & Rodkin, Inc. CenterPoint Industrial Project Health Risk Assessment, Hayward, California. May 25, 2023.

In 2020, 3,922 million gallons of wastewater were collected from the City of Hayward at the WPCF.[108] This would equate to approximately 10.7 mgd.[109] The WPCF can accommodate up to 18.5 mgd of wastewater. The project would result in a net increase of approximately 26,457 gpd of wastewater to be treated at the WPCF, approximately 0.1 percent of the available capacity.[110] This would be an incremental increase in wastewater flow. Therefore, the project would not result in a determination by the WPCF that it does not have adequate capacity to serve the increased demand from the project in addition to its existing commitments. **(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?

Solid waste generated in Hayward that is not recyclable or compostable is sent to the Altamont Landfill. The Altamont Landfill has a remaining capacity of 65 million cubic yards[111] of solid waste and is anticipated to have disposal capacity through 2045.[112] According to WM, the Altamont Landfill is able to accept unlimited tons of waste for disposal from Alameda County,[113] which includes the City of Hayward. The project would result in a net reduction of approximately 280 tons of solid waste per year compared to baseline conditions on-site.[114] As such solid waste generated by the project would not represent an increase in demand on and would not exceed the capacity of the Altamont Landfill. Therefore, the project would not generate solid waste in excess of state or local standards or in excess of the Altamont Landfill capacity. **(Less than Significant Impact)**

e) Would the project be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

The project would comply with solid waste management and reductions statutes and regulations through adherence to existing City of Hayward programs for solid waste disposal, recycling, and composting. **(Less than Significant Impact)**

[108] City of Hayward. *2020 Urban Water Management Plan*. June 2021. Table 6-2.
[109] 3,922 million gallons per year ÷ 365 days/year = 10.74 mgpd
[110] Assuming wastewater generation is 90 percent of the project's water demand. As noted above, the building at 29469 Ruus Road was vacant at the time of this analysis and therefore, it was conservatively not included in the calculation of existing water demand.
[111] CalRecycle. "Altamont Landfill & Resource Recovery (01-AA-0009)." Accessed March 17, 2023. https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/7?siteID=7
[112] WM. "Sustainability." Accessed March 17, 2023. https://altamontlandfill.wm.com/sustainability/index.jsp#:~:text=As%20a%20result%2C%20the%20Altamont,the%20management%20of%20discarded%20materials.
[113] WM. "Altamont Landfill." Accessed March 17, 2023. https://altamontlandfill.wm.com/index.jsp
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4.20 Wildfire

4.20.1 Environmental Setting

4.20.1.1 *Regulatory Framework*

State

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

California Fire Code Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings to resist the intrusion of flame or burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

California Public Resources Code Section 4442 through 4431

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline-powered tools on forest-covered land, brush-covered land, or grass-covered land; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and

- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

California Code of Regulations Title 14

The California Board of Forestry and Fire Protection has adopted regulations, known as SRA Fire Safe Regulations, which apply basic wildland fire protection standards for building, construction, and development occurring in an SRA. The future design and construction of structures, subdivisions and developments in SRAs are required to provide for the basic emergency access and perimeter wildfire protection measures discussed in Title 14.

Fire Management Plans

CAL FIRE has developed an individual Unit Fire Management Plan for each of its 21 units and six contract counties. CAL FIRE has developed a strategic fire management plan for the SCU Unit, which covers the project area and addresses citizen and firefighter safety, watersheds and water, timber, wildlife and habitat (including rare and endangered species), unique areas (scenic, cultural, and historic), recreation, range, structures, and air quality. The plan includes stakeholder contributions and priorities and identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire issues.

Local

Hayward 2040 General Plan

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to wildfire and are applicable to the proposed project.

Policy	Description
CS-3.7	Removal of Fire Hazards. The City shall maintain code enforcement programs that require private and public property owners to minimize fire risks by: • Maintaining buildings and properties to prevent blighted conditions, • Removing excessive or overgrown vegetation (e.g., trees, shrubs, weeds) and • Removing litter, rubbish, and illegally dumped items from properties.
HAZ-5.1	Wildland/Urban Interface Guidelines. The City shall maintain and implement Wildland/Urban Interface Guidelines for new development within fire hazard areas.

4.20.1.2 *Existing Conditions*

Cal Fire is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZ), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires.

The project site is not located within an FHSZ.[115]

4.20.2 Impact Discussion

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

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

[115] CalFire. Alameda County Fire Hazard Severity Zones in State Responsibility Area (SRA). Map. Adopted November 21, 2022. https://osfm.fire.ca.gov/media/1yelle2d/fhsz_county_sra_11x17_2022_alameda_ada.pdf

4.21 Mandatory Findings of Significance

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	☐	☒	☐
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.)	☐	☒	☐	☐
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

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?

As discussed in the individual resource sections of this Initial Study, the proposed project would not degrade the quality of the environment with the implementation of identified standard conditions of approval and mitigation measures. The project would implement the Standard Conditions of Approval identified in Section 4.4 Biological Resources to avoid disturbance to nesting birds and raptors in the project vicinity. **(Less than Significant Impact)**

b) Does the project have impacts that are individually limited, but cumulatively considerable?

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has

potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

Because criteria air pollutant and GHG emissions would contribute to regional and global emissions of such pollutants, the BAAQMD thresholds used by the City of Hayward were developed such that a project-level impact would also be a cumulatively considerable impact. The project would not result in significant emissions of criteria air pollutants or GHG emissions under BAAQMD thresholds, and therefore, would not make a substantial contribution to cumulative air quality or GHG emissions impacts. The discussion of project criteria pollutant impacts presented in Section 4.3 also reflects cumulative conditions, and the project would not contribute to significant cumulative impacts. The project's contribution to cumulative climate change impacts was presented in Section 4.8 as less than cumulatively considerable. Similarly, the discussion of the project's energy impacts also reflect cumulative conditions, since the project's consumption of electricity, natural gas, and gasoline was assessed in comparison with consumption at the state and county level. Therefore, the proposed project would not make a substantial contribution to cumulative air quality, energy use, or GHG emissions impacts.

The project would not impact agricultural or forestry resources or mineral resources, therefore, there is no potential for cumulative impacts to these resources. Nor are there any cumulative impacts associated with wildfire risk, as the project site is not located in or near a state responsibility area or lands classified as very high fire hazard severity zones.

The project would result in less than significant impacts to aesthetics, hydrology and water quality, land use, population and housing, public services, recreational facilities, transportation, and utilities and service systems without imposition of mitigation measures. As noted in Section 4.17 Transportation, the project's VMT impacts are less than significant and below the City's significant impact threshold, and therefore the project would not contribute to cumulative VMT impacts. The proposed project would result in highly localized and temporary air quality, biological, cultural, geology and soils, hazards and hazardous materials, and noise impacts during construction. The timing of construction of the proposed development relative to other pending or approved development projects in the vicinity, which could contribute to cumulative air quality and noise impacts, is unknown. However, none of the pending or approved projects identified in Appendix F (Transportation Analysis) are located within 1,000 feet of the project site, which is the effective area for localized air quality and noise impacts, and therefore, the project would not contribute to a cumulatively significant impact. All planned or approved projects would be subject to the restrictions placed on the taking of birds protected by the Migratory Bird Treaty Act and California Fish and Game Code and any trees removed by other projects within the City would be replaced in accordance with the City's Municipal Code. Cumulative projects would also be subject to state law

and Standard Conditions of Approval that protect subsurface archaeological and paleontological resources. Accordingly, with implementation of the mitigation measures identified in this Initial Study, construction-level impacts would be mitigated to a less than significant level and would not be considered cumulatively considerable. Therefore, the project would not contribute to a significant cumulative impact on these resources.

Cumulative Health Risks Impacts

A cumulative health risk assessment was completed for the project and all substantial sources of TACs that can affect sensitive receptors located within 1,000 feet of the project site. These sources include mobile and stationary sources identified by BAAQMD (refer to Figure 4.3-1).

Mobile Sources of TACs

Traffic on high volume roadways (10,000 average daily trips (ADT) or more) is a source of TAC emissions that may adversely impact sensitive receptors in close proximity to the roadways. A review of the project area identified Industrial Parkway West/Southwest as a mobile source of TACs. All other roadways in the area would have less than 10,000 ADT.

Stationary Sources of TACs

Thirteen stationary sources of TAC emissions near the project site were identified using the BAAQMD's Permitted Stationary Sources 2021 GIS website. Of the 13 sources identified, 11 were generic sources (automotive body, paint, and interior repair and maintenance facilities), one was a generator, and one was a gas dispensing facility.

Table 4.21-1 summarizes the cumulative health risks at the MEI.

Table 4.21-1: Cumulative Community Risk Impacts at Off-Site MEI

Source	Cancer Risk (per million)	Annual PM2.5 (µg/m3)	Hazard Index
Project Impacts			
Total/Maximum Project Impact (construction and operations)	4.3	0.02	<0.01
BAAQMD Threshold	*10*	*0.3*	*1.0*
Exceed Threshold?	**No**	**No**	**No**
Cumulative Sources			
Industrial Parkway West	12.72	0.30	0.04
ASM Autobody & Repair (Facility ID #9764, Auto Body)	--	--	<0.01
Universal Autobody & Repair (Facility ID#11366, Auto Body)	--	--	--
AAA Auto Repair Body & Paint (Facility ID# 15575, Auto Body)	0.03	--	--
RF Autobody (Facility ID# 19020, Auto Body)	0.01	--	--

Source	Cancer Risk (per million)	Annual PM2.5 (µg/m3)	Hazard Index
Bay Area Auto Body & Repair (Facility ID #19304, Auto Body)	--	--	--
VV Collision Center (Facility ID#19304, Auto Body)	0.02	--	--
Alameda County Public Works Agency (Facility ID #19778)	1.41	0.03	<0.01
Aya Auto Body Repair (Facility ID #22112, Auto Body)	--	--	--
Destiny Auto Collision (Facility ID #22625, Auto Body)	--	--	--
Auto Collision Experts (Facility ID #24480, Auto Body)	0.51	--	<0.01
Bay Area Holdener Petroleum Co (Facility ID #105507)	0.66	--	0.10
BG Autobody & Paint (Facility ID #200282, Auto Body)	0.02	--	--
Popeye Auto Collision #2 (Facility ID #200328, Auto Body)	--	--	--
Combined Sources	19.68	0.35	<0.18
BAAQMD Cumulative Source Threshold	*100*	*0.8*	*10.0*
Exceed Threshold?	**No**	**No**	**No**
Source: Appendix A			

As shown in Table 4.21-1, the health risks from project construction and operation would not exceed the maximum increased cancer risk, annual $PM_{2.5}$ concentration, and hazard index for single-source thresholds, therefore, the project would have a less than significant cumulative impact.

For the reasons discussed above, the project would result in less than significant cumulative impacts. **(Less than Significant Impact with Mitigation Incorporated)**

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

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction TACs, exposure to hazardous materials, and noise. However, implementation of Mitigation Measures NOI-1.1 and MM NOI-2.1, MM HAZ-1.1 and MM HAZ-2.1 through MM HAZ-2.3, Standard Conditions of Approval, and City policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified. **(Less than Significant Impact with Mitigation Incorporated)**

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Section 6.0 Lead Agency and Consultants

6.1 Lead Agency

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Section 7.0 Acronyms and Abbreviations

2017 CAP	Bay Area 2017 Clean Air Plan
AB	Assembly Bill
ABAG	Association of Bay Area Governments
AC Transit	Alameda-Contra Costa Transit District
ACM	Asbestos-Containing Material
ACWD	Alameda County Water District
ALUC	Airport Land Use Commission
AIA	Airport Influence Area
AMSL	Above Mean Sea Level
AHRAE	American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc
BAAQMD	Bay Area Air Quality Management District
Basin Plan	Water Quality Control Plan for the San Francisco Bay Basin
Bgs	Below ground surface
BMPs	Best Management Practices
BPMP	Bicycle and Pedestrian Master Plan
Btu	British Thermal Unit
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
CalARP	California Accidental Release Prevention
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CalGreen	California Green Building Standards
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CARB	California Air Resources Board
CARE	Community Air Risk Evaluation
CBC	California Building Standards Code
CDFW	California Department of Fish and Wildlife
CDDD	Construction and Demolition Diversion Deposit Program

CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	Chlorofluorocarbon
CGS	California Geological Survey
CH_4	Methane
CNEL	Community Noise Equivalent Level
CMP	Congestion Management Program
CO_2	Carbon Dioxide
CO_2e	Carbon Dioxide Equivalents
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
dBA	A-weighted decibel
DNL	Day/Night Average Sound Level
DPM	Diesel Particulate Matter
DTSC	Department of Toxic Substances Control
EBCE	East Bay Community Energy
EBMUD	East Bay Municipal Utility District
EBRPD	East Bay Regional Parks District
EO	Executive Order
EPA	Environmental Protection Agency
EV	Electric vehicle
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transportation Administration
General Plan	Hayward 2040 General Plan
GHG	Greenhouse Gases
GSA	Groundwater Sustainability Act
GWh	gigawatt hours

GWP	Global Warming Potential
HARD	Hayward Area Parks and Recreation District
HFC	hydrofluorocarbons
HFD	Hayward Fire Department
HI	Hazard Index
HPD	Hayward Police Department
HSWA	Hazardous and Solid Waste Amendments
HUSD	Hayward Unified School District
I-880	Interstate 880
IAQ	Indoor Air Quality
L_{eq}	Energy-Equivalent Sound/Noise Descriptor
LI	Light Industrial
LID	Low Impact Development
L_{max}	Maximum A-weighted noise level during a measurement period
LOS	Level of Service
LRA	Local Responsibility Area
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
MEI	Maximally exposed individual
Mgy	Million gallons per year
$MMTCO_2e$	Million Metric Tons of Carbon Dioxide Equivalent
MND	Mitigated Negative Declaration
mpg	Miles per Gallon
MRP	Municipal Regional Permit
MTC	Metropolitan Transportation Commission
N_2O	Nitrous Oxide
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NESHAP	National Emission Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act

NOD	Notice of Determination
NO_x	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O_3	Ozone
OITC	Outdoor-Indoor Transmission Class
OPR	Office of Planning and Research
PCB	Polychlorinated Biphenyls
PCE	Tetrachloroethene
PDA	Priority Development Areas
PFCs	Perfluorocarbons
PG&E	Pacific Gas and Electric Company
PM	Particulate Matter
PM_{10}	Particulate matter with a diameter of 10 microns or less
$PM_{2.5}$	Particulate matter with a diameter of 2.5 microns or less
PPV	Peak Particle Velocity
PVC	plyvinyl chloride
RCRA	Resource Conservation and Recovery Act
RNHA	Regional Housing Needs Assessment
ROG	Reactive Organic Gases
RWQCB	Regional Water Quality Control Board
SB	State Bill
SCS	Sustainable Communities Strategy
SF_6	Sulfur Hexafluoride
SFHAs	Special Flood Hazard Areas
SFPUC	San Francisco Public Utilities Commission
SHMA	Seismic Hazards Mapping Act
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SO_x	Sulfur Oxides
SRA	State Responsibility Area

STC	Sound Transmission Class
SWRCB	State Water Resources Control Board
SWPPP	Stormwater pollution prevention plan
TAC	Toxic Air Contaminants
TCR	Tribal Cultural Resource
TMDL	Total maximum daily load
TIA	Transportation Impact Analysis
Title 24	Title 24, Part 6 of the California Code of Regulations
TSCA	Toxic Substances Control Act
Tri-CED	Tri-City Economic Development Corporation
USACE	United States Army Corps of Engineers
UST	Underground storage tank
VMT	Vehicle Miles Traveled
Williamson Act	California Land Conservation Act
WM	Waste Management
WPCF	City of Hayward Water Pollution Control Facility