



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## MITIGATED NEGATIVE DECLARATION

### I. DESCRIPTION OF PROJECT:

**Date:** September 22, 2023

**Application #:** 202206056

**APN:** 464-100-030-00, 464-100-031-00, 464-100-029-02

**Project Title:** CenterPoint Industrial Project

**Project Location:** The approximately 7.44-acre project site is located at 29469 Ruus Road, 157-1593 Industrial Parkway West and 1601-1617 Industrial Parkway West in the City of Hayward.

**Project Applicants:** CenterPoint Properties, 725 S. Figueroa Street, Suite 3005, Los Angeles, CA 90017

**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. It is assumed that the project would be used as a warehouse facility.

### II. DETERMINATION

In accordance with the City of Hayward procedures for compliance with the California Environmental Quality Act (CEQA), the City has completed an Initial Study to determine

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whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project which will reduce all identified potential impacts to less than significant levels, and, therefore, this **MITIGATED NEGATIVE DECLARATION** (MND) has been prepared.

### III. **CONDITIONS (Mitigation Measures):**

#### A. *Hazards and Hazardous Materials:*

**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.

**MM HAZ-2.1:** Consistent with Alameda County Department of Environmental Health Local Oversight Program protocols, following approval of the Data Gap Investigation

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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.

*B. Noise and Vibration:*

**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<sup>2</sup> (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.

**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

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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<sup>2</sup>.

- 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<sup>2</sup>. 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.

#### **IV. FINDING**

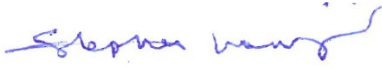
The City of Hayward hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the Initial Study are included in the project which will reduce all identified potential impacts to less than significant levels.

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## V. LEAD AGENCY REPRESENTATIVE



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Steve Kowalski, Associate Planner

September 22, 2023

## VI. CONTACT INFORMATION

For additional information regarding the project, please contact Steve Kowalski, Associate Planner at the City of Hayward Planning Division at (510) 583-4210.

Written comments may be sent to Steve Kowalski via email at [Steve.Kowalski@hayward-ca.gov](mailto:Steve.Kowalski@hayward-ca.gov) or at City of Hayward Planning Division, 777 B Street, Hayward, CA 94541.

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