



## MITIGATED NEGATIVE DECLARATION

### I. DESCRIPTION OF PROJECT

**Date:** May 21, 2024

**File Nos:** PD-10-22-015932 and DR-04-18-13424

**APN:** 091-341-140

**Project Title:** 455 Hickey Boulevard Office Redevelopment Project

**Project Location:** The approximately 3.2-acre project site is located at 455 Hickey Boulevard in Daly City.

**Project Applicant(s):** DES Architects + Engineers  
Attn: Bei Xu  
399 Bradford Street, Suite 300  
Redwood City, CA 94063

**Project Description:** The project applicant proposes to demolish the existing 80,652-square-foot five-story office building and 112,500 square foot three-level parking garage to construct one of two development options: (1) Office Building or (2) Medical Office Building. Under the Office Building development option, the project would construct a 280,000-square-foot and eight-story office building above three levels of podium parking. Under the Medical Office development option, the project would construct a 180,000-square-foot and five-story medical office building above three levels of podium parking. A total of 900 parking spaces would be provided under either development option. The project includes a Planned Development (PD) Rezone from Light Commercial (C1), Planned Development (PD8A) and Commercial Office (CO) to a new PD number and a Lot Merger. The Lot Merger would modify the General Plan designation of the northwest portion of project site from the existing Retail and Office (C-RO) to Commercial Office (C-O).

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## II. DETERMINATION

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

**MM AIR-1.1: BAAQMD Best Management Practices:** During any construction period ground disturbance, the applicant shall ensure that the project contractor implements measures to control dust. Implementation of the measures recommended by BAAQMD and listed below would reduce the fugitive dust associated with grading and new construction to a less-than-significant level. The contractor shall implement the following best management practices for the entire duration of 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 trackout 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 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

The best management practices listed above shall be printed on all construction documents, contracts, and project plans. The project applicant and/or contractor shall submit the construction documents,

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contracts, and project plans to the Director of Economic Community Development or the Director's designee for review and approval prior to the issuance of a demolition or grading permit, whichever occurs earliest.

**MM AIR-2.1:** Prior to the issuance of any demolition or grading permits (whichever occurs earliest), the project applicant shall submit a construction management plan to the Director of Economic and Community Development or Director's designee for review and approval. The construction management plan shall demonstrate that off-road equipment used during construction (including on-site and off-site within a right-of-way) would achieve a fleet-wide average reduction of 45 percent in particulate matter exhaust. The construction management plan that is based on either option 1 or 2 (as described in detail below) shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards described below. Verification shall include modeling the emissions of the construction management plan to ensure the 45 percent reduction in particular matter exhaust is attained. The project applicant shall submit the final construction management plan and verification letter to the Director of Economic and Community Development or Director's designee for review and approval. The construction management plan shall include, but not be limited to the following:

- List of activities and estimated timing.
- Equipment that would be used for each activity.
- Manufacturer's specifications for each piece of equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure.
- How the construction contractor will ensure that the measures listed are monitored.
- How the construction contractor will remedy any exceedance of the thresholds.
- How often and the method the construction contractor will use to report compliance with this mitigation measure.

In order to achieve the 45 percent particulate matter exhaust reduction, the project would include either option 1 or 2:

(1) Tier 4 Emission Equipment. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet at least U.S. EPA Tier 4 interim emission standards for particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). If use of Tier 4 interim equipment is not available, alternatively (or in combination) use equipment that meets United States EPA emission standards for Tier 2 or 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 45 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment. As another alternative, the use of electrical or non-diesel fueled equipment may be used in substitution of diesel equipment.

(2) Alternative Construction Operations Plan. Alternatively, the project applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 45 percent or greater. Elements of the plan could include a combination of the following measures:

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- Implementation of Tier 4 rated or alternatively fueled equipment,
- Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors,
- Use of electrically powered equipment,
- Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,
- Change in construction build-out plans to lengthen phases, and
- Implementation of different building techniques that result in less diesel equipment usage.

All measures of the final construction management plan shall be printed on all construction documents, contracts, and project plans. The construction documents, contracts, and project plans shall be submitted to the Director of Economic and Community Development or Director's designee for review and approval. The construction management plan shall be implemented by the project's contractor for all phases of construction.

## *B. Biological Resources*

**MM BIO-1.1: Avoidance.** The project applicant shall notify the Director of Economic and Community Development or Director's designee of the approximate start and end dates of site disturbance activities prior to the issuance of any demolition or grading permits (whichever occurs earliest). The project applicant shall schedule demolition and construction activities to avoid the nesting season, if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1<sup>st</sup> through August 31<sup>st</sup> (inclusive). The Director of Economic and Community Development or Director's designee shall confirm that the construction activities would start outside of the nesting season.

**MM BIO-1.2: Pre-construction Surveys.** If demolition and construction cannot be scheduled between September 1<sup>st</sup> and January 31<sup>st</sup> (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the breeding season (February 1<sup>st</sup> through August 31<sup>st</sup> inclusive), and prior to any tree removal, or approval of any grading or demolition permits (whichever occurs earliest). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If active nests are discovered close to work areas, MM BIO-1.3 shall be initiated. The results of the pre-construction surveys shall be described in the report required by MM BIO-1.4.

**MM BIO-1.3: Construction Free Buffer.** If the ornithologist determines that an active nest is sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The construction free buffer zones shall be described in the report required by MM BIO-1.4. The construction free buffer zones shall be observed by the project contractor during all phases of construction.

**MM BIO-1.4: Report of Survey and Buffer.** Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results

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of the survey and any designated buffer zones to the satisfaction of the Director of Economic and Community Development or Director's designee, prior to the removal of trees and issuance of a grading permit or demolition permit. The project applicant shall submit the final report to the Director of Economic and Community Development or Director's designee for review and approval.

### *C. Cultural Resources*

**MM CUL-1.1: Undiscovered Archaeological Resources.** If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline 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 Director of Economic and Community Development or Director's designee shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City's Director of Economic and Community Development or Director's designee 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 a 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.

**MM CUL-1.2: Report of Archaeological Resources.** If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City's Director of Economic and Community Development or Director's designee 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.

**MM CUL-2.1: Human Remains.** If human remains are discovered during project construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City's Director of Economic and Community Development or Director's designee and the San Mateo County coroner shall be notified immediately, according to 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 Director of Economic and Community Development or Director's designee 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 Director of Economic and Community Development or Director's designee, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

## *D. Geology and Soils*

**MM GEO-1.1: Unique Paleontological and/or Geologic Features and Reporting.** Should a unique paleontological resource, 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 Director of Economic and Community Development or Director's designee shall be notified immediately. A qualified paleontologist shall evaluate the find and prescribe recommend appropriate treatment specific to the find. Work may proceed on other parts of the project site while treatment for paleontological resources or geologic features is implemented. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. Upon completion of the paleontological assessment, a report shall be submitted to the Director of Economic and Community Development or Director's designee and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.

## *E. Noise and Vibration*

**MM NOI-1.1: Construction Noise Best Management Practices.** In accordance with the City's General Plan and Municipal Code, construction activities would be completed with incorporation of the following best management practices (BMPs) to further reduce potential temporary construction noise impacts. The applicant shall incorporate the following practices into the construction documents to be implemented by the project contractor:

- Construction activities shall be limited to the hours between 8:00 am and 5:00 pm, Monday through Friday, and prohibited on weekends and holidays in accordance with the City's General Plan, unless permission is granted by the City Council and the City Manager to conduct construction outside the allowable hours with a development permit or other planning approval.
- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- At a minimum, the construction contractor shall implement the following control measures: improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds.
- Equipment used for project construction shall be hydraulically or electrically powered impact tools (e.g., jack hammers) wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Where use of pneumatically-powered tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used. A muffler could lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of five dBA. Quieter procedures shall be used (such as drilling rather than impact equipment) wherever feasible.

- The construction contractor shall not allow any construction equipment, trucks, or vehicles to idle.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
- 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.
- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- 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.
- The construction noise BMPs shall be printed on all construction documents, contracts, and project plans. The project applicant and/or contractor shall submit the construction documents, contracts, and project plans to the Director of Economic Community Development or the Director's designee for review and approval prior to the issuance of a demolition or grading permit, whichever occurs earliest. The project applicant and contractors shall implement all measures for the entire duration of construction.

**MM NOI-2.1: Construction Vibration Measures.** The following measures shall be printed on all construction documents, contracts, and project plans and implemented during all phases of construction to reduce vibration impacts from construction activities to a less-than-significant level:

- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.
- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.

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- Smaller equipment to minimize vibration levels to below 0.3 in/sec PPV shall be used at the property lines. For example, a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, could be used when compacting materials within 20 feet of the adjacent conventional building.
- Avoid using vibratory rollers and clam shovel drops near sensitive areas.
- Select demolition methods not involving impact tools.
- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
- Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 20 feet of the adjacent conventional building.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

#### IV. FINDING

The City of Daly City 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.

#### V. LEAD AGENCY REPRESENTATIVE

  
 Michael Van Lonkhuysen, Planning Manager

5-9-24

Date

#### VI. CONTACT INFORMATION

For additional information, please contact Sam C. Fielding at the City of Daly City Planning Division at (650) 991-8156.

Written comments may be sent to Sam C. Fielding via email at [sfielding@dalycity.org](mailto:sfielding@dalycity.org) or at City of Daly City Planning Division, 333 90<sup>th</sup> Street, Daly City, CA 94015.