3.0 ENVIRONMENTAL ANALYSIS

3.1 INTRODUCTION

This section contains an analysis of environmental topic areas as identified in Appendix G of the State CEQA Guidelines. Specifically, the section contains a description of the existing setting in the project area, identifies standards of significance, identifies project-related impacts or the lack thereof, and recommends mitigation measures where necessary to reduce or eliminate impacts. Where available, the existing setting for each of the resource areas, as well as the regulatory requirements, is described in the technical appendices as cited in Subsection 3.5, Environmental Analysis.

3.2 EXISTING SETTING

The project site is located at 22301 Foothill Boulevard in Hayward. The 11.3-acre site is located immediately west of Foothill Boulevard, south of Hazel Avenue, east of San Lorenzo Creek, and north of City Center Drive (Assessor's Parcel Numbers (APN) 428-0026-068-01 and 428-0026-067-03). The site contains an approximately 335,000-square-foot office building at 22301 Foothill Boulevard, most recently occupied by Mervyns, an approximately 5,310-square-foot commercial building at 1155 Hazel Avenue, and a four-story parking garage. The office building and commercial building are proposed for demolition to accommodate the project, but the parking garage would remain.

The project site is surrounded on all sides by existing urban development. The proposed development would occur on almost the entire block, except for the northeastern corner which is an automotive service station that would remain in place. Northwest of the project site, at the corner of Foothill Boulevard and Hazel Avenue, is a small commercial center and associated parking lot. The remaining area northwest of the site is developed as a mix of single-family and multi-family residential uses. Immediately north of the project site is an automotive service station. The area northeast of the project site is developed as a large commercial center anchored by a Safeway grocery store, a multi-story office building, and the Centennial Hall Building and associated parking garage. The area south and southeast of the project site is developed with various commercial, retail and institutional uses and Downtown Hayward beyond. Immediately west of the site is San Lorenzo Creek with a mix of single-family and multi-family residential and community uses located beyond.

The project site is in a highly developed and urbanized mixed-use commercial district. Other than ornamental landscaping, there is no vegetation on or in the vicinity of the project site.

3.4 ANALYSIS METHODOLOGY

The environmental analysis identifies direct and indirect environmental effects associated with project implementation. The identified standards of significance are used to determine whether the environmental effects resulting from the project are considered "significant" and require the implementation of mitigation measures. Each environmental impact analysis is supported by substantial evidence. Mitigation measures were developed by technical experts and environmental professionals in coordination with the City.

3.5 ENVIRONMENTAL ANALYSIS

AESTHETICS

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant environmental impact if it would:

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) Substantially degrade the existing visual character or quality of the site and its surroundings.

d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Impact AES-1 The project site is located in an urban area and does not contain unique visual features that would distinguish it from surrounding areas, nor is it located within a designated scenic vista. Therefore, **no impact** would occur to scenic vistas.

While not specifically defined by CEQA or the City of Hayward, scenic vistas are typically defined as areas of natural beauty with features such as topography, watercourses, rock outcrops, and natural vegetation that contribute to the quality of the landscape. There are several scenic resources in Hayward, as outlined in the City of Hayward 2040 General Plan and discussed in the 2040 General Plan EIR. These resources are identified as the baylands and hillsides of Hayward and the vistas they provide of the San Francisco Bay. These scenic resources are not located in or near the project area, and the Bay is not visible from the project site. The City's General Plan contains intended to preserve the city's vistas and designated resources, including project-specific design review policies, with which the project would comply.

As shown in **Appendix AES**, the project site is located in a developed urban area that does not contain any unique or other visual features that would distinguish the site from surrounding areas. The project site is not located within a designated scenic vista, and it does not include views of City-designated scenic vistas. The proposed project would not change the nature of scenic resources in the city or the project area. Therefore, **no impact** would occur.

Mitigation Measures

None required.

Impact AES-2 There are no state scenic highways in the vicinity of the project site, and the project site is not visible from any scenic highways. Therefore, **no impact** would occur.

There are no state scenic highways in the project area from which the project is visible (Caltrans 2013). Hayward is located in Alameda County; therefore, this analysis also considers potential impacts to officially designated Alameda County scenic highways. Interstate 580 (I-580), Interstate 880 (I-880), and State Route (SR) 92 are all County-designated scenic highways, while I-580 is also eligible for state scenic highway designation (Hayward 2014b). These highways are not in the vicinity of the project site, and the project site is not visible from any scenic highway. Therefore, the project would not substantially damage scenic resources, including trees, rock outcroppings, and/or historic buildings, within a state scenic highway. There would be **no impact**.

Mitigation Measures

None required.

Impact AES-3 The proposed project would alter the existing visual character of the site, but it would be generally consistent with the type and scale of development envisioned for the site. Therefore, the proposed project would not substantially degrade the existing visual character or quality of the project site and its surroundings. This impact would be **less than significant**.

The project site is located along Foothill Boulevard, a six-lane arterial in a developed urban area. The area's visual character is characterized by the surrounding development, which includes commercial and residential structures. Most of the structures are one to three stories in height. The commercial development is characterized by mix of street-facing commercial uses with parking lots and landscaping. San Lorenzo Creek is located along the western border of the project site and is characterized by a concrete channel and fencing. Single-family homes are located to the west of San Lorenzo Creek. The surrounding project area's visual character is that of a developed urban neighborhood with a mix of commercial and residential development, and ornamental landscaping.

The existing 335,000-square-foot office building and 5,310-square-foot commercial building would be demolished to accommodate the project. The existing parking structure would be retained. The project would also entail the development of a six-story mixed-use development with 80,500 square feet of commercial uses and 476 apartment units, with a combination of surface and structure parking. The proposed project would be 86 feet at its highest point. The Downtown Hayward Design Plan allows a maximum building height of 104 feet; thus, the project would be below the acceptable height limits and in compliance with existing regulations. Along Hazel Avenue, the development includes architectural step-backs to minimize the bulk of the development along that frontage. Although the building would reach 86 feet in height at the tallest point, the portion of the building at that height would be set back 41 feet from the north property line at Hazel Avenue. The parking structure portion of the building would be 34 feet in height and set back 10 feet from the property line. Two residential floors above that would be set back an additional 8 feet for a total height of 54 feet at 18 feet from the property line. (See Appendix PLANS, Sheet CB for a section/elevation at Hazel Avenue).

The project is located in an existing urban area and includes development that is generally consistent with large-scale mixed-use development envisioned in the City's General Plan for the site. The project is within the density and height restrictions for the project location. Project design features, such as setbacks from Foothill Boulevard, stepping back the building along Hazel Avenue, and the inclusion of pedestrian pathways and landscaping throughout the site, help the proposed project blend with the visual character of the surrounding area. For these reasons, changes in the visual character at the project site resulting from the project would not cause substantial degradation to the existing visual character or quality of the site and its surroundings. This impact would be **less than significant**.

Mitigation Measures

None required.

Impact AES-4 The proposed project would create additional sources of light and glare; however, these sources would not be substantial and would not adversely affect day or nighttime views in the area. This impact would be **less than significant**.

The project would introduce additional sources of nighttime light and daytime glare to the project area, including exterior building lighting, vehicle headlights, street lighting, and reflections off light-

colored surfaces and windows. However, as discussed above, the project site is surrounded by existing development and is located along Foothill Boulevard, a major arterial roadway. The existing urban uses in the project area already result in nighttime light and daytime glare that affect day and nighttime views in the area. Lighting and potential glare resulting from the project would be similar to what already occurs in the area.

The project would comply with lighting standards for the Central City-Commercial (CC-C) District established in Hayward Municipal Code Section 10-1.1555(k). The code requires exterior lighting and parking lot lighting to be designed and maintained so that light is confined to the property and so it does not cast direct light or glare on adjacent properties or public rights-of-way. Compliance with the City Municipal Code occurs during building plan review and inspection following construction and would ensure a **less than significant** impact related to light and glare.

Mitigation Measures

None required.

AGRICULTURAL AND FOREST RESOURCES

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant environmental impact if it would:

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 nonagricultural use.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract.

c) Conflict with existing zoning for, or cause rezoning of, forestland (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 the loss of forestland or conversion of forestland 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 nonagricultural use or conversion of forestland to non-forest use.

Impact AG-1 The project site is currently developed and is surrounded by existing urban development. There are no agricultural or forestland resources in the vicinity of the project site or in the surrounding area. **No impact** would occur.

The project site is located in an urbanized area on a previously developed site. The project site is not designated as Prime or Unique Farmland or Farmland of Statewide Importance on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation (2014). The project site is not subject to a Williamson Act contract. The project site does not meet the definition of forestland in Public Resources Code Section 12220(g) due to its location in an intensely developed area, which would preclude the management of any forest resources. Therefore, the proposed project would not involve the direct or indirect conversion of farmland to nonagricultural use or the conversion of forestland to non-forest use. **No impact** would occur.

Mitigation Measures

None required.

AIR QUALITY

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant environmental impact if it would:

a) Conflict with or obstruct implementation of the applicable air quality plan.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).

d) Expose sensitive receptors to substantial pollutant concentrations.

e) Create objectionable odors affecting a substantial number of people.

Impact AQ-1 The project would not conflict or obstruct implementation of applicable air quality plans and would have a **less than significant** impact.

According to the City's 2040 General Plan EIR (Hayward 2014b, p. 3-21), the number of dwelling units in the city in 2012 was approximately 48,671 and the population about 147,113. The Association of Bay Area Governments (ABAG) projects that Hayward will grow to a total of 60,584 dwelling units by 2040, which is the horizon year of the 2040 General Plan.

The project proposes the construction of a new large-scale mixed use development with 476 new residential units and approximately 80,500 square feet of commercial retail space within an identified Priority Development Area (PDA) pursuant to the Bay Area's Regional Transportation Plan and Sustainable Communities Strategy. Based on a person-per-household factor of 3.24 (DOF 2015), these units would provide housing for approximately 1,542 people. The proposed development is consistent with the General Plan land use designation for the project site and is within the housing and population projections for the city in the 2040 General Plan EIR (Hayward 2014b, p. 3-21). Because the air quality management plans in the region have considered the growth on the site assumed in the General Plan, the project would not exceed the population or job growth projections used by the Bay Area Air Quality Management District (BAAQMD) to develop the Bay Area 2010 Clean Air Plan, the air quality management plan applicable in the San Francisco Bay Area, including Hayward. This impact would be **less than significant**.

Mitigation Measures

None required.

Impact AQ-2 The project would not result in emissions either during construction or operation that would exceed BAAQMD thresholds or expose sensitive receptors to substantial pollutant concentrations. This impact would be **less than significant**.

Below is a summary of construction and operational emissions expected from the project, which is based on the analysis by Urban Crossroads (2016a; see **Appendix AQ**).

Construction Emissions

The estimated maximum daily construction emissions are summarized on **Table AQ-1**. It should be noted that modeling includes reductions achieved through standard regulatory requirements and best management practices as included in the BAAQMD May 2012 Air Quality Guidelines. Measures in Tables 8-1 and 8-2 of the BAAQMD guidelines include minimizing idling time for diesel-powered construction equipment, watering exposed surfaces to minimize fugitive dust emissions, and requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of nitrogen oxides (NOx) and particulate matter (PM). Under the assumed scenarios, emissions resulting from project construction would not exceed numerical thresholds established by the BAAQMD for any criteria pollutant. Therefore, a less than significant impact would occur.

TABLE AQ-1
MAXIMUM DAILY CONSTRUCTION EMISSIONS SUMMARY

Year	Emissions (pounds per day)					
	VOC	NOx	CO	SOx	PM_{10}	$PM_{2.5}$
2017	37.32	45.82	59.86	0.10	10.5	5.83
2018	36.49	38.37	55.73	0.10	9.52	5.68
2019	35.89	36.18	52.67	0.10	6.86	3.29
2020	35.43	29.97	50.23	0.10	6.64	2.76
Maximum Daily Emissions	**37.32**	**45.82**	**59.86**	0.10	**10.5**	**5.83**
BAAQMD Regional Threshold	54	54	N/A	N/Z	82	54
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

Source: Urban Crossroads 2016a (Appendix AQ)

Operational Emissions

Operational-source emissions are summarized for summer and winter emissions in **Tables AQ-2** and **AQ-3**, respectively. As shown, project operational-source emissions would not exceed applicable BAAQMD regional thresholds of significance. Therefore, a less than significant impact would occur.

TABLE AQ-2
SUMMARY OF PEAK OPERATIONAL EMISSIONS – SUMMER

Operational Activities	Emissions (pounds per day)					
	VOC	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
Area Source	19.84	0.46	39.48	2.08E-03	0.96	0.95
Energy Source	0.13	1.16	0.59	0.01	0.09	0.09
Mobile	25.37	38.11	182.83	0.43	29.34	8.22
Total Maximum Daily Emissions	**45.34**	**39.73**	**222.90**	**0.44**	**30.39**	**9.26**
BAAQMD Regional Threshold	54	54	N/A	N/A	82	54
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

Source: Urban Crossroads 2016a (Appendix AQ)

TABLE AQ-3
SUMMARY OF PEAK OPERATIONAL EMISSIONS – WINTER

Operational Activities	Emissions (pounds per day)					
	VOC	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
Area Source	19.84	0.46	39.48	2.08E-03	0.96	0.95
Energy Source	0.13	1.16	0.59	7.35E-03	0.09	0.09
Mobile	26.63	42.14	232.52	0.41	29.35	8.22
Total Maximum Daily Emissions	**46.60**	**43.76**	**272.59**	**0.42**	**30.40**	**9.26**
SCAQMD Regional Threshold	54	54	N/A	N/A	82	54
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

Source: Urban Crossroads 2016a (Appendix AQ)

The BAAQMD concludes that under existing and future vehicle emission rates, a given project would have to increase traffic volumes at a single intersection to more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal air does not mix—in order to generate a significant carbon monoxide (CO) impact (BAAQMD 2010). The project area is not in a location where vertical and/or horizontal air mixing would be limited, and intersections in the project vicinity would not exceed 44,000 vehicles per hour (City of Hayward 2014b). As such, the proposed project would not produce the volume of traffic required to generate a CO hot spot in the context of the BAAQMD carbon monoxide threshold considerations. Therefore, CO hot spots are not an environmental impact of concern for the proposed project, and localized air quality impacts related to mobile-source emissions would therefore be less than significant.

As shown in the tables above, the project would not exceed established BAAQMD thresholds during either project construction or operation. Therefore, the project would not violate air quality standards, and this impact would be **less than significant.**

Mitigation Measures

None required.

Impact AQ-3 The project's contribution to cumulative increases of criteria pollutants for which the BAAQMD is in nonattainment would be **less than cumulatively considerable**.

The project area is designated as an extreme nonattainment area for ozone and a nonattainment area for coarse particulate matter (PM_{10}) and fine particulate matter ($PM_{2.5}$). The BAAQMD recognizes that there is typically insufficient information to quantitatively evaluate the cumulative contributions of multiple projects because each project applicant has no control over nearby projects. Nevertheless, the potential cumulative impacts from the project and other projects are discussed below.

Related projects could contribute to an existing or projected air quality exceedance because the San Francisco Bay Area Air Basin is currently nonattainment for ozone, PM_{10}, and $PM_{2.5}$. With regard to determining the significance of the contribution from the project, the BAAQMD recommends that any given project's potential contribution to cumulative impacts should be assessed using the same significance criteria as for project-specific impacts. This analysis assumes that individual projects which do not generate operational emissions that exceed the BAAQMD's recommended daily thresholds for project-specific impacts would also not cause a commutatively considerable increase in emissions for those pollutants for which the basin is in nonattainment and therefore would not be considered to have a significant, adverse air quality impact. As previously discussed and illustrated in **Tables AQ-2** and **AQ-3**, the project will not exceed the applicable BAAQMD regional threshold for operational-source emissions. As such, the project would result in a **less than cumulatively considerable** contribution to this impact.

Mitigation Measures

None required.

Impact AQ-4 The proposed project would not create objectionable odors or subject people to objectionable odors. Therefore, **no impact** would occur.

Residential, institutional, office, and commercial land uses are not considered major sources of odorous emissions. In addition, the proposed project is not located downwind from any significant odor sources such as landfills or sewage treatment plants that could affect people on the project site. Therefore, operation of the project is not anticipated to expose a substantial number of people to objectionable odors.

Construction-generated odors are typically associated with exhaust emissions from diesel-fueled equipment and the application of architectural coatings and paving materials, which may be considered objectionable to some individuals. However, because construction-related odors would be intermittent, temporary, and would disperse rapidly with distance from the source, construction-related odors would not result in the frequent exposure of a substantial number of individuals to objectionable odors. Further, the project would be required to comply with BAAQMD Regulation 8, Rule 3, Architectural Coatings, and Rule 15, Emulsified Asphalt, which establish volatile organic compound (VOC) content limits for these construction materials. VOCs are the main sources of odors from these sources. Compliance with these regulatory requirements would further reduce odor impacts associated with these sources. The project would have **no impact** related to odorous emissions.

Mitigation Measures

None required.

BIOLOGICAL RESOURCES

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant environmental impact if it would:

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 or US Fish and Wildlife Service.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (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, or 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.

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.

Impact BIO-1 The project site does not provide suitable habitat for the majority of special-status species identified in the project vicinity; however, tree removal associated with the project does have the potential to impact migratory birds, raptors, and bats. This would be a **potentially significant** impact.

The project site is fully developed and located in a highly urbanized area. The vegetation on the project site is dominated by ornamental vegetation and trees. According to the 2040 General Plan EIR (Hayward 2014b), the areas likely to provide habitat suitable for special-status species are the foothills, baylands, and shorelines in the city, which are not located on or near the project site. Additionally, the project site does not contain any protected open space or other areas that could potentially serve as habitat. The project site is located within the city's urban limit line and would not convert any undeveloped land to developed land.

A Michael Baker International biologist conducted a reconnaissance-level survey of the project area on June 15, 2015, to determine the habitat types that could be affected by the project. Based on the urbanized, developed nature of the project site, little habitat exists on the site to support any special-status plants or animals. However, the proposed project does have the potential to impact migratory birds, raptors, and bats through removal of trees and existing buildings on the site. The trees and vacant structures on the project site may provide suitable nesting habitat for birds protected under the Migratory Bird Treaty Act, as well as under California Fish and Game Code Sections 3503.5 and 3800–3806. In addition, the vacant structures on-site have the potential to provide suitable roosting habitat for bats. Therefore, the demolition of these structures could result in noise, dust, human disturbance, and other direct or indirect impacts to nesting birds and roosting bats on or in the vicinity of the project site.

Potential nest abandonment and mortality to eggs and chicks of protected bird species, as well as the potential mortality of roosting bat species during construction, would be considered a **potentially significant** impact. As such, mitigation measures **MM BIO-1a** and **MM BIO-1b** are required.

Mitigation Measures

MM BIO-1a **Preconstruction Surveys for Migratory Birds and Raptors.** If clearing and/or construction activities occur during the migratory bird and raptor nesting season (February 1–September 1), preconstruction surveys for active nest sites shall be conducted by a qualified biologist, within 14 days prior to initiation of construction activities. The qualified biologist shall survey the construction zone and a 200-foot radius surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds.

If active nest(s) in trees or structures are identified during the preconstruction survey, a qualified biologist shall monitor the nest(s) to determine when the young have fledged. Monthly monitoring reports, documenting nest status, shall be submitted to the City Planning Division until the nest(s) is deemed inactive. The biological monitor shall have the authority to cease construction if there is any sign of distress to a raptor or migratory bird. Reference to this requirement and to the Migratory Bird Treaty Act shall be included in the construction specifications.

Timing/Implementation: *Prior to construction*

Enforcement/Monitoring: *City of Hayward Planning Division*

MM BIO-1b **Surveys of Potential Bat Roosts.** Prior to demolition of structures on the project site, a qualified wildlife biologist shall conduct preconstruction surveys. If bats are identified as present on the site, bats shall be absent or flushed from roost locations prior to demolition of buildings. If flushing of bats from buildings is necessary, it shall be done by a qualified biologist during the non-breeding season from October 1 to March 31. When flushing bats, structures shall be moved carefully to avoid harming individuals, and torpid bats given time to completely arouse and fly away. During the maternity season from April 1 to September 30, prior to building demolition or construction, a qualified biologist shall determine if a bat nursery is present at any sites identified as potentially housing bats. If an active nursery is present, disturbance of bats shall be avoided until the biologist determines that breeding is complete and young are reared.

Timing/Implementation: *Prior to demolition of structures*

Enforcement/Monitoring: *City of Hayward Planning Division*

Implementation of mitigation measures **MM BIO-1a** and **MM BIO-1b** will ensure that nesting birds or roosting bats are not negatively affected during the nesting or breeding season and would reduce impacts to a **less than significant** level.

Impact BIO-2 No wetlands or sensitive habitats occur on or adjacent to the project site. Therefore, **no impact** to riparian or other sensitive natural communities will occur.

Sensitive habitats include those that are of special concern to resource agencies and those that are protected under CEQA, Fish and Game Code Section 1600, and Clean Water Act Section 404.

There are no waters of the State or waters of the United States on the project site. Therefore, **no impact** to sensitive riparian habitat or federally protected wetlands will occur as a result of the project.

Mitigation Measures

None required.

Impact BIO-3 The project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors. Therefore, this impact would be **less than significant.**

Per the 2040 General Plan EIR (Hayward 2014b), there are no established migratory routes on or adjacent to the project site. Because of the urbanized nature of the area, no significant wildlife corridors exist in the project vicinity. San Lorenzo Creek is located adjacent to the project site, but the creek channel is lined with concrete in the area adjacent to the project site, so it does not provide a natural area that would serve as habitat. The project proposes a creek walk and some improvements, such as reconstructing the private retaining wall, new ground surfacing, addition of lighting and railings, along the existing Alameda County Flood Control and Water Conservation District–owned maintenance path that is currently gated; however, there would be no construction in the channel. Therefore, project implementation would not interfere substantially with the movement of native resident or migratory fish or wildlife species. Therefore, a **less than significant** impact will occur.

Mitigation Measures

None required.

Impact BIO-4 The project would not conflict with any adopted or proposed local policies or ordinances protecting biological resources or with any adopted or proposed habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans. Therefore, this would be a **less than significant** impact.

There are currently no adopted or proposed habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans that affect the project site. Hayward General Plan Implementation Program NR-1 calls for the City to coordinate with Alameda County, the Cities of Fremont and Union City, the Hayward Area Recreation and Park District, and the East Bay Regional Park District to develop and adopt a comprehensive habitat conservation plan for areas within and surrounding the city. However, such a plan has not yet been developed or adopted.

Additionally, the project site is located outside of the Don Edwards San Francisco Bay National Wildlife Refuge and the San Francisco Bay Conservation and Development Commission's Bay Plan

boundaries. Therefore, it would not conflict with adopted policies intended to protect biological resources in those sensitive areas.

The project would require the removal of trees on the project site to accommodate project construction and implementation. Per the arborist report (**Appendix BIO**), a variety of tree species are located on the project site, with health varying from poor to good. The City of Hayward Tree Preservation Ordinance, HMC Chapter 10, Article 15, Tree Preservation, provides for the protection and preservation of significant trees by designating which types of trees on what types of development or properties are "protected" and would require a permit before removal or pruning (aside from routine maintenance). The ordinance also requires a determination as to when removed or disfigured trees would require replacement. The project would comply with the City's Tree Preservation ordinance and would replace removed trees at a ratio determined by the City through the standard permitting process. Because the project is not located in an area governed by a habitat conservation plan and would comply with City regulations regarding tree removal and replacement, the project would have a **less than significant** impact on policies intended to protect biological resources.

Mitigation Measures

None required.

CULTURAL RESOURCES

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant environmental impact if it would:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

c) Disturb any human remains, including those interred outside of formal cemeteries.

d) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074.

e) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Impact CUL-1 The proposed project would result in development that affects a historic property, but components included in the proposed project would mitigate potential effects, so the project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5. Therefore, this impact is considered to be **less than significant**.

Michael Baker International conducted archival research, field survey, consultation, and eligibility evaluations in support of environmental review for the proposed project. The full evaluation results are included in the Lincoln Landing Cultural Resources Study and Eligibility Evaluations, April 2016 (**Appendix CUL**); a short summary is presented below. The project area includes two built environment resources 50 years old or older: 22301 Foothill Boulevard (APN 428-26-81-1) and 1155 Hazel Avenue (APN 428-26-67-3).

The resources were evaluated for eligibility for the California Register of Historical Resources and the Hayward Register. A cultural resource is evaluated under four California Register criteria to determine its historical significance. A resource must be significant in accordance with one or more of the following criteria:

1) Is associated with events that have made a significant contribution to the broad pattern of California's history and cultural heritage.

2) Is associated with the lives of persons important in our past.

3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

4) Has yielded, or may be likely to yield, information important in prehistory or history.

The significance of cultural resources is generally evaluated using a historic context that groups information about related historical resources based on theme, geographic limits, and chronological period.

The California Register also requires a resource to possess integrity, which 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. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association;" therefore, integrity is the ability of a resource to convey its significance, and a resource will always possess several, or most, of the aspects of integrity (OHP 2006:2). Below are the seven aspects of integrity:

Location is the place where the historic property was constructed or the place where the historic event occurred.

Design is the combination of elements that create the form, plan, space, structure, and style of a property.

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

Setting is the physical environment of a historic property.

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.

Association is the direct link between an important historic event or person and a historic property.

Additionally, the City adopted the Historic Preservation Ordinance in 1989 (Hayward Municipal Code Chapter 10, Article 11). The ordinance provides for the designation of historic structures, sites, or districts and outlines procedures for approval of alterations and demolitions of significant structures. Appendix CUL contains a thorough description of the state and local criteria and definitions related to those criteria.

The property at 22301 Foothill Boulevard is a three-story office building with basement built in 1958. The building was not found to be eligible for the California Register under any of the established criteria. The property is not associated with an event that has made a significant contribution to the broad patterns of California history at the local or state level; therefore, the property does not appear eligible for the California Register under Criterion 1. Additionally, research provided no evidence indicating that the property is associated with individuals who have made significant contributions to local or state history and as such, the property does not appear eligible under California Register Criterion 2. The 1958 commercial building lacks any relation to the original architectural style due to major alterations to its elevations in subsequent years; therefore, the building does not appear eligible under California Register Criterion 3. Further, the property is not likely to yield valuable information that will contribute to an understanding of human history because the property is not and never was the principal source of important information pertaining to subjects such as commercial buildings. Therefore, the property does not appear eligible for listing under California Register Criterion 4.

Lastly, the property lacks integrity of design, materials, workmanship, and feeling due to various alterations to the building as it converted from a retail use to an office use to house Mervyns including internal remodeling, replacement wall cladding, windows, and doors, and enclosure of an exterior walkway arcade that was a feature of the original 1958 commercial building. It maintains integrity of setting within a commercial area of Hayward and location in the original construction location, but lacks association with a historic context (i.e., a direct link to an important historic event, person, or property).

Additionally, the property does not appear to be eligible for the Hayward Register under any of the established criteria. The building is one of many commercial buildings developed in the region during the post-WWII years, is one of many Capwell's buildings, and is not directly associated with the lives of H. C. Capwell and Albert S. Lavenson. As such, the building is not eligible for the Hayward Register under Criterion 1. The building lacks any relation to the original architectural style due to major alterations to the building elevations. Therefore, the property is not representative of an architectural style or way of life important to the city, state, or nation and is not eligible for the Hayward Register under Criterion 2. Further, commercial buildings in Hayward were common in the post-WWII years and are still common throughout the city; therefore, the building is not eligible for the Hayward Register under Criterion 3. Additionally, although the building is associated with the Emporium-Capwell department store chain once located throughout the San Francisco Bay Area, it is not connected with a business or use which was once common, but is now rare. The building is not eligible for the Hayward Register under Criterion 4. Lastly, the 1958 commercial building lacks an architectural style due to major alterations to its elevations when it converted from a retail to an office use. Therefore, the building does not contain elements demonstrating outstanding attention to architectural design, detail, materials, or craftsmanship and is not eligible for the Hayward Register under Criterion 5.

The property at 1155 Hazel Avenue consists of a one-story commercial building built in 1966. The building was not found to be eligible for the California Register under any of the established criteria. The property is not associated with an event that has made a significant contribution to the broad patterns of California history at the local or state level. As such, the property does not appear eligible for the California Register under Criterion 1. Research provided no evidence indicating that the property is associated with individuals who have made significant contributions to local or state history. Therefore, the property does not appear eligible under California Register Criterion 2. Additionally, the building does not embody a distinctive type, period, or method of construction; does not represent the work of a master architect or designer; and is not a superior example of an architectural style. Therefore, the building does not appear eligible under California Register Criterion 3. The property is not likely to yield valuable information that will contribute to an

understanding of human history because the property is not and never was the principal source of important information pertaining to subjects such as commercial buildings. Therefore, the property does not appear eligible for listing under California Register Criterion 4.

Lastly, the property maintains integrity of design, materials, workmanship, feeling, setting, and location, because the building displays all the original design features, physical materials, and workmanship contributed to the building during original construction, as well as location and setting within its original construction location in a commercial area of Hayward. The property maintains feeling to its period of significance because it maintains integrity of design, materials, workmanship, location, and setting, but lacks association with a historic context, a direct link to an important historic event, person, or property.

The property does not appear to be eligible for the Hayward Register under any of the established criteria. The building is one of many commercial buildings developed in the region during the post-WWII years. Therefore, the property is not associated with the lives of historic people or with important events in the city, state, or nation and is not eligible for the Hayward Register under Criterion 1. The contemporary-style garage building is one of many buildings of this type and style, is not representative of an architectural style or way of life important to the city, state, or nation, and is not eligible for the Hayward Register under Criterion 2. The building is also not an example of a type of building which was once common, but is now rare, and is not eligible for the Hayward Register under Criterion 3. The building at 1155 Hazel Avenue is not connected with a business or use which was once common, but is now rare, and the building is not eligible for the Hayward Register under Criterion 4. The 1966 contemporary-style commercial building is a minor example of its style. Therefore, while the building does maintain some aspects of integrity, the building does not contain elements demonstrating outstanding attention to architectural design, detail, materials, or craftsmanship and is not eligible for the Hayward Register under Criterion 5.

The two resources located on the project site are not eligible for listing in the California Register or the Hayward Register, nor do they qualify under the remaining criteria for consideration as historical resources under CEQA. As such, the project would have a **less than significant** impact on historical resources.

Mitigation Measures

None required.

Impact CUL-2 Implementation of the project could result in the potential disturbance of currently undiscovered archaeological resources. This impact would be considered **potentially significant**.

The area was previously determined to have extremely high archaeological sensitivity due to the proximity of San Lorenzo Creek and a previous Native American burial finding adjacent to the project area (Busby 2005). However, no archaeological resources were identified in the project area during the field survey. Although the project does not have the potential to impact known archeological resources, the project area has extremely high archaeological sensitivity. As such, there is a possibility of accidental archaeological discoveries during project construction. Therefore, the project would have a potentially significant impact and mitigation measure **MM CUL-2** is required.

Mitigation Measures

MM CUL-2 In the event an archaeological resource is encountered during project construction activities, the construction contractor shall halt construction within 25 feet of the find and immediately notify the City of Hayward. The City shall notify a qualified archaeologist meeting the Secretary of Interior's Professional Qualifications Standards in prehistoric or historical archaeology immediately to evaluate the resource(s) encountered and recommend the development of mitigation measures for potentially significant resources consistent with Public Resources Code Section 21083.2(i). Construction activities may continue in other areas provided that there is no evidence of archeological resources. The archaeologist shall evaluate the find and recommend appropriate mitigation measures for the inadvertently discovered cultural resources. The City and the project applicant shall consider the recommendations of the qualified archaeologist and consult and agree upon implementation of a measure or measures that the City, the qualified archaeologist, and the project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by the project applicant, the qualified project archaeologist, and the City, as well as the Native American tribal representative if relevant, as to the appropriate preservation or mitigation measures.

Timing/Implementation: *During ground-disturbing activities*

Enforcement/Monitoring: *City of Hayward Planning Division*

Implementation of mitigation measure **MM CUL-2** would ensure that any archaeological resources inadvertently discovered during project construction activities would be protected. Impacts would be reduced to a **less than significant** level.

Impact CUL-3 No human remains have been identified within the project site; however, construction of the proposed project could result in the accidental disturbance of currently undiscovered human remains. Any discovery of human remains would trigger state law governing the treatment of human remains. Therefore, this impact is considered to be **less than significant**.

Although no human remains have been identified within the project site, project implementation would include ground-disturbing construction activities that could result in the accidental disturbance of currently undiscovered human remains. Procedures of conduct following the discovery of human remains on non-federal lands are mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and by CEQA in California Code of Regulations (CCR) Section 15064.5(e). According to these provisions, should human remains be encountered, all work in the immediate vicinity of the burial must cease, and any necessary steps to ensure the integrity of the immediate area must be taken. The remains are required to be left in place and free from disturbance until a final decision as to their treatment and disposition has been made.

The Alameda County Coroner would be immediately notified and the coroner would then determine whether the remains are Native American. If the coroner determines the remains are Native American, the coroner has 24 hours to notify the Native American Heritage Commission

(NAHC), which will in turn notify the person they identify as the most likely descendant (MLD) of any human remains. Further actions would be determined, in part, by the desires of the MLD, who has 24 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 24 hours, the owner is required, with appropriate dignity, to reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendant may request mediation by the NAHC. Any discovery of human remains within the project site would be subject to these procedural requirements, which would reduce impacts associated with the discovery/disturbance of human remains to a **less than significant** level.

Mitigation Measures

None required.

Impact CUL-4 No indication of tribal resources were found on the site and the AB 52 consultation process did not indicate the presence of tribal resources on the site. Therefore, the impact would be **less than significant**.

Assembly Bill (AB) 52, adopted September 25, 2014, created a new category of tribal cultural resources as an environmental resource that must be considered under CEQA. Under AB 52, lead agencies must consult with tribes that are traditionally and culturally affiliated with the geographic area of a proposed project and establish procedures and timelines for such consultation. The City sent a project notification and invitation to begin AB 52 consultation on March 11, 2016, to the Ione Band of Miwok and to the Torres Martinez Desert Cahuilla Indians on June 20, 2016 (**Appendix CUL**). Neither tribe requested further consultation on the project pursuant to Public Resources Code Section 21080.3.1(b) and (d).[1]

The cultural resources surveys found no indication of tribal resources on the project site. Additionally, tribes consulted during the AB 52 process did not indicate the presence of tribal resources in the project area. Therefore, the project would have a **less than significant** impact on tribal cultural resources.

Mitigation Measures

None required.

Impact CUL-5 Implementation of the project could result in the potential disturbance of currently undiscovered paleontological resources. This impact would be considered **potentially significant**.

Paleontological resources are classified as nonrenewable scientific resources. California Public Resources Code Section 5097.5 et seq. makes it a misdemeanor for anyone to knowingly disturb any archaeological, paleontological, or historical features situated on public lands. No state or local agencies have specific jurisdiction over paleontological resources. No state or local agency requires a paleontological collecting permit to allow the recovery of fossil remains discovered as a result of construction-related earthmoving on state or private land in a project site. Although the

[1] The Ione Band requested additional information via email on July 5, 2016. The City responded indicating that the parcel numbers in the request were not located in Hayward and requested clarification. The City sent additional follow-up emails on July 5 and August 12, 2016. As of August 12, 2016, the City had not received any further communication from the Ione Band. Due to the lack of response within the 30-day time frame specified in Public Resources Code Section 21080.3.1(b) and (d), the City considers its AB 52 consultation responsibilities completed.

project site has been previously developed and there is no documentation that suggests paleontological resources are present within or in the vicinity of the project site, there is a possibility that construction activities could uncover paleontological resources during excavation on the project site. This impact would be potentially significant. As such, mitigation measure **MM CUL-5** is required.

Mitigation Measures

MM CUL-5 In the event any paleontological resources (i.e., fossils) are uncovered during project construction activities, all work in the immediate vicinity shall be halted or diverted to other areas on the site and the City of Hayward shall be immediately notified. A qualified paleontologist shall be retained to evaluate the find and recommend appropriate mitigation measures for the inadvertently discovered paleontological resources. The City and the project applicant shall consider the qualified paleontologist's recommendations and consult and agree upon implementation of a measure or measures that the City, the qualified paleontologist, and the project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by the project applicant, qualified paleontologist, and the City as to the appropriate preservation or mitigation measures.

Timing/Implementation: *During ground-disturbing activities*

Enforcement/Monitoring: *City of Hayward Planning Division*

GEOLOGY AND SOILS

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant environmental impact if it would:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, involving:

   i) 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.

   ii) Strong seismic ground shaking.

   iii) Seismic-related ground failure, including liquefaction.

   iv) 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 would 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 Table 18-1-B of the Uniform Building Code (1994), creating substantial 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.

Impact GEO-1 The proposed project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, resulting from seismic hazards. The project would implement all recommendations including in the geotechnical study prepared for the project. Therefore, this impact would be **less than significant**.

The entire San Francisco Bay Area is subject to periodic earthquake ground shaking; thus, the potential for strong seismic shaking at the project site is high. Due to their proximity and historical seismic activity, the Hayward, San Andreas, and Concord/Green Valley faults present the highest potential for severe ground shaking. For example, the Working Group on California Earthquake Probabilities in conjunction with the US Geological Survey found that there was a 31 percent probability that a magnitude 6.7 or greater earthquake will occur on the Hayward fault system in the next 30 years, a 21 percent probability that a magnitude 6.7 or greater earthquake will occur on the San Andreas fault, and a cumulative 63 percent probability that a magnitude 6.7 or greater earthquake will occur in the San Francisco Bay region in the next 30 years (USGS 2008).

Per the EIR prepared for the General Plan (Hayward 2014b), according to the California Geological Survey Earthquake Zones of Required Investigation, Hayward Quadrangle map, the earthquake fault zone for the active Hayward fault is delineated approximately 300 feet southwest of the project site. However, the project site itself is not located within an Earthquake Fault Zone (called Special Studies Zones prior to January 1, 1994) and is not subject to the development limitations of such areas. Thus, the project site is not considered to be at a significant risk of surface rupture of a known earthquake fault.

Although not on the fault, the project site is located adjacent to the earthquake fault zone for the active Hayward fault. To reduce impacts related to this proximity, the proposed development would be subject to the California Building Code (CBC) seismic design force standards for the Hayward area. CBC Chapter 16 establishes earthquake design standards that must be incorporated into project structures, and the design for soil support of foundations must conform to the analysis and implementation criteria described in the CBC. These regulations require design-level geotechnical investigations for the foundations of any structure for human occupancy proposed at a project site, including specific recommendations to reduce or eliminate post-construction settlement. The design-level geotechnical investigation for the project, prepared by Silicon Valley Soil Engineering (2015), was reviewed by the City's Department of Public Works - Engineering Division for compliance with existing building codes and ordinances. Additionally, the City would inspect the recommended site preparation activities prior to construction.

The project would implement all site-specific construction measures as included in the geotechnical study prepared for the project site (**Appendix GEO**). Such measures would include elevating the building pad above the adjacent ground surface to promote proper drainage, foundation design criteria such as where to place mat foundation materials, and specific design criteria for retaining wall and swimming pool construction.

Liquefaction is the transformation of loose saturated silts and sands with less than 15 percent clay-sized particles from a solid state to a semi-liquid state. Liquefaction occurs under vibratory

conditions such as those induced by a seismic event. The potential for liquefaction is dependent on soil types and density, the groundwater table, and the duration and intensity of ground shaking.

The geotechnical investigation prepared for the proposed project evaluated the liquefaction potential of the site soils and concluded that the potential for both liquefaction-induced ground surface damage and liquefaction-induced lateral spreading at the site is moderate (Silicon Valley Soil Engineering 2015). The report included recommendations for site preparation and construction to address this potential. The project would be required to implement all site-specific construction measures including supporting the one-story retail building on mat foundations and the six-story building on pre-cast, pre-stressed concrete driven piles on perimeter grade beam for exterior walls and on pile cap for interior columns with structural concrete slab floor. With implementation of recommendations included in the geotechnical report and compliance with existing regulations, this impact would be **less than significant**.

Mitigation Measures

None required.

Impact GEO-2 The proposed project would not create substantial erosion or contribute to the loss of topsoil. This impact would be **less than significant**.

The proposed project would not create substantial erosion or contribute to the loss of topsoil because the project site is generally level (on site elevations range from 96 feet to 114 feet) and the site is currently covered with impervious surfaces. However, construction activities would disturb soils, which could lead to erosion. In accordance with HMC Chapter 10, Article 8, Grading and Clearing, the project applicant would be required to prepare both an interim and a final erosion and sediment control plan as part of the application for a grading permit. The interim plan must include a set of measures designed to control surface runoff and erosion and to retain sediment on the project site during construction, while the final plan must include such measures for post-construction.

Additionally, the project applicant would be required to prepare and comply with a stormwater pollution prevention plan (SWPPP) that provides a schedule for the implementation and maintenance of erosion control measures and a description of the erosion control practices, including appropriate design details and a time schedule. The SWPPP would consider the full range of erosion control best management practices (BMPs), including any additional site-specific and seasonal conditions. Examples of typical construction BMPs include, but are not limited to, using temporary mulching, seeding, or other suitable stabilization measures to protect uncovered soils and installing sediment control devices such as gravel bags, inlet filters, fiber rolls, or silt fences to reduce or eliminate sediment and other pollutants from discharging to the drainage system or receiving waters. BMPs are recognized as effective methods to prevent or minimize the potential releases of pollutants into drainages, surface water, or groundwater through erosion control mechanisms. Compliance with these existing regulations would minimize erosion during and after project construction. Therefore, this impact would be **less than significant.**

Mitigation Measures

None required.

Impact GEO-3 The topography of the project site is generally level, and areas surrounding the project site do not have the potential for landslides. There would be **no impact** related to risk of landslide.

Landslide activity is a function of slope, soil type and depth, soil moisture, bedrock, and seismic activities. Landslides include a wide range of ground movement, such as rockfalls, deep failure of slopes, and shallow debris flows (mudflows). The topography of the project site is generally level with elevations ranging from 96 feet to 114 feet, and areas surrounding the project site do not have the potential for landslides. Additionally, the project would incorporate all design measures outlined in the project-specific geotechnical report. As such, the project would have **no impact** related to risk of landslide.

Mitigation Measures

None required.

Impact GEO-4 The project's geotechnical investigation identified a moderate risk of liquefaction and lateral spreading at the project site due to underlying unstable soils. This impact is **less than significant**.

As discussed above, compliance with existing regulations in the CBC, as well as implementation of recommendations included in the project-specific geotechnical report, would ensure that impacts related to unstable soils would be less than significant. Expansive soils typically contain clay minerals that can cause the soil to shrink and swell in response to changes in moisture and have the potential to damage improvements that are supported by them. The geotechnical investigation prepared for the proposed project (**Appendix GEO**) concluded that the site is suitable for the proposed development. The project would incorporate all recommendations included in the project-specific geotechnical investigation. Implementation of recommendations included in the report would reduce the potential for impacts related to landslide, lateral spreading, subsidence, liquefaction, or collapse due to soil that is unstable or that would become unstable as a result of the project. Therefore, this impact would be **less than significant**.

Mitigation Measures

None required.

Impact GEO-5 No septic tanks or alternative wastewater disposal systems would be utilized on the project site. Therefore, the project would have **no impact** associated with soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems.

Public utilities, including sewer service, serve the project site. No septic tanks or alternative wastewater disposal systems would be utilized. The project would have **no impact** associated with soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems.

Mitigation Measures

None required.

GREENHOUSE GAS EMISSIONS

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant environmental impact if it would:

a) Generate greenhouse gas 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 greenhouse gases.

Impact GHG-1 The project would generate greenhouse gas emissions over the short term from construction activities and would also contribute to long-term regional emissions associated with new project-related vehicle trips and indirect source emissions. The project's contribution would be **less than cumulatively considerable**.

Greenhouse gases (GHG) are released as byproducts of fossil fuel combustion, waste disposal, energy use, land use changes, and other human activities. This release of gases includes carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and chlorofluorocarbons. While this is a naturally occurring process known as the greenhouse effect, human activities have accelerated the generation of GHGs beyond natural levels. The abundance of GHGs in the atmosphere has led to an unexpected warming of the earth and has the potential to severely impact the earth's climate system.

GHG emissions contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects contributes substantially to the phenomenon of global climate change and its associated environmental impacts and as such is addressed only as a cumulative impact.

GHG emissions associated with the project would occur over the short term from construction activities, consisting primarily of emissions from equipment exhaust. There would also be long-term regional emissions associated with new project-related vehicle trips and indirect source emissions, such as electricity and water usage.

Construction Emissions

As outlined in the project-specific GHG report (Urban Crossroads 2016b; **Appendix GHG**), the BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, the BAAQMD recommends quantification and disclosure of GHG emissions that would occur during construction, in addition to making a determination on the significance of these construction-generated GHG emissions impacts in relation to meeting Assembly Bill (AB) 32 greenhouse gas reduction goals (reduction of statewide GHG emissions to 1990 levels by 2020).

Table GHG-1 summarizes the project's estimated construction source emissions.

TABLE GHG-1
CONSTRUCTION-RELATED GREENHOUSE GAS EMISSIONS – METRIC TONS PER YEAR

Construction Year	Carbon Dioxide (CO_2)	Methane (CH_4)	Nitrous Oxide (N_2O)	CO_2e
2017	748.45	0.1	0	750.58
2018	797.73	0.1	0	799.81
2019	1,021.09	0.11	0	1,023.49
2020	253.35	0.03	—	253.97
Total CO_2e	**2,827.85**			

Source: Urban Crossroads 2016b (Appendix GHG)

In addition to quantifying construction-generated GHG emissions, the BAAQMD recommends that all construction projects incorporate best management practices (BMPs) to the maximum extent possible. Examples of BMPs identified by the BAAQMD include the use of alternative-fueled (i.e., biodiesel, electric) construction vehicles and equipment, the use of local construction materials (within 100 miles) to the maximum extent possible, and/or recycling 50 percent of construction waste materials.

Any development on the project site would be subject to the California Green Building Standards Code (Part 11, Title 24), which was adopted as part of the California Building Code (Title 24, California Code of Regulations). Current mandatory standards include the diversion of 50 percent of construction waste from landfills, thereby implementing one of the BAAQMD's best management practices. Further, the City of Hayward requires that every applicant submit a Construction and Debris Recycling Statement that documents how all materials generated during construction and demolition are collected and delivered to an authorized facility prior to issuance of building permits for a project.

As previously stated, the BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, implementation of best management practices included in the BAAQMD May 2012 Air Quality Guidelines, discussed in the Air Quality subsection above, would further reduce the GHG emissions of heavy-duty diesel-powered equipment during construction. Implementation of these measures and, diversion of over 50 percent of construction waste from landfills pursuant to state and local regulations, would minimize construction-related GHG emissions, consistent with AB 32 greenhouse gas reduction goals.

Operational Emissions

For GHG emissions resulting from project operations after construction, the BAAQMD has a threshold of significance of 4.6 metric tons per year of carbon dioxide equivalents (CO_2e) per service population. The projected annual GHG emissions resulting from project operation are summarized in **Table GHG-2**.

TABLE GHG-2
OPERATIONAL GHG EMISSIONS – METRIC TONS PER YEAR

Source	Carbon Dioxide (CO_2)	Methane (CH_4)	Nitrous Oxide (N_2O)	CO_2e
Area	28.66	0.006	0.0004	28.92
Energy	795.42	0.06	0.04	801.6
Mobile	4,073.68	0.16	0	4,077.04
Solid Waste	94.21	1.26	0.03	85.83
Water	49.82	1.26	0.03	85.83
Total CO_2e	5,204.53			
Service Population	19,660			
Total CO_2e per Service Population	4.6			
Significant?	No			

Source: Urban Crossroads 2016b (Appendix GHG)

As shown, the proposed project would be below BAAQMD significance thresholds for operational GHG emissions and would result in in a **less than cumulatively considerable contribution**.

Mitigation Measures

None required.

Impact GHG-2 The project's contribution to cumulative greenhouse gas (emissions would be **less than significant** with compliance with the City's Climate Action Plan and AB 32.

Each GHG differs in its ability to absorb heat in the atmosphere based on the lifetime, or persistence, of the gas molecule in the atmosphere. Gases with high global warming potential (GWP), such as hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6), are the most heat-absorbent. Methane (CH_4) traps over 21 times more heat per molecule than carbon dioxide (CO_2), and nitrous oxide (N_2O) absorbs 310 times more heat per molecule than CO_2. Often, estimates of GHG emissions are presented in carbon dioxide equivalents (CO_2e), which weight each gas by its GWP. Expressing GHG emissions in carbon dioxide equivalents takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO_2 were being emitted.

In June 2009, the City of Hayward approved a Climate Action Plan (CAP) that outlines a road map for achieving a measurable reduction in GHG emissions. The Hayward CAP includes GHG emissions reduction targets that align with those of the State of California, and thus AB 32 and other legislation aimed at GHG reduction. The CAP also presents a number of strategies that will make it possible for the City to meet the recommended targets, suggests best practices for implementing the plan, and makes recommendations for measuring progress. Such practices include developing high-density transit-oriented development, reducing automobile use, and incorporating green building practices aimed at reducing GHG emissions. The Hayward CAP was incorporated into the City's General Plan in 2014.

The project would develop a mixed-use transit-oriented development in the vicinity of BART and AC Transit stops. Additionally, the project would incorporate green building techniques per City

Climate Action Plan requirements including but not limited to installation of a green roof over the major commercial building; installation of highly efficient appliances and fixtures; use of low VOC finishes and materials; and incorporation of transportation demand management strategies such as transit passes for employees and residents, car sharing programs, bicycle parking and maintenance areas and unbundling parking costs from housing costs (see also Appendix TRA). Because the project would be consistent with the City's General Plan and its policies, the proposed project would not conflict with the City's Climate Action Plan. This impact would be **less than significant**.

Mitigation Measures

None required.

HAZARDS AND HAZARDOUS MATERIALS

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant environmental impact if it would:

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, create a significant hazard to the public or the environment.

e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within 2 miles of a public airport or a public use airport, result in a safety hazard for people residing or working in the project area.

f) For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.

g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Impact HAZ-1 The proposed project would not create a significant hazard to the public or to the environment through the routine transport, use, or disposal of hazardous materials. The impact would be **less than significant**.

Public health is potentially at risk whenever hazardous materials are used. It is necessary to differentiate between the hazard of these materials and the acceptability of the risk they pose to

human health and the environment. A hazard is any situation that has the potential to cause damage to human health and the environment. The risk to health and public safety is determined by the probability of exposure, in addition to the inherent toxicity of a material. Factors that can influence the health effects when human beings are exposed to hazardous materials include the dose to which the person is exposed, the frequency of exposure, the duration of exposure, the exposure pathway (route by which a chemical enters a person's body), and the individual's unique biological susceptibility.

Both the US Environmental Protection Agency (EPA) and the US Department of Transportation (DOT) regulate the transport of hazardous waste and material, including transport via highway. The EPA administers permitting, tracking, reporting, and operations requirements established by the Resource Conservation and Recovery Act. The DOT regulates the transportation of hazardous materials through the Hazardous Materials Transportation Act. This act includes requirements for container design and labeling, as well as for driver training. The established regulations are intended to track and manage the safe interstate transportation of hazardous materials and waste. Title 22 (Social Security, Division 4.5, Environmental Health Standards for the Management of Hazardous Waste) defines hazardous and special waste, identifies federal and state hazardous waste criteria, and regulates the storage, transportation, and disposal of waste. Title 22 was created to regulate the hazardous wastes generated by factories or similar sources, but soil excavated during construction may also be regulated. If contaminated soil meets Title 22 waste criteria and will be excavated during construction, the soil must be handled in a manner consistent with the regulations. These regulations are also found in Title 26. Additionally, state and local agencies enforce the application of these acts and coordinate safety and mitigation responses in the case that accidents involving hazardous materials occur.

The proposed project would include construction and landscaping activities that could involve limited transport, use, and disposal of hazardous materials such as gasoline fuels, asphalt, lubricants, toxic solvents, pesticides, and herbicides. The project would be required to ensure proper transportation, waste treatment, and disposal of hazardous materials during construction activities in accordance with all applicable federal, state, and local laws, as cited above. Should any fuel and oil spills occur, they would be minor based on the quantity of such materials typically stored and/or used on a construction site. In addition, the proposed project would be required to develop and implement a stormwater pollution prevention plan (SWPPP) that includes BMPs to prevent or reduce the movement of sediment, nutrients, pesticides, and other pollutants from the construction site to surface water or groundwater. BMPs identified in the stormwater pollution prevention plan would prevent impacts on surface water or groundwater associated with the use and handling of hazardous materials during construction activities from leaving the construction site and creating a significant hazard to the public or to the environment.

San Lorenzo Creek is located along the western border of the project site and is characterized by a concrete channel and fencing. The project would entail grading, installation of utilities, and building construction. As described above, the project would require the preparation of a SWPPP and compliance with state and local regulations, which would implement best management practices that would prevent sediment from entering the canal. Examples of typical construction BMPs include, but are not limited to, using temporary mulching, seeding, or other suitable stabilization measures to protect uncovered soils; storing materials and equipment to ensure that spills or leaks cannot enter the storm drain system or surface water; developing and implementing a spill prevention and cleanup plan; and installing sediment control devices such as gravel bags, inlet filters, fiber rolls, or silt fences to reduce or eliminate sediment and other pollutants from discharging to the drainage system or receiving waters. BMPs are recognized as effective methods to prevent or minimize the potential releases of pollutants into drainages, surface water,

or groundwater. Therefore, potential impacts during project construction would less than significant.

Project Operation

Project implementation would result in the development of housing and commercial uses. These land uses generally would not be expected to involve the routine transport, use, or disposal of significant amounts of hazardous materials. Residents could use materials classified as household hazardous waste, including common items such as paints, cleaners, motor oil, pesticides, batteries, light bulbs, televisions, and computer monitors. Because it is illegal to dispose of household hazardous waste in the trash, down storm drains, or onto the ground, the proposed project could increase the amount of household hazardous waste being transported to the Household Hazardous Waste Facility, located at 2091 West Winton Avenue, which accepts and safely disposes of hazardous materials from Hayward residents at no charge. However, due to the nature of household hazardous materials, transport of hazardous materials to and from the project site would be in relatively small amounts and would not result in significant hazards to the public or to the environment.

For the reasons discussed above, the proposed project would not create a significant hazard to the public or to the environment through the routine transport, use, or disposal of hazardous materials. Therefore, impacts would be considered **less than significant**.

Mitigation Measures

None required.

Impact HAZ-2 The proposed project would not be expected to create a significant hazard to the public or to the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. However, discovery of potential unknown contamination at the site during project construction could impact construction workers. This impact is considered **potentially significant**.

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese List). However, the Phase I and II Environmental Site Assessment [ESA] and Tank Removal Report (Applied Water Resources 2015) prepared in conjunction with the proposed project identified limited areas of soil contamination and the potential presence of hazardous building materials requiring removal prior to site development. The following discussion summarizes the findings and recommendations of the report. The full report is provided in **Appendix HAZ**.

On-Site Conditions

The site was previously operated as the Mervyns corporate headquarters, which as part of the previous operation included the installation and operation of an emergency backup diesel generator. The generator was installed at the site with an attached aboveground day tank and a separate 10,000-gallon underground fuel storage tank. The underground storage tank and associated piping were removed from the site on March 13, 2015. The generator and attached day tank were not included in the removal and remain operational at the site. They are aboveground and there is no current sign of a spill or release at the generator day tank location.

No staining or odors were observed in the soil near the underground tank, which appeared to be in very good condition with no obvious holes. Two confirmation soil samples were collected from under the tank and one additional sample was collected from under a pipe fitting in the containment pipe that held the diesel and drain lines. All three samples were "non-detect" for the analyzed components (i.e., total petroleum hydrocarbons, carbon disulfide, and chloroform).

However, very low concentrations of petroleum hydrocarbons were detected in the soil that had been removed to expose the tank. Although the concentrations in this soil were significantly less than the established environmental screening levels (ESLs), in accordance with City policy, the soil was removed from the site to a landfill and clean fill was imported to backfill the excavation. Lower concentrations of groundwater and soil impacts were also detected near and downgradient from the underground storage tank. Because the tank has subsequently been removed and there was no indication of a release from the tank system, this was not considered a recognized environmental condition (REC). However, it is recommended that this soil be removed prior to site development.

The Phase II ESA revealed soil and groundwater impacts elsewhere within the project site. The highest concentrations of impacted soils were in a limited area at a concrete/asphalt joint near the loading dock in an area with surface staining that appears to originate at the trash compactor. This was identified as a REC and it is recommended that this soil be removed prior to site development.

Finally, based on the age of the existing buildings on the project site, there is a potential for the presence of asbestos-containing materials and/or lead-based paint. Therefore, demolition of the buildings, as proposed by the project, could expose workers to health effects associated with these materials.

Off-Site Conditions

The project site is located adjacent to a closed underground storage tank release that occurred at the existing gas station just north of the site. The release was closed in 2010 with residual contamination remaining at the release property including in wells near the property boundary with the project site. The closure package for this release states, "Residual contamination in both the soil and groundwater may remain at the site that could pose an unacceptable risk under certain site development activities such as site grading, excavation, or the installation of a water well near the areas of residual contamination shall be assessed and appropriate action taken so that there is no significant impact to human health, safety, or the environment." Although these restrictions and requirements apply only to the release property, based on the sampling results from monitoring wells near the project site boundary, it appears likely that the groundwater impacts extend onto the project site. However, this is a controlled recognized environmental condition (CREC) since the release has been closed, and no additional assessment or remediation is required for the project site or the adjacent release property.

Conclusions

The Phase I and II ESA report recommends no additional environmental sampling with regard to known or potential RECs identified at the site. However, it is recommended that qualified personnel be present to observe the building demolition and soil excavation and grading to oversee the removal and disposal of the impacted soil near the loading dock and to inspect the exposed ground surface as the demolition proceeds to identify any areas of impact that may exist. Because of existing and potentially unknown contamination, project impacts could be **potentially significant**. As such, mitigation measures **MM HAZ-2a** and **MM HAZ-2b** are required.

Mitigation Measures

MM HAZ-2a Prior to development of the project site, all impacted soils shall be removed as described in the Phase I and II Environmental Site Assessment and Tank Removal Report prepared for the project site by Applied Water Resources Corporation dated April 2015. Additionally, a qualified environmental professional shall be present to observe the building demolition and soil excavation and grading to oversee the removal of the impacted soil and in the event additional impacted areas are encountered when the buildings and other current improvements are removed.

Timing/Implementation: *Prior to issuance of a building permit and throughout project demolition and grading*

Enforcement/Monitoring: *City of Hayward Planning Division*

MM HAZ-2b A survey for asbestos-containing building materials, lead-based paint, polychlorinated biphenyl, or other potentially hazardous building materials shall be conducted prior to initiation of demolition of any existing structures on the project site. If hazardous building materials are present at levels that require special handling and/or disposal, removal of the materials shall be completed by qualified professionals in accordance with applicable laws and regulations (including Bay Area Air Quality Management District requirements) prior to any activity that would involve demolition.

Timing/Implementation: *Survey shall be submitted and approved prior to issuance of a building permit*

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

Compliance with existing regulations, as well as implementation of the above mitigation measures, would ensure impacts related to hazardous materials exposure would be reduced to **less than significant**.

Impact HAZ-3 Project implementation would not result in significant hazardous emissions or significant handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. This would be a **less than significant** impact.

There are no public schools within one-quarter mile of the project site, but a private preschool is located approximately one-tenth mile east of the site. However, as a mixed residential and retail use, the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste at volumes or in a manner that could create a risk to local area schools, as discussed in Impacts HAZ-1 and HAZ-2 above. This impact would be **less than significant**.

Mitigation Measures

None required.

Impact HAZ-4 The proposed project site is not located on or in the vicinity of a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, the proposed project would not create a significant hazard to the public or to the environment, and **no impact** would occur.

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, the proposed project would not create a significant hazard to the public or to the environment related to an existing hazardous materials site. **No impact** would occur.

Mitigation Measures

None required.

Impact HAZ-5 Project implementation would not result in a safety hazard associated with people residing or working in the vicinity of a public or private airport. **No impact** would occur.

The project site is not located within an airport land use plan area or within 2 miles of a public use airport or airstrip. There are no private airstrips in the vicinity of the project site that would result in a safety hazard for people residing or working in the project area. **No impact** would occur.

Mitigation Measures

None required.

Impact HAZ-6 Because the proposed project would generate traffic trips during construction that may impact service levels at intersections located in the project area, this impact is **potentially significant** with regard to adopted emergency response plans or evacuation plans.

Project construction would generate worker vehicle trips and could impede traffic as a result of heavy equipment movement and materials import and export, resulting in a decline of level of service at intersections in the vicinity of the site, or could require temporary closures that could impede emergency vehicles. Therefore, this impact is **potentially significant**.

Mitigation Measures

MM HAZ-6 Prior to the issuance of a grading and building permits for the proposed project, a Construction Traffic Control Plan (CTCP) shall be submitted for review and approval by the City of Hayward Public Works–Engineering and Transportation Department. The CTCP shall include a schedule of construction and anticipated methods of handling traffic for each phase of construction to ensure the safe flow of traffic and adequate emergency access, including maintaining an open lane for vehicle travel at all times. The applicant shall obtain an encroachment permit(s) consistent with the CTCP if any project related work will occur within public right-of-way. The CTCP shall be circulated to emergency service providers prior to any street closure or construction. All traffic control measures shall conform to Caltrans standards, as applicable.

Timing/Implementation: *Prior to issuance of grading permits*

Enforcement/Monitoring: *City of Hayward Public Works–Engineering and Transportation Department*

Compliance with existing regulations, as well as implementation of the above mitigation measure, would ensure impacts related to emergency response plans would be reduced to a **less than significant** level.

Impact HAZ-7 Implementation of the proposed project would not expose people and structures to hazards involving wildland fires. The project would have **no impact.**

The project site is not located in an area that is subject to the City's Wildland/Urban Interface Guidelines and is also located outside of all fire hazard areas identified by the California Department of Forestry and Fire Protection [Cal Fire] (Hayward 2014b, p. 17-13 and Figure 17-2). Furthermore, the project site is located in an urbanized area and is considered to be at minimal risk of wildland fire. There would be **no impact**.

Mitigation Measures

None required.

HYDROLOGY AND WATER QUALITY

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant environmental impact if it would:

a) Violate any water quality standards or waste discharge requirements.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.

e) 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.

f) Otherwise substantially degrade water quality.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows.

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of a failure of a levee or dam.

j) Inundation by seiche, tsunami, or mudflow.

Impact HYDRO-1 Compliance with the requirements of the City's Municipal Code and the Municipal Regional Stormwater NPDES Permit would minimize the potential for water quality degradation and ensure that the project would not contribute to a violation of water quality standards. This impact would be **less than significant.**

Construction of the proposed project could introduce sediments and other contaminants typically associated with construction into stormwater runoff, potentially resulting in the degradation of downstream surface water and groundwater quality. Stormwater flowing over the project site during construction could carry various pollutants downstream such as sediment, nutrients, bacteria and viruses, oil and grease, heavy metals, organics, pesticides, gross pollutants, and miscellaneous waste. These pollutants could originate from soil disturbances, construction equipment, building materials, and workers. Project construction activities would disturb soil on the project site, which could result in sedimentation that reaches the City's storm drain system and San Lorenzo Creek.

The project would be required to comply with the San Francisco Bay Municipal Regional Stormwater Permit (MRP) (Order R2-2009-0074; NPDES [National Pollutant Discharge Elimination System] Permit No. CAS612008) administered by the San Francisco Bay Regional Water Quality Control Board (RWQCB). The MRP ensures attainment of applicable water quality objectives and protection of the beneficial uses of receiving waters and associated habitat and requires that discharges not cause exceedances of water quality objectives or cause certain conditions to occur that create a condition of nuisance or water quality impairment in receiving waters. Provision C.3 of the MRP requires new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface to implement certain measures to protect water quality and prevent erosion by minimizing sediment and other pollutants in site runoff and so that post-project runoff will not exceed pre-project rates and durations. The goal of Provision C.3 is to include appropriate source control, site design, and stormwater treatment measures in new development and adaptive reuse projects to address both soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff flows from new development and adaptive reuse projects. Compliance with Provision C.3 would reduce potential water quality impacts associated with the proposed project.

The project would also be required to comply with HMC Chapter 11, Article 5, which protects water quality by eliminating non-stormwater discharges and other illicit discharges to improve stormwater quality in the city. Additionally, the project would include on site stormwater treatment measures, like a bioretention area, green roof and other measures to minimize operational impacts to water quality included in the project's Stormwater Control Plan (CBG 2016; **Appendix HYDRO**). BMPs included in the Stormwater Control Plan include directing runoff from impervious surfaces into bioretention areas, as well as maintenance BMPs to ensure proper operation of bioretention areas. Other measures include limiting pesticide use, cleaning of storm drain inlets, and maintenance of streets and sidewalks.

Compliance with the requirements of the City Municipal Code and the Municipal Regional Stormwater NPDES Permit would ensure that project construction and operation would not contribute to a violation of water quality standards. The project would have a **less than significant** impact regarding the generation of substantial additional sources of polluted runoff that would contribute to a water quality violation.

Mitigation Measures

None required.

Impact HYDRO-2 The project's domestic water demands will be met by surface water supplies provided by the East Bay Municipal Utility District rather than groundwater resources. The project would not impact groundwater recharge. This impact would be **less than significant.**

The project site is currently developed and covered with impervious surfaces. Therefore, redevelopment of the site as proposed would have no potential to further interfere with recharge of the underlying groundwater basin. The proposed development would be supplied water by the East Bay Municipal Utility District (EBMUD). This water is predominantly from the Mokelumne River and local runoff. EBMUD will rely upon its Bayside Groundwater Project to allow EBMUD to bank water during wet years for extraction, treatment, and use during dry years, but does not currently nor does it plan to use groundwater to meet any portion of its day-to-day normal water demand (EBMUD 2015). Therefore, the proposed project would not deplete groundwater supplies and this impact would be **less than significant**.

Mitigation Measures

None required.

Impact HYDRO-3 The project would not substantially alter the existing drainage pattern of the site or area, nor would it exceed the capacity of existing or planned stormwater drainage systems or generate of substantial additional sources of polluted runoff. This impact would be **less than significant.**

The site generally slopes from the east to the west, where stormwater is conveyed through existing outfalls into the San Lorenzo Creek. Elevations range from approximately 118 at the southeastern corner of the site to approximately 100 at the west side. Upon construction of the proposed project improvements, approximately 9.91 acres (87.8 percent) of the site would be covered by impervious surface and about 1.37 acres (12.2 percent) would be covered by landscaped areas including lawns, shrubs, trees, and bioretention ponds. A portion of the impervious roof would be green roof. Additionally, the project would include bioretention ponds to treat runoff from project operations. All walkways in the bio-treated areas would be sloped to drain into the surrounding landscaping and bioretention ponds.

The project's storm drainage system would be designed to comply with the NPDES General Permit for Waste Discharge Requirements for Storm Water Discharges from Alameda County (Order No. R2-2003-0021). This permit requires project site design to achieve an 80 percent capture rate. The project's stormwater would flow into the City's existing storm drainage system.

The proposed on-site drainage system would consist of newly developed pervious and impervious areas and bioretention areas. The project would increase the total landscape area from 35,494 square feet to 59,695 square feet and would increase the pervious area from 7.2 percent to 12.2 percent (CBG 2016). With these improvements, 100 percent of the project's stormwater runoff would be treated before entering the public stormwater system. The existing parking structure would remain, with stormwater treated by media filtration. Proposed on-site drainage system improvements for the site would tie into the existing outfalls along San Lorenzo Creek along the western side of the project site. For these reasons, impacts related to site drainage, surface runoff, and stormwater capacity would be **less than significant**.

Mitigation Measures

None required.

Impact HYDRO-4 Project implementation would not place any housing or other structures within a flood hazard area. Therefore, **no impact** would occur associated with flood hazard zones.

According to the Federal Emergency Management Agency (FEMA) Flood Map Panel No. 06001C0287G dated August 3, 2009, the project site is designated as Zone X, or areas of minimal flood hazard. The adjacent San Lorenzo Creek corridor is designated as Zone A, or areas subject to inundation by the 1-percent-annual-chance flood event. No development is proposed within the creek corridor, and the creek is currently channelized in the project area. Therefore, the project would not place any housing within a 100-year flood hazard area or otherwise impede or redirect flood flows. The project would have **no impact**.

Mitigation Measures

None required.

Impact HYDRO-5 The project would not expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of a failure of a levee or dam. Therefore, a **less than significant** impact would occur.

The project site is within the inundation areas for Don Castro Reservoir and Cull Canyon Lake (Cal OES 2006). Cull Creek Dam, constructed in 1962/63, is a 55-foot earthfill dam that impounds approximately 310 acre-feet of water (ACFC 2006). Both dams were constructed and are maintained by the Alameda County Flood Control and Water Conservation District. According to the district, excess siltation entering the reservoirs has reduced their overall capacity. In addition, Cull Canyon Reservoir was the subject of a seismic stability study, completed in 2006, that concluded the dam might be seismically unstable.

The district is currently exploring long- and short-term alternatives to address the siltation and seismic problems. In the interim, the district has lowered the water level behind Cull Canyon Dam to ensure public safety in accordance with the California Department of Water Resources, Division of Safety of Dams (DSOD) interim requirements. Although issues at both dams have been identified, the district and the DSOD are addressing the issues and have taken measures to ensure public safety (ACFC 2015). These measures, such as reducing the amount of water behind the dams, would reduce the potential for a catastrophic flood event; therefore, development of the project site would not expose people or structures to significant risks resulting from dam failure. This impact would be **less than significant**.

Mitigation Measures

None required.

Impact HYDRO-6 The project site is not subject to potential inundation by seiche, tsunami, or mudflow. Therefore, **no impact** would occur.

A seiche is a periodic oscillation of a body of water such as a reservoir resulting from seismic shaking or other causes such as landslides. The project site is not located near any reservoirs or other enclosed bodies of water capable of seiche. A tsunami is a series of waves caused by earthquakes that occur on the seafloor or in coastal areas. A mudflow is a flow of dirt and debris that occurs after intense rainfall or snowmelt, volcanic eruption, earthquake, or severe wildfire. The project site is located approximately 4.5 miles east of the San Francisco Bay and would not be at risk of inundation as a result of a tsunami or seiche wave. Furthermore, the site is located in

a relatively flat area that is almost entirely urbanized and would not be at risk of mudflow. For these reasons, **no impact** would occur associated with potential inundation by seiche, tsunami, or mudflow.

Mitigation Measures

None required.

LAND USE AND PLANNING

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant environmental impact if it would:

a) Physically divide an established community.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan.

Table LAN-1 provides a matrix showing the project's consistency with applicable zoning development standards.

TABLE LAN-1
ZONING CONSISTENCY MATRIX
LINCOLN LANDING DEVELOPMENT

Development Standard	Required	Proposed	Consistent
Maximum Height	104 feet	89 feet at top of the tower elements	Yes
Maximum Density	65 residential dwelling unit (du)/acre	42 residential du/acre	Yes
Maximum Floor Area Ratio	1.5	1.22	Yes
Minimum Yards			
Front - along Foothill	0-8 feet	Meanders between 6 and approximately 240 feet	Yes
Street Side	5 feet or 10% of the lot width up to 10 feet unless waived by the approving authority	10 feet along Hazel Avenue and Civic Center Drive	Yes
Rear	None	Meanders, 40 feet at closest	Yes
Open Space (Residential)	100 sq. ft. per du (with minimum 30 sq. ft. utilized for group open space – total 47,600 sq. ft. required with minimum 14,280 sq. ft. identified as group open space.	53,600 square feet with 44,000 identified as group open space in courtyards	Yes
On-Site Parking	**Required**	**Proposed**	
Parking	970	1,180	Yes, exceeds
Non-residential Parking	256 (1 per 315 sq. ft. of commercial development)	286	Yes, exceeds
Residential Parking	714 (1.5 per du with one covered)	894	Yes, exceeds

Impact LAN-1 The project would not result in the physical division of an established community. **No impact** would occur.

The project site is currently developed with urban uses and is surrounded by commercial and residential uses, similar to those proposed by the project. The site does not currently provide any vehicular or pedestrian connections between adjacent land uses, and the project does not propose any major linear features such as a major roadway that would physically divide a community. In fact, the proposed project would provide commercial and residential development on a site that has been vacant since 2008. Therefore, the proposed project would not physically divide the surrounding community and there would be **no impact**.

Mitigation Measures

None required.

Impact LAN-2 The project would not conflict with the City's General Plan or other land use plan, policy, or regulation intended to reduce environmental effects. This impact would be **less than significant**.

The project site is surrounded by existing development, with a mix of commercial and residential uses. As described previously, the proposed development would be consistent with the existing General Plan land use designation and zoning for the project site. The project site is currently designated as Central City-Retail Office and Commercial (CC-ROC) and zoned as Central City-Commercial (CC-C) District.

Per the City's General Plan, the allowed uses in the CC-ROC General Plan land use designation include retail, dining, entertainment, and mixed use with multi-family residential or offices on upper floors. The project would develop a mixed-use development with commercial and residential uses. The proposed development also includes a combination of surface and structured parking which is considered an accessory use to the residential and commercial uses on site pursuant to HMC Section 10-1.3510 and HMC Section 10-1.1522(b), and is therefore permitted.

The General Plan contains specific development standards for the CC-ROC land use designation including a maximum floor area ratio (FAR) of 1.5 for commercial development and a maximum density range of 40 to 110 dwelling units per acre, depending on the site's zoning and proximity to regional transit. General Plan land use designations such as CC-ROC are intentionally broad, while zoning designations such as the applicable CC-C District, are more detailed and provide a variety of specific development standards such as allowable uses, building heights, setbacks, FAR and lot coverage and parking requirements. Please see **Table LAN-1**, Zoning Consistency Matrix, detailing how the proposed development is consistent with applicable standards.

It is important to note that the General Plan Goals and Policies, which are set forth in the General Plan under various headings such as Land Use and Community Character, Mobility and others, are guiding principles and contain a host of strategies intended to implement a high level vision for the future of the site, neighborhood, and City. General Plan Goals and Policies are not intended to provide specific standards and limitations on development; that is the role of the zoning ordinance and other applicable plans. Each development is unique and must be evaluated on its merits as to whether it meets the overall vision for the site, the surrounding neighborhood context, and the City as a whole. A certain development may meet some but not all General Plan Goals and Policies and still be found to be consistent with the overall vision and intent of the General Plan land use designation. In this manner, the proposed development was evaluated against the General Plan land use designation for the property, as well as applicable Goals and Policies, and found to be consistent.

Specifically, various General Plan Goals and Policies support establishment of large-scale mixed use development on strategic sites located in proximity to Downtown Hayward and on the subject site. These include, but are not limited to, the following: Goal LU-1, and Policies LU-1.3 and LU-1.5 directing population and employment growth to infill sites in proximity to transit; LU-1.4 calling for revitalization and redevelopment of abandoned and underutilized properties to accommodate growth; Goal LU-2, and Policies LU-2.1 through LU-2.6, supporting pedestrian activity and encouraging a variety of uses and urban housing opportunities to extend the hours of activity in and around Downtown Hayward; and, Goals LU-3, LU-4, and LU-5 and Policies LU-3.3, LU-4.1, LU-4.3, and LU-5.1, encouraging placement of large-scale neighborhood centers and mixed use development along corridors and arterials such as Foothill Boulevard. In addition, the project meets Mobility Element Goals and Policies supporting multi-modal transportation choices as well as transportation demand management policies to reduce single occupancy automobile trips by locating mixed use development and high density housing close to transit and jobs (Goal M-8 and

Policy M-8.4). As described in the Traffic Study prepared for the project (Appendix TRA), the proposed development will include a host of Transportation Demand Management measures including but not limited to transit passes for employees and residents; implementation of car sharing programs and participation in a shuttle service; and unbundling the costs of parking and housing.

As shown in **Table LAN-1** Zoning Consistency Matrix Lincoln Landing Development above, the proposed development is consistent with the applicable zoning standards and the proposed development is consistent with the intent and purpose of the General Plan land use designation and related Goals and Policies. Thus, the project would not result in significant environmental impacts and would not conflict with plans, policies, or regulations intended to reduce or avoid environmental effects. Therefore, this impact would be **less than significant.**

Mitigation Measures

None required.

Impact LAN-3 The project site is not subject to an adopted or proposed habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. **No impact** would occur.

Hayward General Plan Implementation Program NR-1 calls for the City to coordinate with Alameda County, the Cities of Fremont and Union City, the Hayward Area Recreation and Park District, and the East Bay Regional Park District to develop and adopt a comprehensive habitat conservation plan for areas within and surrounding the city. However, such a plan has not yet been developed or adopted. Therefore, the project would not conflict with any applicable habitat conservation plans or natural community conservation plans. There would be **no impact**.

Mitigation Measures

None required.

MINERAL RESOURCES

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant environmental impact if it would:

a) Result in the loss of availability of a known mineral resource that would 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.

Impact MIN-1 The project would not affect mineral resources. **No impact** would occur.

According to the City of Hayward General Plan Background Report (2014c, p. 7-109), the US Geological Survey has identified 11 past, present, or prospective mining sites in the city. These sites contain or once contained a variety of mineral resources, including stone, limestone, clay, fire clay, halite, and salt. None of the identified sites are located in the vicinity of the project site. Furthermore, the site is developed with urban uses and is surrounded by similar uses. Therefore, project implementation would not result in the loss of availability of a known mineral resources or a locally important mineral resource recovery site. There would be **no impact**.

Mitigation Measures

None required.

NOISE

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant environmental impact if it would result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within 2 miles of a public airport or a public use airport, exposure of people residing or working in the project area to excessive noise levels.

f) For a project within the vicinity of a private airstrip, exposure of people residing or working in the project area to excessive noise levels.

Impact NOISE-1 Although the project could exceed the City of Hayward's acceptable noise levels during construction, the project would implement best management practices as required by the City. Therefore, this impact would be **less than significant**.

Existing Ambient Noise Levels

This analysis is based on the Lincoln Landing Noise Impact Report, prepared by Michael Baker International in July 2016 (**Appendix NOISE**). Noise sources include traffic-related noise on roadways and highways, airplanes flying overhead, and noise associated with typical residential development (e.g., people talking, dogs barking, children playing, yard maintenance equipment). A summary of noise sources is included in this section.

Sound is affected by distance from the source, surrounding obstacles, and atmospheric properties. Thus, more distant noise sources would not typically interfere or combine with noise sources within or in proximity to the project site. The sound levels in most communities fluctuate, depending on the activity of nearby and distant noise sources, time of the day, or season of the year. To characterize the existing environment, noise measurements were taken at four key intersections located near the project site on June 15, 2015, as shown in **Table NOISE-1**. The primary noise source captured by these noise measurements is automobile traffic.

The average noise levels and sources of noise measured at each location are identified in **Table NOISE-1**. The existing day-night average sound levels ranged from 60.6 to 63.2 dBA L_{dn}.

TABLE NOISE-1
EXISTING NOISE LEVELS IN THE PROJECT VICINITY

Map #	Location	Run Time	Primary Noise Sources	Noise Level Statistics		
				L_{dn} (dBA)	L_{min} (dBA)	L_{max} (dBA)
1	Hazel Ave./San Lorenzo Creek NE	June 15, 2015 7:37 a.m.	Hazel Ave traffic, train/BART	63.2	46.1	84.7
2	Hazel Ave./Foothill Blvd. SE	June 15, 2015 7:55 a.m.	Foothill Blvd traffic, gas station, Safeway across street	62.9	49.7	74.8
3	City Center Dr./Foothill SW	June 15, 2015 8:14 a.m.	City Center Dr./Foothill Blvd. traffic	60.6	46.6	74.3
4	Main St./McKeever Ave NE	June 15, 2015 8:30 a.m.	Intersection traffic, residences	61.6	42.2	79.1

Source: Michael Baker International 2016b (Appendix NOISE)

Existing Roadway Noise Levels

Existing roadway noise levels were calculated for the roadway segments in the project vicinity. **Table NOISE-2** summarizes the modeled existing traffic noise levels at 100 feet from the centerline of each project roadway and lists distances from each roadway centerline to the 65 dB, 60 dB, and 55 dB L_{dn} traffic noise contours.

TABLE NOISE-2
EXISTING TRAFFIC NOISE LEVELS

Roadway Segment	Surrounding Uses	L_{dn} (dB) at 100 Feet from Roadway Centerline	Distance (feet) from Roadway Centerline to L_{dn}		
			65 dBA	60 dBA	55 dBA
A Street					
Mission to West	Commercial & Residential	51.9 dBA	—	—	62
Mission to Foothill	Commercial	56.5 dBA	—	58	126
Foothill Blvd.					
Grove to Hazel	Commercial & Residential	63.2 dBA	76	164	354
Hazel to City Center	Commercial & Project Site	61.5 dBA	59	127	273
City Center to A	Commercial	60.3 dBA	—	105	227
Mission Blvd.					
Grove to Sunset	Commercial	55.1 dBA	—	47	102
Sunset to Simon	Commercial	54.4 dBA	—	—	91
Simon to Hotel	Commercial	54.4 dBA	—	—	91
Hotel to A	Commercial & Residential	54.6 dBA	—	—	94
A to B	Commercial	60.7 dBA	51	111	239

Roadway Segment	Surrounding Uses	L_{dn} (dB) at 100 Feet from Roadway Centerline	Distance (feet) from Roadway Centerline to L_{dn}		
			65 dBA	60 dBA	55 dBA
Main Street					
Hazel to Warren/McKeever	Commercial & Residential	48.3 dBA	—	—	—
Warren/McKeever to Hotel	Commercial & Residential	49.1 dBA	—	—	—

Source: Michael Baker International 2016b (Appendix NOISE)

Note: Traffic noise levels were calculated using the FHWA roadway noise prediction model. Refer to Appendix A of Appendix NOISE for noise modeling assumptions and results.

As shown in **Table NOISE-2**, the location of the 55 dB L_{dn} traffic noise contours along road segments in the project vicinity range from 62 to 354 feet from the centerline for A Street, Foothill Boulevard, and Mission Boulevard. As also shown, existing traffic volumes do not generate enough noise to reach the 70 dB mixed-use standard at any location in the project vicinity. Four segments on Foothill Boulevard exceed the 60 dB standard for residential use but are within the standard at 164, 127, 105, and 111 feet from the center of the roadway. The extent to which existing land uses in the project vicinity are affected by existing traffic noise depends on their proximity to the roadways and their individual sensitivity to noise.

Short-Term Construction-Generated Noise

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., land clearing, grading, excavation, paving). Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. Noise levels associated with individual construction equipment are summarized in **Table NOISE-3.**

TABLE NOISE-3
TYPICAL CONSTRUCTION EQUIPMENT NOISE LEVELS

Equipment	Typical Noise Level (dBA L_{max}) 50 Feet from Source
Air Compressor	81
Backhoe	80
Compactor	82
Concrete Mixer	85
Concrete Vibrator	76
Crane, Mobile	83
Dozer	85
Generator	81
Grader	85
Impact Wrench	85
Jackhammer	88
Loader	85
Truck	88

Equipment	Typical Noise Level (dBA L_{max}) 50 Feet from Source
Paver	89
Pneumatic Tool	85
Roller	74
Saw	76

Source: FTA 2006

As depicted in **Table NOISE-3**, noise levels generated by individual pieces of construction equipment typically range from approximately 74 dBA to 89 dBA L_{max} at 50 feet (FTA 2006). Short-term increases in vehicle traffic, including worker commute trips and haul truck trips, may also result in temporary increases in ambient noise levels at nearby receptors. During project construction, exterior noise levels could affect the nearest existing sensitive receptors in the project vicinity. The nearest sensitive receptors include residences to the west and north, which are approximately 50 feet from the project boundary line. Therefore, adjacent residential land uses could be exposed to temporary and intermittent noise levels up to 89 dBA.

The City of Hayward has noise regulations for construction and alteration of structures for individual devices/pieces of equipment. Specifically, the City limits construction noise to 83 dBA at a distance of 25 feet from the source and limits construction noise to 86 dBA at any point outside of the property plane. The City also limits the hours during which construction and alteration of structures is allowed to between 7:00 a.m. to 7:00 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sunday. For all other hours, various land use noise limits apply (Hayward 2016).

Some individual pieces of equipment may temporarily exceed the City's noise regulations in the absence of noise control mechanisms. However, HMC Section 4-1.03.4 includes construction best management practices as described below. According to the City of Hayward, adherence to these best management practices reduces construction noise to less than significant levels. The following best management practices would be implemented pursuant to the City's Municipal Code:

- Noise-generating activities at the construction site or in areas adjacent to the construction site will be restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sundays and holidays.
- Noise from individual pieces of construction equipment must comply with the limits set forth in the Municipal Code.
- All internal combustion engine driven equipment will be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines is strictly prohibited.
- Stationary noise-generating equipment such as air compressors or portable power generators will be located as far as possible from sensitive receptors.
- Temporary noise barriers will be constructed to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.

- "Quiet" air compressors and other stationary noise sources will be utilized where technology exists.

- All construction traffic to and from the project site will be routed via designated truck routes where possible. Construction-related heavy truck traffic is prohibited in residential areas where feasible.

- Noise from construction workers' radios will be controlled to a point where they are not audible at existing residences bordering the project site.

- The contractor will prepare and submit to the City for approval a detailed construction plan identifying the schedule for major noise-generating construction activities.

- A "disturbance coordinator" will be designated who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. A telephone number for the disturbance coordinator will be conspicuously posted at the construction site, including the notice sent to neighbors regarding the construction schedule.

With the incorporation of these standard practices and code requirements, temporary noise impacts resulting from project construction would be considered **less than significant**.

Mitigation Measures

None required.

Impact NOISE-2 Project construction and operation would not result in a substantial temporary increase in ambient noise levels and groundborne vibration in the project vicinity above levels existing without the project. This impact is considered **less than significant**.

The typical background vibration-velocity level in residential areas is approximately 50 vibration decibels (VdB). Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels (FTA 2006).

The existing active railroad lines are the primary ground vibration source in Hayward. Based on the generalized ground surface vibration curves in the Federal Transit Administration (FTA) guidance, proposed development within 200 feet of an existing railroad could exceed the recommended threshold for human disturbance of 72 VdB for sensitive receptors that are exposed to a frequent amount of vibration events (i.e., 70 or more trains passing by in one day).

Increases in groundborne vibration levels attributable to the proposed project would be primarily associated with short-term construction-related activities. Construction on the project site would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. The Hayward General Plan does not set decibel standards for temporary construction vibration impacts. To determine a threshold for construction-generated groundborne vibration, standards provided by the FTA and the California Department of Transportation (Caltrans) are referenced.

The FTA threshold for short-term, construction-generated groundborne vibration is 85 vibration decibels (VdB). VdB is particle velocity in inches per second and measures the rumbling sound caused by the vibration of room surfaces. According to the FTA, 85 VdB is distinctly perceptible and unacceptable unless occurring very infrequently.

Construction activities would require the use of off-road equipment such as tractors, jackhammers, and haul trucks. Groundborne vibration levels associated with representative construction equipment are summarized in **Table NOISE-4**. Based on the vibration levels presented in the table, ground vibration generated by construction equipment would not be anticipated to exceed 85 VdB at 50 feet.

TABLE NOISE-4
REPRESENTATIVE VIBRATION SOURCE LEVELS FOR CONSTRUCTION EQUIPMENT (VDB)

Equipment	Approximate VdB	
	50 Feet	100 Feet
Large Bulldozer	81	75
Caisson Drilling	81	75
Loaded Trucks	80	74
Jackhammer	73	67
Small Bulldozer	52	46

Source: FTA 2006

Notes: The vibration levels at off-site sensitive uses are determined with the following equation from the FTA Transit Noise and Vibration Impact Assessment, Final Report: Lv(D)=Lv(25 ft)–20log(D/25), where Lv = vibration level of equipment, D = distance from the equipment to the receiver, Lv(25 ft) = vibration level of equipment at 25 feet.

The nearest residences to the project site are located 50 feet from the site's western and northern boundaries. Based on the vibration levels presented in **Table NOISE-4,** ground vibration generated by construction equipment would not exceed the short-term, construction-generated FTA threshold of 85 VdB at these residences.

The Caltrans threshold for groundborne vibration is 0.3 inches per second, peak particle velocity (in/sec, PPV), which is considered the vibration level able to result in structural damage for sensitive buildings and residences. If this groundborne vibration level threshold is exceeded, the result may be "architectural" damage to normal dwellings. Groundborne vibration levels associated with representative construction equipment are summarized in **Table NOISE-5**.

TABLE NOISE-5
REPRESENTATIVE VIBRATION SOURCE LEVELS FOR CONSTRUCTION EQUIPMENT (PPV)

Equipment	Peak Particle Velocity at 25 Feet (in/sec)
Loaded Trucks	0.076
Jackhammer	0.035
Small Bulldozers/Tractors	0.003
Large Bulldozer	0.089
Caisson Drilling	0.089

Source: FTA 2006; Caltrans 2004

As noted, the nearest residential structures to the project site are approximately 50 feet from the site's western and northern boundaries. Based on the vibration levels presented in **Table NOISE-5**, ground vibration generated by heavy-duty equipment would not be anticipated to exceed approximately 0.09 inches per second peak particle velocity at 25 feet. Therefore, predicted vibration levels at the nearest residences would not exceed the Caltrans recommended criteria.

Construction activities associated with the proposed project would not exceed either the FTA or Caltrans recommended thresholds for groundborne vibration impacts. Once construction is complete, all construction-generated groundborne vibration would cease. There would be no source of ground vibration associated with the proposed project operations. This impact is **less than significant**.

Mitigation Measures

None required.

Impact NOISE-3 The project would not result in a permanent increase in ambient noise levels over existing levels. This impact is considered **less than significant**.

A change in level of at least 5 dBA is required before any noticeable change in community response would be expected. The City of Hayward General Plan, however, uses the level typically audible to the human ear, which is 3 dBA (Hayward 2014a). Therefore, an increase of more than 3 dBA would be considered a substantial increase in noise and would represent a significant impact.

The primary factor contributing to the ambient noise environment as a result of the project would be the increase in vehicular traffic from development in the project area. **Table NOISE-6** shows the calculated roadway noise levels under existing traffic levels compared to the existing plus project scenario.

TABLE NOISE-6
PREDICTED INCREASES IN TRAFFIC NOISE LEVELS EXISTING PLUS PROJECT CONDITIONS

Roadway Segment	L_{dn} at 100 Feet from Near-Travel-Lane Centerline[1]		Increase	Threshold	Impact	Affected Land Use
	Without Project	With Project				
A Street						
Mission to west	51.9	51.9	0	>3.0	**No**	Commercial & Residential
Mission to Foothill	56.5	56.6	0.1	>3.0	**No**	Commercial
Foothill Blvd.						
Grove to Hazel	63.2	63.4	0.2	>3.0	**No**	Commercial & Residential
Hazel to City Center	61.5	61.7	0.2	>3.0	**No**	Commercial & Project Site
City Center to A	60.3	60.5	0.2	>3.0	**No**	Commercial
Mission Blvd.						
Grove to Sunset	55.1	55.2	0.1	>3.0	**No**	Commercial
Sunset to Simon	54.4	54.4	0	>3.0	**No**	Commercial
Simon to Hotel	54.4	54.4	0	>3.0	**No**	Commercial
Hotel to A	54.6	54.7	0.1	>3.0	**No**	Commercial & Residential
A to B	60.7	60.8	0.1	>3.0	**No**	Commercial
Main Street						
Hazel to Warren/McKeever	48.3	48.6	0.3	>3.0	**No**	Commercial & Residential
Warren/McKeever to Hotel	49.1	49.3	0.2	>3.0	**No**	Commercial & Residential

Source: Michael Baker International 2016b (Appendix NOISE)
Notes:

1. Traffic noise levels were calculated using the FHWA roadway noise prediction model based on data obtained from the traffic analysis prepared for this project (TJKM 2016).

2. For purposes of this analysis, a noise level increase of 3.0 or greater would typically be considered to result in increased levels of annoyance (Hayward 2014a).

Predicted existing plus project noise levels range from 48.6 to 63.4 dBA L_{dn}. All predicted increases in traffic noise levels associated with the project would be less than 3 dBA over pre-project noise conditions. Specifically, the increase of noise ranges from 0.1 to 0.3 dBA. In comparison to existing traffic noise levels, the project's predicted increase in traffic noise levels is below the applicable City noise level threshold of a 3 dBA increase. Therefore, predicted traffic noise levels would not result in a substantial increase in traffic noise levels along other primarily affected roadways. This impact would be **less than significant**.

Mitigation Measures

None required.

Impact NOISE-4 The project would not expose people residing or working in the project area to excessive noise levels associated with airport operation. Therefore, this impact would be **less than significant.**

The project site is outside of the noise contour boundaries of both Hayward Executive Airport and Oakland International Airport (**Appendix NOISE**). Therefore, noise from the airports would be considered **less than significant** for the proposed project.

Mitigation Measures

None required.

POPULATION AND HOUSING

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant environmental impact if it would:

a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure).

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Impact POP-1 The proposed project would generate approximately 1,542 new residents on the project site. This would not be considered substantial population growth, and impacts would be **less than significant**.

According to the City's 2040 General Plan EIR (2014b, p. 3-21), the number of dwelling units in Hayward in 2012 was approximately 48,671, and the population about 147,113. ABAG projects that the city will grow to a total of 60,584 dwelling units by 2040, which is the horizon year of the 2040 General Plan.

The project proposes the construction of 476 new residential units and approximately 80,500 square feet of commercial retail space. Based on a person-per-household factor of 3.24 (DOF 2015), these units would provide housing for approximately 1,542 people. The proposed development would be consistent with the General Plan land use designation for the project site in that it would not exceed the allowable density permitted on the site, and it would be within the housing and population projections for the city in the 2040 General Plan EIR (Hayward 2014b, p. 3-21). Therefore, the project would not induce substantial population growth beyond that previously considered in the City's 2040 General Plan EIR. The impact would be **less than significant**.

Mitigation Measures

None required.

Impact POP-2 The proposed project would not displace substantial numbers of people or housing. **No impact** would occur.

The project site is currently developed with office uses and does not contain any housing. Therefore, project implementation would not displace any existing housing or people and would not necessitate the construction of replacement housing elsewhere. There would be **no impact**.

Mitigation Measures

None required.

PUBLIC SERVICES

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant environmental impact if it would:

> 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 any of the following public services:
>
> a) Fire protection
>
> b) Police protection
>
> c) Schools
>
> d) Parks
>
> e) Other public facilities

Impact PUB-1 The proposed project would not result in substantial adverse physical impacts associated with the provision of public services, nor would it increase the use of existing public service and recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. Therefore, impacts would be **less than significant**.

Fire

The City of Hayward Fire Department (HFD) provides fire, paramedic advanced life support (ALS)/emergency medical (EMS), and emergency services to all areas within the city limits and to the Fairview Fire Protection District on a contract basis. The department maintains nine operating stations: seven in the city and two in the Fairview area. The closest station to the project site is Station #1 located at 22700 Main Street less than one-half mile to the south. The HFD stations house 11 fire companies, including nine engine companies and two truck companies. The department currently maintains a staffing ratio of 0.73 per 1,000 residents, which is less than its goal of 1.0 firefighter per 1,000 residents. However, for each emergency response (Code 3), the HFD meets

or exceeds the response goal of putting the first arriving fire company on scene in 5 minutes or less 90 percent of the time (Hayward 2014b, p. 17-2).

As described previously, the proposed project would provide housing for approximately 1,542 new residents. Occupancy of these residential units and operation of the proposed 80,500 square feet of commercial space would increase demand for fire protection and emergency medical services. However, the site is located in an urbanized area of the city less than one-half mile from an operating fire station and is part of the expected growth anticipated in the City's General Plan in that the proposed development is consistent with the General Plan land use designation. Therefore, no new or expanded fire protection facilities would be required beyond those already envisioned in the General Plan. Additionally, the proposed project would be constructed in accordance with the most current building and fire code standards and would provide adequate site access for emergency responders in order to maximize fire prevention and public safety. Therefore, potential impacts would be **less than significant**.

Police

The City of Hayward Police Department (HPD) provides police protection services in the city. The department employs over 190 sworn officers and maintains a ratio of 1.32 sworn officers per 1,000 residents, which is less than its goal of 1.5 sworn officers per 1,000 residents. The HPD's goal is to arrive at the scene of Priority 1 calls within 5 minutes of dispatch 90 percent of the time. However, in 2012, the HPD received 95,239 calls for service with an average response time to Priority 1 calls of 9 minutes and 2 seconds.

As described previously, the proposed project would provide housing for approximately 1,542 new residents. Occupancy of these residential units and operation of the proposed 80,500 square feet of commercial space would increase demand for law enforcement services. However, the site is located in an urbanized area of the city that is routinely patrolled by the HPD and is part of the expected growth per the City's General Plan in that the proposed development is consistent with the General Plan land use designation. Furthermore, property tax revenue collected from the proposed development would help fund expansion of services, such as increased officers and patrol cars, required to accommodate growth in the city. Therefore, no new or expanded law enforcement facilities would be required and this impact would be **less than significant**.

Schools

The project site is within the attendance boundaries of the Hayward Unified School District (HUSD). The district operates 22 elementary, 5 middle, and 4 high schools in the city, with a total enrollment of 22,272 in the 2013–14 academic year (Ed-Data 2015). The HUSD experienced a substantial decline in its student population between the academic years of 2000–01 and 2011–12, and district projections indicate that overall HUSD enrollment may drop to 21,108 students by 2017. Furthermore, the schools that would serve the project site (i.e., Strobridge Elementary School, Bret Harte Middle School, and Hayward High School) are not considered to be overcrowded (Hayward 2014b, p. 17-8).

The project proposes the development of 476 multi-family residential units. The HUSD has a student generation rate of 0.243 elementary students, 0.063 middle school students, and 0.119 high school students, for an average of 0.425 students per occupied housing unit (HUSD 2007). Based on the district's rates, the project would generate approximately 116 elementary students, 30 middle school students, and 57 high school students. Given that the project would represent approximately 1 percent of the total district enrollment for either elementary, middle, or high school, the project would not trigger the need for additional school facilities. In addition,

exceeding school capacity is not considered a physical impact under CEQA. California Government Code Section 65995(h) states that "the payment or satisfaction of a fee, charge or other requirement levied or imposed… [is] deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073, on the provision of adequate school facilities." The proposed project would be subject to the HUSD residential and commercial fees in place at the time an application is submitted for a building permit, and under CEQA, payment of school development fees is considered to mitigate the need for school facilities to **less than significant**.

Parks

The project would be required to meet the City's current parkland dedication requirement to ensure availability of adequate land for future park construction. As of 2013, the City's parkland dedication requirement for multi-family residential development is 604 square feet per multi-family residential unit (Hayward 2014b, p. 17-10). Based on this standard, the proposed 476-unit development would be required to provide 6.6 acres of parkland. The project proposes development of a 2,000-square-foot pocket park with a play structure in the northwestern portion of the site (see **Figure 2.0-3**). In order to fully meet the City's parkland dedication standard, the project applicant may also apply for a credit for private recreation improvements or developer-provided park and recreation improvements on public land and/or pay the City's park dedication fee in effect at the time an application is submitted for a building permit. Development of the proposed pocket park and payment of the required park dedication fee in combination with development or dedication of park/recreation improvements would reduce this impact to less than significant. Furthermore, as described in greater detail below, the environmental effects of constructing the proposed park are addressed throughout this document. Therefore, this impact is **less than significant**.

Mitigation Measures

None required.

RECREATION

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant environmental impact if it would:

a) 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.

b) Include recreational facilities, or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Impact REC-1 The proposed project would not increase the use of existing recreational facilities such that substantial physical deterioration of facilities would occur. This impact would be **less than significant**.

The proposed project would provide housing for approximately 1,542 people. Project residents would use local and regional parks and other recreational facilities, which could contribute to their accelerated deterioration. The City's parks and recreational facilities are operated and maintained by the Hayward Area Recreation and Park District and the East Bay Regional Park District. Routine maintenance and periodic repair of parks and recreational facilities in the area is

funded by property tax revenue and user fees, which would be collected from project residents. The proposed project would not result in substantial deterioration of park facilities. Further, as noted above, in order to fully meet the City's parkland dedication standard, the project applicant may also apply for a credit for private recreation improvements or developer provided park and recreation improvements on public land and/or pay the City's park dedication fee in effect at the time an application is submitted for a building permit. Development of the proposed pocket park and payment of the required park dedication fee in combination with development or dedication of park/recreation improvements would reduce impacts related to use of parks to less than significant. Therefore, this impact would be **less than significant**.

Mitigation Measures

None required.

Impact REC-2 The proposed project does not include nor would it require the construction of recreational facilities that may have an adverse impact on the environment. This impact would be **less than significant**.

The project proposes construction of a 2,000-square-foot pocket park and creek walk improvements to serve residents and visitors of the proposed development and surrounding uses. The proposed park and pathway improvements is a component of the project, and therefore any potential environmental impacts associated with its construction are addressed throughout this document. Such impacts may include disturbance of biological and/or cultural resources, temporary air emissions, soil erosion and water quality degradation, handling of hazardous materials, temporary construction noise, and temporary construction traffic. As noted above, the proposed project would also be required to pay the City's park dedication fee and/or combination of fee and credit for park and recreational improvements in effect at the time an application is submitted for a building permit. These fees/improvements would be used to expand existing or construct new parks in the city. Because it is not known where the project's park dedication fees would be used, determining impacts associated with future construction of an unknown park would be speculative at this time. Any major improvement or expansion projects that could result in significant environmental effects would be subject to further project-specific CEQA review prior to construction. This impact would be **less than significant**.

Mitigation Measures

None required.

UTILITIES AND SERVICE SYSTEMS

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant environmental impact if it would:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

d) Have insufficient water supplies available to serve the project from existing entitlements and resources, or require new or expanded entitlements.

e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments.

f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs.

g) Not comply with federal, state, and local statutes and regulations related to solid waste.

Impact UTL-1 The proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board. This impact would be **less than significant**.

Wastewater generated by the proposed project would be conveyed to the City of Hayward Water Pollution Control Facility (WPCF) for treatment. Wastewater is disinfected with chlorine to make sure that harmful bacteria are killed and this treated effluent from the WPCF is then pumped into the East Bay Dischargers Authority's "super sewer" line for final disposal in the deeper water of the San Francisco Bay. The WPCF treatment meets the standards of the Regional Water Quality Control Board and the US Environmental Protection Agency.

The WPCF is permitted to provide treatment for up to 18.5 million gallons per day (mgd). In 2010, the WPCF treated 12.1 mgd and was projected to treat 13.5 mgd by 2015 and 18.5 mgd by 2035 (Hayward 2015, 2014b, p. 19-3). Assuming the project would generate 100 gallons per person per day, the project would generate approximately 0.154 mgd, which represents approximately 1.1 percent of the 2015 flows and 0.8 percent of the projected 2035 flows. Because the proposed project is consistent with the General Plan designation for the project site and does not exceed the maximum densities envisioned in the General Plan, wastewater generation for the site was already considered and accounted for in city-wide wastewater projections. Therefore, the proposed project would not result in an exceedance of any wastewater treatment requirements and this impact would be **less than significant**.

Mitigation Measures

None required.

Impact UTL-2 The proposed project would be adequately served by existing water and wastewater infrastructure and would not require or result in the construction of new or expanded water or wastewater treatment facilities. This impact would be considered **less than significant**.

Wastewater

As described above, the WPCF is projected to have surplus capacity available to serve anticipated growth in the city, which includes development of the project site under the proposed density, through the year 2035. Carlson, Barbee & Gibson Inc. (CBG) conducted a sanitary sewer capacity analysis for the proposed project (see **Appendix UTL**). CBG estimated the pre- and post-project wastewater flows for the project using available generation rates and historical EBMUD meter records. EBMUD domestic water usage records were used to approximate the pre-project wastewater flows from 1997 to 2008 to determine the average pre-project wastewater flows for the

existing Mervyns building. The domestic usage dropped off significantly after 1998 so the data was separated into two periods; 1997 to 1998 and 1999 to 2008. The average pre-project average water usage was 40,879 gallons per day (gpd) from 1997 to 1998 and 14,167 gpd from 1999 to 2008.

The pre-project peak wet weather wastewater flows were estimated, using a peaking factor of 4.0 to be 163,516 gpd using the records from 1997 to 1998 and 56,668 gpd using the records from 1999 to 2008. This assumed that the interior domestic water usage equals wastewater flows. Based on these calculations, CBG found that the increase in wastewater flow would be between 5.2 and 9.2 percent of the capacity of the existing 15-inch trunk sewer depending on which period of records and which trunk sewer was used. The impact of the estimated increase in wastewater flow as a percentage of the capacity of existing trunk sewers will decrease further downstream and would be less than 0.1 percent in the vicinity of the WPCF.

Therefore, no new or expanded wastewater treatment facilities would be required to serve the proposed project.

Water

EBMUD would provide water for the project. According to the water supply assessment prepared by EBMUD on May 10, 2016 (see **Appendix HYDRO**), the historical water use at the project site was approximately 36,000 gallons per day. EBMUD estimated the project's water demand to be approximately 99,000 gpd at buildout, thus increasing water demand at the site. EBMUD's demand projections are based on projected densification, land use changes, and projected increases on EBMUD's overall demand. Based on projected future demand for the project and projected demand from other projects in EBMUD's service area, it was concluded that there are sufficient water supplies to serve the project.

EBMUD has adopted State-mandated water use restrictions during drought years. The project would be subject to those restrictions if EBMUD mandates water reductions. EBMUD concluded that there are sufficient water supplies to serve the project during both normal and dry years (**Appendix HYDRO**).

The proposed project would also be subject to the City's Municipal Code, which contains several regulations related to water supply intended to reduce overall water demand. HMC Chapter 10, Article 12, Bay-Friendly Water Efficient Landscape Ordinance, establishes a structure for planning, designing, installing, maintaining, and managing water-efficient landscapes in new construction. HMC Chapter 10, Article 20, Bay-Friendly Landscaping Ordinance, requires all new development with landscapes to meet the most recent minimum Bay-Friendly Landscape Scorecard points as recommended by StopWaste.org. HMC Chapter 10, Article 23, Indoor Water Use Efficiency Ordinance, includes standards for new construction and remodels mandating the installation of water-conserving fixtures. Chapter 11, Article 2, Hayward Municipal Water System, establishes a system for service connections, meter maintenance and testing, and fire service connections, and sets standards and installation costs for service connections. Compliance with these existing regulations would further reduce project water demand. Therefore, this impact would be **less than significant**.

Mitigation Measures

None required.

Impact UTL-3 The proposed project would not require new or expanded stormwater drainage facilities. Therefore, impacts would be **less than significant**.

The project site is currently fully developed with impervious surfaces and served by the City's public storm drain system. Redevelopment of the site as proposed would include construction of an on-site drainage system to collect and convey site runoff to the City's public storm drain system. Additionally, as discussed above in Impact **HYDRO-3**, the project would comply with the NPDES General Permit for Waste Discharge Requirements for Storm Water Discharges from Alameda County (Order No. R2-2003-0021). This permit requires project site design to achieve an 80 percent capture rate for project runoff. Because the site is currently fully developed, it is not anticipated that the proposed project would increase runoff from the site and no expansion of the existing off-site facilities would be required.

The proposed drainage system is a component of the proposed project. Therefore, the potential environmental impacts associated with its construction are addressed throughout this document. Such impacts may include disturbance of biological and/or cultural resources, temporary air emissions, oil erosion and water quality degradation, handling of hazardous materials, temporary construction noise, and temporary construction traffic. This impact would be **less than significant**.

Mitigation Measures

None required.

Impact UTL-4 The proposed project would be served by a landfill with adequate capacity and would comply with federal, state, and local statutes and regulations related to solid waste. Therefore, this impact would be **less than significant**.

The City contracts with Waste Management, Inc. (WMI), a private company, for garbage collection and disposal services. Altamont Landfill is the designated disposal site in the City's agreement with WMI. This landfill has a remaining permitted capacity of 45.7 million cubic yards and an expected closure date of 2040 (Hayward 2014b, p. 19-4).

The proposed project would result in the development of 476 residential units and 80,500 square feet of commercial space. As illustrated in **Table UTL-1**, the project would be expected to generate 3,347 pounds of solid waste per day (approximately 611 tons per year), which can be accommodated by the Altamont Landfill and other regional landfills. Therefore, the project would be served by landfills with sufficient capacity to accommodate the project's solid waste disposal needs.

TABLE UTL-1
SOLID WASTE GENERATION

Type of Use	Size	Generation Factor	Amount (lbs/day)
Proposed Use			
Residential	476 DU	4 lbs/DU/day	1,904
Commercial	80,500 SF	10.53lbs/empl/day	1,443
Solid Waste Generation			3,347

Source: CalRecycle 2013

Notes: DU = dwelling unit; SF = square feet

It should also be noted that the City has a mandatory recycling program and requires separate collection of organics for food-related businesses; thus, all enclosures will be equipped to handle all three waste streams. Effective July 1, 2016, all businesses are required to collect recyclables, regardless of garbage service volumes. Additionally, in compliance with Assembly Bill (AB) 939, which requires every city in California to reduce the waste it sends to landfills, Hayward was recycling 72 percent of its solid waste in 2014, thereby complying with the standards established by AB 939 (Hayward 2016). Therefore, impacts related to solid waste disposal facilities would be **less than significant.**

Mitigation Measures

None required.

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