



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **PLANNING COMMISSION**

**JULY 23, 2015**

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**CITY OF HAYWARD**  
**777 B STREET, HAYWARD, CA 94541-5007**  
**(510) 583-4205 / www.hayward-ca.gov**  
**LIVE BROADCAST – LOCAL CABLE CHANNEL 15**

**AGENDA**  
**HAYWARD PLANNING COMMISSION**  
**THURSDAY, JULY 23, 2015 , AT 7:00 PM**  
**COUNCIL CHAMBERS**

**MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION:**

Obtain a speaker’s identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. The Chair may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens for organization. Speakers are expected to honor the allotted time.

**ROLL CALL**

**SALUTE TO FLAG**

**PRESENTATION**

Certificates of Commendation

**PUBLIC COMMENT:** (The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action).

**ACTION ITEMS:** (The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item).

**PUBLIC HEARING:** For agenda item No. 1, the Planning Commission may make a recommendation to the City Council.

1. Proposed Subdivision and Construction of Four Office/Light Industrial Buildings on a 14.41-Acre Site at 28803 Marina Drive, Requiring Adoption of a Resolution and Introduction of an Ordinance for a Zone Change from Business Park to Planned Development, Tentative Parcel Map 10363 and an Addendum to the Previously Certified Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Elizabeth Cobb, Shea Properties (Applicant), Eden Shores Associates I, LLC (Owner)

	<p>Assistance will be provided to persons requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact Sonja Dal Bianco 48 hours in advance of the meeting at (510) 583-4204, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.</p>
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- [Staff Report](#)
- [Attachment I - Area and Zoning Map](#)
- [Attachment II - 2007 Conceptual Plan](#)
- [Attachment III - Draft Conditions of Approval](#)
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**COMMISSION REPORTS:**

2. Oral Report on Planning and Zoning Matters

Update on the trail feasibility analysis associated with Final Map Tract 8058 by David Rizk, Development Services Director

3. Commissioners' Announcements, Referrals

**APPROVAL OF MINUTES**

4. [May 28, 2015](#)

**ADJOURNMENT**

**PLEASE TAKE NOTICE** that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. **PLEASE TAKE FURTHER NOTICE** that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

**NOTE:** Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.

**DATE:** July 23, 2015

**TO:** Planning Commission

**FROM:** Planning Manager

**SUBJECT:** Proposed Subdivision and Construction of Four Office/Light Industrial Buildings on a 14.41-acre site at 28803 Marina Drive, requiring Adoption of a Resolution and Introduction of an Ordinance for a Zone Change from Business Park to Planned Development, Tentative Parcel Map 10363, and an Addendum to the previously certified Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Elizabeth Cobb, Shea Properties (Applicant), Eden Shores Associates I, LLC (Owner).

## **RECOMMENDATION**

That the Planning Commission recommends approval to the City Council of the proposed project, including the adoption of the attached Addendum to the adopted [2007 Mitigated Negative Declaration \(MND\) and Mitigation Monitoring and Reporting Program \(MMRP\)](#) (Attachment IV), and approval of the Zone Change and Tentative Parcel Map application to construct four office/light industrial buildings, subject to the findings in this report and attached Conditions of Approval (Attachment III).

## **SUMMARY**

The proposed Zone Change is requested to allow for the construction of flexible industrial use space that is not allowed by the existing zoning district. This change is consistent with the Economic Development Division's [Industrial Technology and Innovation Corridor Baseline Profile](#), which was presented to the Council Economic Development Committee on March 3, City Council on March 17, and the Planning Commission on April 9. The study recommends that the City attract and expand advanced industries by supporting land use policies that encourage redevelopment and development of new "Class A" industrial spaces. The study states, "Supporting increases in the supply of new facilities will help mitigate two barriers of entry into Hayward's industrial corridor: 1) the lack of modern buildings and spaces and 2) the time and materials associated with upgrading existing buildings to meet operation demands." The proposed Zone Change addresses this recommendation by adding Class "A" light industrial/flex inventory to the industrial corridor that is not currently available. The Zone Change will improve the City's ability to attract small to mid-size light manufacturing, biotechnology, and research and development firms. These businesses create quality jobs and economic advancement opportunities for Hayward's workforce.

## **BACKGROUND**

In 1998, the City of Hayward certified a Program Environmental Impact Report (EIR) associated with the approval of the South of Route 92 General Plan Amendment, Zone Change and Specific Plan for the Oliver Estate/Weber Properties. In 1999, the City approved and executed the Mount Eden Business and Sports Park Community Development Agreement in connection with the Oliver Estate properties. The original Specific Plan provided for a mixed-use development consisting of a business park, high-quality single-family housing, light manufacturing, open space and a 25-acre sports park on 333.5 acres. The Plan sought to expand the supply of owner-occupied housing and increase the variety of the City's housing stock, particularly housing for professionals, technical specialists and managers and business owners, and create opportunities for businesses that provided higher wage jobs and/or sales tax revenues to develop and expand in Hayward. The sports park and the Oliver West portion of the Eden Shores residential community (534 homes) have been completed.

In November of 2005, the Specific Plan, Development Guidelines and Development Agreement were amended, as were the City's General Plan and Zoning Ordinance, to allow for residential development (Eden Shores East comprised of the Bridgeport and The Crossings communities) on approximately 29 acres formerly designated for light manufacturing just east of the railroad tracks. Those developments, consisting of 139 single-family units and 122 condominiums, respectively, have been completed.

In 2006, Legacy Eden Shores, which acquired the property from Standard Pacific, expressed an interest in exploring other potential land uses for the remaining undeveloped approximately 60 acres. In October 2007, City Council approved a General Plan amendment, Specific Plan amendment, Development Guidelines revisions, Zone Change application, Zoning Text amendment, an amendment to the Mount Eden Business and Sports Park Community Development Agreement (Development Agreement), and Partial Assignment of the Development Agreement associated with a request to build an approximately 500,000 square foot business park. The proposal also included providing residential development and future regional commercial, and neighborhood retail on undeveloped land generally located west of Hesperian Boulevard, along Marina Drive, south of Industrial Boulevard and north of Eden Park Place.

The 2007 action resulted in all of this land being zoned "Business Park," except for approximately 16.5 acres that contains the Costco store, gas station and associated parking lot (approved on December 17, 2008), approximately 5.8 acres of undeveloped land directly south of the Costco site that is zoned "Neighborhood Commercial" (CN), and approximately 14.4 acres south of Eden Shores Boulevard and north of Eden Park Place that is zoned "Medium Density Residential" (RM). As per amendments to the Development Agreement, the issuance of building permits for the development of the residential lots must be proportional to the development within the Regional Commercial (Costco), Neighborhood Commercial and Business Park zones located east of Marina Drive. To date, the only development that has occurred within these zones in the Costco site, which equates to the proportional release of 58.4 percent of the area that carries a residential zoning designation.

In May of 2014, a Zone Change from Medium Density Residential to Planned Development (PD) and a Vesting Tentative Tract Map to subdivide the property to construct one hundred and eighteen (118) detached single-family homes was approved. The project was approved to be constructed in two phases, with Phase I equaling the proportional release of 58.4 percent based on the development of Costco. Construction of Phase II will be contingent on the completion of the shells on the neighborhood commercial and business park sites adjacent to Costco. Shortly thereafter, in February 2015, a five year extension to the Development Agreement was approved, with an expiration date of October 28, 2019.

*Council Economic Development Committee Review* - The applicant presented the then conceptual project to the [Council Economic Development Committee](#) (CEDC) on February 2, 2015 to obtain feedback on the concept. As reflected in the [minutes](#), the CEDC was generally supportive of the proposed concept plan noting that it was consistent with the City's vision for job creation in this area. However, the Committee was clear that they did not want to see warehouse uses that would be incompatible with the neighboring residential development and would result in the creation of very few jobs.

## **DISCUSSION AND STAFF ANALYSIS**

*Project Description* - This project proposes a Zone Change from Business Park to Planned Development to develop the site with light industrial uses, such as manufacturing, warehousing, assembling, office, and/or sales, which are not specifically identified as allowed uses in the Business Park Zoning District. This format of flexible uses requires smaller footprint buildings compared with traditional large industrial use buildings, accommodating both at grade loading docks (i.e. roll-up doors) and limited truck wells. The Preliminary Development Plan assumes up to 274,998 square feet on 14.63 acres (0.43 FAR). The proposed industrial park would include four buildings, ranging in size from 32,628 square feet to 115,093 square feet.

The proposed building format of the four buildings is designed so as to adapt to the changing markets, and optimize floor area to attract and retain desired tenants. The two larger buildings (buildings two and three) would be demised into two parts so as to attract smaller industrial/manufacturing and warehousing users. The two smaller buildings could also be demised should there be market demand. The smallest building of the four could be suitable for incubator office/industrial space, providing smaller suites and in-line office, or a potential build-to-suit for an end user. Typical uses would include, but not be limited to manufacturing, warehouse, assembly, office and sales. Additionally, a Tentative Parcel Map is proposed to subdivide the property in order to create separate parcels for each building (Attachment IV).

The four proposed industrial business park buildings will be accessed from Industrial Boulevard and Portland Drive, which are existing public streets. Surface parking is proposed throughout the development to provide convenient access to each building. The Project also includes bicycle storage facilities and preferential parking for carpool on site. In addition, this project will accommodate required electrical infrastructure components adequate to provide capacity for electrical vehicle charging stations, in addition to preinstalling conduits and related components that would support tenant installed solar power generation and charging systems. With the infrastructure

in place, tenants have the discretion to implement added green building measures as appropriate to their use and operation.

Site Plan – An approved 2007 conceptual development plan (Attachment II) envisioned that Portland Drive would be extended to dead-end into a cul-de-sac that would terminate at the future driveway into the project site. As proposed, the driveway entrance off Portland Drive is located along the existing segment of the roadway, closer to the intersection of Marina Boulevard, thus eliminating the need to extend the length of the roadway to create a cul-de-sac. The applicant is currently in negotiations with the City to purchase the remaining segment of Portland Drive to incorporate it into the project to create a larger landscape buffer between the project and the adjacent residential development. Portland Drive is currently a dead-end road and will remain so if not incorporated into the project. If the applicant is unable to acquire Portland Drive from the City, the site plan and landscape shall be revised accordingly to be reviewed and approved as part of the Precise Plan (see recommended condition of approval no. 7 in Attachment III).

Building Elevations – As shown in Attachment V, the project proposes to construct four buildings. Buildings one and four are single tenant buildings, with the ability to be demised to accommodate more than one tenant if the market demands, and Buildings two and three are designed for up to two tenants. The buildings range in size from 32,628 square feet to 115,093 square feet. The buildings will have a contemporary architectural design constructed of painted concrete panel walls with ¾” recesses on varying panels, aluminum storefront systems with glass canopy structures, and roll-up truck dock doors at the rear of buildings one, two and three. Buildings one, two and three are proposed to be 38’-0” in height and Building four is proposed at 32’-4” in height. The overall heights include parapet walls which will screen all roof mounted mechanical equipment. The proposed buildings and site design have been designed to be consistent with the City’s Design Guidelines and the South of Route 92 Development Standards, which call for prominent front entries, articulation through the use of recessed wall planes, and canopies, large landscape buffers along public right-of-ways, and thoughtful site design to shield the surrounding neighborhood from loading docks and service areas. Furthermore, the high quality design of the buildings and landscaping will improve the streetscape and provide an attractive and harmonious transition from the existing industrial/office buildings along Industrial Boulevard to the nearby residential community.

The landscape plan provides a smooth transition between the proposed project and the surrounding commercial and residential developments by continuing the existing 31.5-foot Public Service Easement, which includes a wide landscape buffer and continuation of the 10-foot wide meandering sidewalk along Industrial Boulevard and 5-foot wide sidewalk on Marina Drive, consistent with the South of Route 92 Development Guidelines. In accordance with the City’s Design Guidelines and Bay-Friendly Water Efficient Landscape Ordinance, the landscape will include a variety of trees, shrubs and ground cover that are water conserving and are native to California. The on-site stormwater treatment areas are located throughout the site and will be accomplished through landscaped bio-retention areas. Bio-retention areas collect water during rainstorm events where water is filtered back into the ground water ecosystem. Final landscape plan details will be reviewed and approved during the Precise Plan phase of the project.

Parking – The South of Route 92 Specific Plan and Development Guidelines do not provide parking requirements for the proposed office and light manufacturing uses; therefore, parking requirements from the City’s Off-Street Parking Regulations for similarly listed uses were applied.

As shown below, the project exceeds the total minimum number of parking spaces required.

**Table 2: Parking Summary**

<b>Parking Type</b> <i>[Number Required/Allowed]</i>	<b>Number of On-Site Spaces Provided</b>	<b>Meets minimum requirements?</b>
Full-size Spaces	423	Yes
Compact Spaces <i>[Max. 30% of required parking spaces allowed (550 x 30% = 165)]</i>	90	Yes
Accessible Spaces <i>[2% of required parking spaces required (550 x 2% = 11)]</i>	16	Yes
Preferential Spaces <i>[Not Required – 5% of required spaces proposed (5% x 550=28)]</i>	27	-
<b>Subtotal</b>	<b>556</b>	<b>Yes</b>
Credit for 20 Bicycle Parking Spaces*	5	-
<b>Total Proposed Parking Spaces</b> <i>[1.0 for each 500 square feet of gross floor area = 550]</i>	<b>561</b>	<b>Yes; surplus of 11 spaces including bicycle parking credit</b>

\*One parking space credit is applied for per every four bicycle parking spaces provided.

Several bus lines (AC Transit Routes 97, S and SB) that provide Transbay service and regular service to destinations in and around Hayward and to and from San Francisco can be found approximately 100 feet from the project site on Hesperian Boulevard which will provide alternative transit options to employees.

Zone Change– The purpose of the Planned Development District is to encourage development through efficient and attractive space utilization that might not otherwise be achieved through strict application of the existing zoning development standards. The current zoning designation for the site is Business Park (BP), which allows for a wide range of administrative and professional offices/service or other uses determined to be similar by the Planning Director. The proposed development can be characterized as flexible industrial use to accommodate a spectrum of industrial related uses, office, research and development (R&D), STEM (science, technology, engineering, and math), manufacturing, assembling and high tech services that involve a combination of assembling, warehousing and/or sales. However, because the proposed project includes light

industrial uses, a zone change to Planned Development is requested to allow specific uses for the site that would include manufacturing, warehouse, assembling, office and sales. The proposed project is otherwise consistent with the South of Route 92 Specific Plan, South of Route 92 Development Guidelines and the zoning development standards for the Business Park zoning district.

*Findings for the Zone Change to Planned Development District* - In order for a Planned Development District to be approved, all of the applicable findings below must be made. Staff's responses in support of the findings are also below.

**(1) The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies.**

The project is consistent with the existing General Plan designation and policies related to land use and providing a variety of development types, specifically:

***LU-1.1 Jobs-Housing Balance***

*The City shall support efforts to improve the jobs-housing balance of Hayward and other communities throughout the region to reduce automobile use, regional and local traffic congestion, and pollution.*

The Project site would create new jobs in the City and will potentially provide opportunities for existing residents to live and work in Hayward or to attract employees to relocate to Hayward rather than commute from surrounding communities.

***LU-1.3 Growth and Infill Development***

*The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.*

The site is an infill site substantially surrounded by development and located along a major corridor that is part of the South of Route 92 Specific Plan area. Also, the site is identified in the City's Economic Development Strategic Plan as an industrial opportunity site.

***LU-5.2 Flexible Land Use Regulations***

*The City shall maintain flexible land use regulations that allow the establishment of economically productive uses in regional and community centers.*

The proposed Planned Development zoning provides flexible use alternatives, reflective of current and anticipated future market trends.

***LU-6.1 Land Uses***

*The City shall encourage employee-intensive uses, such as professional office, corporate campuses, research and development, traditional and specialized manufacturing, throughout the Industrial Technology and Innovation Corridor.*

The proposed Class “A” light industrial/flex space would create employment opportunities for small to mid-size light manufacturing, food manufacturing, biotechnology, and research and development firms.

***LU-6.5 Incompatible Uses***

*The City shall protect the Industrial Technology and Innovation Corridor from the encroachment of uses that would impair industrial operations or create future land use conflicts.*

The Business Park designation for the site originally envisioned the development of an office campus. The proposed project would be in keeping with the vision of office uses while incorporating flexibility to allow uses that are traditionally considered light industrial in conjunction with said office uses to meet the demand of the current market and the industrial and technology industry.

***LU-6.7 Design Strategies***

*The City shall encourage developments within the Industrial Technology and Innovation Corridor to incorporate the following design strategies:*

- *Provide attractive on-site landscaping and shade trees along street frontages and within employee and visitor parking lots.*
- *Screen areas used for outdoor storage, processing, shipping and receiving, and other industrial operations with a combination of landscaping and decorative fences or walls.*
- *Encourage consistent architectural facade treatments on all sides of buildings.*
- *Screen roof-top equipment with roof parapets.*
- *Design shipping and receiving areas and driveways to accommodate the turning movements of large trucks.*
- *Incorporate attractive building and site lighting to prevent dark pockets on the site.*
- *Provide pedestrian walkways to connect building entrances to sidewalks.*
- *Use landscaped buffers with trees and attractive sound walls to screen adjacent residential areas and other sensitive uses.*

The project is consistent with the South of Route 92 Specific Plan and Development Guidelines, the Mount Eden Business and Sports Park Community Development Plan, and the City’s Economic Development Division’s [Industrial Technology and Innovation Corridor Baseline Profile](#). The proposed industrial business park is compatible with the existing industrial, commercial, and residential developments in the surrounding area. The high quality design of the buildings will improve the streetscape along Industrial Boulevard, Marina Drive and Portland Drive, and is consistent with the South of Route 92 Specific Plan and Development Guidelines, specifically the Public Service Easements (PSE) along Industrial Boulevard, Marina Drive and Portland Drive. Furthermore, the project is consistent with the Industrial Technology and Innovation Corridor Baseline Profile, which recommends that the City attract and expand advanced industries by supporting land use policies that encourage redevelopment and development of new “Class A” industrial spaces

***LU-6.8 Employee Amenities***

*The City shall encourage the provision of employee-serving amenities for major employment uses within the Industrial Technology and Innovation Corridor, such as courtyards and plazas, outdoor seating areas, fitness facilities, bicycle storage areas, and showers.*

The Project will include bicycle storage facilities and preferential parking for carpool on site.

**(2) Streets and utilities, existing or proposed, are adequate to serve the development.**

The proposed project site is an in-fill development site surrounded by existing streets and there are utilities available to the site with adequate capacity to serve the proposed development.

**(3) The development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development.**

The project is not a residential project; therefore this finding is not applicable.

**(4) Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.**

The proposed Project seeks flexibility in the allowed uses, rather than flexibility in development standards. The Project would be a positive addition to the City by creating Class “A” light industrial/flex space, which would be in line with space requirements of City targeted employment sectors for small to mid-size light manufacturing, food manufacturing, biotechnology, and research and development firms. The flexibility will allow mixed-uses, including office, manufacturing, research and development, and incubator uses.

*Tentative Parcel Map 10363*- A tentative parcel map is being processed with the proposal to create four individual parcels of land on which each building will be constructed. If the tentative map is approved, it will be processed and a Parcel Map recorded, improvement plans submitted and a Subdivision agreement entered into with the developer.

The existing utilities in the project vicinity, including sanitary sewer, water and storm drain systems, have sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within the new public utility easements within the project site and connected to existing utilities in Industrial Boulevard, Marina Drive and Portland Drive. On-site storm drainage facilities will be connected to an existing system within Industrial Boulevard and Portland Drive. Sanitary sewer and water mains will be publicly owned and maintained by the City.

However, the proposed on-site storm drain system and clean water treatment facilities for the subject property will be privately owned and maintained by a future Property Owners Association (POA). Any overhead utility lines as well as any new utility lines are recommended to be placed underground as part of the site improvements.

The existing commercial Eden Shores Owners Association is responsible for the maintenance of landscape and public improvements within the Public Service Easement (PSE). A Property Owners Association (POA) and Conditions, Covenants, and Restrictions (CC&R's) shall be created so that the POA will be responsible for the maintenance of all private streets, private street lights, private utilities, and other privately owned common areas and facilities on the project site, including, but not limited to, parking areas, clean water treatment facilities, landscaping, preservation and replacement of trees, as shown on the proposed plans. All future maintenance costs shall be borne by the POA or the commercial associations, as appropriate. The CC&R's for the Eden Shores Development Park contain a standard condition that the City shall have the ability to place liens on all lots within the development if the Association fails to fulfill its maintenance obligations.

*Findings for the Tentative Parcel Map (10363)* - In order for a Tentative Parcel Map to be approved, the City Council must make the findings below. Staff's responses in support of the findings are also below.

- (1) **That the proposed map is consistent with applicable general and specific plans as specified in Section 64541 of the Subdivision Map Act. [Subdivision Map Act §66474(a)]**

The Tentative Parcel Map, as conditioned, substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, General Plan and the South of Route 92 Specific Plan, and requires no variances or exceptions.

- (2) **That the design or improvement of the proposed subdivision is consistent with applicable general plan and specific plans. [Subdivision Map Act §66474(b)]**

The proposed subdivision, as demonstrated by the findings associated with the related Zone Change Application (No. 201501690) is of a design consistent with the City's General Plan and the South of Route 92 Specific Plan and Development Guidelines.

- (3) **That the site is physically suitable for the type of development. Subdivision Map Act §66474(c)]**

The design level geotechnical investigation performed by Berlogar, Stevens and Associates (dated March 24, 2015) demonstrates that the proposed development is feasible and the proposed subdivision would occur on a site suitable for the proposed development with the recommendation that a design level geotechnical investigation be incorporated into the project design and construction. The site provides sufficient lane widths and ingress/egress points, pedestrian facilities and infrastructure locations, such as water and sewer lines, storm drains and stormwater treatment areas, to support the proposed Industrial Business Park.

- (4) **That the site is physically suitable for the proposed density of development. [Subdivision Map Act §66474(d)]**

The design level geotechnical investigation performed by Berlogar, Stevens and Associates (dated March 24, 2015) demonstrates that the proposed development is feasible and the proposed subdivision would occur on a site suitable for the proposed development with the recommendation that a design level geotechnical investigation be incorporated into the project design and construction.

The traffic analysis conducted as part of the Addendum to the 2007 Mitigated Negative Declaration for the Project determined that the project would not result in significant impacts to traffic since the project will create fewer AM peak-hour trips and 236 fewer PM peak-hour trips than what was previously analyzed. Therefore, the conclusions from the adopted 2007 Mitigated Negative Declaration remain unchanged. The 2007 Mitigated Negative Declaration concluded that, as mitigated, the development of the project site would not generate sufficient traffic to cause nearby intersections to operate at an unacceptable level of service, nor would it create any issues with safe ingress and egress from the site. Traffic Mitigation Measures XV-1 has been completed; Mitigation Measure XV-2 has been deemed inapplicable due to the passing of Alameda County Measure BB which will provide funding for the County to reconstruct the intersection; and Mitigation Measure XV-3a and 3b, which call for the development of a Transportation Management Plan to minimize transportation-related impacts during construction and after implementation, is still applicable.

- (5) **That the design of this infill project and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. [Subdivision Map Act §66474(e)]**

The Addendum to the adopted 2007 Mitigated Negative Declaration, Initial Study, Mitigation Monitoring and Reporting Plan and Technical Memorandum prepared for the Project area demonstrates that substantial adverse environmental damage, including to fish or wildlife and their habitat, would not result from the proposed subdivision, with incorporation of required mitigation measures.

- (6) **That the design of the subdivision or type of improvements are not likely to cause serious public health problems. [Subdivision Map Act §66474(f)]**

Adequate capacity exists to provide sanitary sewer service to the Project site. There are no other aspects of the Project with the potential to cause serious public health problems.

- (7) **That the design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. [Subdivision Map Act §66474(g)]**

There are several existing public easements within the boundaries of the proposed subdivision. Upon completion of the proposed improvements, the streets and utilities would be adequate to serve the project. New public easements are to be offered for dedication as necessary.

## **ENVIRONMENTAL REVIEW**

This proposal is defined as a “project” under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines. An Addendum to the previously adopted 2007 Mitigated Negative Declaration has been prepared, which determines that the conclusions of the Mitigated Negative Declaration remain unchanged related to the potential environmental impacts of the proposed project. The Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and Technical Memorandum adopted on October 23, 2007 tiers off a 1998 EIR and indicates there would be no significant environmental impacts resulting from a larger business park project on this site consisting of 415,400 square feet of office space, provided the mitigation measures identified in those documents are incorporated into the project. The Addendum associated with this Project analyzes trip generation based on the current proposal of 252,266 square feet of light industrial flex space and 22,732 square feet of general office space, which results in a net decrease of trips. Therefore the 2007 findings and mitigation measures remain valid, such as implementation of basic and enhanced dust control measures, limitation of construction hours to minimize construction noise during construction, and the development and implementation of a Transportation Management Plan (TMP) to minimize the transportation-related effects on local residents during construction and to local residents during implementation.

## **PUBLIC OUTREACH**

Initial notices of the proposed project were sent to property owners and residents within a 300-foot radius as well as interested parties in the neighborhood on April 20, 2015. No comments were received at the time of publishing of this report.

Two hundred and sixty-five (265) notices of this public hearing were sent to all property owners and residents within a 300-foot radius of the project site on July 10, 2015. No notice or public review period for the Addendum to the Mitigated Negative Declaration is required. In addition, notice of this public hearing was published in *The Daily Review* on July 11, 2015. No comments have been received as of the writing of this staff report. Any additional comments that are received before the Planning Commission meeting will be forwarded or presented to the Commission for consideration.

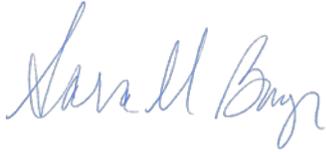
## **NEXT STEPS**

Following the Planning Commission hearing and assuming the Commission recommends approval of the project, the City Council will hear the items along with the Planning Commission’s recommendation at a noticed public hearing, tentatively scheduled for September 15, 2015. Should the Council approve the project, the applicant will be required to incorporate project conditions of approval and submit a more detailed Precise Plan and Improvement Plans for staff review and approval prior to approval of the Parcel Map. Filing of the Parcel Map would then create the lots.

Grading and building permit applications will then be processed and permits issued to allow for construction of the tract improvements and buildings.

*Prepared by: Linda Ajello, AICP, Senior Planner  
Peter Rei, City's Consultant Development Review Engineer*

Approved by:



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Sara Buizer, AICP, Planning Manager



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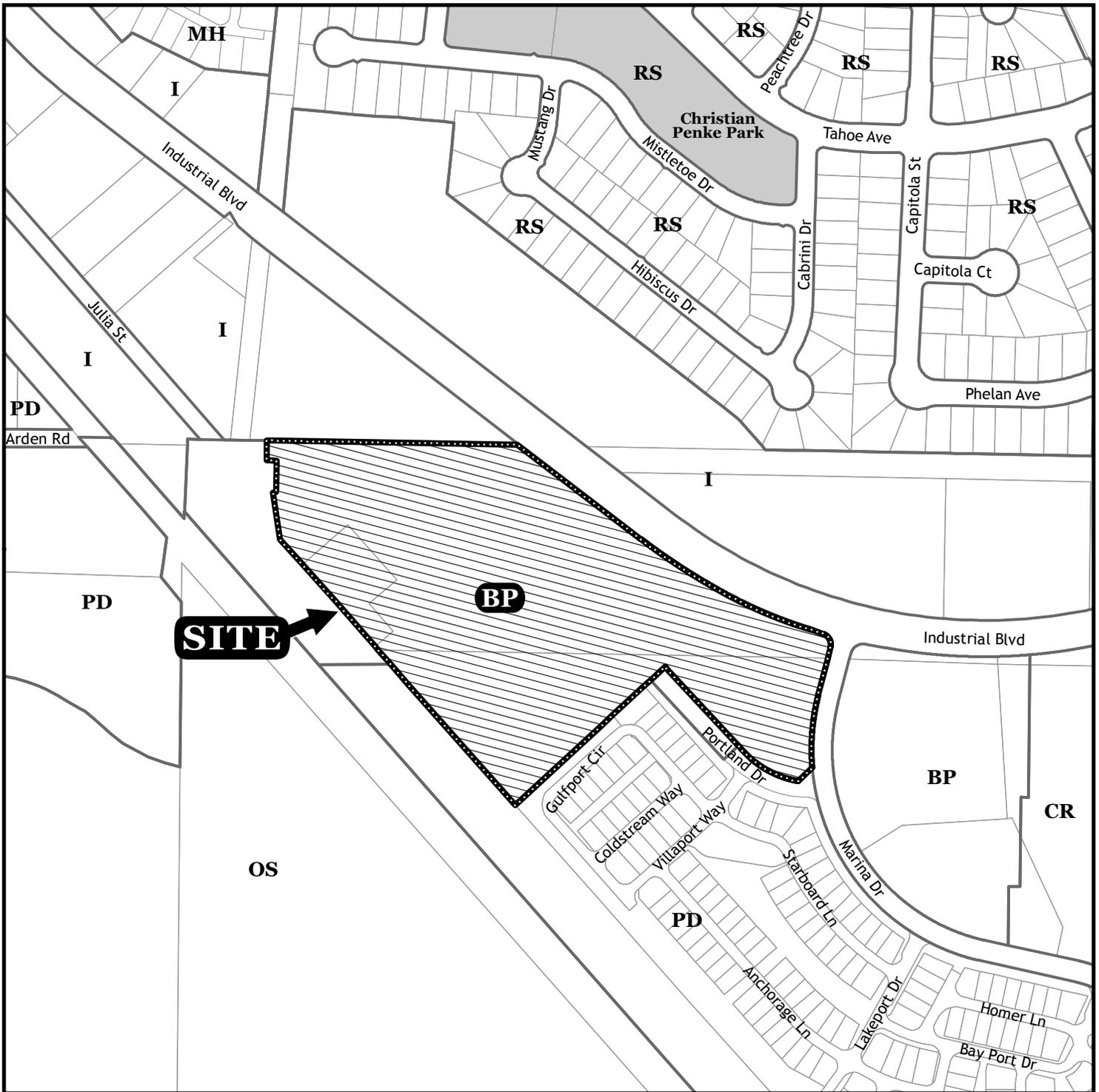
David Rizk, AICP  
Development Services Director

Attachments:

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Attachment IV:	Addendum to the 2007 Mitigated Negative Declaration and MMRP
Attachment V:	Project Plans



# Area & Zoning Map



**201501690**

Address:

Applicant:  
**Elizabeth Cobb/Shea Properties**

Owner:  
**Eden Shores Associates I, LLC**



### Zoning Classifications

#### RESIDENTIAL

- MH Mobile Home Park
- RS Single Family Residential, min lot size 5000 sqft

#### COMMERCIAL

- CR Regional Commercial

#### INDUSTRIAL

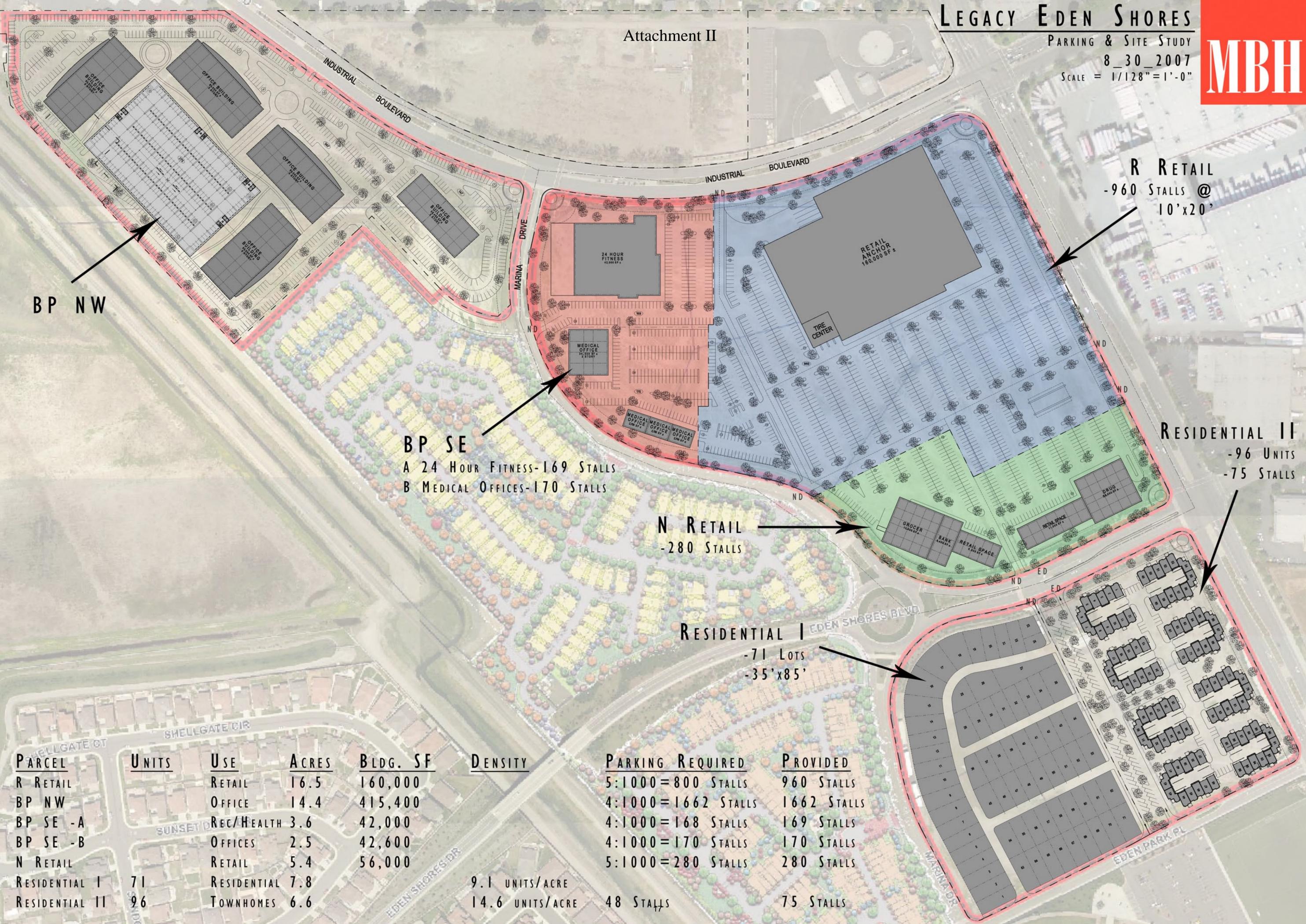
- I Industrial
- BP Business Park

#### OPEN SPACE

- OS Open Space

#### OTHER

- PD Planned Development



BP NW

R RETAIL  
-960 STALLS @  
10'x20'

BP SE  
A 24 HOUR FITNESS-169 STALLS  
B MEDICAL OFFICES-170 STALLS

RESIDENTIAL II  
-96 UNITS  
-75 STALLS

N RETAIL  
-280 STALLS

RESIDENTIAL I  
-71 LOTS  
-35'x85'

PARCEL	UNITS	USE	ACRES	BLDG. SF	DENSITY	PARKING REQUIRED	PROVIDED
R RETAIL		RETAIL	16.5	160,000		5:1000=800 STALLS	960 STALLS
BP NW		OFFICE	14.4	415,400		4:1000=1662 STALLS	1662 STALLS
BP SE - A		REC/HEALTH	3.6	42,000		4:1000=168 STALLS	169 STALLS
BP SE - B		OFFICES	2.5	42,600		4:1000=170 STALLS	170 STALLS
N RETAIL		RETAIL	5.4	56,000		5:1000=280 STALLS	280 STALLS
RESIDENTIAL I	71	RESIDENTIAL	7.8		9.1 UNITS/ACRE		
RESIDENTIAL II	96	TOWNHOMES	6.6		14.6 UNITS/ACRE	48 STALLS	75 STALLS

## CONDITIONS OF APPROVAL

July 23, 2015

**Eden Shores Industrial Business Park – Shea Properties (Applicant),  
Eden Shores Associates I, LLC (Owner)**

**Zone Change and Tentative Parcel Map (Tract 10363) Application No. 201501690**

**Proposed Subdivision and Construction of 4 office/light industrial buildings on a 14.41-acre site at 28803 Marina Drive, requiring Adoption of Resolution and Introduction of Ordinance for a Zone Change from Business Park to Planned Development, Tentative Parcel Map 10363 and an Addendum to the previously certified Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.**

### GENERAL

1. In accordance with Zoning Ordinance §10-1.2500 (Planned Development District), this approval is for the Preliminary Development Plan, included herein as **Exhibit A –Planned Development and Tentative Parcel Map 10363 submitted by Shea Properties, dated June 16, 2015**, subject to all conditions listed below.
2. The project approval shall coincide with the approval period for the Tentative Parcel Map. If a building permit is issued for construction of improvements authorized by the Zone Change approval, said approval shall be void two years after issuance of the building permits, or three years after approval of Precise Plan application, whichever is later, unless the construction authorized by the building permits has been substantially completed or substantial sums have been expended in reliance upon the Precise Plan approval.
3. This approval is subject to the Mitigation Monitoring and Reporting Program approved for the Legacy Eden Shores Conceptual Development Plan, adopted by City Council on October 23, 2007 by Resolution 07-0145 and the Addendum dated June 16, 2015.
4. The subdivider shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
5. Prior to occupancy and the installation of any signs, the Applicant shall submit, and receive approval of, a Sign Permit Application.
6. The owner(s) shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 48 hours of occurrence.
7. If the applicant is unable to acquire Portland Drive from the City, the site plan and landscape plan

shall be revised accordingly to be reviewed and approved by the Development Services Director and City Landscape Architect as part of the Precise Plan.

**PRECISE PLAN SUBMITTAL**

8. In accordance with Zoning Ordinance §10-1.2550 and prior to submitting a building permit application, a Precise Development Plan shall be submitted for review and approval.
9. The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan and incorporate conditions herein, and shall be submitted before or with the subdivision improvement plans and Parcel Map.
10. The Precise Development Plan shall include the following information and/or details:
  - a) A copy of these conditions of approval shall be included on a full-sized sheet(s).
  - b) Proposed location for construction staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for vanpooling construction workers or having them use transit to access the site, provisions for noise and dust control, and common area landscaping.
  - c) Details of address numbers shall be provided. Address number shall be decorative. Building addresses shall be minimum 4-inch self-illuminated or 6-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.
  - d) Proposed locations, heights, materials and colors of all walls and fences.
  - e) Proposed pavement materials and structural section for all drive aisles, parking areas, and pedestrian paths.
  - f) Proposed mailbox design and locations, subject to Post Office approval. All mailboxes shall be locking mailboxes.
  - g) A final lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of homes located in the residential development adjacent to the project.
  - h) Proposed color and materials board for all buildings, fences and walls. No changes to colors shall be made after construction unless approved by the Planning Director.
  - i) All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen.
  - j) All roof mounted equipment shall be completely screened from view.
  - k) A copy of the draft CC&R's for the Property Owner's Association (POA).
11. Any proposal for alterations to the proposed site plan and/or design which does not require a variance to any zoning ordinance standard must be approved by the Development Services Director or his/her designee, prior to implementation.
12. Details of all project amenities shall be submitted for review and approval by the Planning Director during the Precise Plan phase of the project.

13. All final exterior building finishes, paint colors and other architectural details shall be reviewed and approved by the Planning Division in accordance with the South of Route 92 Development Guidelines and City of Hayward's Design Guidelines prior to issuance of a building permit for the project.

**PRIOR TO SUBMITTAL OF SUBDIVISION IMPROVEMENT PLANS AND PARCEL MAP**

14. In conjunction with the Precise Plan, the applicant/developer shall submit subdivision improvement plans including Landscape and irrigation plans, and a Parcel Map application for the entire project. Said improvement plans and final map shall meet all City standards and submittal requirements except as expressly approved for this Planned Development.
15. Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed, at no cost to the City of Hayward.
16. Unless indicated otherwise, the design for development shall comply with the following:
- a) All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details.
  - b) All construction shall meet the California Building Codes (CBC) and all applicable City of Hayward Building Codes and amendments.
  - c) Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Codes and amendments.
17. A Registered Civil Engineer shall prepare all improvement plans; a Licensed Architect shall prepare all architectural plans; and a Licensed Landscape Architect shall prepare all landscape plans unless otherwise indicated herein.

***Subdivision Improvement Plans***

18. Subdivision Improvement Plans shall be processed in concurrence with the Precise Development Plan. Submit the following proposed improvement plans with supporting documents, reports and studies:
- a) A detailed drainage plan, to be approved by the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite stormwater detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer and by the ACFC&WCD prior to issuance of any construction or grading permit.
  - b) A detailed Stormwater Treatment Plan and supporting documents, following City ordinances and conforming to Regional Water Quality Control Board's Staff recommendations for new development and redevelopment controls for stormwater programs.

***Stormwater Quality Requirements***

19. The following materials related to the Stormwater quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application:
- a) A Stormwater Treatment Measures Maintenance Agreement shall be submitted to Public Works - Engineering and Transportation Department staff for review and approval. Once approved, the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
  - b) Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the City for review and approval by the City Engineer. All reports such as Soil Report, SWPPP, and SWMP are to be submitted in bound form. The Soil Report and SWMP shall be wet-stamped and signed by the engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report. Documents that are clipped or stapled will not be accepted.
  - c) A copy of the Notice of Intent (NOI) from the State Water Resources Control Board shall be provided to the City prior to the start of grading.
  - d) The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
  - e) The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into stormwater runoff to the maximum extent practicable.
  - f) The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit (page 30). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5-12 has a section titled "BMP Design Criteria for Flow and Volume". These materials are available in the internet at [www.cabmphandbooks.com](http://www.cabmphandbooks.com).
  - g) The Bioretention Treatment Area shall use a Bio-treatment Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5" per hour.
  - h) All inlet rims in the Bioretention Treatment Area (BTA) shall be 6" minimum above the flow line of the BTA. The design of the longitudinal flow line shall be level. If not feasible, check dams will be required.
  - i) The following documents shall be completed and submitted with the improvement and/or grading plans:

- i. Hydromodification Management Worksheet;
  - ii. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;
  - iii. Development and Building Application Information Impervious Surface Form;
  - iv. Project Applicant Checklist of Stormwater Requirements for Development Projects;
  - v. C.3 and C.6 Data Collection Form; and,
  - vi. Numeric Sizing Criteria used for stormwater treatment (Calculations).
20. The developer shall be responsible for ensuring that all contractors are aware of all stormwater quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
21. The existing 48" storm drain located within the 80' PUE is owned and maintained by the Alameda County Flood Control and Water Conservation District, not the City of Hayward. Any connections to that storm drain shall be approved by Alameda County Flood Control District.

***Public Streets (Industrial Boulevard, Marina Drive and Portland Drive)***

22. Any damaged and/or broken curb, gutter and sidewalks along the property frontages shall be removed and replaced as determined by the City Public Works Inspector.
23. All existing driveways to be abandoned shall be removed and replaced with standard curb, gutter and sidewalk.

***Storm Drainage***

24. The project shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
25. Stormwater inlets shall be installed at the curb face per the City of Hayward Standard Details. The design and location shall be approved by the City Engineer.
26. Improvements for storm drain system shall incorporate the following:
- a) The locations and design of storm drains shall meet the City's standard design and be approved by the City Engineer and if necessary, the Alameda County Flood Control and Water Conservation District (ACFC&WCD). Any alternative design shall be approved by the City Engineer prior to installation.
  - b) Storm drain pipes in streets and courts shall be a minimum of twelve inches in diameter with a minimum cover of three feet over the pipe.
  - c) The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval

- of the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City. Development of this site shall not augment runoff to the ACFC&WCD's downstream flood control facilities. The hydrology calculations shall substantiate that there will be no net increases in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities.
- d) The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.
  - e) No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project site.
  - f) All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
  - g) Post-development flows should not exceed the existing flows. If the proposed development warrants a higher runoff coefficient or will generate greater flow, mitigation measures shall be implemented.

#### *Utilities - Sewer & Water*

- 27. Water & Sewer Service are available and subject to standard conditions and fees in effect at time of application and payment of fees:
  - a) Water Service – Per the City of Hayward Municipal Code, no single water service connection shall serve more than one premise. Each business shall be served by a separate domestic water meter.  
Any modifications needed to the water services and/or water meters (upsized, downsized, relocate, etc.) must be performed by City crews at the owner's/applicant's expense.
  - b) Sewer Service – Sewer connection fees for non-residential connections are calculated based on the volume and strength of the wastewater discharge. The sewer connection fee for a non-residential connection with domestic strength discharge is currently \$36.68 per gallon of daily discharge, with a minimum fee of \$7,700. The minimum sewer connection fee will be charged at the time the shell is constructed. Additional sewer capacity fees will be assessed for each business at the time of the tenant improvement building permit is processed.
- 28. Water meters and services to be located a minimum of two feet from top of driveway flare as per City Standard Details SD-213 thru SD-218.
- 29. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and on foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade piping materials.

30. All domestic & irrigation water meters must have Reduced Pressure (RP) Backflow Prevention Assemblies, per [City of Hayward Standard Detail 202](#). Backflow Prevention Assemblies shall be at least the size of the water meter or the water line on the property side of the meter, whichever is bigger. Backflow devices installed on potable water services must be lead-free.
- a) There is an existing 80' PUE located on the north side of the property.
- No permanent structures shall be built within the PUE (except the two small corners of Building 1 that encroach into the PUE shall be permitted).
  - No bio-retention areas shall be located within the PUE.
  - Landscaping within the PUE is allowed, however, no trees shall be planted within the PUE.
31. The locations of the private water supply lines and private on-site fire hydrants shall be relocated so that they are not located within the PUE.
32. The proposed 12" water service line that will supply the 8" fire service line to serve Building 1, the 8" fire service line to serve Building 2 and the 10" fire service loop to serve the private on-site fire hydrants shall be a 12" water service line, not a 12" public water main as shown on the plans. The blow off valve located at the end of the 12" water service line shall be eliminated.
33. The proposed 6" sanitary sewer lateral that will serve Building 1 and Building 2 shall be a minimum 8". The connection of that proposed sanitary sewer lateral to the existing 15" sanitary sewer main located in the PUE shall be made with a manhole.
34. The plans indicate that a section of Portland Drive will be vacated and reserved as a PUE and will become a bio-retention area. Bio-retention areas shall not be located over sanitary sewer mains. The existing 8" sanitary sewer main in the vacated section of Portland Drive shall be abandoned. This will require the proposed sanitary sewer lateral connection from Building 3 to be revised.

### ***Solid Waste***

35. Since the proposed development does not have confirmed tenants (i.e. a speculative development), City staff reserves the right to revise the enclosures constructed by the applicant to include more enclosures and/or to revise the dimensions of the constructed enclosures as individual tenants submit their plans.
36. Construction & Demolition Debris: The City of Hayward Construction and Demolition Debris Recycling Statement shall be submitted at the time of building permit submittal.
- a) Requirements for Recycling Construction & Demolition Debris: City regulations require that applicants for all construction, demolition, and/or renovation projects, in excess of \$75,000 (or combination of projects at the same address with a cumulative value in excess of \$75,000) must recycle all asphalt and concrete and all other materials generated from the project. Applicants must complete the *Construction & Demolition Debris Recycling*

*Statement, a Construction and Demolition Debris Recycling Summary Report, and weigh tags for all materials disposed during the entire term of the project, and obtain signature approval from the City's Solid Waste Manager prior to any off haul of construction and demolition debris from the project site.*

### ***Other Utilities***

37. All service to buildings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and Comcast cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.
38. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the subdivision.
39. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

### ***Landscape and Irrigation Plans***

40. Prior to the approval of improvement plans or issuance of the first building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City. Copies of the approved and signed improvement plans shall be submitted as a part of the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan. The plans shall comply with the City's latest water efficient landscape ordinance, California Green Building Standards Code for outdoor water use, or the Governor's Executive Order B-29-15 whichever is the most stringent at the time of the first submittal of landscape and irrigation improvement for review. The plans shall also comply with other relevant sections in Municipal Codes. Dripline of the existing trees to be saved shall be shown on the plan.
41. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Public Works - Engineering and Transportation Department. The size of Mylar shall be twenty four inches by twenty four inches without an exception. A four inches wide and high blank signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and dates for City of Hayward, Landscape Architect.
42. Reduced side and rear yard setback areas shall be adequate to maintain the intended screening to adjacent properties. One ever green tree at every twenty feet on center along the east property line where residential development is located shall be provided. Proposed bio-retention area shall be modified or relocated or widened to accommodate screening tree planting allowing mature growth of selected tree species. Provide clearly the offset of reduced setbacks on the plan.
43. A tree removal permit shall be obtained prior to the removal of any tree.

44. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven of pavement or buildings, and as directed by the landscape architect.
45. Minimum street tree size is twenty-four-inch-box and fifteen gallon for the remaining trees. Smaller than fifteen gallon size tree size shall not be allowed.
46. The shrubs and groundcover plant legend shall include mature plant sizes provided in Sunset Western Garden Book or East Bay Municipal Utility District's San Francisco Bay Region Plants and Landscapes for Summer-Dry Climates or Bob Perry's Landscape Plants for California Gardens. Planting spacing shall be provided in accordance with those reference books and in compliance with the City's Bay-Friendly Water Efficient Landscape Ordinance not allowing routine shearing. Spreading type of groundcovers shall not be specified where adequate planting space can't be provided. Watering needs for each plant including trees shall be provided in the plant legend.
47. Soil amendments shall be done with certified organic compost. Minimum requirement is nine cubic yards of organic compost per 1,000 square feet of all planting areas at a ratio of one to four to the depth of top nine inches of soil being thoroughly incorporated. Additional or amended soil amendment mix shall be recommended by a soil laboratory upon a soil test.
48. Mulch shall be organic recycled chipped wood in the shade of Dark Brown Color and shall be provided to minimum three inches in depth.
49. A separate irrigation water meter shall be provided.
50. Trees with different watering needs shall be on separate valves.

### ***Fire Protection***

51. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed within the jurisdiction. The fire access apparatus access road shall extend to within 150 feet of all portion of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
52. When any portion of a building or facilities exceeds 30 feet in height above the lowest level of fire department vehicle access, fire apparatus roads shall have unobstructed width of 26 feet in the immediate vicinity of the building. The required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.
53. Buildings or facilities having a gross building area of more than 62,000 square feet should be provided with two separate and approved fire apparatus access roads. Two access roads should be placed a distance apart equal to not less than on half of the length of the maximum overall diagonal dimension of the area to be served, measured in a straight line between accesses.
54. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs. and shall be surfaced so as to provide all-weather driving capability.

55. Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane, 26 feet to 32 feet shall be posted on one side of the road as a fire lane. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.
56. Dead-end fire apparatus access road in excess of 150 feet in length shall be provided with a turnaround meeting the Hayward City Standard and the 2010 California Fire Code Section D103.
57. To provide water/fire flow test data information on the plan, including static pressure, residual pressure, pitot pressure, test flow, calculated available water flow at 20psi and test date. The data should be less than 5 years old. This information may be available for Hayward Public Works Department. A new flow test should be requested if update water data is not available.
58. An automatic fire sprinkler system shall be installed in each building in accordance with NFPA 13 Standards. (Deferred Submittal).
59. A fire flow shall be provided in accordance with the 2013 California Fire Code Table B105.1 based on the construction type and building area with buildings exceeding 3,600 square feet. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500gpm.
60. The average spacing between hydrants is 400 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Additional hydrant(s) may be required based on distance and available fire flow to the site.
61. The number and distribution of fire hydrants shall be provided in accordance with the 2013 California Fire Code Table C105.1 and Hayward Fire Code Ordinance. The average spacing of fire hydrants is 400 feet. It is reduced by 100 feet for dead-end streets or roadways.
62. Underground fire service line shall be installed in accordance with NFPA 24 (Deferred Submittal).
63. New fire hydrants shall be double steamer type equipped with (2) 4-1/2" outlets and (1) 2-1/2" outlet. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. Vehicular protection may be required for the fire hydrants.
64. Identify the location of fire department connection on the site plan. It shall be located on the street/fire apparatus access side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access. Fire department connection shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus.
65. Submit for proper building permits for the construction of the building to the Building Department.
66. Public Works Department recommended a maximum static pressure of 80 PSI should be used when a water test data indicates a higher pressure. The residual pressure shall be adjusted accordingly.

### ***Hazardous Materials***

67. Prior to grading, structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be

done by appropriate professional(s) to ensure that hazards posed to development construction workers, neighbors, the environment, future residents and other persons are mitigated. All hazardous materials and hazardous waste must be properly managed and disposed of in accordance with state, federal and local regulations.

68. Any wells, septic tank systems and other subsurface structures - including hydraulic lifts for elevators - shall be removed properly in order not to pose a threat to the development, construction workers, future residents or the environment. Notification shall be made to the Hayward Fire Department at least 24 hours prior to removal. Removal of these structures shall be documented and done under permit, as required by law.
69. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials are discovered during demolition or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, vessels that contain or may have contained hazardous materials.
70. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

### ***Parcel Map***

71. Prior to recordation, a proposed Parcel Map shall be submitted for review by the City. The Parcel Map shall be presented to the City Council for review and action. The City Council meeting will be scheduled approximately sixty (60) days after the Improvement Plans with supporting documents and Parcel Map are deemed technically correct, and Subdivision Agreement and Bonds are approved by the City. The executed Parcel Map shall be returned to the City Public Works Department if Parcel Map has not been filed in the County Recorder's Office within ninety (90) days from the date of the City Council's approval.
72. Prior to the recordation of the Parcel Map, all documents that need to be recorded with the final map shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
73. The Parcel Map shall reflect all easements needed to accommodate the project development. The private street and driveways shall be dedicated as a Public Utility Easement (PUE), Public Access Easement (PAE), Water Line Easement (WLE), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE).

### **PRIOR TO ISSUANCE OF BUILDING OR GRADING PERMITS AND CONSTRUCTION WITH COMBUSTIBLE MATERIALS**

74. Prior to issuance of Building or Grading Permits, a final clearance shall be obtained from either the California Regional Water Quality Control Board or the Department of Toxic Substance Control and submitted to the Hayward Fire Department. The clearance certificate will ensure that the property meets investigation and cleanup standards for residential development. Allowance may be granted for some grading activities, if necessary, to ensure environmental clearances.

75. Pursuant to the Municipal Code §10-3.332, the developer shall execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements. Insurance shall be provided per the terms of the subdivision agreement.
76. Prior to issuance of building permits, a Parcel Map that reflects and is in substantial compliance with the approved Vesting Tentative Parcel Map, shall be approved by the City Engineer and is in the process for filing with the office of the Alameda County Clerk Recorder.
77. Submit the following documents for review and approval, or for City project records/files:
  - a) Copy of the Notice of Intent filed with State Water Resources Control Board;
    - i. Engineer's estimate of costs, including landscape improvements;
    - ii. Signed Parcel Map;
    - iii. Signed Subdivision Agreement; and
    - iv. Subdivision bonds.
78. Plans for building permit applications shall incorporate the following:
  - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
  - b) A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. All exterior lighting shall be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director or his/her designee shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the buildings. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of proposed buildings.
  - c) Plans shall show that all utilities will be installed underground.
79. Required water system improvements shall be completed and operational prior to the start of combustible construction.
80. The developer/subdivider shall be responsible to adhere to all aspects of the approved Stormwater Pollution Prevention Plan (SWPPP) per the aforementioned condition of approval.
81. A representative of the project soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer.
82. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

**PRIOR TO COMPLETION OF SITE IMPROVEMENTS AND ISSUANCE OF CERTIFICATES OF OCCUPANCY**

*During Construction*

83. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
84. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
- a) Grading and site construction activities shall be limited to the hours 7:00 AM to 7:00 PM Monday through Saturday and 10:00 AM to 6:00 PM Sunday and Holidays. Grading hours are subject to the City Engineer's approval. Building construction hours are subject to Building Official's approval;
  - b) Grading and construction equipment shall be properly muffled;
  - c) Unnecessary idling of grading and construction equipment is prohibited;
  - d) Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
  - e) Daily clean-up of trash and debris shall occur on Industrial Boulevard, Marina Drive and Portland Drive, and any other residential streets utilized by construction equipment or vehicles making deliveries.
  - f) Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution;
  - g) Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
  - h) The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
  - i) All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
  - j) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
  - k) Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
  - l) Sweep public streets daily if visible soil material is carried onto adjacent public streets;
  - m) Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);

- n) Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
  - o) Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
  - p) No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
  - q) Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
  - r) Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
  - s) Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information;
  - t) Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
  - u) The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
85. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
86. In the event that human remains', archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.
87. The applicant shall comply with standards identified in General Plan, Table HAZ-1 – Exterior Noise Standards for Various Land Uses. Measures to ensure compliance with such standards shall be developed by a state licensed acoustical engineer and incorporated into building permit plans, to be confirmed by the Planning and Building Divisions. Also, confirmation by a state licensed acoustical engineer that such standards are met shall be submitted after construction and prior to issuance of certificates of occupancy.

88. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed and installed in accordance with the approved plan and accepted by the project landscape architect prior to submitting a Certificate of Completion. The final acceptance form must be submitted prior to requesting an inspection with the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of landscape improvements.
89. Upon completion of landscape and irrigation installation, City Landscape Architect shall conduct an inspection for compliance with the approved landscape and irrigation improvement plans. Prior to requesting a landscape inspection, Attachment C. Document of Final Acceptance and Appendix C. Certificate of Completion Part 1 through Part 6 shall be completed by the project landscape architect based on site inspection of all landscape and irrigation installation.
90. Landscape and tree improvements shall be installed according to the approved plans prior to the occupancy of each building. All common area landscaping, irrigation, and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of eighty percent of the dwelling units, whichever first occurs, and a Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscaping for the Tract to the Public Works – Engineering and Transportation Department by the developer.

**Commercial Property Owners Association and Covenants, Conditions and Restrictions**

91. In accordance with the Eden Shores Development Park CC&R's, the owners of the Industrial Business Park shall be automatically become members of the existing Eden Shores Owners' Association.
92. The Eden Shores Industrial Business Park shall establish a Property Owners Association (POA) and CC&R's for the maintenance of all on-site landscaping and infrastructure not otherwise covered by the Eden Shores Owners' Association.

***Prior to the Issuance of Certificate of Occupancy or Final Report***

93. All buildings shall be designed using the California Building Codes in effective at the time of submitting building permit applications.
94. Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
95. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
96. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

97. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Three inches deep mulch should be maintained in all planting areas. Mulch should be organic recycled chipped wood in the shades of Dark Brown Color. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.
98. The developer/subdivider shall be obligated for the following additional fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time Tentative Parcel Map was accepted as complete, unless otherwise indicated herein:
- a) Supplemental Building Construction and Improvement Tax.
99. Final Hayward Fire Department inspection is required to verify that requirements for fire protection facilities have been met and actual construction of all fire protection equipment have been completed in accordance with the approved plan. Contact the Fire Marshal's Office at (510) 583-4910 at least 24 hours before the desired final inspection appointment.
100. The improvements associated with the Pacific Gas and Electric Company, AT&T (phone) company and local cable company shall be installed to the satisfaction of the respective companies.
101. The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded in concurrence with the Parcel Map at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
102. The applicant/subdivider shall submit an AutoCAD file format (release 2010 or later) in a CD of approved Parcel Map and 'as-built' improvement plans showing lot and utility layouts that can be used to update the City's Base Maps.
103. The applicant/subdivider shall submit an "as built" plan indicating the following:
- a) Approved landscape and irrigation improvements;
  - b) All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.;
  - c) All the site improvements, except landscaping species, buildings and appurtenant structures; and
  - d) Final Geotechnical Report.



Attachment IV

**Initial Study/Addendum  
Eden Shores/Oliver East Business Park Project  
City of Hayward, Alameda County, California  
State Clearinghouse No. 95103079**

Prepared for:  
**City of Hayward**



CITY OF  
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July 14, 2015

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## SECTION 1: INTRODUCTION

This Addendum, checklist, and attached supporting documents have been prepared to determine whether and to what extent the South of Route 92 General Plan Amendment and Specific Plan Oliver Estate/Weber Properties Final Environmental Impact Report (Final EIR) (State Clearinghouse No. 95103079) and South of Route 92 Specific Plan Amendment (Legacy Eden Shores) Project Mitigated Negative Declaration (MND) remain sufficient to address the potential impacts of the proposed Eden Shores/Oliver East Business Park Project (proposed project), or whether additional documentation is required under the California Environmental Quality Act (CEQA) (Pub. Resources Code, Section 21000, et seq.).

### 1.1 - Initial Study/Environmental Checklist

Pursuant to Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 and 15164, subd. (a), the attached initial study/checklist has been prepared to evaluate the proposed project. The attached initial study/checklist uses the standard environmental checklist categories provided in Appendix G of the CEQA Guidelines, but provides answer columns for evaluation consistent with the considerations listed under CEQA Guidelines Section 15162, subd. (a).

### 1.2 - Environmental Analysis and Conclusions

CEQA Guidelines Section 15164, subd. (a) provides that the lead agency or a responsible agency shall prepare an addendum to a previously certified Environmental Impact Report or Negative Declaration (ND) if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR or ND have occurred (CEQA Guidelines, Section 15164, subd. (a)).

An addendum need not be circulated for public review but can be included in or attached to the Final EIR or ND (CEQA Guidelines Section 15164, subd. (c)). The decision-making body shall consider the addendum with the Final EIR and MND prior to making a decision on the project (CEQA Guidelines Section 15164, subd. (d)). An agency must also include a brief explanation of the decision not to prepare a subsequent EIR or ND pursuant to Section 15162 (CEQA Guidelines Section 15164, subd. (e)).

Consequently, once an EIR or ND has been certified for a project, no subsequent EIR or ND is required under CEQA unless, based on substantial evidence:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or ND . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;<sup>1</sup>
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND . . . due to the

<sup>1</sup> CEQA Guidelines Section 15382 defines “significant effect on the environment” as “. . . a substantial, or potentially substantial adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance . . .” (see also Public Resources Code, Section 21068).

- involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND was adopted. . . shows any of the following:
    - a. The project will have one or more significant effects not discussed in the previous EIR or ND or negative declaration;
    - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR or ND;
    - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or ND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative (CEQA Guidelines, Section 15162, subd. (a); see also Pub. Resources Code, Section 21166).

This addendum, checklist and attached documents constitute substantial evidence supporting the conclusion that preparation of a supplemental or subsequent EIR or ND is not required prior to approval of the above-referenced permits by responsible and trustee agencies, and provides the required documentation under CEQA.

This addendum addresses the conclusions of the 1998 EIR and 2007 MND; however, because the 2007 MND is more recent and incorporates all pertinent conclusions and mitigation measures from the 1998 EIR, the Addendum simply cites the MND for ease of reference.

### 1.2.1 - Findings

There are no substantial changes proposed by the Eden Shores/Oliver East Business Park Project or in the circumstances in which the project will be undertaken that require major revisions of the Final EIR and MND, or preparation of a new subsequent or supplemental EIR or MND, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As illustrated herein, the project is consistent with the Final EIR and MND, and would involve only minor changes.

### 1.2.2 - Conclusions

The Hayward Planning Commission or Hayward City Council may approve the Eden Shores/Oliver East Business Park Project based on this Addendum. The impacts of the proposed project remain within the impacts previously analyzed in the EIR (CEQA Guidelines Section 15164).

The current proposed project does not require any major revisions to the Final EIR and MND. Minor revisions to mitigation measures are proposed to (1) address changes to statutes and regulations that have occurred since adoption of the 2007 MND; (2) acknowledge that certain mitigation measures have already been implemented; or (3) establish that certain mitigation measures from the

2007 MND do not apply to the proposed project. No new significant information or changes in circumstances surrounding the project have occurred since the certification of the EIR and MND. Therefore, the previous CEQA analyses completed for the South of Route 92 General Plan Amendment and Specific Plan Oliver Estate/Weber Properties, and the South of Route 92 Specific Plan Amendment (Legacy Eden Shores) Project remain adequate. The applicable mitigation measures from the Final EIR and MND will be imposed on the proposed project as described herein.

### 1.3 - Mitigation Monitoring Program

As required by Public Resources Code Section 21081.6, subd. (a)(1), a mitigation monitoring and reporting program has been prepared for the project in order to monitor the implementation of the mitigation measures that have been adopted for the project. Any long-term monitoring of mitigation measures imposed on the overall development will be implemented through the Mitigation Monitoring and Reporting Program.

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## SECTION 2: PROJECT DESCRIPTION

### 2.1 - Location and Setting

#### 2.1.1 - Location

The project site is located in the City of Hayward, Alameda County, California (Exhibit 1). The 14.63-acre project site is bounded by business park uses (west), Industrial Boulevard (north), Marina Drive (east), Portland Drive, single-family residential uses, and an Alameda County Flood Control Channel (south); refer to Exhibit 2. The project site is located on the Newark, California, United States Geological Survey 7.5-minute topographic quadrangle map, Township 4 South, Range 2 West, Section 4 (Latitude 37°37'00" North; Longitude 122°05'40" West).

#### 2.1.2 - Environmental Setting

The project site is an undeveloped infill site located within the Eden Shores area of the City of Hayward. The project site is mostly undeveloped, flat land and its elevation ranges from 8 to 12 feet above mean sea level. Various unpaved roads cross the site. Three mature River Red gum eucalyptus trees are located near Industrial Boulevard. A landscaped entry feature that includes 24 ornamental trees is located at the intersection of Industrial Boulevard/Marina Drive. The adjoining single-family residential uses to the south are protected with a 6- to 12-foot stucco wall that increases in height in relation to its proximity to the railroad tracks.

The western portion of the site contains a 0.65-acre parcel that is enclosed with a block wall. The 0.65-acre parcel contains 0.22 acre of wetland features that are subject to United States Army Corps of Engineers (USACE) jurisdiction.

The project site includes a 0.22-acre "dead end" segment of Portland Drive north of Villaport Way. This street segment is improved with curb, gutter, storm drain inlets, street lighting, and underground utilities.

Surrounding land uses include developed business park uses to the northwest, an undeveloped site to the north, a Costco store and undeveloped land to the east, and single-family residential uses to the south. An Alameda County Flood Control Channel and the Union Pacific Railroad tracks are located west of the project site. Further west is the Eden Landing Ecological Reserve.

#### 2.1.3 - General Plan and Zoning

The City of Hayward General Plan designates the project site "Industrial-Technology." The project site is zoned "Business Park." Allowable land use activities within the "Business Park" zoning district include professional office, medical office, research and development, restaurants, and fitness centers.

## 2.2 - Project Background

### 2.2.1 - South of Route 92 General Plan Amendment and Specific Plan Oliver Estate/Weber Properties

In 1998, the City of Hayward certified the Final Program Environmental Impact Report (Final EIR) (State Clearinghouse No. 95103079) for the South of Route 92 General Plan Amendment and Specific Plan for the Oliver Estate/Weber Properties. The City also adopted the Specific Plan for the South of Route 92, Oliver and Weber Properties, and took other related actions to amend the City's General Plan, adopt Development Guidelines, and pre-zone and rezone properties covered under the Specific Plan, including the properties commonly referred to as "Oliver West" and "Oliver East." The Oliver East property was pre-zoned, with portions of the property to be zoned Light Manufacturing, Commercial Retail, Business Park and Open Space (to allow for development of the Sports Park). In 1999, the City approved and executed the Mount Eden Business and Sports Park Community Development Agreement in connection with the Oliver properties, and approved a Vesting Tentative Map for Tract 7065 (including both the Oliver West and Oliver East properties). The Development Agreement, among other things, authorized the residential development on Oliver West and the development of Oliver East for light manufacturing, business park, and commercial retail uses.

Since the City's original approvals, the Oliver East property has been annexed to the City from the County of Alameda. The Eden Shores Sports Park has been constructed. Infrastructure for the development of the Oliver properties has been undertaken. Residential construction of Oliver West (west side of Eden Shores) has been completed. A final subdivision map for Tract 7065 (Eden Shores– Oliver East) was approved by the City in September 2005, and recording and construction of that project was completed.

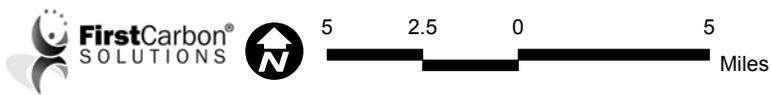
### 2.2.2 - South of Route 92 Specific Plan Amendment (Legacy Eden Shores) Project

In 2007, the City of Hayward approved an Amendment to the South of 92 Specific Plan and certified an associated Mitigated Negative Declaration (MND). The MND contemplated the development of 415,400 square feet of office uses on the project site.

The 2007 MND carried forward the mitigation measures from the 1998 Final EIR. In addition to this, the 2007 MND proposed text changes to the 1998 Final EIR mitigation measures and proposed new mitigation measures. All of the 2007 MND mitigation measures are reproduced in this Addendum, and determinations are made regarding their applicability to the proposed project. The MND and supporting technical studies are incorporated by reference into this document.



Source: Census 2000 Data, The CaSIL, FCS GIS 2013.



# Exhibit 1 Regional Location Map

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**Legend**

Project Site

Source: ESRI Imagery

**Exhibit 2**  
**Local Vicinity Map**  
**Aerial Base**



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## 2.3 - Project Characteristics

### 2.3.1 - Project Summary

#### Buildings

The project applicant (Shea Properties) is proposing to develop four buildings totaling 267,509 square feet on the project site. The four two-story buildings would contain six tenant spaces (two buildings with one tenant space and two buildings with two tenant spaces), of which three of the four buildings would contain light industrial uses and the fourth building would contain office uses. Tenant spaces would range from 27,815 square feet to 115,059 square feet. The project would have a Floor Area Ratio (FAR) of 0.42. Table 1 summarizes the proposed project. The site plan is provided in Exhibit 3.

**Table 1: Eden Shores/Oliver East Business Park Project Summary**

Building	Square Feet	End Use
1	44,541	Light Industrial
2	80,094	Light Industrial
3	115,059	Light Industrial
4	27,815	Light Industrial/Office
<b>Total</b>	<b>267,509</b>	—

Source: Shea Properties, 2015

#### Building Characteristics

This format of industrial development requires smaller building footprints, accommodating both at-grade loading docks (i.e., roll-up doors) and limited truck wells.

The two larger buildings would be divided into two parts to attract smaller industrial/manufacturing and warehousing users. The smallest building of the four is planned for incubator industrial/office space, providing smaller suites and in-line office, or a potential build-to-suit for an end user. The proposed building format of the four buildings is designed to adapt to changing markets, and optimize floor area to attract and retain desired tenants. For the purposes of CEQA analysis, it will be assumed that Buildings 1, 2, and 3 are light industrial and Building 4 is office, which represents a conservative, “worst-case” scenario.

#### Design and Appearance

The buildings would employ a contemporary architecture style that employs straight lines and uses clean materials. Buildings 1, 2, and 3 would have building heights of 32 feet above finished grade, and Building 4 would have a building height of 24 feet above finished grade. All four buildings would have parapets extending 2 to 3 feet above the roofline to screen mechanical equipment.

### Vehicular Access and Parking

Vehicular access would be taken from three driveways on Industrial Boulevard and a driveway on Portland Drive. The middle point would allow right-in, right-out, and left-in movements, while the other two would be right-in, right-out only. Reciprocal access would be provided within the project site.

A total of 556 off-street automobile parking spaces would be provided; refer to Table 2. On-street parking would not be permitted along the project frontage with Industrial Boulevard or Marina Drive.

**Table 2: Parking Summary**

Parking Space Type	Count	Required
Standard	423	346 (minimum)
Compact	90	165 (maximum)
Americans With Disabilities Act Compliant	16	11
Preferential	27	27
<b>Auto Subtotal</b>	<b>556</b>	<b>535</b>
Bicycle	20	19
Source: Shea Properties, 2015.		

### Landscaping

The proposed project would provide 98,277 square feet (2.26 acres) of landscaping along the perimeter of the project site and around buildings. Treatment planters would be incorporated into the landscaping as part of the project’s stormwater quality Best Management Practices (BMPs). All landscaped areas and treatment planters would be privately owned and maintained.

### Frontage Improvements

The project frontage is proposed to be improved in accordance with the South of Route 92 Oliver/Weber Properties Development Guidelines as they relate to landscape parkway improvements along Industrial Boulevard. The proposed project would provide 31.5 to 40 feet of landscaped parkway frontage improvements along Industrial Boulevard, including a 10-foot-wide sidewalk that would be set back from the curb. The aforementioned landscaping (including treatment planters) would be located within this frontage improvement.

A 33-foot landscaped parkway would be provided along the Marina Drive frontage that would also include a sidewalk and landscaping.



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Finally, a landscaped parkway would be provided along Portland Drive that would be proportionate to the existing one provided on the opposite side of the street.

### **Removal of Portland Drive Dead-End Segment**

The existing dead-end segment of Portland Drive would be removed and replaced with a treatment planter. The existing underground utilities within this roadway would remain in place; however, the existing street, curb, and surface drainage improvements would be demolished. The proposed project would tie into existing improvements and finish curb, gutter, and drainage improvements at the new terminus at Villaport Way.

### **Utilities**

The City of Hayward would serve the proposed project with storm drainage, potable water service, wastewater collection and treatment service. Pacific Gas and Electric Company would provide electricity and natural gas service to the proposed project. Each utility service is discussed separately herein.

#### ***Storm Drainage***

The proposed project would install an onsite storm drainage system consisting of catch basins, underground piping, and bio-retention areas. Runoff from building rooftops would be piped directly into bio-retention areas or underground piping that would outlet to bio-retention areas. Runoff from impervious surfaces would either sheet flow directly into bio-retention areas or into catch basins that would be connected via underground piping to bio-retention areas. The bio-retention areas would be connected via underground piping to the municipal storm drain system, with runoff leaving the site metered in accordance with City design standards. Connections would occur to municipal storm drain lines located along the northern property line, within Industrial Boulevard, and within Portland Drive.

#### ***Potable Water***

The proposed project would install underground potable water laterals from each tenant space to existing potable water lines located within Industrial Boulevard and Marina Drive.

#### ***Wastewater***

The proposed project would install underground service wastewater laterals from each tenant space to existing wastewater lines located within Industrial Boulevard and Marina Drive.

#### ***Electricity and Natural Gas***

The proposed project would be served by underground service laterals from each tenant space that would connect to existing electricity and natural gas lines located in Industrial Boulevard, Marina Drive, or Portland Drive. Electrical transformers would be located near each building.

### **Flood Control Channel Perimeter Wall**

Site improvements will maintain the perimeter wall along the south, east and west property edge, with one exception. The perimeter wall that is shared between Lot 1 and Parcel 2 will be reconfigured to follow the right-of-way adjacent to the County of Alameda right-of-way.

## **2.4 - Discretionary Approvals**

The proposed project requires the following discretionary approvals from the City of Hayward:

- Rezone from “Business Park” to “Planned Development”
- Parcel Map
- Site Plan Review
- Development Agreement Amendment

## SECTION 3: CEQA CHECKLIST

The purpose of the checklist is to evaluate the categories in terms of any changed condition (e.g., changed circumstances, project changes, or new information of substantial importance) that may result in a changed environmental result (e.g., a new significant impact or substantial increase in the severity of a previously identified significant effect) (CEQA Guidelines Section 15162).

The questions posed in the checklist come from Appendix G of the CEQA Guidelines. A “no” answer does not necessarily mean that there are no potential impacts relative to the environmental category, but that there is no change in the condition or status of the impact since it was analyzed and addressed with mitigation measures in the Final EIR or MND. These environmental categories might be answered with a “no” in the checklist, since the proposed project does not introduce changes that would result in a modification to the conclusion of the previously approved CEQA document.

This addendum addresses the conclusions of the 1998 EIR and 2007 MND; however, because the 2007 MND is more recent and incorporates all pertinent conclusions and mitigation measures from the 1998 EIR, the Addendum simply references the MND for ease of reference.

### 3.1 - Explanation of Checklist Evaluation Categories

#### (1) Conclusion in Prior MND and Related Documents

This column summarizes the conclusion of the MND relative to the environmental issue listed under each topic.

#### (2) Do the Proposed Changes Involve New or More Severe Impacts?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(1), this column indicates whether the changes represented by the revised Project will result in new significant environmental impacts not previously identified or mitigated by the MND, or whether the changes will result in a substantial increase in the severity of a previously identified significant impact.

#### (3) New Circumstances Involving New or More Severe Impacts?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(2), this column indicates whether there have been substantial changes with respect to the circumstances under which the Project is undertaken that will require major revisions to the MND, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

#### (4) New Information Requiring New Analysis or Verification?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(3)(A-D), this column indicates whether new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the MND was adopted as complete, shows any of the following:

- (A) The Project will have one or more significant effects not discussed in the previous EIR or ND;
- (B) Significant effects previously examined will be substantially more severe than show in the previous EIR or ND;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerable different from those analyzed in the previous EIR or ND would substantially reduce one or more significant effect of the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the additional analysis completed as part of this environmental review were to find that the conclusions of the MND remain the same and no new significant impacts are identified, or identified impacts are not found to be substantially more severe, or additional mitigation is not necessary, then the question would be answered “no” and no additional environmental document would be required.

## (5) Mitigation Measures Implemented or Address Impacts

Pursuant to CEQA Guidelines Section 15162, subd. (a)(3), this column indicates whether the MND provides mitigation measures to address effects in the related impact category. These mitigation measures will be implemented with the construction of the project, as applicable. If “NA” is indicated, both the Final EIR and this Initial Study have concluded that the impact either does not occur with this Project or is not significant, and therefore no additional mitigation measures are needed.

## 3.2 - Discussion and Mitigation Sections

### (1) Discussion

A discussion of the elements of the checklist is provided under each environmental category in order to clarify the answers. The discussion provides information about the particular environmental issue, how the project relates to the issue, and the status of any mitigation that may be required or that has already been implemented.

### (2) Mitigation Measures

Applicable mitigation measures from the MND that apply to the project are listed under each environmental category.

### (3) Conclusions

A discussion of the conclusion relating to the analysis is contained in each section.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>I. Aesthetics</b>					
<i>Would the project:</i>					
a) Have a substantial adverse effect on a scenic vista?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on a scenic vista.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on a scenic vista.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of scenic vistas.	None
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on State Scenic Highways.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on State Scenic Highways.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of State Scenic Highways.	None
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on visual character.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on visual character.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of visual character.	Mitigation Measure 3.1.4-1
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on light and glare.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on light and glare.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of light and glare.	Mitigation Measure 3.1.4-5

## Discussion

- a) The MND concluded that the project vicinity is within an industrial corridor and does not contain any scenic vistas. The proposed project would involve the development of structures of height and visual character similar to those contemplated by the MND. As such, the proposed project would not alter any conclusions set forth in the MND. Impacts would be less than significant.
- b) The MND concluded that that the project vicinity is within an industrial corridor and the nearest officially designated State Scenic Highway is Interstate 580 in Castro Valley, located approximately 5 miles to the north of the project site. Based on this distance, the proposed project would not have the potential to substantially damage scenic resources within a State Scenic Highway. No impact would occur.
- c) The MND indicated that development contemplated by the South of 92 Plan Amendment would introduce residential uses into the project vicinity, which may have adverse impacts on visual character. The MND carried forward EIR Mitigation Measure 3.1.4-1, which requires new development to conform to the Development Guidelines criteria (as amended) within the South of 92 Specific Plan, and would reduce impacts to a level of less than significant.

The proposed project is required to conform to the Development Guidelines criteria (as amended) within the South of 92 Specific Plan. The structures as proposed are of a similar height, use, and visual character to those contemplated by the MND. Accordingly, implementation of Mitigation Measure 3.1.4-1 would reduce impacts to a level of less than significant.

- d) The MND indicated that development contemplated by the South of 92 Plan Amendment would introduce new exterior lighting to the project vicinity. The MND carried forward EIR Mitigation Measure 3.1.4-5, which requires new lighting to be focused downward or shielded, and would reduce impacts to a level of less than significant.

The proposed project would include exterior lighting, and therefore would also be required to implement Mitigation Measure 3.1.4-5. Impacts would be less than significant.

## Mitigation Measures

**Mitigation Measure 3.1.4-1:** The planning and design of the projects for buildout of the Specific Plan areas should conform to the provisions of the Development Guidelines chapter of the Specific Plan. Conformance review would occur with each development decision utilizing the Development Guidelines criteria within the Specific Plan. Conformance review would occur with the City of Hayward's project review process prior to the issuance of grading and construction permits.

**Mitigation Measure 3.1.4-5:** Night lighting along public streets, in business park and industrial areas, and in the Sports Park, should be focused downward and/or

shielded to avoid glare and point sources of light interfering with the vision of residents and motorists on local roadways. Lighting elements should be recessed within the fixtures to prevent glare. A specialist in lighting decision should be consulted to determine light source locations, light intensities and type of light source.

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>II. Agricultural Resources</b>					
<i>Would the project:</i>					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on Important Farmland.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on Important Farmland.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of Important Farmland.	None
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on agricultural zoning or Williamson Act contracts.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on agricultural zoning or Williamson Act contracts.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of agricultural zoning or Williamson Act contracts.	None
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on surrounding agricultural uses.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on surrounding agricultural uses.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of surrounding agricultural uses.	None

## Discussion

- a) The MND indicated that the project site is classified as “Other Land,” a non-agricultural designation. As such, the development of the proposed project would not convert Important Farmland to non-agricultural use. No impacts would occur.
- b) The project site is zoned “Business Park,” a non-agricultural zoning district, and is not under a Williamson Act contract. The proposed project would rezone the site to “Planned Development,” a non-agricultural zoning district. As such, the proposed project would not alter the conclusions of the MND. No impacts would occur.
- c) The project site is surrounded by urban uses and infrastructure on all sides and, therefore, would not result in the conversion of Important Farmland to nonagricultural use. As such, the proposed project would not alter the conclusions of the MND. No impacts would occur.

## Mitigation Measures

None.

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>III. Air Quality</b>					
<i>Would the project:</i>					
a) Conflict with or obstruct implementation of the applicable air quality plan?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on an applicable air quality plan.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on an applicable air quality plan.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of an applicable air quality plan.	Mitigation Measure III-1
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts associated with violation of an air quality standard.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts associated with violation of an air quality standard.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of violations of air quality standards.	Mitigation Measure III-1
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts associated with any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts associated with any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard.	Mitigation Measure III-1

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
d) Expose sensitive receptors to substantial pollutant concentrations?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on sensitive receptors.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on sensitive receptors.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of sensitive receptors.	None
e) Create objectionable odors affecting a substantial number of people?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts associated with objectionable odors.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts associated with objectionable odors.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of objectionable odors.	None

## Discussion

a-c) The MND concluded that buildout of the uses contemplated by the South of 92 Specific Plan Amendment would result in short-term construction impacts to air quality resulting from fugitive dust and other particulate matter, as well as exhaust emissions generated by earthmoving activities and operation of grading equipment during site preparation both on and off site. The MND set forth Mitigation Measure III-1 to reduce construction air emissions to a level of less than significant.

The MND found that buildout of the uses contemplated by the South of 92 Specific Plan Amendment would generate 18,651 daily trips. The MND indicated that the Plan Amendment would result in fewer automobile trips than under the previous land use designations, and therefore would generate fewer emissions. This was largely due to the lack of neighborhood-serving retail in Eden Shores, which resulted in residents making longer trips to Union City and Fremont for daily household shopping. As a result, implementation of the Plan Amendment was found to not result in an increase in vehicle miles traveled that would conflict with BAAQMD regional air quality planning efforts. For these reasons, this impact is considered to be less than significant.

**Construction Emissions**

The proposed project would develop 267,509 square feet of light industrial and office uses on the project site. A preliminary screening method is provided in BAAQMD’s 2010 Guidelines for construction-related impacts associated with criteria air pollutants and precursors. The preliminary screening is used to indicate whether a project’s construction-related air pollutants or precursors could potentially exceed BAAQMD’s thresholds of significance. The construction of the project would result in a less than significant impact to air quality if the following screening criteria are met:

1. The project is below the applicable screening level size (Table 3).
2. All construction period Standard Project Conditions would be included in the project design and implemented during construction.
3. Construction-related activities would not include any of the following:
  - a) Demolition activities inconsistent with District Regulation 11, Rule 2: Asbestos Demolition, Renovation, and Manufacturing;
  - b) Simultaneous occurrence of more than two construction phases;
  - c) Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site [not applicable to high density infill development]);
  - d) Extensive site preparation (i.e., greater than default assumptions used by the California Emissions Estimator Model (CalEEMod) for grading, cut/fill, or earth movement); or
  - e) Extensive material transport (e.g., greater than 10,000 cy of soil import/export) requiring a considerable amount of haul truck activity.

**Table 3: Criteria Air Pollutants and Precursors Screening Level Sizes–Construction**

Land Use Type	Construction-Related Screening Size (square feet)	Project Size (square feet)	Project Percent of Screening Size
Light Industrial	259,000	239,694	92.5%
Office	277,000	27,815	10%

Source: BAAQMD 2010 Guidelines.

As shown in Table 3, the project does not exceed the screening size construction-related standards for criteria air pollutants and precursors. All Basic Construction Standard Conditions would be incorporated into the project construction through Mitigation Measure III-1 from the 2007 MND. The project does not involve demolition. The project would not involve simultaneous occurrences of more than two construction phases or more than one land use type. In addition, extensive site preparation or material transport would not be a characteristic of this project. Since the project meets the BAAQMD screening criteria with

incorporation of Mitigation Measure III-1 from the prior MND, construction emission impacts would be less than significant.

**Operational Emissions**

Generally, long-term operational emissions could result from the project-related traffic and through the routine use of maintenance equipment. BAAQMD’s 2010 Guidelines provide guidance and screening criteria for determining if a project could potentially result in significant air quality impacts. As shown in Table 4, the project would not result in operational-related air pollutants or precursors that would exceed BAAQMD’s thresholds of significance. For example, the operational criteria pollutant screening size for a light industrial development is 541,000 square feet and for an office development is 346,000 square feet. The project is well below BAAQMD’s screening threshold, indicating that ongoing project operations would not be considered to have the potential to generate a significant quantity of air pollutants. Therefore, long-term operation impacts associated with criteria pollutant emissions would be less than significant.

**Table 4: Criteria Air Pollutants and Precursors Screening Level Sizes—Operations**

Land Use Type	Operational Criteria Pollutant Screening Size (square feet)	Project Size	Project Percent of Screening Size
Light Industrial	541,000	239,694	44.3%
Office	346,000	27,815	8%

Source: BAAQMD 2010 Guidelines.

- d) The MND indicated that the project vicinity does not contain a high-density population of sensitive receptors (including those with lowered immune systems), and therefore, project emissions would not expose sensitive receptors to substantial pollutant concentrations. The MND concluded that impacts would be less than significant.

Sensitive receptors consisting of single-family residential uses are immediately adjacent to the project site. The proposed project’s light industrial uses would receive truck deliveries on a regular basis; however, because of the size of the loading docks and the configuration of the tenant spaces, they would generally be 2-axle (light-duty) deliveries with only small numbers of 2+ axle (heavy-duty) deliveries. Light-duty delivery trucks emit much lower amounts of toxic air contaminant emissions than heavy-duty trucks and, thus, nearby sensitive receptors would not be exposed substantial pollutant concentrations. As such, impacts to sensitive receptors would remain to be less than significant.

- e) The MND concluded that the Plan Amendments did not propose uses that would result in objectionable odors. Impacts were found to be less than significant.

The proposed project would develop light industrial and office uses on the project site, which are not considered sources of objectionable odors. Impacts would be less than significant.

## Mitigation Measures

### Mitigation Measure III-1:

Dust emissions from construction-related activities can be greatly reduced by implementing control measures. The BAAQMD has developed feasible control measures for construction emissions of PM<sub>10</sub>. With these measures implemented the impacts are expected to be reduced to a less than significant level.

The following measures, pertinent to Mitigation Measure 3.2.4-1 of the 1997 Plan EIR, shall be incorporated into all construction contract documents and implemented:

#### Basic Control Measures

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e. the minimum required space between the top of the load and the top of the trailer).
- Pave, apply water three times daily, or apply (non-stick) soil stabilizers on all unpaved access roads, parking areas and staging areas.
- Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. Coordinate streets to be swept with the City Engineer.

#### Enhanced Control Measures (sites greater than four acres):

- All “Basic” control measures listed above.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

Optional Control Measures (large construction sites, located near sensitive receptors that may warrant additional emissions reductions):

- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.

- Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas if conditions warrant
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- Limit the area subject to excavation, grading and other construction activity at any one time.

The following is in addition to the measures recommended by BAAQMD:

Post a publicly visible sign with the telephone number and person to contact regarding dust complaints at the construction sites. This person shall respond and take corrective action within 24 hours. The telephone number of the AQMD shall also be visible to ensure compliance with BAAQMD Rule 2: Hazardous Materials; Asbestos Demolition, Renovation and Manufacturing.

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>IV. Biological Resources</b>					
<i>Would the project:</i>					
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 U.S. Fish and Wildlife Service?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on special status species.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on special status species.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of special status species.	Mitigation Measure IV.1a, IV.1b, and IV.2.
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on riparian habitat.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on riparian habitat.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of riparian habitat.	None

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
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?	Less than significant Impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on Section 404 wetlands.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on Section 404 wetlands.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of Section 404 wetlands.	Mitigation Measure IV.3a and IV.3b
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?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on fish or wildlife movement.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on fish or wildlife movement.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of fish or wildlife movement.	Mitigation Measure IV.4
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on local biological policies or ordinances.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on fish or local biological policies or ordinances.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of local biological policies or ordinances.	None

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
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?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on an adopted Habitat Conservation Plan or Natural Community Conservation Plan.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on an adopted Habitat Conservation Plan or Natural Community Conservation Plan.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of an adopted Habitat Conservation Plan or Natural Community Conservation Plan.	None

## Discussion

- a) The MND indicated that the undeveloped sites within the South of 92 Specific Plan Amendment area contained suitable habitat for alkali milk-vetch, Santa Cruz tarplant, Contra Costa goldfields, and burrowing owl. The MND set forth Mitigation Measures IV.1a, IV.1b, and IV-2, which require surveys for the affected species prior to construction and implementation of avoidance or relocation measures, to reduce impacts to less than significant.

The project site contains undeveloped land, and, therefore, provides suitable habitat for alkali milk-vetch, Santa Cruz tarplant, Contra Costa goldfields and the burrowing owl. As such, Mitigation Measures IV.1a, IV.1b, and IV-2 would apply to the proposed project and reduce impacts to a level of less than significant.

In fulfillment of Mitigation Measure IV.1a and IV.1b, a protocol-level special status plant survey of the project site was conducted by WRA on April 15 and July 10, 2014 to identify the presence/absence of plant species with the potential to occur on the site. No special status plant species were identified during the protocol surveys, and no further mitigation under Mitigation Measure IV.1a or IV.1b is required. The letter summary of the protocol-level special status plant surveys is provided in Appendix A.

The project will be required to conduct preconstruction surveys for burrowing owl, in accordance with Mitigation Measure IV.2.

- b) The MND concluded that no sensitive natural communities or riparian habitat was present within the South of 92 Specific Plan Amendment area, which precludes the possibility of impacts on these habitats. No impacts would occur.

- c) The MND indicated that there is 0.67 acre of jurisdictional features within the South of 92 Specific Plan Amendment area. The MND set forth Mitigation Measures IV.3a and IV-3b, which require the preparation of a wetland delineation and implementation of regulatory agency permitting requirements, to reduce impacts to less than significant.

The project site contains 0.22 acre of jurisdictional features, adjacent to the flood control channel. As such, Mitigation Measures IV.3a and IV-3b would apply to the proposed project, and reduce impacts to a level of less than significant. The applicant has already initiated consultation with the USACE. This process will be completed, and the required Section 404 permit (i.e., Nationwide) will be issued by the USACE prior to issuance of a grading permit by the City.

- d) The MND indicated that the South of 92 Specific Plan Amendment area contains trees and shrubs that provide suitable habitat for nesting birds protected by the Migratory Bird Treaty Act. The MND includes Mitigation Measure IV.4, which requires pre-construction surveys during the nesting season and implementation of protection buffers, to reduce impacts to less than significant.

The proposed project would remove three mature River Red gum eucalyptus trees that provide suitable habitat for nesting birds. As such, Mitigation Measure IV.4 would apply to the proposed project and reduce impacts to a level of less than significant.

- e) The MND indicated that the South of 92 Specific Plan Amendment area contains undeveloped land and does not contain any resources protected by local biological ordinances or policies. The MND concluded that no impact would occur.

The proposed project would remove three mature trees that may be subject to the City of Hayward's Tree Preservation Ordinance. Removal of the trees would require approval of a ministerial permit and planting of replacement trees, which would reduce impacts to a level of less than significant.

- f) The MND indicated that the project vicinity is not within the boundaries of an adopted Habitat Conservation Plan or Natural Community Conservation Plan. This condition precludes the possibility of conflicts with an adopted Habitat Conservation Plan or Natural Community Conservation Plan. No impacts would occur.

## Mitigation Measures

As of January 1, 2013, the agency formerly known as the California Department of Fish and Game (CDFG) changed its name to the California Department of Fish and Wildlife (CDFW). Some publications written prior to the change (including the MND) refer to the CDFG; therefore, this document includes citations to CDFG and CDFW, which refer to the same state agency. The mitigation measures listed below are taken directly from the MND and may not reflect the most current requirements; any surveys or measures taken by the proposed project will be in accordance with the most recent, updated CDFW protocol.

**Mitigation Measure IV.1a:** A focused pre-construction survey for special status plant species with moderate to high potential to occur within the PSA shall be

conducted within the species blooming period, prior to the start of construction activities. If no species are found then the project will not have any impacts to the species and no additional mitigation measures are necessary. **[Note that this mitigation measure has been satisfied and no further action is necessary.]**

**Mitigation Measure IV.1b:**

If special-status plant species are found within the PSA, then the project applicant shall consult with the appropriate agency (CDFW and/or USFWS) on the mitigation to reduce impacts to a less than significant level including but not limited to, fencing off the area where this species is found and posting of signs to publicize the sensitive nature of the area. The protective fencing would be required to ensure that the plant or plants are not destroyed, crushed or damaged during construction. Other mitigation will likely include avoidance and minimization measures to apply to both the construction and post-construction phases of the project. **[Note that this mitigation measure has been satisfied and no further action is necessary.]**

**Mitigation Measure IV.2:**

The following steps clarify Mitigation Measure 3.2.3-5 identified in the earlier 1997 Plan EIR.

- A preconstruction survey will be conducted within 30 days prior to the beginning of construction/grading activities of all suitable burrowing owl habitat within the project area and the adjacent 250 foot buffer in accordance with CDFW protocol (Burrowing Owl Consortium 1993). The first step of this protocol is to map potential burrowing owl burrow sites. If no burrowing owl sites are present during the mapping procedure, then no further mitigation is required.
- If burrowing owl burrows are identified through the preconstruction surveys, protective measures will be required as a CEQA mitigation measure to ensure impacts would be less than significant. These would include such avoidance actions as the following:
  - If any owls are present in areas scheduled for disturbance or degradation (e.g., grading) or within 50 meters (160 feet) of a permanent project feature, and nesting is not occurring, owls are to be passively relocated by a qualified biologist per CDFW-approved relocation as described in the burrowing owl guidelines. A time period of at least one week is recommended to allow the owls to move and acclimate to alternate burrows.
  - If any owls are present within 50 meters (160 feet) of a temporary project disturbance areas (i.e., parking areas) then active burrows shall be protected with fencing/cones/flagging

and monitored by a qualified biologist throughout construction to identify additional losses from nest abandonment and/or loss of reproductive effort (e.g., killing of young). If additional losses occur then the qualified biologist/monitor has the authority to stop construction and consult with CDFG to determine further mitigation. One-way doors should be left in place 48 hours to insure owls have left the burrow before excavation.

- If any owls are nesting in areas scheduled for disturbance or degradation, nest(s) should be avoided from February 1 through August 31 by a minimum of a 75 meter (250-foot) buffer or until fledging has occurred. Following fledging, owls may be passively relocated as described in the burrowing owl guidelines (CBOC 1993).
- Active burrows shall be monitored by a qualified biologist(s)/monitor(s) throughout construction to identify additional losses from nest abandonment.
- One alternate natural or artificial burrow should be provided for each burrow that will be excavated in the project impact zone. The project area should be monitored daily for one week to confirm owl use of alternate burrows before excavating burrows in the immediate impact zone.
- Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe or burlap bags should be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow.

**Mitigation Measure IV.3a:**

A wetland delineation shall be conducted and the delineation verified by the USACE to confirm or deny the presence of wetlands or other waters of the U.S. within the PSA before any ground disturbance.

**Mitigation Measure IV.3b:**

If the wetland delineation determines that jurisdictional wetland features are present within the PSA, the Applicant shall apply for a Section 404 permit from the USACE and a Section 401 permit from the Regional Water Quality Control Board. Adherence to the federal and state permitting requirements identified above would ensure that impacts to wetlands and water of the United States would be less than significant.

**Mitigation Measure IV.4:**

If proposed construction activities are planned to occur during the nesting season for avian species (typically March 1 through August 31), the Applicant shall retain a qualified biologist to conduct a focused survey for nesting raptors and migratory birds within 100 feet of the construction area no more than 30 days prior to ground disturbance or

tree removal. If active nests are located during preconstruction surveys, USFWS and/or CDFG shall be notified regarding the status of the nests. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or a biologist deems disturbance potential to be minimal (in consultation with USFWS and/or CDFG). Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius around the nest of 100 feet for raptors and 50 feet for migratory birds. No action is necessary if construction will occur during the nonbreeding season (generally September 1 through February 28). Reference to this requirement, the MBTA, and Section 3503.5 of the California Fish and Game Code shall be included in the construction specifications. Such measures will reduce these potential impacts to a less than significant level.

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>V. Cultural Resources</b>					
<i>Would the project:</i>					
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on historic resources.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on historic resources.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of historic resources.	Mitigation Measure V-1
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on archaeological resources.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on archaeological resources.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of archaeological resources.	Mitigation Measure V-1
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on paleontological resources.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on paleontological resources.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of paleontological resources.	Mitigation Measure V-2
d) Disturb any human remains, including those interred outside of formal cemeteries?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on burial sites.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on burial sites.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of burial sites.	None

## Discussion

- a) The MND concluded that no historic or archaeological resources had been recorded within the project vicinity, nor were any encountered during the field survey. However, subsurface construction activities associated with new development, such as trenching and grading, could potentially damage or destroy previously undiscovered historic or archaeological resources. This was found to be a potentially significant impact, and Mitigation Measure V-1 was proposed that requires cessation of construction activities if previously undiscovered resources are encountered during construction, and also requires the applicant to include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. In the event of discovery, an evaluation of the resource or resources must be conducted by a qualified archaeologist, and proper recovery and recordation procedures must be followed. Implementation of this mitigation measure would reduce impacts to a level of less than significant.

The proposed project would occur within the same footprint as the project evaluated in the MND. Ground-disturbing activities have the potential to encounter previously undiscovered historic resources. Thus, similar mitigation would be implemented (Mitigation Measure V-1). As such, the proposed project would not alter any conclusions set forth in the MND as they pertain to historic resources. Impacts would be less than significant.

- b) The MND concluded that buildout of the Plan Amendment could cause a substantial adverse archaeological resource impact pursuant to Section 15064.5. This was determined to be a potentially significant impact; accordingly, Mitigation Measure V-1 requires cessation of activities if previously undiscovered resources are encountered during construction, and it also requires the applicant to include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Implementation of this mitigation measure would reduce impacts to a level of less than significant.

The proposed project would occur within the same footprint as the project evaluated in the MND. Ground-disturbing activities have the potential to encounter previously undiscovered archaeological resources. Thus, similar mitigation would be implemented (Mitigation Measure V-1). As such, the proposed project would not alter any conclusions set forth in the MND as they pertain to archaeological resources. Impacts would be less than significant.

- c) The MND concluded that no known recorded paleontological resources were present within the project vicinity. However, subsurface construction activities associated with new development such as trenching and grading could potentially damage or destroy previously undiscovered paleontological resources. This was determined to be a potentially significant impact. Accordingly, Mitigation Measure V-2 requires a qualified paleontologist to evaluate any fossils encountered during construction. Implementation of this mitigation measure would reduce impacts to a level of less than significant.

The proposed project would occur within the same footprint as the project evaluated in the MND. Ground-disturbing activities have the potential to encounter previously undiscovered

paleontological resources. Thus, similar mitigation would be implemented (Mitigation Measure V-2). As such, the proposed project would not alter any conclusions set forth in the MND as they pertain to paleontological resources. Impacts would be less than significant.

- d) The MND concluded that no known human remains were known to be present within the project site, nor were any encountered during the field survey. Impacts were found to be less than significant.

The proposed project would occur within the same footprint as the project evaluated in the MND. Therefore, the same conclusion would apply to burial sites and human remains. Impacts would be less than significant.

## Mitigation Measures

### Mitigation Measure V-1:

If prehistoric or historic cultural resources are inadvertently discovered during any ground disturbing activities, all work in the area shall stop immediately and the City shall be notified of the discovery. No work shall be done in the area of the find and within 100 feet of the find until a professional archaeologist can determine whether the resource(s) is significant. If necessary, the archaeologist shall develop mitigation measures consistent with the State CEQA Guidelines in consultation with the appropriate state agency and, if applicable, a representative from the Native American Heritage List. A mitigation plan shall be submitted to the City for approval and implementation, which shall ensure such impacts are less than significant. Mitigation in accordance with this plan shall be implemented before any work is done in the area of the resource find. Therefore, impacts to archaeological resources are considered less than significant.

### Mitigation Measure V-2:

If fossils or other paleontological resources are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified and implemented.

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>VI. Geology and Soils</b>					
<i>Would the project:</i>					
a) Expose people or structures to potential substantial adverse effects, including 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?	Less than significant impact	No. The proposed project does not involve changes that would result in new or more severe impacts on an earthquake fault.	No. There are no new circumstances that would result in new or more severe impacts on an earthquake fault.	No. No new information of substantial importance indicates the need for additional analysis of an earthquake fault.	None
ii) Strong seismic ground shaking?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on strong seismic ground shaking.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on strong seismic ground shaking.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of strong seismic ground shaking.	Mitigation Measure 3.2.1-1
iii) Seismic-related ground failure, including liquefaction?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on seismic-related ground failure, including liquefaction.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on seismic-related ground failure, including liquefaction.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of seismic-related ground failure, including liquefaction.	None

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
iv) Landslides?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on landslides.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on landslides.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of landslides.	None
b) Result in substantial soil erosion or the loss of topsoil?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on soil erosion.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on soil erosion.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of soil erosion.	Mitigation Measure 3.2.1-4
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?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on unstable geologic units or soils.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on unstable geologic units or soils.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of unstable geologic units or soils.	Mitigation Measure 3.2.1-2
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?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on expansive soils.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on expansive soils.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of expansive soils.	Mitigation Measure 3.2.1-3

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on septic systems.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on septic systems.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of septic systems.	None

## Discussion

- a) The MND concluded that the project site is not within an Alquist-Priolo Earthquake Fault Zone. In addition, no known faults cross the project site or are oriented toward the project site. This condition precludes the possibility of fault rupture occurring on the project site. The MND found that impacts from ground shaking or a fault rupture would be less than significant with compliance with the seismic design standards of the California Building Standards Code.

The MND indicated that development contemplated by the South of 92 Specific Plan Amendment may be susceptible to strong ground shaking. As such, the MND carried forward Final EIR Mitigation Measure 3.2.1-1, which requires compliance with all applicable California Building Standards Code seismic design standards, to reduce impacts to a level of less than significant.

The MND concluded that the project vicinity is characterized by flat relief with slopes of less than 5 percent. This condition precludes the possibility of earthquake-induced landsliding. Accordingly, the MND found that no impacts resulting from landsliding would occur.

The proposed project would occur within the same footprint as the project evaluated in the MND. This area does not contain any Alquist-Priolo Earthquake Fault Zones or slopes susceptible to earthquake-induced landsliding. This precludes the possibility of fault rupture or landslide hazards. Similar to the conclusions of the MND, the proposed project would also be required to implement Mitigation Measure 3.2.1-1 to reduce the potential for exposure of persons and property to harm from ground shaking. A Design Level Geotechnical Investigation was prepared by Berlogar Stevens and Associates (2015), and is included as Appendix B. The Geotechnical Investigation incorporates the most recently adopted seismic-resistant criteria for project excavation, foundations, and structures. All recommendations of the 2015 Design Level Geotechnical Investigation will be incorporated into the project design to ensure that the proposed project would not alter any conclusions

set forth in the MND as they pertain to seismic hazards. Impacts would be less than significant.

- b) The EIR concluded that there could be potential erosion impacts resulting from extensive grading and excavation during construction activities. During these activities, there would be the potential for surface water to carry sediment from onsite erosion into the stormwater system and local waterways, and soil erosion may occur along project boundaries during construction in areas where temporary soil storage is required. The MND carried forward Final EIR Mitigation Measure 3.2.1-4, which requires implementation of erosion control measures, and which would reduce impacts to a level of less than significant.

The proposed project would occur within the same footprint as the project evaluated in the MND. During construction of the proposed project, there would also be the potential for surface water to carry sediment from onsite erosion into the stormwater system and local waterways. Similar to the conclusions of the MND, the proposed project would also be required to implement Mitigation Measure 3.2.1-4. As such, the proposed project would not alter any conclusions set forth in the MND as they pertain to erosion. Impacts would be less than significant.

- c) The MND concluded that the project vicinity had the potential to contain unstable geologic units or soils because of the underlying soils consist of fine-grained geologic deposits. The MND carried forward Final EIR Mitigation Measure 3.2.1-2, which requires that seismic-resistant criteria be incorporated into building design, and would reduce impacts to a level of less than significant.

The proposed project would occur within the same footprint as the project evaluated in the MND. Similar to the conclusions of the Final EIR, the proposed project would also be required to implement Mitigation Measure 3.2.1-2 to ensure that any geologic hazards are abated. A Design Level Geotechnical Investigation was prepared by Berlogar Stevens and Associates (2015), and is included as Appendix B. The Geotechnical Investigation incorporates the most recently adopted seismic-resistant criteria for project excavation, foundations, and structures. All recommendations of the 2015 Design Level Geotechnical Investigation will be incorporated into the project design to ensure that the proposed project would not alter any conclusions set forth in the MND as they pertain to geologic hazards. As such, the proposed project would not alter any conclusions set forth in the MND as they pertain to unstable geologic units or soils. Impacts would be less than significant.

- d) The MND concluded that potentially expansive clay soils are present in the project vicinity that may expose buildings to structural damage if left unabated. The MND carried forward Final EIR Mitigation Measure 3.2.1-3, which requires that a soil report be prepared that identifies earthwork practices to abate the expansive soil conditions, and would reduce impacts to a level of less than significant.

The proposed project would occur within the same footprint as the project evaluated in the MND. This area contains moderately expansive clay soils, and, therefore, implementation of

Mitigation Measure 3.2.1-3 is necessary to abate potentially expansive soil conditions. A Design Level Geotechnical Investigation was prepared by Berlogar Stevens and Associates (2015), and is included as Appendix B. The Geotechnical Investigation incorporates the most recently adopted seismic-resistant criteria for project excavation, foundations, and structures. All recommendations of the 2015 Design Level Geotechnical Investigation will be incorporated into the project design to ensure that the proposed project would not alter any conclusions set forth in the MND as they pertain to expansive soils. As such, the proposed project would not alter any conclusions set forth in the MND as they pertain to expansive soils. Impacts would be less than significant.

- e) The proposed project would be served with sanitary sewer service provided by the City of Hayward; no septic or alternative wastewater disposal systems would be used. This condition precludes the possibility of impacts in this regard. As such, the proposed project would not alter any conclusions set forth in the MND as they pertain to septic or alternative wastewater disposal systems. No impacts would occur.

## Mitigation Measures

- Mitigation Measure 3.2.1-1:** Incorporate current seismic-restraint criteria in the design of excavations, foundations and structures for the project, using updated guidelines from the latest adopted edition of the California Building Standards Code, as appropriate. The minimum seismic-resistant design standards for all proposed facilities shall conform to the California Building Standards Code seismic design criteria and applicable portions of the City’s policies and ordinances.
- Mitigation Measure 3.2.1-2:** Incorporate seismic-restraint criteria in the design of excavations, foundations, and structures of the project.
- Mitigation Measure 3.2.1-3:** Require site-specific soil suitability analysis and stabilization procedures and design criteria for foundations, as recommended by a California-registered soil engineer during the design phase of the Specific Plan area.
- Mitigation Measure 3.2.1-4:** If grading or construction are to occur during the wet season, require an erosion and sediment transport control plan to be prepared for the grading and construction period of the project in accordance with the criteria contained in the EIR.

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>VII. Hazards and Hazardous Materials</b>					
<i>Would the project:</i>					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on hazardous materials.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on hazardous materials.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of hazardous materials.	Mitigation Measure 3.1.8-3
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?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on reasonably foreseeable upset and accident conditions.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on reasonably foreseeable upset and accident conditions.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of reasonably foreseeable upset and accident conditions.	Mitigation Measure 3.1.8-3
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on hazardous or acutely hazardous materials, substances, or waste.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of hazardous or acutely hazardous materials, substances, or waste.	None
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in	<b>No.</b> There are no new circumstances that would result in new or more severe	<b>No.</b> No new information of substantial importance indicates the need for	Mitigation Measure VII-1

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?		new or more severe impacts on hazardous materials sites compiled pursuant to Government Code Section 65962.5.	impacts on hazardous materials sites compiled pursuant to Government Code Section 65962.5.	additional analysis of hazardous materials sites compiled pursuant to Government Code Section 65962.5.	
e) Be located within two miles of a public airport or private use airport and result in a safety hazard for people residing or working in the project area?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on airports.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on airports.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of airports.	None
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on private airstrips.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on private airstrips.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of private airstrips.	None
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on emergency evacuation or response.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on emergency evacuation or response.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of emergency evacuation or response.	None
h) Be located in an area designated as having a high, extreme, or severe fire hazard, or otherwise expose people or structures to a significant risk	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on	<b>No.</b> No new information of substantial importance indicates the need for additional	None

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?		severe impacts on wildland fires.	wildland fires.	analysis of wildland fires.	

## Discussion

- a-b) The MND concluded that development that occurs near the Union Pacific Railroad tracks may be susceptible to risks associated with train derailments. The MND carried forward Final EIR Mitigation Measure 3.1.8-3, which requires that all structures be set back a minimum of 100 feet from the railroad centerline, which would reduce impacts to a level of less than significant. The MND also found that construction and operational activities associated with buildout of the South of 92 Specific Plan would handle hazardous materials, and these activities would be required to comply with applicable federal, state, and local laws.

The project site is approximately 160 feet from the Union Pacific Railroad tracks (with a flood control canal located between the site and the railroad tracks) and, thus, would comply with the 100-foot setback required by Mitigation Measure 3.1.8-3. The proposed project’s tenant spaces would be occupied by such end uses as light industrial, manufacturing, incubator office/industrial. Because of the configuration and size of the tenant spaces, any hazardous materials use would likely be limited to small quantities of non-acutely hazardous substances. Any end users that handle hazardous materials would be required to comply with federal, state, and local statutes and regulations regarding the handling of hazardous materials and serve to reduce potential impacts associated with routine transport, use, and disposal of hazardous materials to a level of less than significant.

- c) The MND found that there are no schools within 0.25 mile of the South of 92 Specific Plan Amendment area. Additionally, the MND indicated that none of the end uses would emit hazardous emissions or handle acutely hazardous substances. Impacts were found to be less than significant.

The nearest school to the project site is Mt. Eden High School, located approximately 0.35 mile to the northeast, a distance greater than 0.25 mile. This condition precludes the possibility of exposing schools located within 0.25 mile of the project site to hazardous materials. No impact would occur.

- d) The MND found that one of the areas contemplated for residential development under the South of 92 Specific Plan Amendment previously contained an underground storage tank (UST) and shed. Although there was no evidence of soil or groundwater contamination, the MND required the implementation of Mitigation Measure VII-1 (soil or groundwater testing) prior to development to confirm that no contamination is present. With the implementation of this mitigation measure, the MND found that impacts would be less than significant.

The project site was not the site identified in the MND as being the location of the former UST and shed. Additionally, the project applicant retained a consultant to conduct a Phase I Environmental Site Assessment and the study concluded that there was no evidence of hazardous materials contamination on the project site; refer to Appendix C. Further, the project site is not a hazardous material site pursuant to Government Code Section 65962.5. In addition, the proposed project would not involve the construction of residential uses. For these reasons, Mitigation Measure VII-1 would not apply to the proposed project. Impacts would be less than significant.

- e-f) The Final EIR concluded that the project site is approximately 2.7 miles from the Hayward Executive Airport, the nearest airport to the project site. As such, the project site not within 2 miles of a public airport or private airstrip and, therefore, would not result in a safety hazard for people residing or working in the project site. As such no impacts would occur.
- g) The MND concluded that the uses contemplated by the Plan Amendment would be required to comply with emergency access requirements and therefore would not impair or otherwise interfere with emergency response or evacuation. Impacts would be less than significant.

The proposed project would be served with four vehicular access points, all of which would be accessible to large emergency response vehicles such as fire engines. Additionally, the proposed project does not propose any road or lane closures, traffic control devices, or other roadway changes that would impair or otherwise interfere with emergency response or evacuation. Therefore, impacts would be less than significant.

- h) The MND concluded that the project vicinity would not be susceptible to wildland fires because it is surrounded on all sides by urban development and infrastructure. As such, the proposed project would not alter the conclusions of the MND.

## Mitigation Measures

- Mitigation Measure 3.1.8-3:** To protect new occupants from existing hazards of potential train derailments, new buildings along the railroad right-of-way should be constructed at least 100 feet from the railroad tracks. Pedestrian access to the railroad right-of-way should be restricted through the use of fences, walls, or other suitable barriers. Barriers should not interfere with planned emergency vehicle access across the tracks.  
**[This mitigation measure does not apply to the proposed project.]**

**Mitigation Measure VII-1:**

Pursuant to the California Health and Safety Code, Division 20, Chapter 6.8, the project developer shall be required to coordinate with the City of Hayward Fire Department, DTSC and/or RWQCB on the methodology to collect soil and groundwater samples in conjunction with a submission of a Request for Oversight of a Brownfield’s Site Application. For the sites to be developed with residential use, DTSC and/or RWQCB shall be required to identify that no further investigation/action is necessary for unrestricted residential use prior to any grading or construction activities occurring on site. Upon receipt of a clearance letter from DTSC and/or RWQCB, that letter shall be forwarded to the Hayward Fire Department Hazardous Materials Program Coordinator for review. **[This mitigation measure does not apply to the proposed project.]**

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>XIII. Hydrology and Water Quality</b>					
<i>Would the project:</i>					
a) Violate any water quality standards or waste discharge requirements?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on water quality standards or waste discharge requirements.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on water quality standards or waste discharge requirements.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of water quality standards or waste discharge requirements.	None
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)?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on groundwater.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on groundwater.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of groundwater.	Mitigation Measure 3.2.2.4

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
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?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on erosion.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on erosion.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of erosion.	Mitigation Measure 3.2.2.1
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 which would result in flooding on- or off-site?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on flooding.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on flooding.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of flooding.	Mitigation Measure 3.2.2.1
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?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on runoff.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on runoff.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of runoff.	Mitigation Measure VIII-1

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
f) Otherwise substantially degrade water quality	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on water quality.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on water quality.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of water quality.	Mitigation Measure VIII-1
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?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on 100-year flood hazard areas.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on 100-year flood hazard areas.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of 100-year flood hazard areas.	None
h) Place within a 100-year flood hazard structures which would impede or redirect flood flows?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on 100-year flood hazard areas.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on 100-year flood hazard areas.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of 100-year flood hazard areas.	None
i) Expose people or structures to significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on dam or levee failure.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on dam or levee failure.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of dam or levee failure inundation zone.	None

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
j) Inundation of by seiche, tsunami, or mudflow?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on seiches, tsunamis, or mudflows.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on seiches, tsunamis, or mudflows.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of seiches, tsunamis, or mudflows.	None

## Discussion

- a) The MND indicated that development contemplated by the South of 92 Specific Plan Amendment would include measures to minimize erosion potential and water quality degradation for the project area in accordance with the National Pollutant Discharge Elimination System (NPDES) requirements. All grading plans would also be submitted to the Regional Water Quality Control Board (RWQCB) for approval under the NPDES construction activities storm water permit. The MND concluded that impacts would be less than significant.

The proposed project would occur within the footprint of the area evaluated in the MND. As such, it would include measures that would minimize erosion potential and water quality degradation for the project area in accordance with the NPDES requirements. Compliance with these mandatory regulatory requirements would ensure impacts remain at a level of less than significant.

- b) The MND indicated that excavation would occur within areas of high groundwater levels, which may require dewatering. The MND carried forward Final EIR Mitigation Measure 3.2.2.4, which requires preparation of a geotechnical report to evaluate groundwater conditions and provide recommendations to abate the conditions, and would serve to reduce impacts to a level of less than significant.

The project site experiences high groundwater levels. As previously mentioned, a Design Level Geotechnical Investigation was prepared by Berlogar Stevens and Associates (2015) and is included as Appendix B. The Geotechnical Investigation provides recommendations for abating high groundwater conditions. As such, Mitigation Measure 3.2.2.4 has been implemented and no further action is necessary. Impacts would be less than significant.

- c-d) The MND indicated that development contemplated by the South of 92 Specific Plan Amendment would result in higher surface runoff than currently leaves the area, potentially affecting the capacity handling ability of Old Alameda Creek. The MND carried forward

Final EIR Mitigation Measure 3.2.2-1, which requires the implementation of erosion control measures, and would reduce impacts to a level of less than significant.

The proposed project would introduce new impervious surface coverage to the project site, but would also provide 98,277 square feet (2.26 acres) of landscaping, which would include treatment planters as part of the project's stormwater quality Best Management Practices (BMPs). In addition, Mitigation Measure 3.2.2-1 would be implemented, and would reduce impacts to a level of less than significant.

- e-f) The MND indicated that construction and operation activities that occur pursuant to the South of 92 Specific Plan Amendment have the potential to result in polluted runoff entering downstream runoff. As such, the MND set forth Mitigation Measure VIII-1, which requires various stormwater quality pollution prevent measures. With the implementation of this mitigation, impacts would be less than significant.

The proposed project would involve construction and operation activities that have the potential to result in polluted runoff entering downstream runoff. As such, Mitigation Measure VIII-1 would apply to the proposed project. With the implementation of this mitigation, impacts would be less than significant.

- g-h) The MND indicated that none of the areas contemplated for development by the South of 92 Specific Plan Amendment area are within a 100-year flood hazard area. Additionally, the proposed project does not involve the development of new housing. This condition precludes the possibility of related impacts. Impacts would be less than significant.
- i-j) The MND concluded that the project vicinity is not located within a dam or levee failure inundation area or a seiche, tsunami, or mudflow inundation area. This condition precludes the possibility of related impacts. No impacts would occur.

## Mitigation Measures

- Mitigation Measure 3.2.2-1:** Incorporate runoff control design in the drainage collection system for the project as specified in the EIR.
- Mitigation Measure 3.2.2-2:** The 1997 Plan EIR previously proposed Mitigation Measure 3.2.2-2, which would reduce erosion impacts to a less than significant level:
- (a) Construction should be scheduled for the dry season.
  - (b) The project will be subject to an NPDES permit from the RWQCB. This permit requires that the applicant develop a Storm Water Pollution Prevention Plan. The permit requirements of the Regional Board would be satisfied prior to granting of a building permit by the City of Hayward.
  - (c) A soil erosion and sedimentation control plan would be submitted to the City of Hayward by the applicant for individual development sites proposed under the Specific Plan prior to grading. This plan may include, but would not be limited to, the

erosion control methods outlined in Mitigation Measure 3.2.1-4 (soil erosion control).

**Mitigation Measure 3.2.2-4:** Project construction sites within the Specific Plan area in areas of high groundwater shall submit a geotechnical report which designates specific groundwater conditions and subdrain requirements and incorporates them in the project design. **[This mitigation measure has been satisfied and no further action is required.]**

**Mitigation Measure VIII-1:** The 1997 Plan EIR proposed Mitigation Measure 3.2.2-1, which would incorporate runoff control design in the drainage collection system for the project. Implementation of this previously proposed mitigation measure would reduce this impact to a less than significant level.

- (a) The project engineer would perform detailed, site-specific hydrologic and hydraulic analyses for the proposed development areas, to validate the drainage calculations for the Specific Plan Area as a whole. The analyses would be in conformance with City of Hayward and Alameda County Flood Control and Water Conservation District (ACFCWCD) standards for the 100-year storm, would quantify the proposed development area's increased stormwater runoff volumes, and would quantify the effect on the capacity of the existing drainage facilities, including the levees along Old Alameda Creek.
- (b) The proposed additions to the storm-drainage system would be designed to accommodate the anticipated flows from the Specific Plan Area. The project engineer would include facilities in the storm-drain infrastructure that would avoid increasing the risk of offsite flooding or increasing the area of offsite 100-year floodplains. Such facilities could include detention or storage structures.
- (c) Facilities to accommodate the additional volume of stormwater runoff would be designed, reviewed, and incorporated into development prior to completion of the permitting process for this project. Specific structural mitigation measures that could be included in the facilities include detention basins, energy reducers, and oversized pipes and catch-basins that could act as temporary storage facilities for stormwater runoff.

In addition, the following mitigation is required to comply with new Alameda County C.3 Stormwater Regulations for project operations:

At least 85 to 90 percent of annual average stormwater runoff from the site would be treated per the standards in the most recent version of the California Stormwater Best Management Practice New Development and Redevelopment Handbook. Drainage from all paved surfaces, including streets, parking lots, driveways, and roofs shall be routed either through swales, buffer strips, or sand filters or treated with a filtering system prior to discharge to the storm drain system. Landscaping shall be designed to effect some treatment, along with the use of a Stormwater Management filter to permanently sequester hydrocarbons, if necessary. The specifications of the StormFilter® by Stormwater Management, Inc. adequately meet the requirements of the Regional Water Quality Control Board (RWQCB) for a “box-in-ground” filtering system. A filtering system with similar specifications may be used based on the size of the project site, if landscape-based stormwater treatment measures cannot effect the required level of treatment. Roofs shall be designed with down-spouting into landscaped areas, bubbleups, or trenches. Driveways shall be curbed into landscaping so runoff drains first into the landscaping. Permeable pavers and pavement shall be utilized to construct the development, where appropriate. Any one or combination of these suggested RWQCB treatment measures will potentially meet RWQCB requirements for controlling runoff.

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>IX. Land Use</b>					
<i>Would the project:</i>					
a) Physically divide an established community?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on division of an established community.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on division of an established community.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of division of an established community.	None
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?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on conflicts with any applicable land use plan, policy, or regulation.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on conflicts with any applicable land use plan, policy, or regulation.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of conflicts with any applicable land use plan, policy, or regulation..	None
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on habitat conservation plans or natural community conservation plans.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on habitat conservation plans or natural community conservation plans.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of habitat conservation plans or natural community conservation plans.	None

## Discussion

- a) The MND concluded that the South of 92 Specific Plan Amendment would not physically divide an established community, because all of the land it encompassed was either undeveloped and did not contain established communities, or was already committed to a highest-and-best use and not expected to change. The MND found that no impacts would occur.
- The proposed project would develop light industrial and office uses on an undeveloped site. There are no established communities on the project site, a condition that precludes the possibility of dividing an established community. No impacts would occur.
- b) The MND indicated that the proposed South of 92 Specific Plan Amendment would not conflict with the applicable provisions of the City of Hayward General Plan and the South of 92 Specific Plan, because the proposed changes to planned development and land use activities would not be significantly different from the uses originally contemplated by the Specific Plan. The MND concluded that no impacts would occur.

The proposed project would develop 267,509 square feet of light industrial and office uses on the project site. The proposed project would rezone the project site from “Business Park” to “Planned Development” to facilitate the development of these uses on the project site, and would serve to achieve conformance with the Specific Plan.

The South of 92 Specific Plan Amendment contemplated 106,500 square feet of office uses and 100 dwelling units on the project site. As discussed elsewhere in this Addendum, the proposed changes in development and land use activities relative to what was disclosed in the MND would not result in new significant impacts or create a need for new mitigation measures. As such, no conflicts with the City of Hayward General Plan or South of 92 Specific Plan would occur. Impacts would be less than significant.

- c) The MND concluded that the project vicinity is not within the boundaries of an adopted habitat conservation plan or natural communities conservation plan. This condition precludes the possibility of related conflicts. No impact would occur.

## Mitigation Measures

None.

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>X. Mineral Resources</b>					
<i>Would the project:</i>					
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?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on loss of known mineral resources of statewide importance.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on loss of known mineral resources of statewide importance.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of known mineral resources of statewide importance.	None
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?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on loss of known mineral resources of local importance.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on loss of known mineral resources of local importance.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of known mineral resources of local importance.	None

## Discussion

a-b) The MND concluded that the project vicinity does not support mineral extraction and does not contain any known mineral resources that are listed in the City’s General Plan. This condition precludes related impacts. No impacts would occur.

## Mitigation Measures

None.

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>XI. Noise</b>					
<i>Would the project:</i>					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts associated with noise levels in excess of standards established by applicable local, regional, or national regulations.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts associated with noise levels in excess of standards established by applicable local, regional, or national regulations.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of noise levels in excess of standards established by applicable local, regional, or national regulations.	Mitigation Measures XI-1, XI-2, XI-3, and XI-4
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts associated with groundborne vibration.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts associated with groundborne vibration.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of groundborne vibration.	None
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on associated with a substantial permanent increase in ambient noise levels.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts associated with a substantial permanent increase in ambient noise levels.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of a substantial permanent increase in ambient noise levels.	Mitigation Measures XI-1, XI-2, XI-3, and XI-4

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts associated with a substantial temporary increase in ambient noise levels.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts associated with a substantial temporary increase in ambient noise levels.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of a substantial temporary increase in ambient noise levels.	Mitigation Measures XI-1, XI-2, XI-3, and XI-4
e) For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts associated with aviation noise.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts associated with aviation noise.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of aviation noise.	None.
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts associated with aviation noise.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts associated with aviation noise.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of aviation noise.	None.

## Discussion

- a) The MND indicated that short-term construction activities associated with buildout of the South of 92 Specific Plan Amendment have the potential to expose surrounding receptors to noise levels as high as 89 dBA  $L_{eq}$ . The MND set forth Mitigation Measure XI-1, which

requires implementation of various noise reduction measures during construction to reduce impacts to a level of less than significant.

The MND indicated that residential and commercial uses proposed by the South of 92 Specific Plan Amendment had the potential to be exposed to unacceptable noise levels. The MND set forth Mitigation Measures XI-2, XI-3, and XI-4, requiring that various noise-attenuation measures be incorporated into new development to achieve acceptable noise levels. With the implementation of mitigation, impacts would be reduced to a level of less than significant.

The proposed project would involve construction and operational activities that have the potential to expose nearby sensitive receptors to excessive noise levels, and would also develop new commercial uses that may be exposed to unacceptable noise levels. As such, Mitigation Measure XI-1 and XI-2 would apply, and would reduce impacts to a level of less than significant. (Note that Mitigation Measures XI-3 and XI-4 pertain to residential uses and would not apply to the proposed project's non-residential uses.)

- b) The MND indicated that construction activities associated with buildout of the South of 92 Specific Plan Amendment would not have the potential to cause significant groundborne vibration, because construction activities would occur at least 25 feet away from the nearest receptor, which would be sufficient to avoid any adverse impacts. The MND also indicated that rail activity on the nearby Union Pacific Railroad would not expose future development contemplated by the South of 92 Specific Plan Amendment to significant groundborne vibration, because no development would occur within 66 feet of the tracks. As such, the MND concluded that vibration impacts would be less than significant.

The proposed project's construction activities would occur a minimum of 30 feet from the nearest residence and, therefore, would exceed the 25-foot minimum distance disclosed in the MND. Additionally, the project site is 160 feet from the Union Pacific Railroad tracks and, therefore, would be beyond the 66-foot distance at which significant vibration impacts would be observed. Impacts would be less than significant.

- c) The MND concluded that operational noise associated with buildout of the South of 92 Specific Plan Amendment may expose surrounding receptors to a permanent increase in ambient noise levels. As such, Mitigation Measures XI-2, XI-3, and XI-4 were proposed; these mitigation measures require supplementary actions including preparation of a noise assessment, and restrictions on delivery hours that would reduce impacts to less than significant.

The proposed project would develop 267,509 square feet of light industrial and office uses on the project site. These uses would generate 1,668 fewer daily trips than were contemplated by the South of 92 Specific Plan Amendment, which would have a corresponding reduction in contribution to ambient noise.<sup>2</sup> (Roadway noise is the primary source of ambient noise in an urban environment such as Hayward.) Nonetheless, the

<sup>2</sup> Note that the traffic analysis in the MND evaluated "Existing Plus Project" conditions. The roadway volumes from the scenario were used as the basis for modeling roadway noise levels. As such, the "baseline" used in this analysis is predicated on the project site being undeveloped.

proposed project’s operational activities have the potential to expose nearby sensitive receptors to excessive noise levels. As such, the portion of Mitigation Measure XI-2 that applies to commercial development would apply (i.e., an acoustical analysis that identifies necessary attenuation measures), and would reduce impacts to a level of less than significant. (Note that Mitigation Measures XI-3 and XI-4 pertain to residential uses and would not apply to the proposed project’s non-residential uses.)

- d) The MND concluded that construction noise associated with buildout of the South of 92 Specific Plan Amendment would represent a short-term increase in ambient noise levels, and set forth Mitigation Measure XI-1 to reduce impacts to a level less of than significant.

The proposed project would involve construction activities that have the potential to expose nearby sensitive receptors to excessive noise levels. As such, Mitigation Measure XI-1 would apply, and would reduce impacts to a level of less than significant.

- e-f) The MND concluded that the project vicinity is approximately 3 miles from Hayward Executive Airport. The MND concluded that the project vicinity is not within 2 miles of an airport or private airstrip, and, therefore, development of the proposed uses would not expose persons residing or working in the project area to excessive aviation noise. No impacts would occur.

## Mitigation Measures

### Mitigation Measure XI-1:

#### Short-term Increases in Ambient Noise Levels

Construction noise would be temporary, but the following mitigation measure from the 1997 Specific Plan EIR would reduce this impact to less than significant:

#### Mitigation Measure 3.2.5-1

- To minimize construction noise impacts upon nearby residents, limit construction hours to between 7:00 AM and 7:00 PM on weekdays. Any work outside of these hours including work on weekends, should require a special permit from the City of Hayward based on compelling reasons and compatibility with nearby residences.
- Construction equipment should be properly outfitted and maintained with noise reduction devices to minimize construction-generated noise.
- The contractor shall locate stationary noise sources away from residents in developed areas and require use of acoustic shielding with such equipment when feasible and appropriate.

In addition to 1997 EIR Mitigation Measure 3.2.5-1 the following shall apply during construction activities:

- Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer's recommendations,
- When not in use, motorized construction equipment shall not be left idling.

**Mitigation Measure XI-2:**

Long-term Increases in Ambient Noise Levels – Stationary Sources

Proposed Residential Land Uses:

- Residential dwellings shall be equipped with central heating and air conditioning systems to allow closure of windows during inclement weather conditions.
- Exterior air-conditioning units located within 10 feet of adjacent residential dwellings shall be low-noise rated.
- Exterior air-conditioning units located within 10 feet of adjacent residential dwellings shall be shielded from direct line-of-sight to adjacent residential dwellings. Shielding may include (but is not limited to) the use of wood fencing, provided no visible air gaps are detectable between individual panels. Use of tongue-and-groove or over-lapping panels is recommended.
- Residential dwellings shall be insulated to exceed Title 24 standards.

Proposed Commercial Land Uses:

- Material deliveries, landscape maintenance, waste-collection activities, and the operation of noise-generating stationary equipment, such as solid-waste compactors and compressors (excluding HVAC units), shall be limited to between the hours of 7:00 a.m. and 10:00 p.m.
- The City shall require an acoustical assessment to be performed prior to construction of proposed commercial land uses. Where acoustical analysis determines that stationary source noise levels would exceed applicable City noise standards, the City shall require the implementation of noise attenuation measures sufficient to achieve compliance with City noise standards at nearby noise-sensitive land uses. Such measure may include, but are not limited to, the incorporation of setbacks, sound barriers, berms, or equipment enclosures.

Implementation of these measures would reduce Long-term noise impacts from stationary sources to a less than significant level.

**Mitigation Measure XI-3:**

If future development proposals show residential units or required group or private open space areas are within the 50-foot setback,

the developer shall retain a noise consultant to prepare a noise analysis to ensure that residential uses would not be affected by traffic noise levels in excess of 60 dBA L<sub>dn</sub>. If the City's "normally acceptable" noise level as defined in the Hayward General Plan would be exceeded, then appropriate mitigation must be incorporated to ensure City standards are met.

This measure would reduce long-term noise impacts from traffic to a less than significant level. **[This mitigation measure does not apply to the proposed project.]**

**Mitigation Measure XI-4:**

Compatibility of Proposed Land Uses with Predicted Noise Environment

Mitigation measures to be implemented will be dependent on site design and structural features/characteristics incorporated in the building design and construction. The City shall require an acoustical assessment to be performed prior to construction of proposed residential land uses to evaluate exposure to train noise. Where acoustical analysis determines that train noise levels would exceed applicable City noise standards, the City shall require the implementation of noise attenuation measures sufficient to achieve compliance with City noise standards at affected residential land uses. Such measure may include, but are not limited to, the incorporation of setbacks, sound barriers, berms, or equipment enclosures. As an alternative to the preparation of an acoustical assessment to analyze train noise impacts, the following mitigation measures, derived from the recently prepared acoustical assessment prepared for the adjacent Eden Shores East development project (City of Hayward 2005), shall be implemented:

- All residential dwellings shall be constructed of a 3-coat stucco system.
- All potential homebuyer shall be provided a written disclosure statement describing the current train activity and expected noise levels.
- A sound barrier shall be constructed along the northwest boundary of the project site to a minimum height of 18 feet above the elevation of the train track.
- Residential dwellings located within approximately 160 feet of the UPRR track shall be constructed with a staggered-stud or resilient channel wall assembly along building facades located within line-of-sight of the track. Both the staggered-stud and resilient channel exterior wall assembly should consist of two layers of gypsum board on the interior side. Facades facing away from the UPRR may

be constructed without the staggered-stud or resilient channel wall assembly. Windows shall achieve a minimum STC-45 rating along facades located within line-of-sight of the UPRR and a minimum STC-42 rating on non-exposed facades. Exterior doors on exposed facades shall achieve a minimum STC-42 rating or use STC-31 storm doors over standard gasketed entry doors. Exterior doors on non-exposed facades shall achieve a minimum STC-37 rating.

- Residential dwellings located between 160 to 240 feet from the UPRR track shall be constructed with a staggered-stud or resilient channel wall assembly along building facades located within line-of-sight of the track. Facades facing away from the UPRR may be constructed without the staggered stud or resilient channel wall assembly. Windows shall achieve a minimum STC-45 rating along facades located within line-of-sight of the UPRR and a minimum STC-40 rating on non-exposed facades. Exterior doors on exposed facades shall achieve a minimum STC-42 rating or use STC-31 storm doors over standard gasketed entry doors. Exterior doors on non-exposed facades shall achieve a minimum STC-34 rating.
- Residential dwellings located between 240 to 480 feet from the UPRR track shall be constructed with a staggered-stud or resilient channel wall assembly along building facades located within line-of-sight of the track. Facades facing away from the UPRR may be constructed without the staggered stud or resilient channel wall assembly. Windows shall achieve a minimum STC-45 rating along facades located within line-of-sight of the UPRR and a minimum STC-37 rating on non-exposed facades. Exterior doors on exposed facades shall achieve a minimum STC-40 rating. Exterior doors on non-exposed facades shall achieve a minimum STC-32 rating.
- Residential dwellings located in excess of 480 feet from the UPRR track shall be constructed with windows that achieve a minimum STC-38 rating along facades located within line-of-sight of the UPRR and a minimum STC-29 rating on non-exposed facades. Exterior doors on exposed facades shall achieve a minimum STC-29 rating. **[This mitigation measure does not apply to the proposed project.]**

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>XII. Population and Housing</b>					
<i>Would the project:</i>					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts associated with growth inducement.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts associated with growth inducement.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of growth inducement.	None
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts associated with displacement of housing.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts associated with displacement of housing.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of displacement of housing.	None
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts associated with displacement of persons.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts associated with displacement of persons.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of displacement of persons.	None

## Discussion

- a) The MND indicated that the residential uses contemplated by the South of 92 Specific Plan Amendment would add 174 dwelling units to the City of Hayward, which would be expected to result in a population growth increase of 552 persons. The MND concluded that the addition of 552 persons to the City’s population would represent a 0.4 percent increase,

which would not be significant and, therefore, found that growth inducement was a less than significant impact.

The proposed project consists of developing 267,509 square feet of light industrial and office uses on the project site. These uses are non-residential in nature, and therefore, would not directly increase the population of the City of Hayward. Additionally, urban infrastructure and utilities exist in the area surrounding the project site, which precludes the possibility of the project removing a physical barrier to growth. Impacts would be less than significant

- b-c) The MND concluded that no dwelling units would be displaced by buildout of the South of 92 Specific Plan Amendment, and, therefore, impacts would be less than significant.

The project site does not contain any dwelling units, a condition that precludes the displacement of persons or dwelling units. Impacts would be less than significant.

## Mitigation Measures

None.

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>XIII. Public Services</b>					
<i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>					
a) Fire protection?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on fire protection.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on fire protection.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of fire protection.	Mitigation Measure 3.1.7-2
b) Police protection?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on police protection.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on police protection.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of police protection.	Mitigation Measure 3.1.7-1
c) Schools?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on schools.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on schools.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of schools.	None
d) Parks?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on parks.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on parks.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of parks.	None

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
e) Other public facilities?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on other public facilities.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on other public facilities.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of other public facilities.	None

## Discussion

- a) The MND indicated that the project vicinity is located in an area served with adequate fire protection coverage provided by the Hayward Fire Department. The MND carried forward Final EIR Mitigation Measure 3.1.7-2, which requires that new non-residential development provide fire suppression systems, signal preemption, and adequate emergency access, which would reduce impacts on fire protection to a level of less than significant.

The proposed project consists of developing 267,509 square feet of light industrial and office uses on the project site. The proposed project would be required to implement Mitigation Measure 3.1.7-2 to ensure that adequate fire suppression systems, signal preemption, and adequate emergency access are provided. Additionally, the proposed project would provide four points of vehicular access and, thus, comply with the Fire Code’s emergency access requirements. Impacts would be less than significant.

- b) The MND indicated that the project vicinity is located in an area served with adequate police protection coverage provided by the Hayward Police Department. The MND carried forward EIR Mitigation Measure 3.1.7-1(b), which requires new development to submit development plans to the Police Department to determine whether adequate safety and security measures were incorporated, which would reduce impacts on police protection to a level of less than significant.

The proposed project consists of developing 267,509 square feet of light industrial and office uses on the project site. The proposed project would be required to implement Mitigation Measure 3.1.7-1(b) to ensure security measures are incorporated into the project. Impacts would be less than significant.

- c) The MND concluded that the residential uses contemplated by the Plan Amendment would add an estimated 28 students to the Hayward Unified School District. Developers would pay development fees that would be used for capital improvements for school facilities. Impacts on schools would be less than significant.

The proposed project consists of developing 267,509 square feet of light industrial and office uses on the project site. These uses are non-residential in nature and, therefore, would not directly increase enrollment in local K-12 schools. Impacts would be less than significant.

- d) The MND concluded that the residential uses contemplated by the Plan Amendment would add 552 new residents to the City of Hayward and, thus, have a corresponding increase in demand for parks. Developers would pay development fees that would be used for capital improvements for parks. Impacts on schools would be less than significant.

The proposed project consists of developing 267,509 square feet of light industrial and office uses on the project site. These uses are non-residential in nature and, therefore, would not directly increase use of local parks. Impacts would be less than significant.

- e) The MND concluded that the residential uses contemplated by the Plan Amendment would not significantly increase demand for other public facilities such that new or expanded facilities would be required. Impacts were found to be less than significant.

The proposed project consists of developing 267,509 square feet of light industrial and office uses on the project site. These uses are non-residential in nature and, therefore, would not directly increase use of public facilities such as libraries and community centers. Impacts would be less than significant.

## Mitigation Measures

**Mitigation Measure 3.1.7-1(b):** Project plans should be submitted to the Police Department for comment on feasible design measures that would increase safety and reduce the demand for police services.

**Mitigation Measure 3.1.7-2:** All nonresidential structures will be equipped with appropriate automatic fire extinguishing sprinkler systems. Signalized intersections leading to the project will be equipped with traffic preemption emitters and the Department will purchase an appropriate firefighting apparatus and equipment. The project sponsor will fund these capital costs. Additional emergency access will be developed. **[This mitigation measure does not directly apply to the proposed project, although the proposed project will be required to demonstrate compliance with the latest adopted edition of the California Fire Code.]**

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>XIV. Recreation</b>					
<i>Would the project:</i>					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on deterioration of existing park lands.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on deterioration of existing park lands.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of deterioration of existing park lands.	Mitigation Measure XIV-1
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on new or expanded park facilities.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on new or expanded park facilities.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of new or expanded park facilities.	Mitigation Measure XIV-1

**Discussion**

a, b) The MND concluded that the residential uses contemplated by the Plan Amendment would add 552 new residents to the City of Hayward and, thus, have a corresponding increase in demand for parks and recreational facilities. The MND set forth Mitigation Measure XIV-1 to address maintenance of the Alden E. Oliver Sports Park, which would reduce impacts to a level of less than significant.

The proposed project consists of developing 267,509 square feet of light industrial and office uses on the project site. These uses are non-residential in nature and, therefore, would not directly increase use of parks and recreational facilities. Regardless, the proposed project would pay into a Community Facilities District that would fund maintenance and upkeep of park facilities in the project vicinity, which is the funding mechanism contemplated by Mitigation Measure XIV-1. As such, this mitigation measure would be satisfied, and impacts would be less than significant.

## Mitigation Measures

### Mitigation Measure XIV-1:

The applicant shall establish a Landscape Lighting and Assessment District (LLD) or other funding mechanism prior to selling the 174 residential units to individual homeowners that would be prorated to the fair share of the project. Implementation of the LLD would provide a portion of funds necessary to maintain the community-oriented facilities in the Sports Park and mitigate the impacts of increased usage of the Sports Park as a neighborhood facility. **[This mitigation measure does not directly apply to the proposed project, although the proposed project will pay all applicable fees at the time of building permit issuance as required by the City of Hayward.]**

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>XV. Transportation</b>					
<i>Would the project:</i>					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on measures of effectiveness of transportation.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on measures of effectiveness of transportation.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of measures of effectiveness of transportation.	Mitigation Measures XV-1, XV-2, XV-3a, and XV-3b
b) Conflict with an applicable congestion management program, including but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for the designated roads or highways?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on congestion management program roadways..	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on congestion management program roadways.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of congestion management program roadways.	Mitigation Measures XV-1 and XV-2

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on air traffic patterns.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on air traffic patterns.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of air traffic patterns.	None
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on hazards due to a design feature.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on hazards due to a design feature.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of hazards due to a design feature.	None
e) Result in inadequate emergency access?	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on emergency access.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on emergency access.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of emergency access.	None
f) Conflict with adopted policies, plans, or program regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	No impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on public transit, bicycle, or pedestrian facilities.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on public transit, bicycle, or pedestrian facilities.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of public transit, bicycle, or pedestrian facilities.	None

## Discussion

The analysis in this section is based on the Traffic Impact Analysis prepared by W-Trans. The complete report is provided in Appendix D.

- a) The MND evaluated intersection operations and queuing on local streets in the vicinity of the project site as a result of the South of 92 Specific Plan Amendment. The MND found that the intersections of Hesperian Boulevard/Industrial Boulevard and Industrial Boulevard/I-880 Northbound Ramps would operate at unacceptable levels of service (LOS) as a result of the South of 92 Specific Plan Amendment (Legacy Eden Shores Project). The MND set forth Mitigation Measures XV-1 and XV-2, which require the implementation of improvements to each intersection, to reduce impacts of the South of 92 Specific Plan Amendment to a level of less than significant.

Additionally, the MND indicated that construction and operational activities have the potential to create short-term congestion and delays on local roadways. The MND set forth Mitigation Measures XV-3a and XV-3b, which requires the implementation of Transportation Management Plans for construction and operations, respectively, to reduce impacts to a level of less than significant.

Table 5 summarizes the trip generation of the proposed project relative to the uses contemplated for the project site in the South of 92 Specific Plan Amendment MND. As shown in the table, the proposed project would generate 331 fewer AM peak-hour trips and 236 fewer PM peak-hour trips. W-Trans evaluated intersection operations at six locations under Existing Plus Project Conditions during the AM and PM peak hours. As shown in Table 6 and Table 7, all of the study intersections would operate at acceptable levels. (Note that Alternative 1, 1A, 2, and 3 shown in Table 6 and Table 7 pertain to variations on ingress and egress to the project site; the same trip generation values were used for each alternative.) Moreover, Mitigation Measure XV-1 has already been implemented, and, thus, the proposed project would not need to take any further action with respect to this measure. Mitigation Measure XV-2 does not apply because the proposed project does not have significant impacts at the intersection of Industrial Boulevard/I-880 Northbound Ramps; refer to the W-Trans memo in Appendix D. Nonetheless, construction and operational activities would have the potential to create short-term congestion and delays on local roadways, and, therefore, Mitigation Measures XV-3a and XV-3b would be implemented to reduce impacts to a level of less than significant.

**Table 5: Trip Generation Summary**

Scenario	Land Use	Units	Daily		AM Peak Hour				PM Peak			
			Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
South of 92 Specific Plan Amendment	General Office	415,400 square feet	9.33	3,875	1.44	598	526	72	1.31	544	92	452

**Table 5 (cont.): Trip Generation Summary**

Scenario	Land Use	Units	Daily		AM Peak Hour				PM Peak			
			Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Proposed Project	Light Industrial	252,500 square feet	7.07	1,784	0.83	209	184	25	0.81	204	24	180
	General Office	22,500 square feet	18.78	423	2.58	58	51	7	4.61	104	18	86
<b>Net Change</b>				<b>(1,668)</b>	<b>—</b>	<b>(331)</b>	<b>(291)</b>	<b>(40)</b>	<b>—</b>	<b>(236)</b>	<b>(50)</b>	<b>(186)</b>

Source: W-Trans, 2015.

**Table 6: Existing Plus Project AM Peak-Hour Intersection Level of Service**

Study Intersection Approach	Existing		Existing Plus Project							
			Alternative 1		Alternative 1A		Alternative 2		Alternative 3	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Industrial Boulevard/Baumberg Avenue	25.6	C	34.5	C	34.5	C	34.5	C	34.5	C
Industrial Boulevard/Marina Drive	10.5	B	13.4	B	12.6	B	10.0	A	9.4	A
Marina Drive/Portland Drive	1.0	A	1.4	A	1.6	A	1.0	A	1.0	A
<i>Eastbound Approach</i>	<i>10.8</i>	<i>A</i>	<i>11.8</i>	<i>B</i>	<i>11.5</i>	<i>B</i>	<i>11.0</i>	<i>A</i>	<i>10.8</i>	<i>B</i>
Industrial Boulevard/Project Access 1	—	—	—	—	—	—	—	—	—	—
<i>Northbound Approach</i>	—	—	<i>13.2</i>	<i>B</i>	<i>13.2</i>	<i>B</i>	<i>13.2</i>	<i>B</i>	<i>13.2</i>	<i>B</i>
Industrial Boulevard/Project Access 2	—	—	—	—	—	—	—	—	—	—
<i>Northbound Approach</i>	—	—	<i>12.9</i>	<i>B</i>	<i>12.9</i>	<i>B</i>	—	—	—	—
Industrial Boulevard/Project Access 3	—	—	—	—	—	—	—	—	—	—
<i>Northbound Approach</i>	—	—	<i>12.3</i>	<i>B</i>	<i>12.3</i>	<i>B</i>	<i>9.3</i>	<i>A</i>	<i>9.2</i>	<i>A</i>

Notes:  
 Delay measures in seconds of delay per vehicle  
 LOS = Level of Service  
 Source: W-Trans, 2015.

**Table 7: Existing Plus Project PM Peak-Hour Intersection Level of Service**

Study Intersection Approach	Existing		Existing Plus Project							
			Alternative 1		Alternative 1A		Alternative 2		Alternative 3	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Industrial Boulevard/ Baumberg Avenue	38.6	D	38.3	D	38.3	D	38.3	D	38.3	D
Industrial Boulevard Marina Drive	12.7	B	19.7	B	19.4	B	9.0	A	8.2	A
Marina Drive/Portland Drive	0.4	A	7.4	A	7.3	A	0.8	A	0.4	A
<i>Eastbound Approach</i>	<i>14.2</i>	<i>B</i>	<i>31.7</i>	<i>D</i>	<i>31.3</i>	<i>D</i>	<i>15.8</i>	<i>C</i>	<i>14.2</i>	<i>B</i>
Industrial Boulevard/ Project Access 1	—	—	—	—	—	—	—	—	—	—
<i>Northbound Approach</i>	—	—	<i>17.0</i>	<i>C</i>	<i>17.0</i>	<i>C</i>	<i>17.0</i>	<i>C</i>	<i>17.1</i>	<i>C</i>
Industrial Boulevard/ Project Access 2	—	—	—	—	—	—	12.8	B	14.0	B
<i>Northbound Approach</i>	—	—	<i>18.3</i>	<i>C</i>	<i>18.3</i>	<i>C</i>	—	—		
Industrial Boulevard/ Project Access 3	—	—	—	—	—	—	—	—	—	—
<i>Northbound Approach</i>	—	—	<i>17.6</i>	<i>C</i>	<i>18.0</i>	<i>B</i>	<i>10.7</i>	<i>B</i>	<i>10.8</i>	<i>B</i>

Notes:  
Delay measures in seconds of delay per vehicle  
LOS = Level of Service  
Source: W-Trans, 2015.

- b) The MND evaluated intersection operations on Congestion Management Plan (CMP) facilities as a result of the South of 92 Specific Plan Amendment. The MND found that the CMP intersections of Hesperian Boulevard/Industrial Boulevard and Industrial Boulevard/I-880 Northbound Ramps would operate at unacceptable LOS. The MND set forth Mitigation Measures XV-1 and XV-2, which require the implementation of improvements to each intersection, to reduce impacts of the South of 92 Specific Plan Amendment to a level of less than significant.

Table 5 summarizes the trip generation of the proposed project relative to the uses contemplated for the project site in the South of 92 Specific Plan Amendment MND. As shown in the table, the proposed project would generate 66 fewer AM peak-hour trips and 6 more PM peak-hour trips. W-Trans evaluated intersection operations at six locations under Existing Plus Project Conditions during the AM and PM peak hours. As shown in Table 6 and Table 7, all of the study intersections would operate at acceptable levels. Moreover, Mitigation Measure XV-1 has already been implemented, and, thus, the proposed project would not need to take any further action with respect to this measure. Mitigation Measure XV-2 does not apply because the proposed project does not have

significant impacts at the intersection of Industrial Boulevard/I-880 Northbound Ramps. Therefore, impacts would be less than significant.

- c) The MND concluded that the project vicinity is approximately 3 miles from Hayward Executive Airport and, therefore, new development that occurs pursuant to the South of 92 Specific Plan Amendment would not have the potential to alter air traffic patterns. No impacts would occur.
- d) The MND indicated that development contemplated by the South of 92 Plan Amendment would improve existing and develop new roadways that would conform to city street standards. Therefore, the MND concluded that no safety hazards would be created. Impacts would be less than significant.

The proposed project would provide three driveways on Industrial Boulevard and a driveway on Portland Drive. The middle point on Industrial Boulevard would allow right-in, right-out, and left-in movements, while the other two would be right-in, right-out only. A center median would prevent left turning movements into and out of the right-in, right-out driveways. The Portland Drive driveway would be full access. Impacts would be less than significant.

- e) The MND concluded that future development contemplated by the South of 92 Plan Amendment would not result in inadequate emergency access because a sufficient number of access points would be provided that would be accessible to emergency vehicles such as fire engines. Impacts were found to be less than significant.

The proposed project would provide four access points (three on Industrial Boulevard; one on Portland Drive) that would be accessible to emergency vehicles such as fire engines. This would exceed the minimum Fire Code requirements. Impacts would be less than significant.

- f) The MND concluded that future development contemplated by the South of 92 Plan Amendment would be accessible to public transit, bicycles, and pedestrians via the provision of sidewalks, trail connections, and school bus stops. Impacts were found to be less than significant.

The proposed project would install sidewalks along Industrial Boulevard, Marina Drive, and Portland Drive. Although there is no existing transit service on the segment of Industrial Boulevard adjacent to the project, there is an existing bus stop at the intersection of Hesperian Boulevard/Industrial Boulevard, which is within walking distance of the project site. Impacts would be less than significant.

## MND Mitigation Measures

### Mitigation Measure XV-1:

Hesperian Boulevard & Industrial Boulevard Intersection

To achieve acceptable levels of service under the South of 92 Specific Plan Amendment Project Condition, the intersection requires an additional left-turn lane in the westbound direction. This

improvement will convert the Hesperian Blvd. & Industrial Blvd. Intersection to: two left-turn lanes, two through lanes and one exclusive right-turn lane in the westbound direction. Adding a left-turn lane would require modification to the east, west and south legs of the intersection as well as modification to the traffic signal. These improvements can be accommodated within the existing right-of-way. This improvement will mitigate the impacts to LOS E or better for each of the alternatives during the peak hours. **[This mitigation measure has already been implemented and does not apply to the proposed project.]**

**Mitigation Measure XV-2:**

Industrial Boulevard and I-880 NB Ramps Intersection

The South of 92 Specific Plan Amendment Project also results in the unsignalized left turn from Industrial Parkway to the NB I-880 ramps deteriorating to LOS F in the PM peak hour. This impact is significant and is essentially the result of homeward bound business park workers accessing northbound I-880 since the trip distribution assumption for this type of use indicates that 42% of those office workers will use this ramp to return home. The analysis indicates that constructing a left turn only signal on Industrial Parkway will achieve LOS B under Alternatives 2 [sic]. Hayward's General Plan circulation Element also identifies the need for an improvement to the Industrial Parkway Interchange to add a northbound I-880 off-ramp, which would include a signal, at this location. Timing of this mitigation should be coordinated with any other improvements at this interchange, and because there is uncertainty in when that might occur, it should also be tied to the amount of development at which the intersection would expect to be at LOS E. It would be reasonable to tie this to office development: for Alternative 1 that would be 25%, for Alternative 2 it would be 50% and for Alternative 3 it would be 20%. Coordination will also be needed with Caltrans since, even today, the metering lights at the northbound ramps impact through movements on Industrial. **[This mitigation measure does not apply to the proposed project.]**

**Mitigation Measure XV-3a:**

Transportation Management Plan: The project sponsor(s) shall develop and implement a Transportation Management Plan (TMP) to minimize the transportation-related effects to local residents during construction. Key implementation measures of the plan shall include:

- Coordinate the timing and route selection for movement of heavy equipment and truck traffic on major streets within the project

vicinity with the Public Works Department to minimize traffic and physical road impacts.

- Coordinate construction activities with City officials to minimize disruption to local traffic.

**Mitigation Measure XV-3b:**

Transportation Management Plan: The project sponsor(s) shall develop and implement a Transportation Management Plan (TMP) to be included in the lease agreements to minimize the transportation-related effects to local residents during implementation. Key implementation measures of the plan shall include:

- Electrification of loading docks for commercial businesses to limit idling of trucks that produce diesel emissions to reduce particulate matter and NO<sub>x</sub> to the surrounding residences.
- Business Park occupants shall be required to have a Transportation Management Demand Plan that includes one or more of the following: bike lockers, showers, carpool assistance, transit subsidies (e.g., \$175 per month).
- Larger retail businesses shall be required to offer delivery services to customers within a 3-mile radius.

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>XVI. Utilities and Service Systems</b>					
<i>Would the project:</i>					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on wastewater treatment requirements.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on wastewater treatment requirements.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of wastewater treatment requirements.	None
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?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts associated with new water or wastewater treatment facilities.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts associated with new water or wastewater treatment facilities.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of new water or wastewater treatment facilities.	Mitigation Measure 3.1.6-1
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on stormwater drainage facilities.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on stormwater drainage facilities.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of stormwater drainage facilities.	None
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on water supply.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on water supply.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of water supply.	None

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
e) Result in inadequate wastewater treatment capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on wastewater treatment capacity.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on wastewater treatment capacity.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of wastewater treatment capacity.	None
f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on landfill capacity.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on landfill capacity.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of landfill capacity.	Mitigation Measure 3.1.7-4
g) Comply with federal, state, and local statutes and regulations related to solid waste?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts on statutes and regulations related to solid waste.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts on statutes and regulations related to solid waste.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of statutes and regulations related to solid waste.	Mitigation Measure 3.1.7-4

## Discussion

- a) The MND indicated that development that would occur pursuant to the South of 92 Specific Plan Amendment would generate an average of 46,980 gallons per day of effluent and a peak daily generation of 187,920 gallons per day. The MND concluded that the City of Hayward’s Water Pollution Control Facility has adequate capacity to serve this volume of effluent and, therefore, impacts would be less than significant.

The proposed project would develop 267,509 square feet of light industrial and office uses. On a per-acre basis, these uses would be expected to generate an equivalent or lesser

amount of effluent than the uses that were previously contemplated for the project site by the South of 92 Specific Plan Amendment (medium-density residential and office). Therefore, the proposed project would not exceed wastewater treatment requirements of the applicable RWQCB.

- b) The MND concluded that there is adequate capacity at the City of Hayward's Water Pollution Control Facility to accommodate the effluent generated by the development contemplated by the South of 92 Specific Plan Amendment. Additionally, the MND indicated City of Hayward would need to increase pump capacity in order to boost distribution capacity to meet project-related water demand, and it carried forward Mitigation Measure 3.1.6-1 to reduce impacts to a level of less than significant.

The proposed project would develop 267,509 square feet of light industrial and office uses. On a per-acre basis, these uses would be expected to demand an equivalent or lesser amount of water and generate an equivalent or lesser amount of effluent than the uses contemplated for the project site by the South of 92 Specific Plan Amendment (medium density residential and office). To reduce project-related impacts to a level of less than significant, the proposed project would implement Mitigation Measure 3.1.6-1, which would provide fees to provide additional water distribution capacity. Impacts would be less than significant.

- c) The MND indicated that development contemplated by the South of 92 Specific Plan Amendment would be required to provide storm drainage infrastructure. The MND found impacts to storm drainage to be less than significant.

The proposed project would install an onsite storm drainage system consisting of catch basins, underground piping, and bio-retention areas. Runoff from building rooftops would be piped directly into bio-retention areas or underground piping that outlets to bio-retention areas. Runoff from impervious surfaces would either sheet flow directly into bio-retention areas or into catch basins that are connected via underground piping to bio-retention areas. The bio-retention areas would be connected via underground piping to the municipal storm drain system, with runoff leaving the site metered in accordance with City design standards. As such, no offsite upgrades to storm drainage infrastructure would be required. Impacts would be less than significant.

- d) The MND indicated that development contemplated by the South of 92 Specific Plan Amendment would demand 257,295 gallons of water per day (0.257 million gallons per day), which represented 1.4 percent of the City's total demand of 18.8 mgd. The MND concluded that adequate water supplies existed to serve the development contemplated by the South of 92 Specific Plan Amendment, and that impacts would be less than significant.

The proposed project would develop 267,509 square feet of light industrial and office uses. On a per-acre basis, these uses would be expected to demand an equivalent or lesser amount of water than the uses previously contemplated for the project site by the South of 92 Specific Plan Amendment (medium density residential and office). Therefore, the proposed project would not result in water demand beyond that which was disclosed and analyzed in the MND, and impacts would be less than significant.

- e) As discussed in impact a), the MND indicated that development that would occur pursuant to the South of 92 Specific Plan Amendment would generate an average of 46,980 gallons per day of effluent and a peak daily generation of 187,920 gallons. The MND concluded that the City of Hayward’s Water Pollution Control Facility has adequate capacity to serve this volume of effluent and, therefore, impacts would be less than significant. The proposed project would develop 267,509 square feet of light industrial and office uses. On a per-acre basis, these uses would be expected to generate an equivalent or lesser amount of effluent than the uses previously contemplated for the project site by the South of 92 Specific Plan Amendment (medium density residential and office). Therefore, the proposed project would not exceed wastewater treatment requirements of the applicable RWQCB.
- f-g) The MND indicated that development that would occur pursuant to the South of 92 Specific Plan Amendment would generate 4,614 tons of solid waste annually. This solid waste would be landfilled at several facilities in the region including the Altamont Landfill, Vasco Road Landfill, and Tri-Cities Landfill. The MND carried forward Final EIR Mitigation Measure 3.1.7-4, which requires implementation of recycling programs to reduce waste generation. With proposed mitigation, the MND found solid waste impacts to be less than significant. The proposed project would develop 267,509 square feet of light industrial and office uses. On a per-acre basis, these uses would be expected to generate an equivalent or lesser amount of solid waste than the uses previously contemplated for the project site by the South of 92 Specific Plan Amendment (medium density residential and office). To reduce project-related impacts to a level of less than significant, the proposed project would implement Mitigation Measure 3.1.7-4 to ensure that impacts remain less than significant.

## Mitigation Measures

- Mitigation Measure 3.1.6-1:** The City of Hayward would need to construct the pump capacity required to boost distribution capacity to meet project-related water demand. The project sponsor would pay the project’s fair share of the capital costs as a normal requirement of contracting for water service. **[This mitigation measure does not apply to the proposed project.]**
- Mitigation Measure 3.1.7-4:** The implementation of existing recycling program at the City and County level would be expected to reduce this potential impact to insignificance.

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
<b>XVII. Mandatory Findings of Significance</b>					
<i>Would the project:</i>					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	Less than significant impact with mitigation	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts associated with degrading the quality of the environment, substantially reducing the habitat of a fish or wildlife species, causing a fish or wildlife population to drop below self-sustaining levels, threatening to eliminate a plant or animal community, reducing the number or restrict the range of a rare or endangered plant or animal, or eliminating important examples of the major periods of California history or prehistory.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts associated with degrading the quality of the environment, substantially reducing the habitat of a fish or wildlife species, causing a fish or wildlife population to drop below self-sustaining levels, threatening to eliminate a plant or animal community, reducing the number or restrict the range of a rare or endangered plant or animal, or eliminating important examples of the major periods of California history or prehistory.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of degrading the quality of the environment, substantially reducing the habitat of a fish or wildlife species, causing a fish or wildlife population to drop below self-sustaining levels, threatening to eliminate a plant or animal community, reducing the number or restrict the range of a rare or endangered plant or animal, or eliminating important examples of the major periods of California history or prehistory.	Mitigation Measures IV.2, IV.3a, IV.3b, IV.4, V-1, and V-2.

Environmental Issue Area	Conclusion in MND	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	Mitigation Measures
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts associated with cumulatively considerable impacts.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts associated with cumulatively considerable impacts	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of cumulatively considerable impacts	None
c) Does the project have environmental effects which will cause substantial adverse effects on human beings?	Less than significant impact	<b>No.</b> The proposed project does not involve changes that would result in new or more severe impacts associated with environmental effects that will cause substantial adverse effects on human beings.	<b>No.</b> There are no new circumstances that would result in new or more severe impacts associated with environmental effects that will cause substantial adverse effects on human beings.	<b>No.</b> No new information of substantial importance indicates the need for additional analysis of environmental effects that will cause substantial adverse effects on human beings.	None

## Discussion

- a) As discussed in Section IV, Biological Resources section, the proposed project would have a less than significant impact on listed species, migratory species, or riparian habitat. The proposed project would incorporate Mitigation Measures IV.2, IV.3a, IV.3b, and IV.4, which ensure that precautions are taken prior to construction to ensure that nesting birds would not be disturbed. As discussed in Section V, Cultural Resources, construction activities may

encounter undiscovered cultural resources, and, therefore, Mitigation Measures V-1 and V-2 would be implemented to reduce impacts to a level of less than significant.

- b) As discussed in the preceding sections, many of the potential impacts of the proposed project's impacts would occur during construction, with a few lasting operational effects. With regard to remaining areas of analysis, cumulatively, the proposed project would not result in significant long-term impacts that would substantially combine with impacts of other current or probable future impacts. The proposed project would not create impacts that are cumulatively considerable.
- c) The preceding sections of this addendum discuss various types of impacts that could have adverse effects on human beings, including:
- Dust and air pollutants during project construction activities (Section III, Air Quality)
  - Operational emissions (Section III, Air Quality)

Each type of impact with the potential to cause substantial adverse effects on human beings has been evaluated, and this addendum concludes that these potential impacts would not substantially increase with development of the proposed project, and would be consistent with the results concluded in the MND. Therefore, the proposed project would have a less than significant impact on environmental effects.

## Mitigation Measures

Refer to Mitigation Measures IV.2, IV.3a, IV.3b, IV.4, V-1, and V-2.

## Conclusion

The conclusions from the MND remain unchanged when considering the development of the proposed project.

# EDEN SHORES INDUSTRIAL PARK

INDUSTRIAL BLVD  
HAYWARD, CA

ISSUED FOR PLANNING SUBMITTAL - 07.15.2015

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graphics  
civil engineering

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<b>GENERAL CONTRACTOR</b>	
<b>OWNER'S CONSULTANTS</b>	
<b>CIVIL ENGINEER</b> KIER & WRIGHT 2850 COLLIER CANYON RD LIVERMORE, CA ADAM MAHONEY, PE, PLS PH: (925) 245-8786 FAX: (925) 245-9796	
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<b>ARCHITECT</b>	
<b>WARE MALCOMB</b> 2400 CAMINO RAMON, SUITE 390 SAN RAMON, CA 94583 TIM BLANCHETTE PH: (925) 244-9620 FAX: (925) 244-9621	

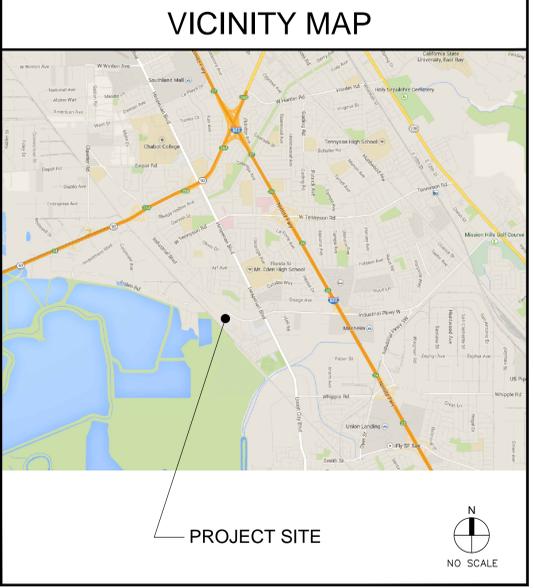


<b>SHEET INDEX</b> (TOTAL SHEETS = 17)	
<b>ARCHITECTURAL</b> (10 - SHEETS)	A0.1 TITLE SHEET A1.0 SITE PLAN A2.1 FLOOR PLAN - TENANT 1 A2.2 FLOOR PLAN - TENANT 2&3 A2.3 FLOOR PLAN - TENANT 4&5 A2.4 FLOOR PLAN - TENANT 6 A4.1 EXTERIOR ELEVATIONS - TENANT 1 A4.2 EXTERIOR ELEVATIONS - TENANT 2&3 A4.3 EXTERIOR ELEVATIONS - TENANT 4&5 A8.1 DETAILS
<b>LANDSCAPE</b> (2 - SHEETS)	L-1 CONCEPTUAL PLANTING PLAN L-2 IRRIGATION HYDROZONE PLAN
<b>CIVIL</b> (5 - SHEETS)	C1 TOPOGRAPHICAL SURVEY C2 PRELIMINARY GRADING AND DRAINAGE PLAN C3 UTILITY PLAN C4 EROSION CONTROL PLAN C5 STORM WATER QUALITY CONTROL PLAN

<b>ARCHITECT'S CONSULTANTS</b>	
<b>LANDSCAPE ARCHITECT</b> IMA DESIGN GROUP 2470 MARINER SQUARE LOOP ALAMEDA, CA 94501 ANN CUTNER PH: (510) 353-9652	
<b>DEFERRED SUBMITTALS</b>	1- CEQA DOCUMENTATION AND SUBMITTAL

ABBREVIATIONS	
& Z Angle @ At Centerline ~ # (E)	CONSTR. Construction CONT. Continuous C.O.R. Center of Reveal CORR. Corridor CTSK. Countersunk CNTR. Counter # Found or Number # Existing
ACOUS Acoustical A.D. Area Drain ADJ. Adjustable AGGR. Aggregate AL. Aluminum APPROX. Approximate ARCH. Architectural ASB. Asbestos ASPH. Asphalt	D.F. Drinking Fountain DET. Detail DIA. Diameter DIM. Dimension DISP. Dispenser DN. Down D.O. Door Opening DR. Door DWR. Drawer DS. Downspout D.S.P. Dry Standpipe DWG. Drawing
BD. Board BLDUM. Bluminus Building BLDC. Block BLKG. Blocking BM. Beam B.O.C. Bottom of Concrete B.O.M. Bottom of Mullion B.O.P. Bottom of Panel B.O.R. Bottom of Reveal BOT. Bottom	E. East E.A. Each E.J. Expansion Joint EL. Elevation ELEC. Electrical ELEV. Elevator EMER. Emergency ENCL. Enclosure E.P. Electrical Panelboard EQ. Equal EQPT. Equipment E.W.C. Electric Water Cooler CER. Ceramic C.I. Cast Iron C.C. Corner Guard CLG. Ceiling CLKG. Caulking CLO. Closet CLR. Clear C.O. Cased Opening COL. Column C.O.M. Center of Mullion CONC. Concrete CONN. Connection
F.A. Fire Alarm F.B. Flat Bar F.D. Floor Drain FDN. Foundation F.E. Fire Extinguisher F.E.C. Fire Extinguisher Cab F.H.C. Fire Hose Cabinet FIN. Finish FL. Floor DBL. Double F.N. Floor FL. Floor FLASH. Flashing FLUOR. Fluorescent F.L.C. Face of Concrete F.O.C. Face of Concrete F.O.F. Face of Finish F.O.M. Face of Mullion F.O.S. Face of Stud PPRF. Fireproof F.S. Full Size FT. Foot or Feet FTG. Footing FURR. Furring FUT. Future	GA. Gauge GALV. Galvanized G.B. Grab Bar GL. Glass GND. Ground GR. Grade GYP. Gypsum H.B. Hose Bibb H.C. Hollow Core HDWD. Hardwood HDWE. Hardwear H.M. Hollow Metal HORZ. Horizontal HR. Hour HT. Height I.D. Inside Diameter (Dim.) INSUL. Insulation INT. Interior Jan. Janitor JT. Joint KIT. Kitchen K.O. Knock Out
LAB. Laboratory LAM. Laminate LAV. Lavatory LKR. Locker LT. Light MAX. Maximum M.C. Medicine MECH. Mechanical MEMB. Membrane MET. Metal MFR. Manufacturer MH. Manhole MIN. Minimum MIR. Mirror MISC. Miscellaneous M.O. Masonry Opening MTD. Mounted MUL. Mullion N. North N.I.C. Not In Contract NO. Number NOM. Nominal N.T.S. Not To Scale O.A. Overall OBS. Obscure O.C. On Center O.D. Outside Diameter (Dim.) OFF. Office OPNG. Opening OPP. Opposite	PRCST. Pre-cast PL. Plate P.LAM. Plastic Laminate PLAS. Plaster PLYWD. Plywood PR. Pair PT. Point P.T.D. Paper Towel Dispenser P.T.D/R. Combination Paper Towel PTN. Partition P.T.R. Paper Towel Receptacle P.J. Panel Joint Q.T. Quarry Tile R. Riser RAD. Radius R.D. Roof Drain REF. Reference REFR. Refrigerator REG. Register REINF. Reinforced REQ. Required RM. Room R.O. Rough Opening RWD. Redwood R.W.L. Rain Water Leader S. South SAF. Self Adhered Flashing S.C.D. Solid Core S.C. Seat Cover Dispenser SCHED. Schedule S.D. Soap Dispenser SECT. Section SH. Sheet SHR. Shower SHT. Sheet SIM. Similar S.N.D. Sanitary Napkin Disp. S.N.R. Sanitary Napkin Recept. SPEC. Specification SQ. Square S.S. Stainless Steel S.S.K. Service Sink STA. Station
STA. Station STD. Standard STL. Steel STOR. Storage STR. Structural SUSP. Suspended SYS. Symmetrical TRD. Tread T.B. Towel Bar T.C. Top of Curb TEL. Telephone TER. Terrace T. & G. Tongue and Groove THK. Thick T.O.C. Top of Concrete T.O.P. Top of Panel T.O.R. Top of Reveal T.O.R.C. Top of Deep Recess T.O.M. Top of Mullion T.O.W. Top of Wall TYP. Typical U.N.F. Unfinished U.D.N. Unless Otherwise Noted UR. Urinal VERT. Vertical VEST. Vestibule W. West W/ With W.C. Water Closet W.D. Wood W/O. Without WRB. Waterproofing Membrane WRB. Weather/Water Resistive Barrier WSC. Wainscot WT. Weight	

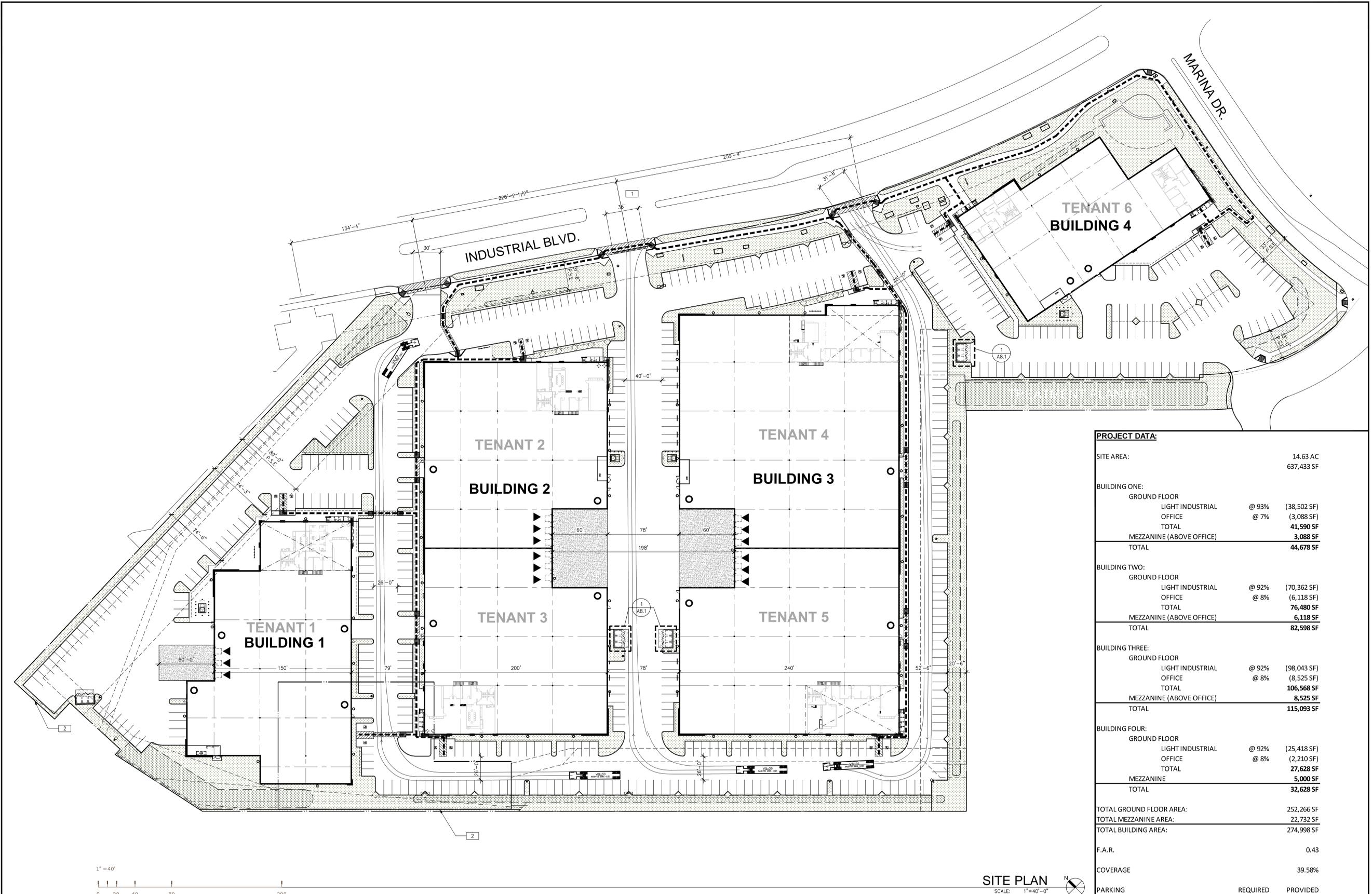
SYMBOLS	
ALIGN	INTERIOR ELEVATION VIEW
OFFICE ROOM NAME	INTERIOR ELEVATION REFERENCE SHEET NUMBER
OFFICE ROOM NUMBER	
DOOR NUMBER	WALL MATERIAL TYPE
EXISTING DOOR	FLOOR MATERIAL TYPE
DETAIL REFERENCE SHEET NUMBER	MISC. MATERIAL TYPE
DETAIL SECTION REFERENCE SHEET NUMBER	KEYNOTE INDICATOR
EXTERIOR ELEVATION REFERENCE SHEET NUMBER	FINISH INDICATOR
	REVISION
	FIRE EXTINGUISHER CABINET W/ FIRE EXTINGUISHER
	WALL-MOUNTED FIRE EXTINGUISHER



TITLE SHEET	
DATE	REVISIONS
07/15/2015	ISSUED FOR PLANNING SUBMITTAL
08/18/2015	ISSUED FOR PLANNING SUBMITTAL
PA / PM:	TJB
DRAWN BY:	EK
JOB NO.:	SNR14-0078-00
SHEET	
<b>A0.1</b>	

NOT FOR CONSTRUCTION

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1" = 40'  
0 20 40 80 160 200

**SITE PLAN**  
SCALE: 1"=40'-0"

**SITE LEGEND**

- POURED IN PLACE CONCRETE MONUMENT SIGN WITH GROUND MOUNTED ILLUMINATION.
- ACCESSIBLE RAMP PER CBC.
- VEHICLE CIRCULATION PER CITY OF HAYWARD STANDARD SD-501
- POLE MOUNTED LIGHT FIXTURE.
- WALLPACK LIGHT FIXTURE. SEE ELECTRICAL DRAWINGS
- BICYCLE RACK PER CITY STANDARDS
- TRANSFORMER WITH CONCRETE PAD, SEE ELECTRICAL DRAWINGS. (PROVIDE PROTECTION BOLLARDS PER LOCAL UTILITY OR PUBLIC WORK STANDARDS)
- TRASH ENCLOSURE PER CITY STANDARDS.
- DOCK HIGH TRUCK DOOR
- GRADE LEVEL TRUCK DOOR
- FIRE HYDRANT (VERIFY LOCATION WITH CIVIL DRAWINGS)
- P.I.V. WITH TAMPER, SEE FIRE PROTECTION DRAWINGS
- COMPACT PARKING STALL PER CITY STANDARDS
- PREFERENTIAL PARKING PER CITY REQUIREMENTS
- ACCESSIBLE PARKING STALL WITH SIGNAGE.
- 2'-6" PARKING OVERHANG.
- PAINTED PARKING STRIPING PER CITY STANDARDS.
- FIRE LANE (HATCHED)
- LANDSCAPE AND IRRIGATION AREA (SEE LANDSCAPE DRAWINGS)
- TREATMENT PLANTER (SEE CIVIL)
- PROPERTY LINE (SEE CIVIL)
- FIRE LANE CURB, DASHED LINE INDICATES EXTENT OF CONTINUOUS CURB TO BE PAINTED RED.
- ACCESSIBLE PATH OF TRAVEL: 1:20 MAX. SLOPE, 2% MAX. CROSS SLOPE. (SEE CIVIL DRAWINGS)

**SITE PLAN NOTES**

- 1 PROPOSED MEDIAN IMPROVEMENTS
- 2 RELOCATE FLOOD WALL PER CIVIL

PROJECT DATA:			
SITE AREA:		14.63 AC	
		637,433 SF	
BUILDING ONE:			
GROUND FLOOR			
LIGHT INDUSTRIAL	@ 93%	(38,502 SF)	
OFFICE	@ 7%	(3,088 SF)	
TOTAL		41,590 SF	
MEZZANINE (ABOVE OFFICE)		3,088 SF	
TOTAL		44,678 SF	
BUILDING TWO:			
GROUND FLOOR			
LIGHT INDUSTRIAL	@ 92%	(70,362 SF)	
OFFICE	@ 8%	(6,118 SF)	
TOTAL		76,480 SF	
MEZZANINE (ABOVE OFFICE)		6,118 SF	
TOTAL		82,598 SF	
BUILDING THREE:			
GROUND FLOOR			
LIGHT INDUSTRIAL	@ 92%	(98,043 SF)	
OFFICE	@ 8%	(8,525 SF)	
TOTAL		106,568 SF	
MEZZANINE (ABOVE OFFICE)		8,525 SF	
TOTAL		115,093 SF	
BUILDING FOUR:			
GROUND FLOOR			
LIGHT INDUSTRIAL	@ 92%	(25,418 SF)	
OFFICE	@ 8%	(2,210 SF)	
TOTAL		27,628 SF	
MEZZANINE		5,000 SF	
TOTAL		32,628 SF	
TOTAL GROUND FLOOR AREA:		252,266 SF	
TOTAL MEZZANINE AREA:		22,732 SF	
TOTAL BUILDING AREA:		274,998 SF	
F.A.R.		0.43	
COVERAGE		39.58%	
PARKING			
	REQUIRED	PROVIDED	
FULL SIZE STALLS (9'X19')	@ 1/500	346 STALLS	423 STALLS
COMPACT STALLS (8'X17')	@ 30%	165 STALLS	90 STALLS
ACCESSIBLE STALLS	@ 2%	11 STALLS	16 STALLS
PREFERENTIAL STALLS	@ 5%	27 STALLS	27 STALLS
TOTAL		550 STALLS	556 STALLS
BICYCLE PARKING	@ 3.5%	19 STALLS	20 STALLS

SITE PLAN			
DATE	REMARKS	DATE	REMARKS
1. 04/18/2015	ISSUED FOR PLANNING SUBMITTAL		
2. 06/18/2015	ISSUED FOR PLANNING SUBMITTAL		

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DRAWN BY: EK  
JOB NO.: SNR14-0078-00

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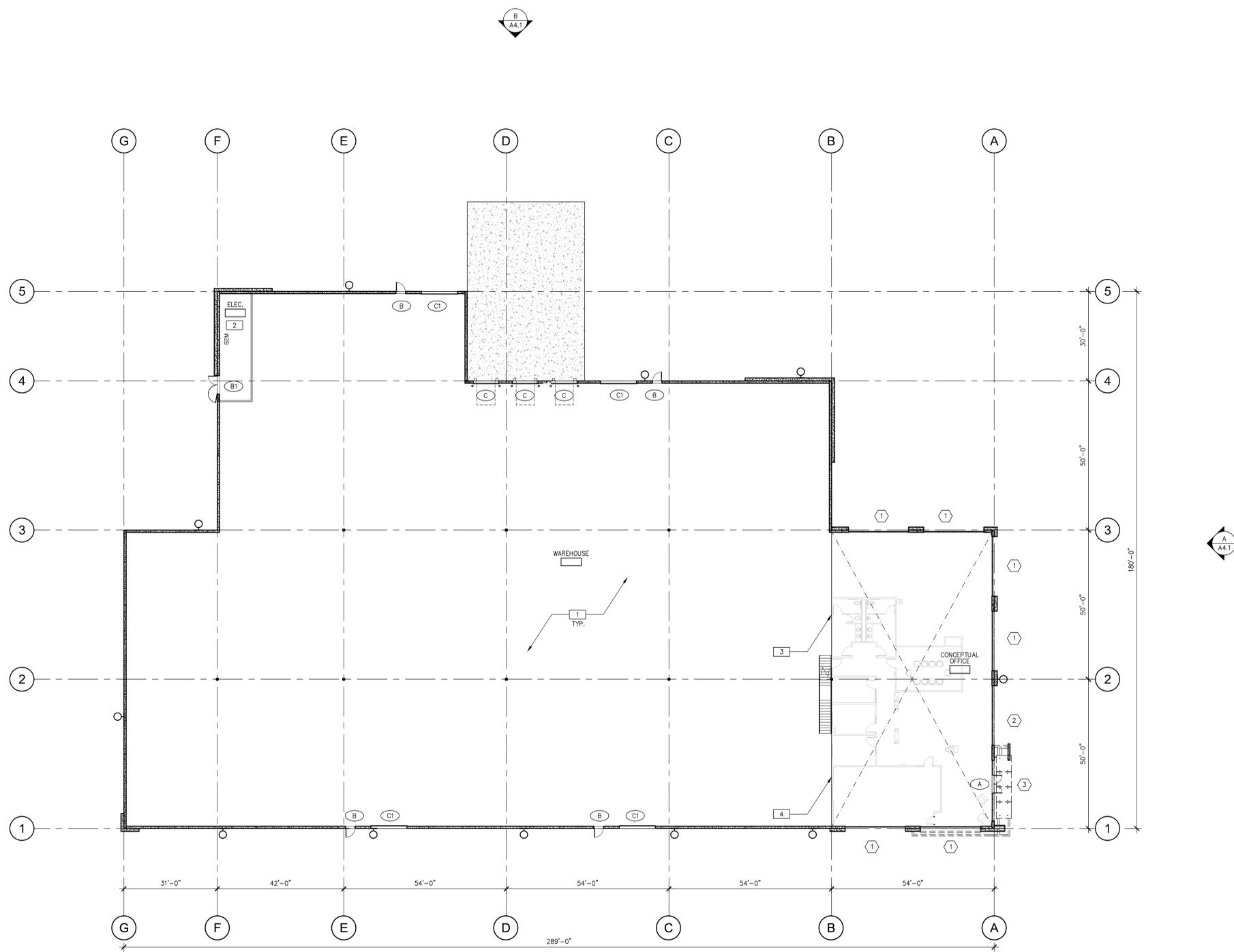
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INDUSTRIAL BLVD.  
HAYWARD, CALIFORNIA

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HAYWARD, CALIFORNIA

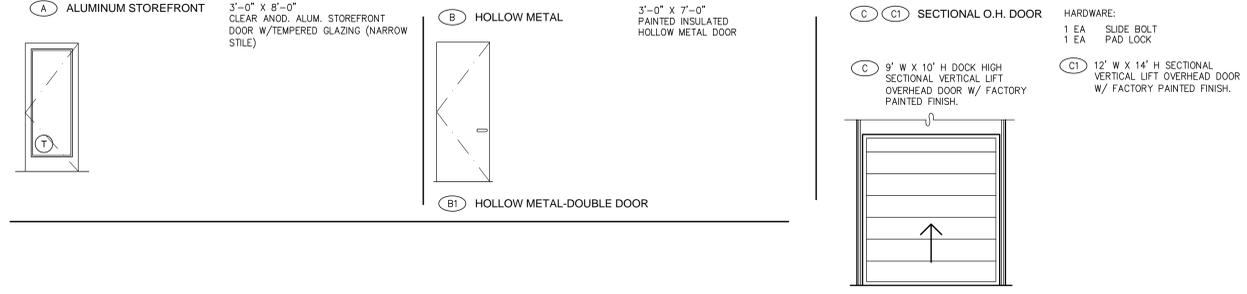
REMARKS		DATE	REMARKS
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2	DATE ISSUED FOR PLANNING SUBMITTAL		
3	DATE ISSUED FOR PLANNING SUBMITTAL		
4	DATE ISSUED FOR PLANNING SUBMITTAL		

PA / PM: TJB  
DRAWN BY: EK  
JOB NO.: SNR14-0078-00

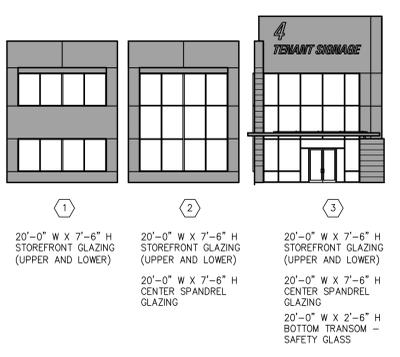
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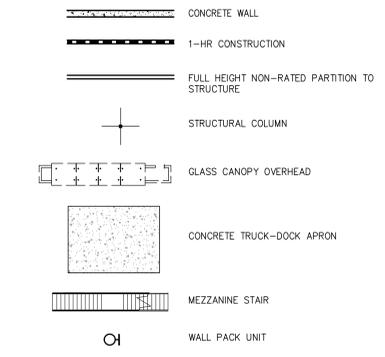
**DOOR TYPES**



**WINDOW TYPES**



**LEGEND**



**FLOOR PLAN NOTES**

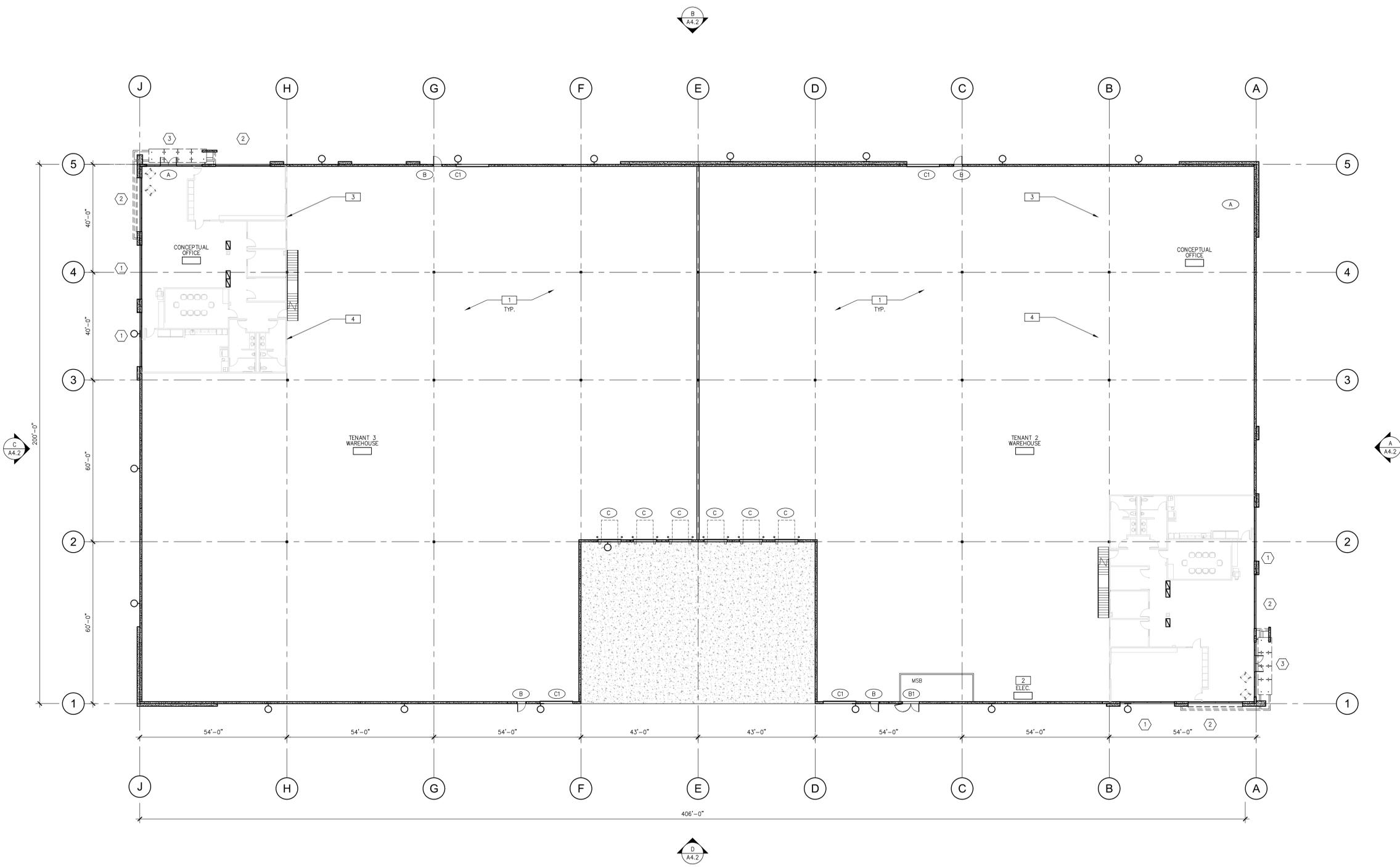
- 1 CONCRETE SLAB.
- 2 ELECTRICAL SWITCHGEAR/EQUIPMENT.
- 3 MEZZANINE LINE ABOVE.
- 4 OFFICE SPACE SHOWN FOR CONCEPTUAL PURPOSES ONLY.

REMARKS	
DATE	REMARKS
1	DATE ISSUED FOR PLANNING SUBMITTAL
2	DATE ISSUED FOR PLANNING SUBMITTAL
3	DATE ISSUED FOR PLANNING SUBMITTAL
4	DATE ISSUED FOR PLANNING SUBMITTAL
5	DATE ISSUED FOR PLANNING SUBMITTAL

PA / PM:	TJB
DRAWN BY:	EK
JOB NO.:	SNR14-0078-00

SHEET  
**A2.2**

NOT FOR CONSTRUCTION



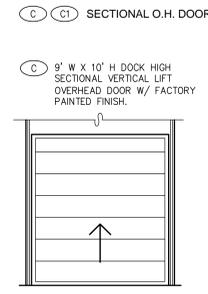
1/16" = 1'-0"  
0 8' 16' 32' 64'  
SCALE: 1/16"=1'-0"

**DOOR TYPES**

<p><b>(A) ALUMINUM STOREFRONT</b></p> <p>3'-0" X 8'-0" CLEAR ANOD. ALUM. STOREFRONT DOOR W/TEMPERED GLAZING (NARROW STYLE)</p> <p>FRAME: MANUF HARDWARE: 2 SETS PIVOT SET 2 SETS INTER PIVOT 1 EA EXIT DEVICE 1 EA MORITSE CYLINDER 2 SETS OFFSET PULL 2 EA OH CLOSER 1 EA THRESHOLD 1 EA DECAL</p> <p>NOTE: WEATHERSEAL BY DOOR MANUFACTURER</p>	<p><b>(B) HOLLOW METAL</b></p> <p>3'-0" X 7'-0" PAINTED INSULATED HOLLOW METAL DOOR</p> <p>FRAME: PAINTED HOLLOW METAL HARDWARE: 3 EA HINGES 1 EA EXIT DEVICE 1 EA CYLINDER 1 EA CLOSER 1 EA PERIMETER SEAL 1 EA BOTTOM DRIP 1 EA THRESHOLD 1 EA LOCK GUARD 1 EA HVY DTY FLOOR STOP</p>	<p><b>(C) SECTIONAL O.H. DOOR</b></p> <p>9' W X 10' H DOCK HIGH SECTIONAL VERTICAL LIFT OVERHEAD DOOR W/ FACTORY PAINTED FINISH.</p> <p>HARDWARE: 1 EA SLIDE BOLT 1 EA PAD LOCK</p> <p><b>(C1) 12' W X 14' H SECTIONAL VERTICAL LIFT OVERHEAD DOOR W/ FACTORY PAINTED FINISH.</b></p>
---	---	---

**DOOR NOTES**  
BUTT HINGES:  
SOSS - STANDARD WEIGHT, PLAIN BEARING, STEEL HINGES OR APPROVED EQUAL.  
ALL EXTERIOR OUTSWING DOOR BUTTS SHALL BE MADE OF NON-FERROUS MATERIAL AND SHALL HAVE STAINLESS STEEL HINGE PINS.

NON DUPRIN 99 SERIES PANIC DEVICE OR APPROVED EQUAL.  
CLOSING DEVICES: NORTON 8500 BF SERIES OR APPROVED EQUAL.  
STOPS: TRIMCO W1200 SERIES DOOR STOP  
SLIDE BOLT AND PAD LOCK: INSTALL SLIDE BOLT ABOVE LEVEL OF DOOR GUARD



**WINDOW TYPES**

<p><b>(1)</b></p> <p>20'-0" W X 7'-6" H STOREFRONT GLAZING (UPPER AND LOWER)</p>	<p><b>(2)</b></p> <p>20'-0" W X 7'-6" H STOREFRONT GLAZING (UPPER AND LOWER)</p>	<p><b>(3)</b></p> <p>20'-0" W X 7'-6" H STOREFRONT GLAZING (UPPER AND LOWER)</p> <p>20'-0" W X 7'-6" H CENTER SPANDEL GLAZING</p> <p>20'-0" W X 2'-6" H BOTTOM TRANSOM - SAFETY GLASS</p>
--	--	---

**LEGEND**

	CONCRETE WALL
	1-HR CONSTRUCTION
	FULL HEIGHT NON-RATED PARTITION TO STRUCTURE
	STRUCTURAL COLUMN
	GLASS CANOPY OVERHEAD
	CONCRETE TRUCK-DOCK APRON
	MEZZANINE STAIR

**FLOOR PLAN NOTES**

- 1 CONCRETE SLAB.
- 2 ELECTRICAL SWITCHGEAR/EQUIPMENT.
- 3 MEZZANINE LINE ABOVE.
- 4 OFFICE SPACE SHOWN FOR CONCEPTUAL PURPOSES ONLY

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pittsburg, ca 94588  
phone: 925.244.9621  
fax: 925.244.9621

**EDEN SHORES INDUSTRIAL PARK**  
INDUSTRIAL BLVD.  
HAYWARD, CALIFORNIA

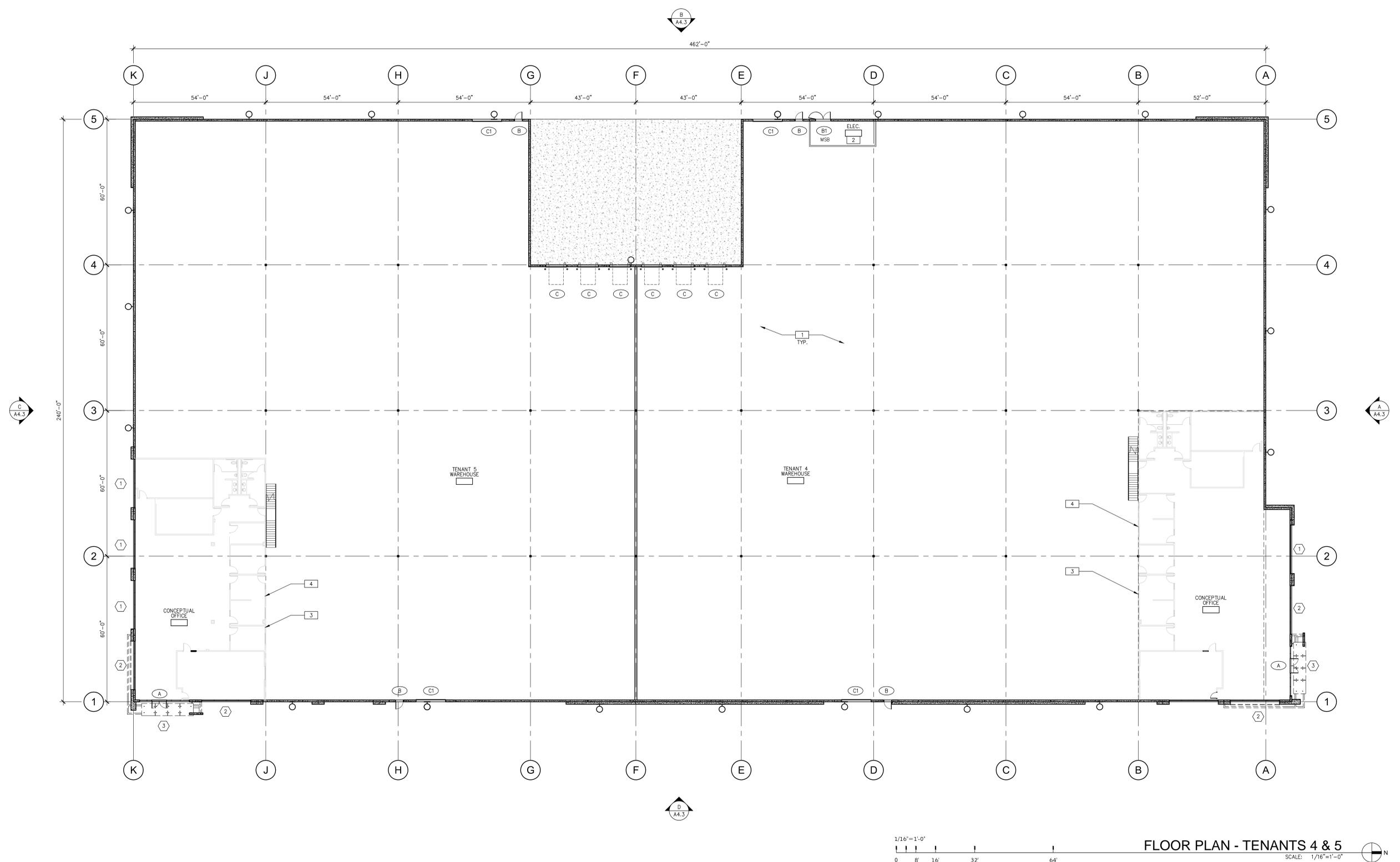
FLOOR PLAN		REMARKS
DATE	ISSUED FOR	DATE
1. 04/18/2015	ISSUED FOR PLANNING SUBMITTAL	
2. 05/18/2015	ISSUED FOR PLANNING SUBMITTAL	

PA / PM: TJB  
DRAWN BY: EK  
JOB NO.: SNR14-0078-00

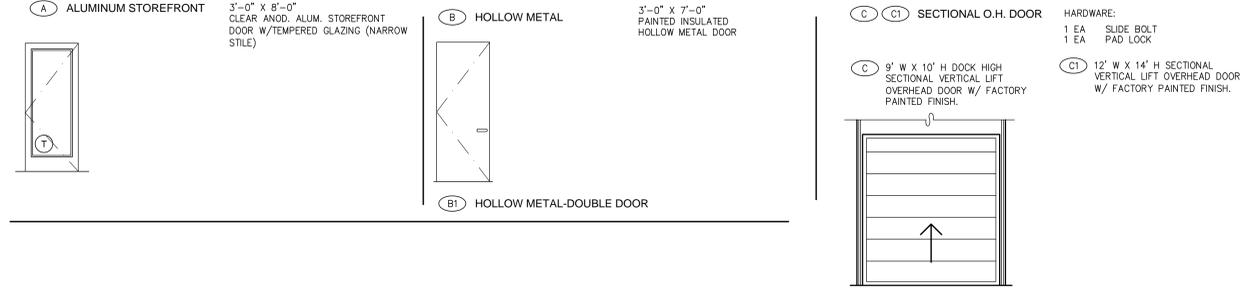
SHEET  
**A2.3**

NOT FOR CONSTRUCTION

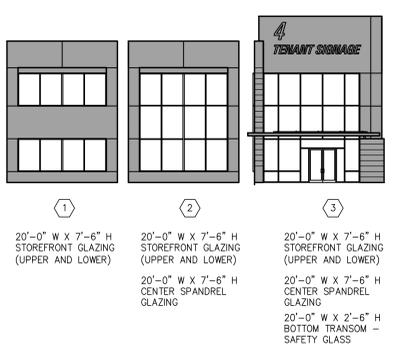
THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF WARE MALCOLM AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY AGREEMENT WITH WARE MALCOLM. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND SHALL BE VERIFIED ON THE JOB SITE. ANY DISCREPANCY SHALL BE BROUGHT TO THE NOTICE OF WARE MALCOLM PRIOR TO THE COMMENCEMENT OF ANY WORK.



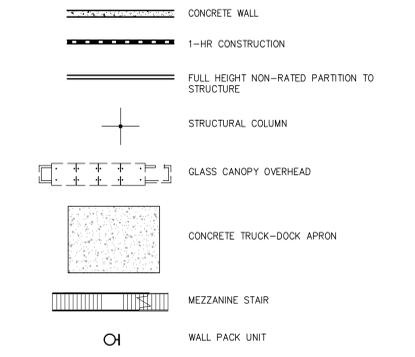
**DOOR TYPES**



**WINDOW TYPES**



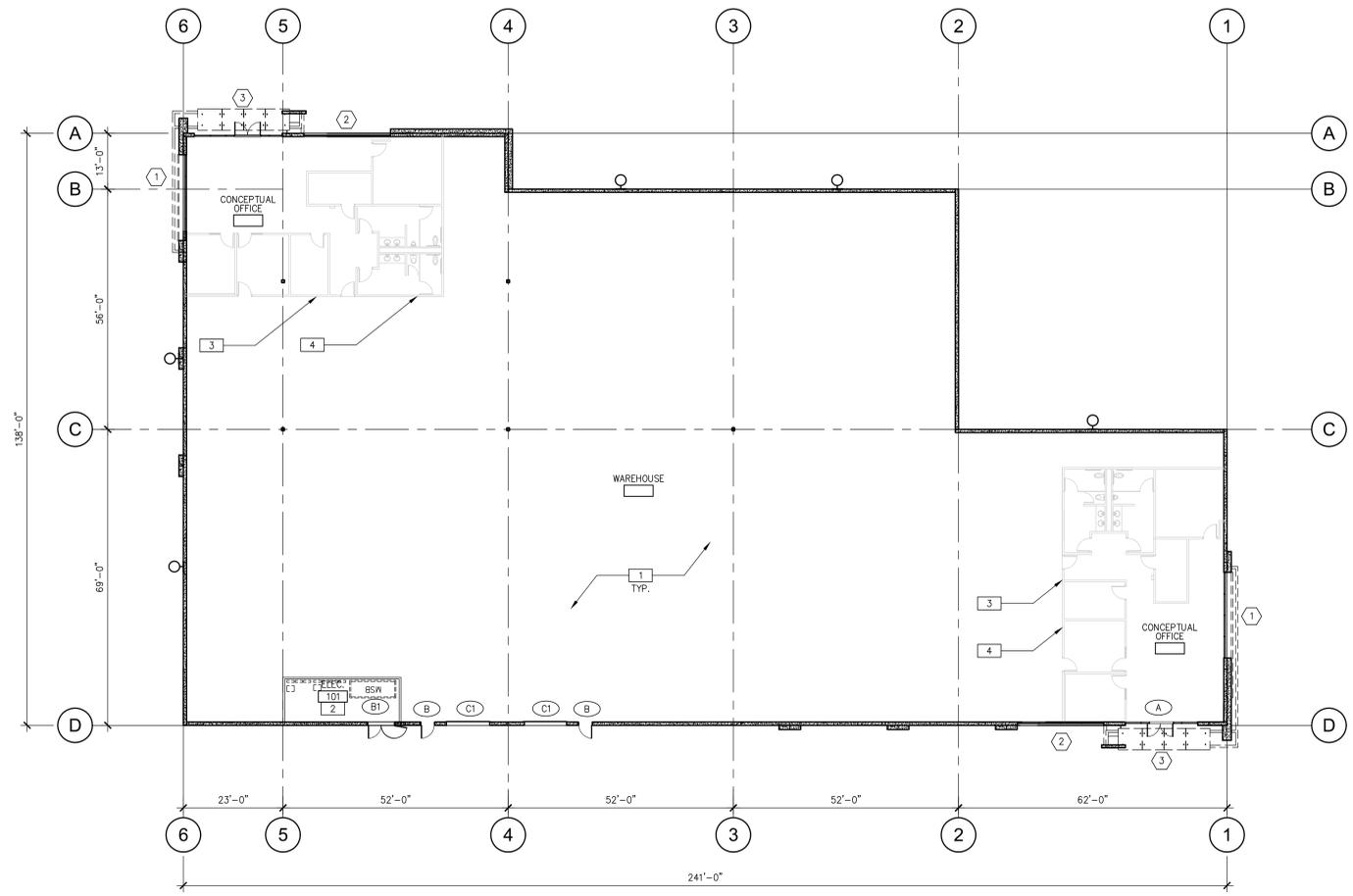
**LEGEND**



**FLOOR PLAN NOTES**

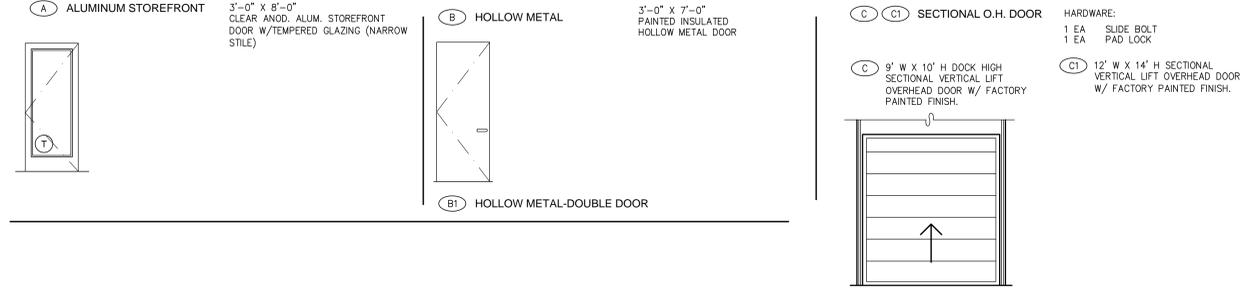
- 1 CONCRETE SLAB.
- 2 ELECTRICAL SWITCHGEAR/EQUIPMENT.
- 3 MEZZANINE LINE ABOVE.
- 4 OFFICE SPACE SHOWN FOR CONCEPTUAL PURPOSES ONLY

M:\Jobs14\Sho Properties-Livermore\SR14-0078-00\_Eden\_Shores\_Business\_Center\_Architectural\Coord\0078-A24.dwg

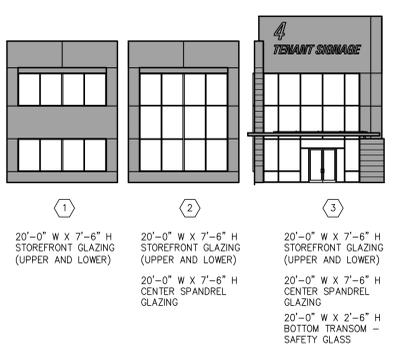


FLOOR PLAN - TENANT 6  
SCALE: 1/16"=1'-0"

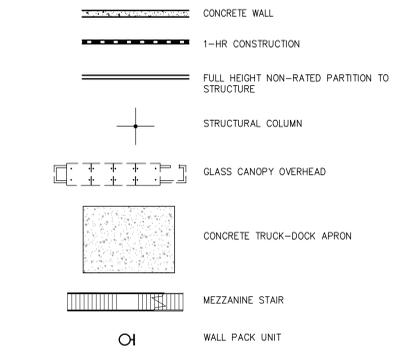
**DOOR TYPES**



**WINDOW TYPES**



**LEGEND**



**FLOOR PLAN NOTES**

- 1 CONCRETE SLAB.
- 2 ELECTRICAL SWITCHGEAR/EQUIPMENT.
- 3 MEZZANINE LINE ABOVE.
- 4 OFFICE SPACE SHOWN FOR CONCEPTUAL PURPOSES ONLY

**FLOOR PLAN - TENANT 6**

DATE	REVISIONS	DATE	REMARKS
04/07/2015	ISSUED FOR PLANNING SUBMITTAL		
05/18/2015	ISSUED FOR PLANNING SUBMITTAL		

PA / PM:	TJB
DRAWN BY:	EK
JOB NO.:	SNR14-0078-00

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**A2.4**

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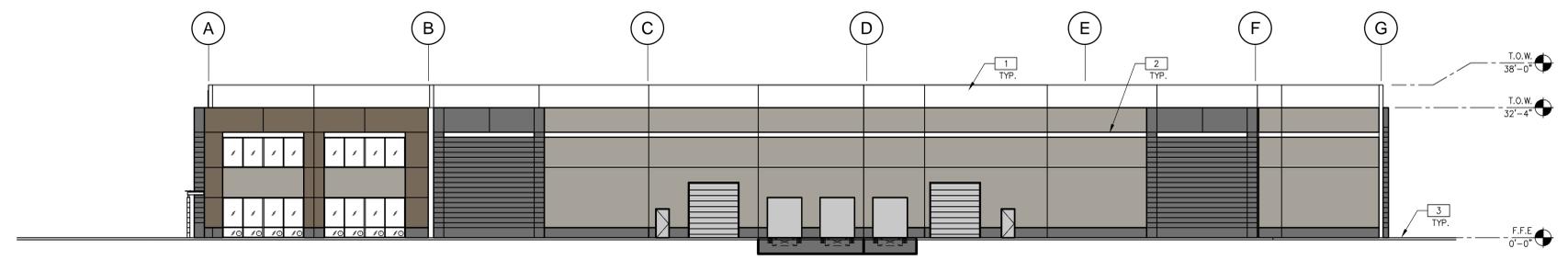
4685 chabot dr. suite 300  
pittsburg, ca 94588  
phone: 925.244.9222  
fax: 925.244.9221

**EDEN SHORES INDUSTRIAL PARK**  
INDUSTRIAL BLVD.  
HAYWARD, CALIFORNIA

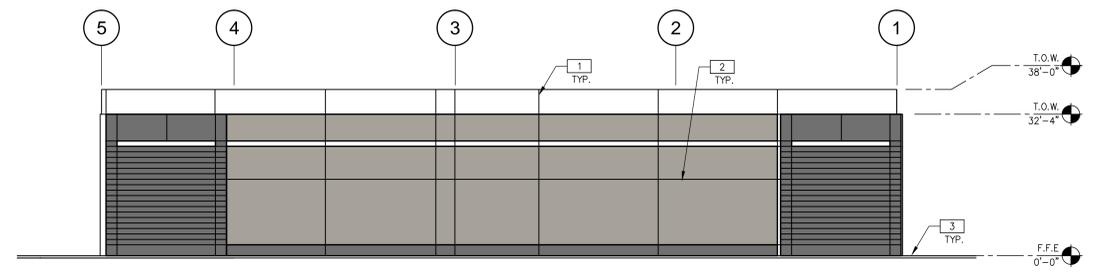
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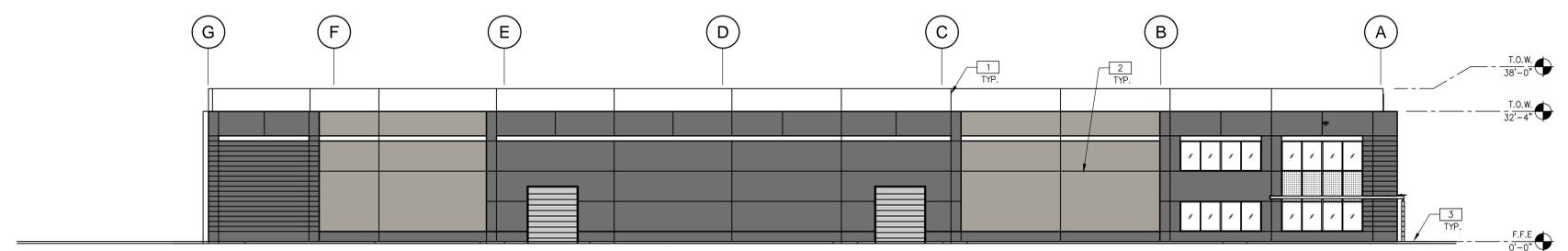
**NORTH EXTERIOR ELEVATION**  
SCALE: 1/16"=1'-0" (A)



**WEST EXTERIOR ELEVATION**  
SCALE: 1/16"=1'-0" (B)



**SOUTH EXTERIOR ELEVATION**  
SCALE: 1/16"=1'-0" (C)



**EAST EXTERIOR ELEVATION**  
SCALE: 1/16"=1'-0" (D)

**LEGEND**

- VISION GLASS W/ALUMINUM STOREFRONT SYSTEM
- SPANDREL GLASS W/ALUMINUM STOREFRONT SYSTEM
- TEMPERED GLASS W/ALUMINUM STOREFRONT SYSTEM
- GLASS CANOPY STRUCTURE
- STEEL TUBING
- CONCRETE
- WALL PACK MOUNTED

**COLOR LEGEND**

- BASE COLOR: PAINTED CONCRETE WALL
- SECONDARY COLOR: PAINTED CONCRETE WALL
- ACCENT COLOR: PAINTED CONCRETE WALL
- ACCENT COLOR: PAINTED CONCRETE WALL

**ELEVATION NOTES**

- CONCRETE WALL JOINT.
- 3/4" DEEP RECESS
- FINISH GRADE VARIES, SEE CIVIL DRAWINGS.

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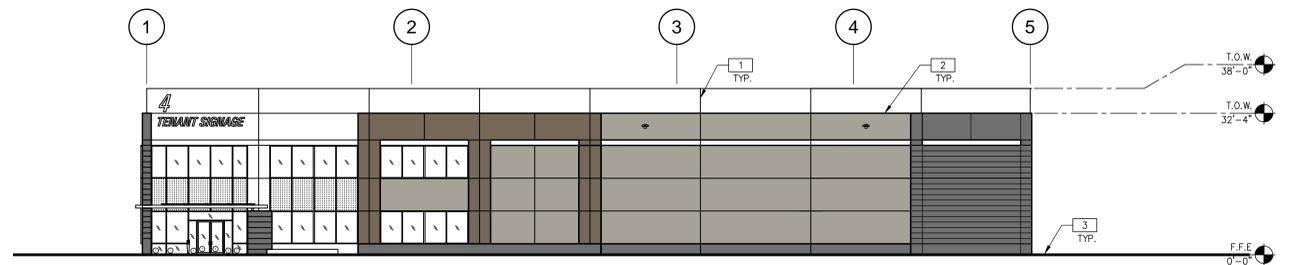
**EDEN SHORES INDUSTRIAL PARK**  
INDUSTRIAL BLVD.  
HAYWARD, CALIFORNIA

EXTERIOR ELEVATIONS - TENANT 1	
DATE	REMARKS
04/07/2015	ISSUED FOR PLANNING SUBMITTAL
06/18/2015	ISSUED FOR PLANNING SUBMITTAL

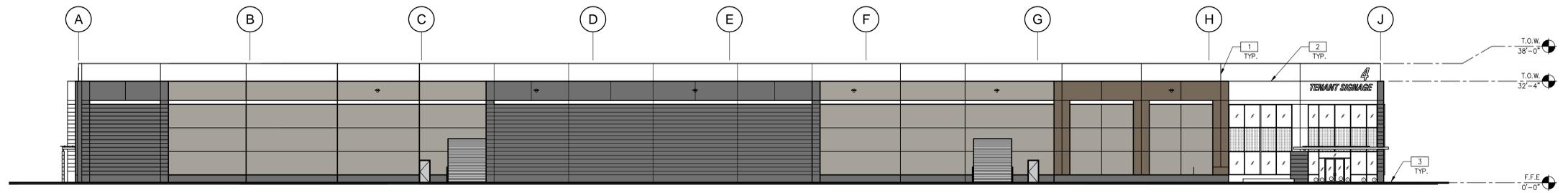
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DRAWN BY: EK  
JOB NO.: SNR14-0078-00

SHEET  
**A4.1**

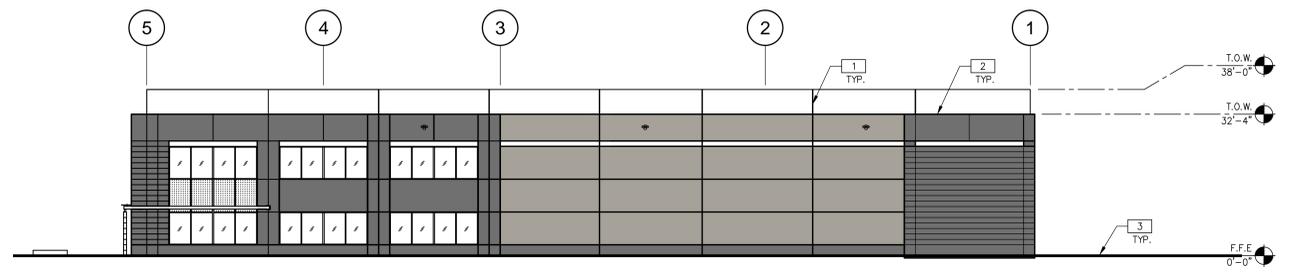
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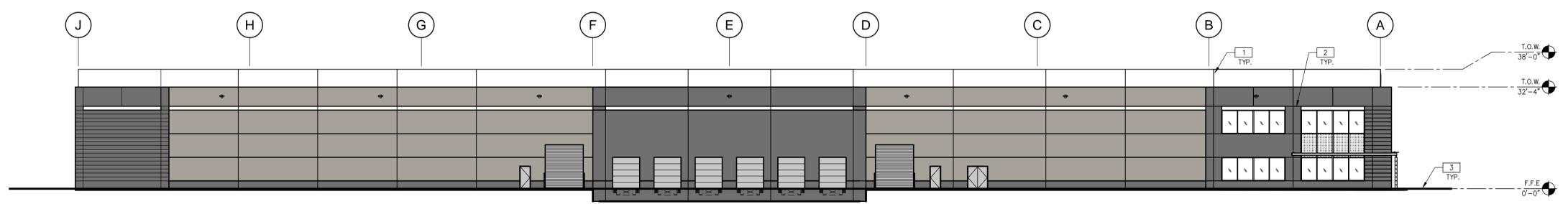
**NORTH EXTERIOR ELEVATION**  
SCALE: 1/16"=1'-0" (A)



**WEST EXTERIOR ELEVATION**  
SCALE: 1/16"=1'-0" (B)



**SOUTH EXTERIOR ELEVATION**  
SCALE: 1/16"=1'-0" (C)



**EAST EXTERIOR ELEVATION**  
SCALE: 1/16"=1'-0" (D)

**LEGEND**

- VISION GLASS W/ALUMINUM STOREFRONT SYSTEM
- SPANDREL GLASS W/ALUMINUM STOREFRONT SYSTEM
- TEMPERED GLASS W/ALUMINUM STOREFRONT SYSTEM
- GLASS CANOPY STRUCTURE
- STEEL TUBING
- CONCRETE
- WALL PACK MOUNTED

**COLOR LEGEND**

- A BASE COLOR: PAINTED CONCRETE WALL
- B SECONDARY COLOR: PAINTED CONCRETE WALL
- C ACCENT COLOR: PAINTED CONCRETE WALL
- D ACCENT COLOR: PAINTED CONCRETE WALL

**ELEVATION NOTES**

- 1 CONCRETE WALL JOINT.
- 2 3/4" DEEP RECESS
- 3 FINISH GRADE VARIES, SEE CIVIL DRAWINGS.

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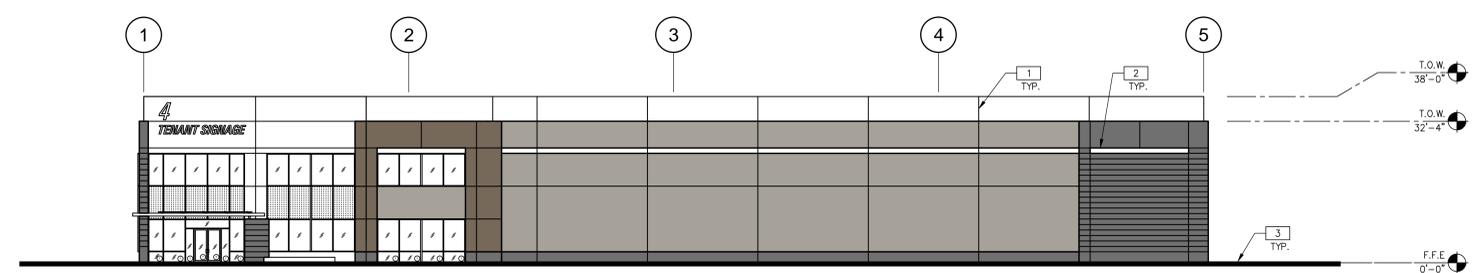
**EDEN SHORES INDUSTRIAL PARK**  
INDUSTRIAL BLVD.  
HAYWARD, CALIFORNIA

EXTERIOR ELEVATIONS - TENANTS 2 & 3	
DATE	REMARKS
1. 04/15/2015	ISSUED FOR PLANNING SUBMITTAL
2. 05/18/2015	ISSUED FOR PLANNING SUBMITTAL

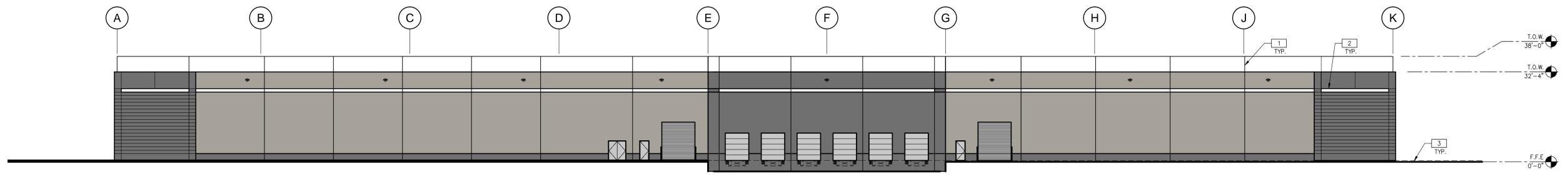
PA / PM: TJB  
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JOB NO.: SNR14-0078-00

SHEET  
**A4.2**

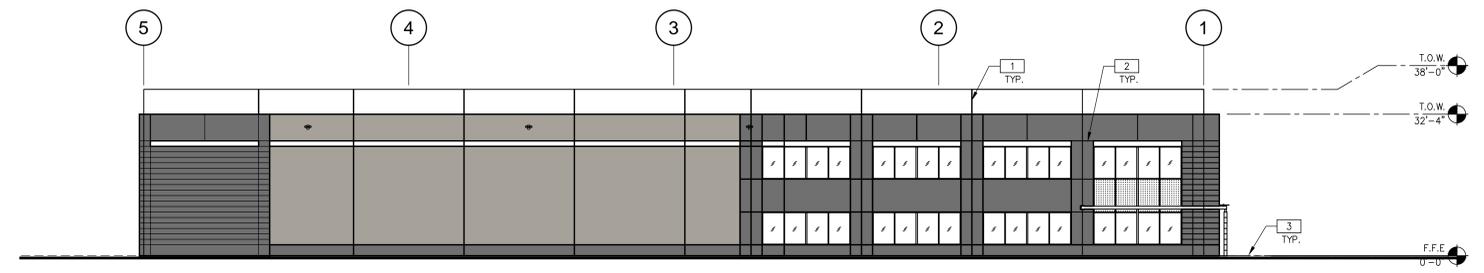
NOT FOR CONSTRUCTION



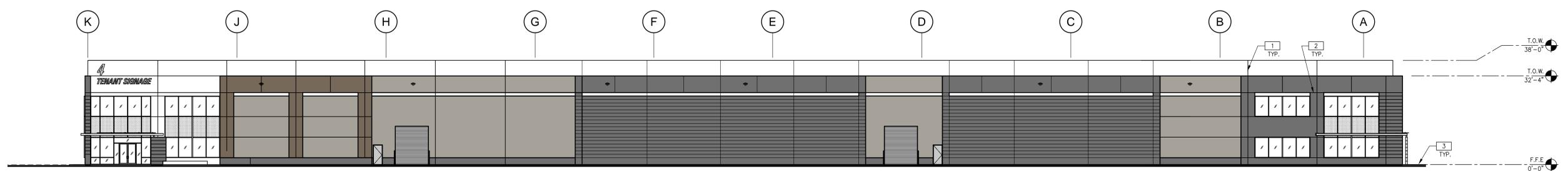
**NORTH EXTERIOR ELEVATION**  
SCALE: 1/16"=1'-0" (A)



**WEST EXTERIOR ELEVATION**  
SCALE: 1/16"=1'-0" (B)



**SOUTH EXTERIOR ELEVATION**  
SCALE: 1/16"=1'-0" (C)



**EAST EXTERIOR ELEVATION**  
SCALE: 1/16"=1'-0" (D)

**LEGEND**

- VISION GLASS W/ALUMINUM STOREFRONT SYSTEM
- SPANDREL GLASS W/ALUMINUM STOREFRONT SYSTEM
- TEMPERED GLASS W/ALUMINUM STOREFRONT SYSTEM
- GLASS CANOPY STRUCTURE
- STEEL TUBING
- CONCRETE
- WALL PACK MOUNTED

**COLOR LEGEND**

- BASE COLOR: PAINTED CONCRETE WALL
- SECONDARY COLOR: PAINTED CONCRETE WALL
- ACCENT COLOR: PAINTED CONCRETE WALL
- ACCENT COLOR: PAINTED CONCRETE WALL

**ELEVATION NOTES**

- CONCRETE WALL JOINT.
- 3/4" DEEP RECESS
- FINISH GRADE VARIES, SEE CIVIL DRAWINGS.

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fax: 925.234.9221

**EDEN SHORES INDUSTRIAL PARK**  
INDUSTRIAL BLVD.  
HAYWARD, CALIFORNIA

EXTERIOR ELEVATIONS - TENANTS 4 & 5	
DATE	REMARKS
1. 04/15/2015	ISSUED FOR PLANNING SUBMITTAL
2. 05/18/2015	ISSUED FOR PLANNING SUBMITTAL

PA / PM: TJB  
DRAWN BY: EK  
JOB NO.: SNR14-0078-00

SHEET  
**A4.3**

**NOT FOR CONSTRUCTION**







## Eden Shore Industrial Park

INDUSTRIAL BOULEVARD  
HAYWARD, CALIFORNIA

SNR14-0078-00  
**CONCEPTUAL DESIGN**  
07.10.2015

## WARE MALCOMB

architecture | planning | interiors

graphics | civil engineering













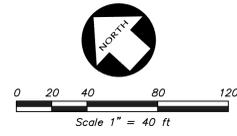








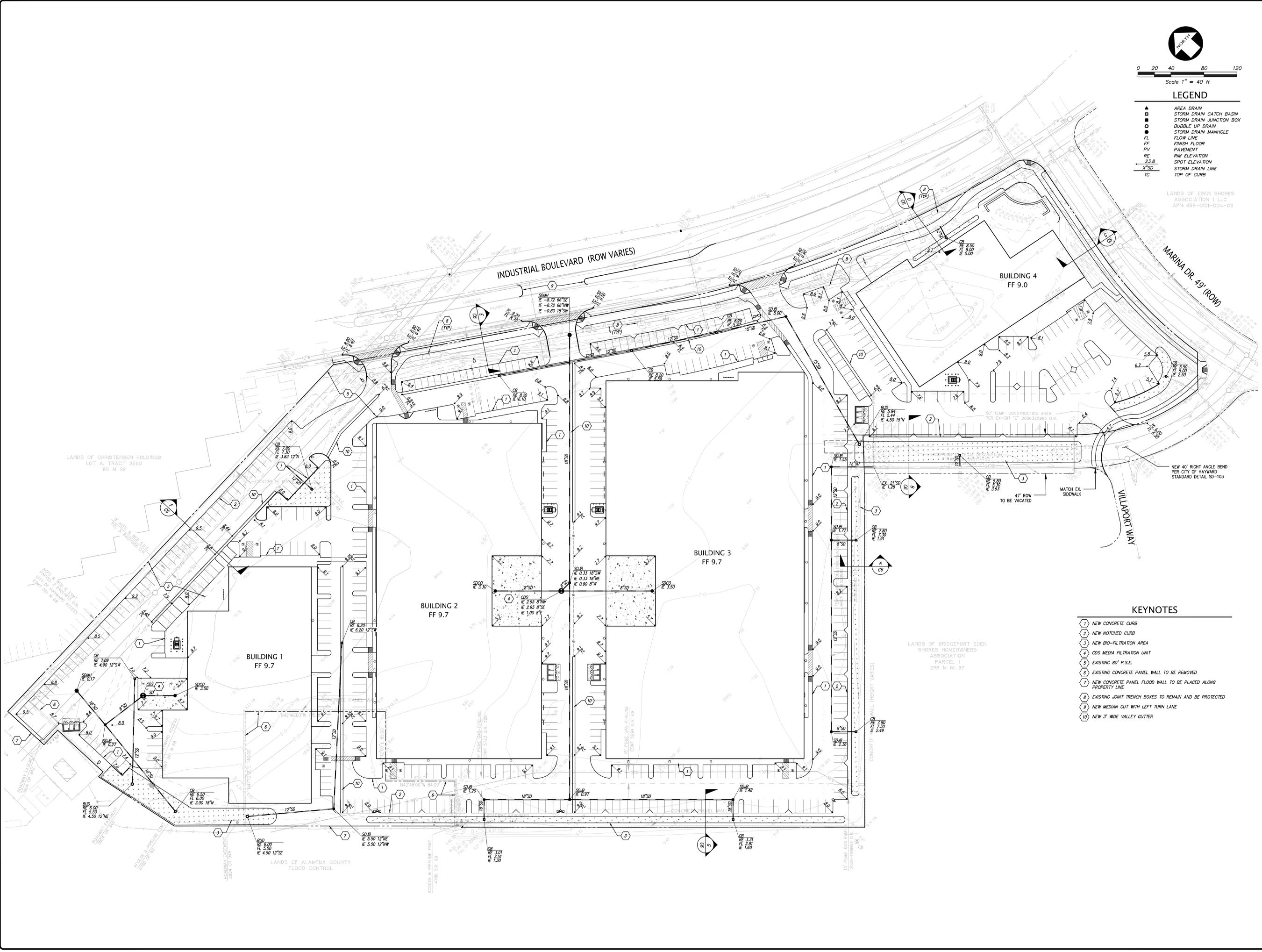




**LEGEND**

▲	AREA DRAIN
■	STORM DRAIN CATCH BASIN
□	STORM DRAIN JUNCTION BOX
○	BUBBLE UP DRAIN
●	STORM DRAIN MANHOLE
FL	FLOW LINE
FF	FINISH FLOOR
PV	PAVEMENT
RE	RM ELEVATION
23.8	SPOT ELEVATION
X'SD	STORM DRAIN LINE
TC	TOP OF CURB

LANDS OF EDEN SHORES  
ASSOCIATION 1 LLC  
APN: 456-0101-004-08



- KEYNOTES**
- 1 NEW CONCRETE CURB
  - 2 NEW NOTCHED CURB
  - 3 NEW BIO-FILTRATION AREA
  - 4 CDS MEDIA FILTRATION UNIT
  - 5 EXISTING 80' P.S.E.
  - 6 EXISTING CONCRETE PANEL WALL TO BE REMOVED
  - 7 NEW CONCRETE PANEL FLOOD WALL TO BE PLACED ALONG PROPERTY LINE
  - 8 EXISTING JOINT TRENCH BOXES TO REMAIN AND BE PROTECTED
  - 9 NEW MEDIAN CUT WITH LEFT TURN LANE
  - 10 NEW 3' WIDE VALLEY GUTTER

NO.	BY	NO.	BY	NO.	BY	NO.	BY
1	EYS	2	EYS	3	EYS	4	EYS

REVISION							
1	2	3	4	5	6	7	8

**PRELIMINARY GRADING AND DRAINAGE PLAN**  
OF  
**INDUSTRIAL BLVD & MARINA DRIVE**  
SHEA PROPERTIES

KIER & WRIGHT  
CIVIL ENGINEERS & SURVEYORS, INC.  
2850 Collier Canyon Road  
Livermore, California 94551  
Phone (925) 245-8788  
Fax (925) 245-8796

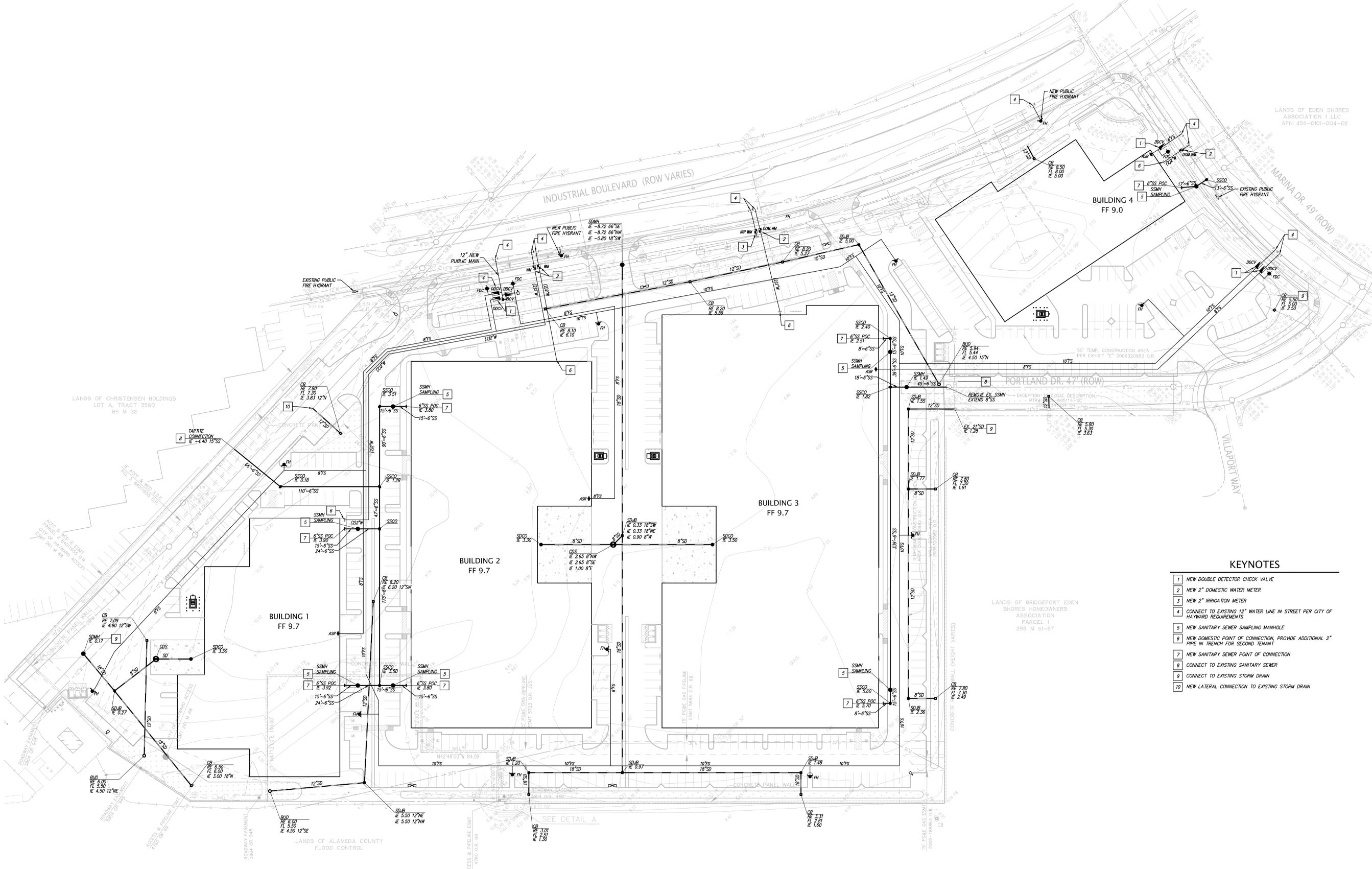
HAYWARD CALIFORNIA

DATE	FEBRUARY, 2015	SCALE	1" = 40'	DESIGNER	EYS	JOB NO.	A06571-12	SHEET	C2
OF	6	SHEETS							

24 L000456571-12.dwg 04-15-15 08:53:08 PM jw



0 20 40 80 120  
Scale 1" = 40 ft



**KEYNOTES**

- 1 NEW DOUBLE DETECTOR CHECK VALVE
- 2 NEW 2" DOMESTIC WATER METER
- 3 NEW 2" IRRIGATION METER
- 4 CONNECT TO EXISTING 12" WATER LINE IN STREET PER CITY OF HAYWARD REQUIREMENTS
- 5 NEW SANITARY SEWER SAMPLING MANHOLE
- 6 NEW DOMESTIC POINT OF CONNECTION, PROVIDE ADDITIONAL 2" PIPE IN TRENCH FOR SECOND TENANT
- 7 NEW SANITARY SEWER POINT OF CONNECTION
- 8 CONNECT TO EXISTING SANITARY SEWER
- 9 CONNECT TO EXISTING STORM DRAIN
- 10 NEW LATERAL CONNECTION TO EXISTING STORM DRAIN

NO.	BY	NO.	REVISION
1	EYS	1	ISSUED FOR PLANNING SUBMITTAL 4/9/2015

**KIER & WRIGHT**  
 CIVIL ENGINEERS & SURVEYORS, INC.  
 2850 Collier Canyon Road  
 Livermore, California 94551  
 Phone (925) 245-8788  
 Fax (925) 245-8796

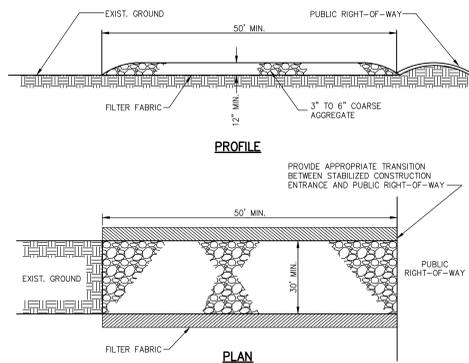
CALIFORNIA

**PRELIMINARY UTILITY PLAN**  
 OF  
**INDUSTRIAL BLVD & MARINA DRIVE**  
 SHEA PROPERTIES

HAYWARD

DATE	FEBRUARY, 2015
SCALE	1" = 40'
DESIGNER	EYS
JOB NO.	A06571-12
SHEET	<b>C3</b>
OF	6 SHEETS

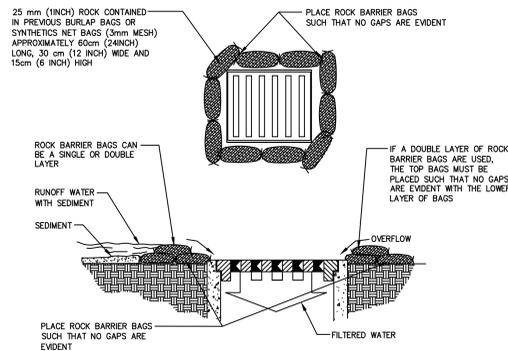
21:00PM 02/11/15 12:00PM 02/11/15 02:35:12 PM Jwason



**STABILIZED CONSTRUCTION ENTRANCE**

NOT TO SCALE

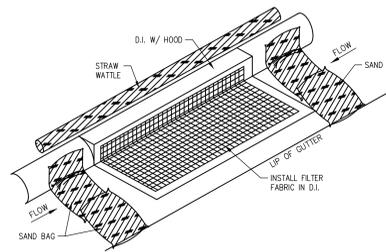
1



**DROP INLET SEDIMENT FILTER UTILIZING ROCK BARRIER BAGS**

NOT TO SCALE

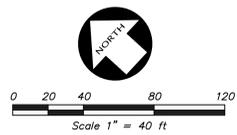
2



**EXISTING CURB INLET FILTER DETAIL**

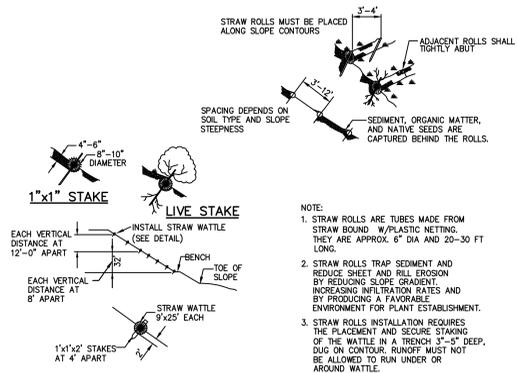
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3



**LEGEND**

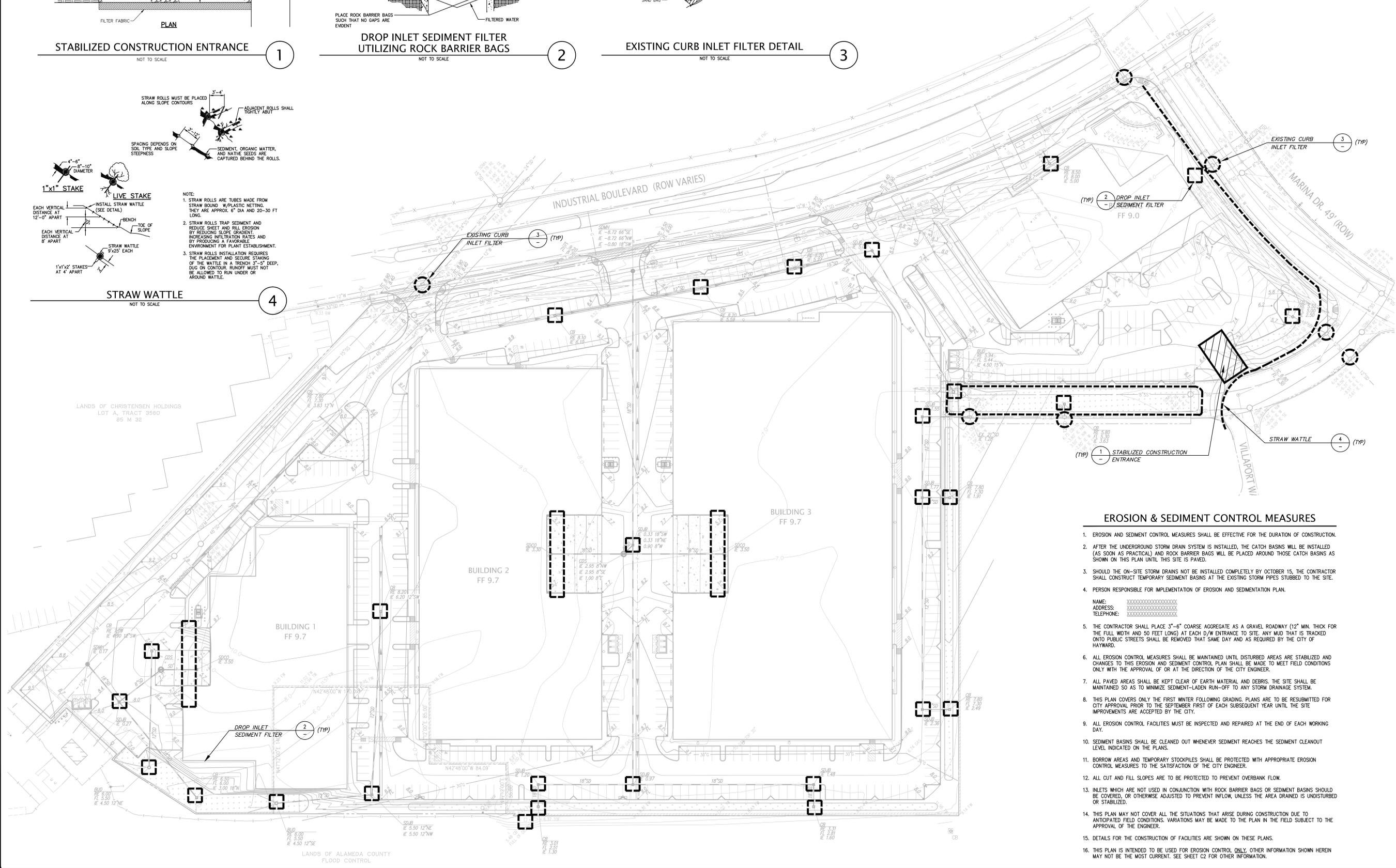
- 1 STABILIZED CONSTRUCTION ENTRANCE
- 2 DROP INLET SEDIMENT FILTER
- 3 EXISTING CURB INLET FILTER



**STRAW WATTLE**

NOT TO SCALE

4



**EROSION & SEDIMENT CONTROL MEASURES**

1. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE EFFECTIVE FOR THE DURATION OF CONSTRUCTION.
2. AFTER THE UNDERGROUND STORM DRAIN SYSTEM IS INSTALLED, THE CATCH BASINS WILL BE INSTALLED (AS SOON AS PRACTICAL) AND ROCK BARRIER BAGS WILL BE PLACED AROUND THOSE CATCH BASINS AS SHOWN ON THIS PLAN UNTIL THIS SITE IS PAVED.
3. SHOULD THE ON-SITE STORM DRAINS NOT BE INSTALLED COMPLETELY BY OCTOBER 15, THE CONTRACTOR SHALL CONSTRUCT TEMPORARY SEDIMENT BASINS AT THE EXISTING STORM PIPES STUBBED TO THE SITE.
4. PERSON RESPONSIBLE FOR IMPLEMENTATION OF EROSION AND SEDIMENTATION PLAN.  
NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_
5. THE CONTRACTOR SHALL PLACE 3"-6" COARSE AGGREGATE AS A GRAVEL ROADWAY (12" MIN. THICK FOR THE FULL WIDTH AND 50 FEET LONG) AT EACH D/W ENTRANCE TO SITE. ANY MUD THAT IS TRACKED ONTO PUBLIC STREETS SHALL BE REMOVED THAT SAME DAY AND AS REQUIRED BY THE CITY OF HAYWARD.
6. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE STABILIZED AND CHANGES TO THIS EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE TO MEET FIELD CONDITIONS ONLY WITH THE APPROVAL OF OR AT THE DIRECTION OF THE CITY ENGINEER.
7. ALL PAVED AREAS SHALL BE KEPT CLEAR OF EARTH MATERIAL AND DEBRIS. THE SITE SHALL BE MAINTAINED SO AS TO MINIMIZE SEDIMENT-LADEN RUN-OFF TO ANY STORM DRAINAGE SYSTEM.
8. THIS PLAN COVERS ONLY THE FIRST WINTER FOLLOWING GRADING. PLANS ARE TO BE RESUBMITTED FOR CITY APPROVAL PRIOR TO THE SEPTEMBER FIRST OF EACH SUBSEQUENT YEAR UNTIL THE SITE IMPROVEMENTS ARE ACCEPTED BY THE CITY.
9. ALL EROSION CONTROL FACILITIES MUST BE INSPECTED AND REPAIRED AT THE END OF EACH WORKING DAY.
10. SEDIMENT BASINS SHALL BE CLEANED OUT WHENEVER SEDIMENT REACHES THE SEDIMENT CLEANOUT LEVEL INDICATED ON THE PLANS.
11. BORROW AREAS AND TEMPORARY STOCKPILES SHALL BE PROTECTED WITH APPROPRIATE EROSION CONTROL MEASURES TO THE SATISFACTION OF THE CITY ENGINEER.
12. ALL CUT AND FILL SLOPES ARE TO BE PROTECTED TO PREVENT OVERBANK FLOW.
13. INLETS WHICH ARE NOT USED IN CONJUNCTION WITH ROCK BARRIER BAGS OR SEDIMENT BASINS SHOULD BE COVERED, OR OTHERWISE ADJUSTED TO PREVENT INFLOW, UNLESS THE AREA DRAINED IS UNDISTURBED OR STABILIZED.
14. THIS PLAN MAY NOT COVER ALL THE SITUATIONS THAT ARISE DURING CONSTRUCTION DUE TO ANTICIPATED FIELD CONDITIONS. VARIATIONS MAY BE MADE TO THE PLAN IN THE FIELD SUBJECT TO THE APPROVAL OF THE ENGINEER.
15. DETAILS FOR THE CONSTRUCTION OF FACILITIES ARE SHOWN ON THESE PLANS.
16. THIS PLAN IS INTENDED TO BE USED FOR EROSION CONTROL ONLY. OTHER INFORMATION SHOWN HEREIN MAY NOT BE THE MOST CURRENT. SEE SHEET C2 FOR OTHER INFORMATION.

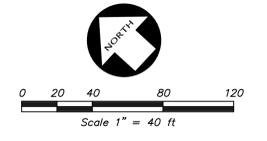
REVISION	NO.	DATE	DESCRIPTION
ISSUED FOR PLANNING SUBMITTAL	4/9/2015		
BY	NO.	DATE	DESCRIPTION
EYS			
BY	NO.	DATE	DESCRIPTION
EYS			
BY	NO.	DATE	DESCRIPTION
EYS			
DATE	FEBRUARY, 2015		
SCALE	1" = 40'		
DESIGNER	EYS		
JOB NO.	A06571-12		
SHEET	C4		
OF	6	SHEETS	

**EROSION CONTROL PLAN**  
OF  
**INDUSTRIAL BLVD & MARINA DRIVE**  
SHEA PROPERTIES

CALIFORNIA  
HAYWARD

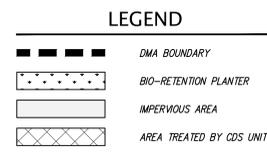
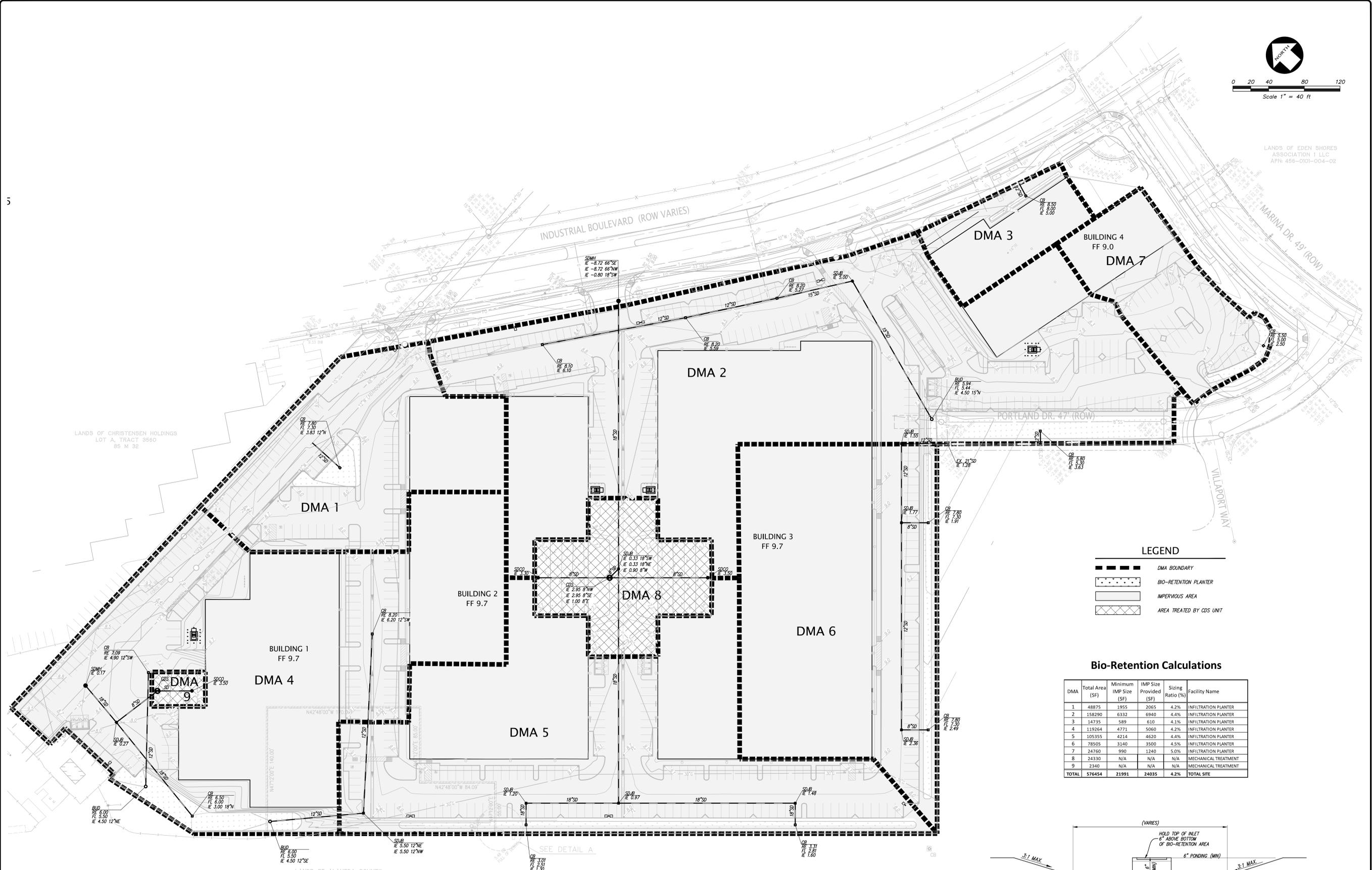
**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
2850 Collier Canyon Road  
Livermore, California 94551  
Phone (925) 245-8788  
Fax (925) 245-8796

21/2000/00071-12/00071-12/PC.dwg 8-15-15 08:33:17 PM jward



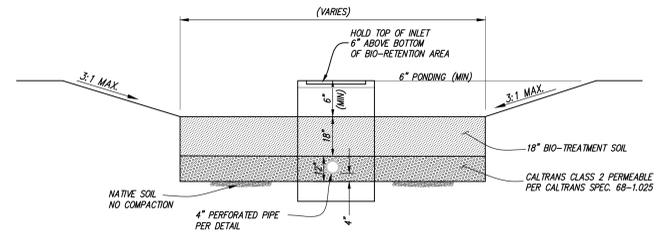
LANDS OF EDEN SHORES  
ASSOCIATION 1 LLC  
APN: 456-D101-004-02

LANDS OF CHRISTENSEN HOLDINGS  
LOT A, TRACT 3560  
85 M 32



**Bio-Retention Calculations**

DMA	Total Area (SF)	Minimum IMP Size (SF)	IMP Size Provided (SF)	Sizing Ratio (%)	Facility Name
1	48875	1955	2065	4.2%	INFILTRATION PLANTER
2	158290	6332	6940	4.4%	INFILTRATION PLANTER
3	14735	589	610	4.1%	INFILTRATION PLANTER
4	119264	4771	5060	4.2%	INFILTRATION PLANTER
5	105355	4214	4620	4.4%	INFILTRATION PLANTER
6	78505	3140	3500	4.5%	INFILTRATION PLANTER
7	24760	990	1240	5.0%	INFILTRATION PLANTER
8	24330	N/A	N/A	N/A	MECHANICAL TREATMENT
9	2340	N/A	N/A	N/A	MECHANICAL TREATMENT
<b>TOTAL</b>	<b>576454</b>	<b>21991</b>	<b>24035</b>	<b>4.2%</b>	<b>TOTAL SITE</b>



NOTES:  
PLANTERS SHALL BE GRADED TO DRAIN TOWARD OUTLET AT A MINIMUM SLOPE OF 0.3%

**BIO-RETENTION TREATMENT PLANTER** 1  
NOT TO SCALE

NO.	BY	REVISION
1	EYS	ISSUED FOR PLANNING SUBMITTAL 4/9/2015
2		
3		
4		

**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
2850 Collier Canyon Road  
Livermore, California 94551  
Phone (925) 245-8788  
Fax (925) 245-8796

**STORM WATER QUALITY CONTROL PLAN**  
OF  
**INDUSTRIAL BLVD & MARINA DRIVE**  
SHEA PROPERTIES  
CALIFORNIA  
HAYWARD

DATE: FEBRUARY, 2015  
SCALE: 1" = 40"  
DESIGNER: EYS  
JOB NO.: A06571-12  
SHEET: C5  
OF 6 SHEETS

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**Irrigation System Overview**

**Design Intent**

Consuming water for irrigation in excessive amounts has become more expensive. The proposed project's irrigation system will be designed to comply with the County's water efficiency ordinance adopted in 2010 as well as the Bay Friendly Landscape Design Guidelines, adopted April 9, 2014.

**Irrigation System Overview**

The irrigation system will be supplied with EBMUD domestic water from a new irrigation-use water meter at an existing point of connection. The water meter will operate a dedicated, reduced-pressure type backflow preventer assembly to protect the domestic water system.

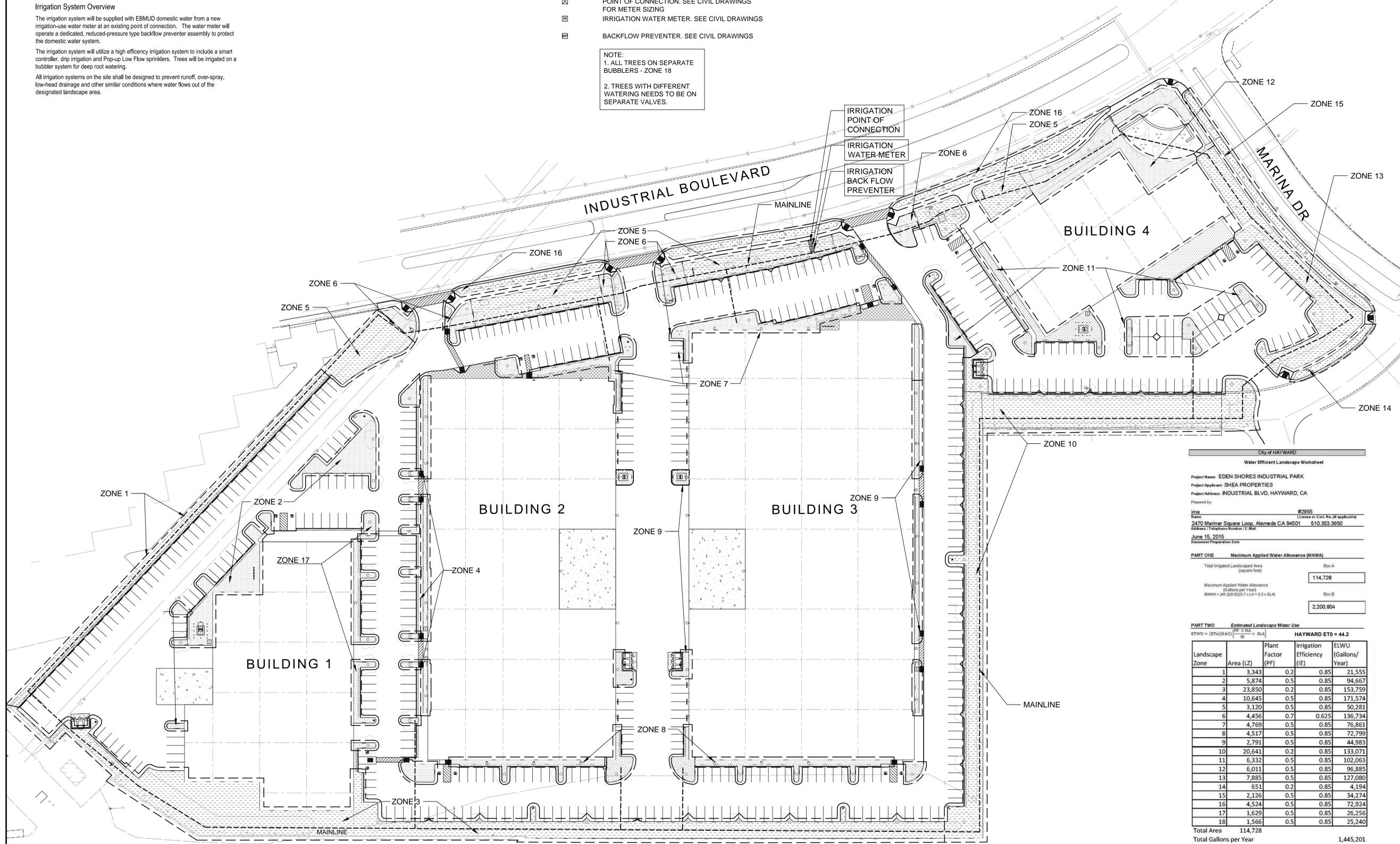
The irrigation system will utilize a high efficiency irrigation system to include a smart controller, drip irrigation and Pop-up Low Flow sprinklers. Trees will be irrigated on a bubbler system for deep root watering.

All irrigation systems on the site shall be designed to prevent runoff, over-spray, low-head drainage and other similar conditions where water flows out of the designated landscape area.

**IRRIGATION LEGEND**

SYMBOL	DESCRIPTION
---	MAINLINE
☐	IRRIGATION CONTROLLER
⊗	POINT OF CONNECTION. SEE CIVIL DRAWINGS FOR METER SIZING
⊠	IRRIGATION WATER METER. SEE CIVIL DRAWINGS
⊞	BACKFLOW PREVENTER. SEE CIVIL DRAWINGS

**NOTE:**  
 1. ALL TREES ON SEPARATE BUBBLERS - ZONE 18  
 2. TREES WITH DIFFERENT WATERING NEEDS TO BE ON SEPARATE VALVES.



City of HAYWARD  
 Water Efficient Landscape Worksheet

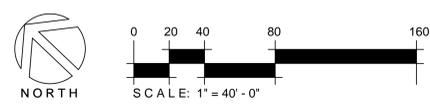
Project Name: EDEN SHORES INDUSTRIAL PARK  
 Project Applicant: SHEA PROPERTIES  
 Project Address: INDUSTRIAL BLVD, HAYWARD, CA  
 Prepared by: ima #2855  
 Name: License or Cert. No. (if applicable)  
 2470 Mariner Square Loop, Alameda CA 94501 510.353.3850  
 Address / Telephone Number / E-Mail  
 June 15, 2015  
 Document Preparation Date

**PART ONE** Maximum Applied Water Allowance (MAWA)

Box A	Box B
Total Irrigated Landscaped Area (square feet)	114,728
Maximum Applied Water Allowance (Gallons per Year)	2,200,804
MAWA = (44 200 600) / 0.7 x LA x 0.3 x SLA	

**PART TWO** Estimated Landscape Water Use  
 ET<sub>LWU</sub> = (ET<sub>o</sub>) (0.62) <sup>(PF x SLA)</sup> / IE = SLA  
 HAYWARD ET<sub>o</sub> = 44.2

Landscape Zone	Area (L2)	Plant Factor (PF)	Irrigation Efficiency (IE)	ELWU (Gallons/Year)
1	3,343	0.2	0.85	21,555
2	5,874	0.5	0.85	94,667
3	23,850	0.2	0.85	153,759
4	10,645	0.5	0.85	171,574
5	3,120	0.5	0.85	50,281
6	4,456	0.7	0.625	136,734
7	4,769	0.5	0.85	76,861
8	4,517	0.5	0.85	72,799
9	2,791	0.5	0.85	44,983
10	20,641	0.2	0.85	133,071
11	6,332	0.5	0.85	102,063
12	6,011	0.5	0.85	96,885
13	7,885	0.5	0.85	127,080
14	651	0.2	0.85	4,194
15	2,126	0.5	0.85	34,274
16	4,524	0.5	0.85	72,924
17	1,629	0.5	0.85	26,256
18	1,566	0.5	0.85	25,240
<b>Total Area</b>	<b>114,728</b>			
<b>Total Gallons per Year</b>				<b>1,445,201</b>



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**EDEN SHORES INDUSTRIAL PARK**  
 INDUSTRIAL BLVD.  
 HAYWARD, CALIFORNIA

DATE	REMARKS	DATE	REMARKS
A 04/09/15	ISSUED FOR PLANNING SUBMITTAL		
B 06/16/15	PLAN CHECK RESUBMITTAL		

PA / PM: JB  
 DRAWN BY:  
 JOB NO.: 15128

SHEET  
**L-2**





**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, May 28, 2015, 7:00 p.m.  
777 B Street, Hayward, CA94541**

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**MEETING**

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair McDermott.

**ROLL CALL**

Present: COMMISSIONERS: Schott, Enders, Faria, Lavelle, Parso  
CHAIRPERSON: McDermott  
Absent: COMMISSIONER: Loché

Commissioner Faria led in the Pledge of Allegiance.

Staff Members Present: Ajello, Bristow, Buizer, Lawson, Madhukansh-Singh, Rizk, Schmidt

General Public Present: 4

**PUBLIC COMMENTS**

Mr. Lewis shared an upcoming event Show Up For Your Life that will take place on July 10 and July 11, 2015 in Oakland.

**PUBLIC HEARING**

1. Establish a New Zoning Conformance Permit and Related Fee Associated with Amendments to Chapter 10, Article 1, Zoning Ordinance, of the Hayward Municipal Code; the Proposed Project is Exempt From the California Environmental Quality Act (CEQA) Under CEQA Section 15061(b)(3); City of Hayward (Applicant)

Development Services Director Rizk introduced Senior Planner Schmidt who provided a synopsis of the staff report.

In response to Commissioner Faria's question about public outreach on the proposed Zoning Conformance Permit (ZCP), Senior Planner Schmidt indicated that no public meetings were organized prior to the current public hearing and added that staff did meet with two unattended collection and donation box providers to explain that the proposed permit would simplify the process for uses subject to the ZCP. Ms. Schmidt noted that both providers offered feedback to staff stating that an over-the-counter permit would be beneficial and agreed with having a one-time fee. She shared that one of these providers submitted a letter to staff; however, the letter pertained to the unattended collection box regulations.



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Commissioner Faria asked if staff had contacted the Hayward Chamber of Commerce regarding the proposed permit process. Senior Planner Schmidt responded that staff did not contact the Hayward Chamber of Commerce as the proposed changes were to add a permit that would simplify the permitting process for certain uses.

In response to Commissioner Lavelle's questions, Senior Planner Schmidt stated that the proposed permit could be applied towards unattended collection and donation box uses. She commented that the unattended collection box regulations have not been adopted yet and elaborated that this was because the Administrative Use Permit (AUP) process was burdensome in regards to time, noticing and cost. She noted that staff recognized that they would have to develop a set of regulations for unattended collection boxes and may also have to develop a set of regulations for other city initiated projects such as decorative fencing for vacant properties and a chicken permit, staff saw the value in developing a ZCP that could be utilized for such uses. Ms. Schmidt underscored how simplified the process will become for staff and how staff could efficiently issue permits over-the-counter with the proposed permit. She also pointed out that the City currently lacked a record keeping process for when telecommunications carriers switch antennas and noted that the proposed permit could be also be used for these types of uses since it involved a lower level design and use.

Commissioner Lavelle asked if ZCPs could be approved and issued electronically through the City's website in the future. Senior Planner Schmidt responded that the capability to approve and issue certain permits electronically was currently lacking. Ms. Schmidt commented that there was a benefit to meeting applicants in person through an over-the-counter exchange as this would allow staff to verify project details, review the site plan together with the applicant, and clarify information.

Commissioner Lavelle commented that the proposed permit was a wise and smart proposal and noted that the \$210 ZCP fee was reasonable as it accounted for staff time. She mentioned that once there was a means to approve and issue permits electronically, this fee could potentially be reduced.

Development Services Director Rizk added that at the Capital Improvement Program public hearing, staff had discussed electronic plan submittals and reviews, and was hoping to implement this in the future. He noted that staff was currently working on fully implementing the new permitting system. He shared that many other cities already have simplified ZCPs in place for small and straight forward projects.

Chair McDermott agreed with Commissioner Lavelle's comments in making some permitting services available online. In order to determine how much staff time the proposed ZCP would save, she requested staff to elaborate on how much of the Planning Division's current workload is dedicated towards working on projects that could be simply addressed in the future using the proposed process.



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Planning Manager Buizer noted that the proposed permit was a brand new process with new regulations and could not be applicable to actions and activities currently handled by the Planning Division. She shared that this simplified process was one which the division could integrate into its toolbox of permitting requirements and that could be applied towards a number of projects that will be coming before the City Council and Planning Commission in the future. She pointed out that in absence of the ZCP, current projects of similar nature may be subject to a use permit process which can be lengthier and consist of higher fees for the applicant. She stressed that the proposed ZCP would reduce the amount of work and time required of staff, and would reduce costs to the applicant. Ms. Buizer noted that the ZCP could not be applied retroactively to the department's existing processes.

In regards to Chair McDermott's question on what was considered a small development, Senior Planner Schmidt exemplified that a small development could be a decorative fence around a vacant property. She stated that the ZCP process would allow staff to review plans for a decorative fence in order to determine consistency with design standards in the code, and would also enable staff to create a record for the project. By having a record of the approval, staff could better enforce violations of the permit. Ms. Schmidt noted that staff did not anticipate having any larger structures that would fall under the category of a small development aside from a decorative fence.

Director Rizk commented that a better term to use rather than development could be either minor improvements on a property or minor auxiliary/ ancillary uses to a property. Chair McDermott supported the terminology suggested by Director Rizk.

Commissioner Enders referenced the section on Administrative Use Permits for chickens on Attachment II of the staff report, and asked staff if the AUP application fee overlapped with the proposed ZCP fees for chickens. Planning Manager Buizer responded that the current process for keeping chickens included an AUP and pointed out that there were minimum standards that had to be met. She indicated that as the regulations were currently written, it was challenging for many properties to keep chickens. Ms. Buizer shared that in the future, staff will go through an entire public process to evaluate the current regulations and identify what the permit requirements would be. She indicated that if it is determined that the ZCP can be applicable to the keeping of chickens, then the application fee through a AUP for chickens will be repealed from the fee schedule.

Chair McDermott opened and closed the public hearing at 7:21 p.m.

Commissioner Schott made a motion per staff recommendation, and Commissioner Lavelle seconded the motion.

AYES: Commissioners Schott, Enders, Faria, Lavelle, Parso  
Chair McDermott  
NOES: None  
ABSENT: Loché



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ABSTAIN: None

2. Amendments to Hayward's Sign Regulations (Chapter 10, Article 7 of the Hayward Municipal Code); Repeal of Sign Provisions in Hayward's Two Form-Based Codes; and Establishment of Proposed New Fees; the City has Prepared a Negative Declaration, which Concludes that the Project will not have a Significant Negative Impact on the Environment; Applicant: City of Hayward

Senior Planner Ajello provided a synopsis of the staff report. She stated that there were modifications made to the Draft Sign Regulations after the publication of the Planning Commission agenda packet and noted that she had provided these revisions to the Planning Commission at the present meeting. The additional revisions made to the Draft Sign Regulations consisted of the following: correct formatting and typographical errors; a correction to the staff report regarding the amortization process regulations being revised from five years to three years; the addition of standards for inflatables as temporary signage under Section 10-7.501; and modifications to Section 10-7.711 Enforcement of Signs on Private Property and Section 10-7.712 Enforcement of Signs on Public Property.

Development Services Deputy Director Bristow noted for Commissioner Faria that enforcement of the sign regulations was typically complaint driven. She added that staff will conduct an initial survey and would notice businesses that they have to come into compliance.

Senior Planner Ajello clarified for Commissioner Schott that Section 10-7.300 of the Sign Regulations on Address Signs applied to new Single-family home developments and added that older subdivisions or tracts that don't have the illuminated addresses would not be impacted by the proposed regulations. She also noted that the internally illuminated cabinet signs through time would be amortized out in three years. Ms. Ajello indicated that the section of the Sign Regulations under Appendix: Definitions addressing Vehicle Sign, was intended to prohibit a business from using a vehicle with a billboard sign in the bed of the truck and parked in front of a business establishment for advertisement purposes; she stated that advertising on commercial vehicles had to be in conformance with the Department of Motor Vehicles code. She noted for Commissioner Schott that signs posted on telephone poles were not permitted.

Development Services Deputy Director Bristow added that although posting signs on telephone poles was illegal, political signs were permitted within a given timeframe. She elaborated that staff had done outreach to sign companies as a courtesy to notify them that such signs were illegal. Ms. Bristow noted that staff will do sweeps of various corridors as an enforcement measure and shared that such signs tended to be seasonal.

In response to Commissioner Enders' question about who the responsible party will be for the removal of abandoned signs if they are not removed within a six month period, Deputy Director Bristow indicated that after six months, it was always the property owner's responsibility and noted



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that the procedures outlined in Chapter 5, Article 7 referred to the Community Preservation Ordinance. She stated that if a complaint was received regarding an abandoned sign, staff would send a notice to the property owner giving them ten days to remove the sign; if the property owner does not remove the sign, then staff will abate the sign for them and send the owner a bill.

Senior Planner Ajello noted for Commissioner Enders that the human signs/hand-held signs were not permitted under the current code; however, she indicated that staff was proposing to allow this as temporary signage. She shared that the human signs/hand-held signs were typically used by developers to advertise new home developments at street corners mainly on weekends. Ms. Ajello exemplified that the provisions in the proposed regulations include the following: the temporary signage could not interfere with traffic; they cannot have bullhorns or produce loud noises that could create a traffic hazard; there would be limitations on where the signage would be permitted in the public right of way; would have to be a certain size which would make them consistent with the requirements of A-frame signs; and would be required to have a temporary sign permit and an encroachment permit. Commissioner Enders asked if the fees assessed for human signs/hand-held signs were per individual doing the advertising. Senior Planner Ajello responded that permits would be required per individual with a temporary sign as each location would require a separate permit; she noted that she would review the regulations to ensure that this was carefully addressed.

Commissioner Lavelle thanked staff for conducting a thorough review of the proposed regulations and shared that it was extremely helpful that the Planning Commission had a study session prior to the present meeting to offer input on the regulations. In regards to the A-frame signs, she expressed that she cared about the quality of these signs and asked staff about the regulations on the materials the signs were made of, the maintenance of signs, and adherence to the proposed regulations. Senior Planner Ajello indicated that the update for the A-frame signs consisted of the following: there was a maximum sign area; they have to be constructed of durable weather-proof materials; and the copy area was kept open in order to make the signs available to all parties including restaurants that utilize chalkboards or cork boards.

Deputy Director Bristow added that staff could enforce adherence to A-frame sign regulations that had signs that were dirty, deteriorated, and were not being maintained.

Commissioner Lavelle commented that some communities have attractive A-frame signs in place which really enhanced and drew customers into a business, noting that this style would be an improvement for Downtown Hayward. She stated that she had seen A-frame signs in the downtown being used for businesses advertising for smoking vapor cigarettes, low cost massages, and for nail shops, which were business supported in the community; however, she did not want the regulations to proliferate the advertisement of such businesses and preferred A-frame signs also being used for businesses like cupcake shops or jewelry stores in the downtown. She recommended that there be a better explanation under the fiscal impact section of the staff report regarding the \$50 fee proposed for a portable/A-frame sign revocable encroachment permit, adding that the purpose of the fee was also so that staff would have a record of who the owner of an A-frame sign was and so that the



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Code Enforcement staff could contact the owner if there were any complaints. Commissioner Lavelle was pleased that the regulations included inflatable signs as temporary signs that would be permitted, adding that this could assist in attracting customers to the auto and other businesses in the main corridors of Hayward. She did not support allowing inflatable signs on the roofs of businesses.

Commissioner Schott asked if individuals with human signs/hand-held signs would be required to carry a copy of the temporary sign permit on them. Senior Planner Ajello responded that this could be added to the provisions that individuals with hand-held signs carry the permit on their person; she stated that another solution would be for staff to have a list of temporary sign permits issued for a given period of time be distributed to the Hayward Police Department and the Code Enforcement Division. In response to Commissioner Schott's question about whether there was a limit on the going out of business and store closing signs, Ms. Ajello noted that businesses that were closing were required to have a temporary sign permit and confirmed that there was a limitation on the number of days such signs could be displayed.

In regards to the 28 complaints received predominantly for the A-frame signs, Chair McDermott asked if these were received from citizens and/or businesses. Deputy Director Bristow exemplified that the complaints received were from competing or neighboring businesses, from individuals with other abilities that bump into the signs, from PG&E and AT&T workers when it interferes with their work area, and a variety of other sources.

Chair McDermott expressed that she was impressed with the depth and scope of the proposal and commented that she had learned a lot about sign regulations, praising the inclusion of images. She was surprised that a few number of businesses participated in the review of the proposed regulations, given the broad based impact of the provisions. Senior Planner Ajello noted for Chair McDermott that staff and Hayward Chamber of Commerce President Huggett met with only one business owner, Mr. Ted Miller, at Mr. Miller's request. Chair McDermott pointed out that 738 notices were mailed out to businesses that were Chamber of Commerce members and underscored that the sign ordinance was significant to the City.

Senior Planner Ajello indicated for Commissioner Enders that Attachment VII of the agenda packet which was submitted by a member of the public, contained concerns about having easier to understand language in the regulations.

Director Rizk added that the images included in the regulations would also assist with explaining the language. In regards to conducting further outreach prior to the City Council public hearing on this item, Mr. Rizk commented that staff would explore how additional participation could be sought from interested parties, as there was fairly limited participation thus far.

Chair McDermott commented that although efforts to conduct outreach had been made, she was afraid that after the regulations are adopted, individuals impacted will be frustrated and may say that they were not aware of the revised regulations. Director Rizk stated staff will closely monitor the



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implementation of the regulations and if there were significant complaints received after its adoption, then staff could always consider revising the regulations at a later time.

Commissioner Enders asked staff if specific businesses in the downtown entertainment district that were out of compliance with the regulations had been contacted. Deputy Director Bristow indicated that staff had done this, in addition to ample outreach through social media. She highlighted that the opportunity to do more outreach to the community had expanded with the addition of a Public Information Officer position to the City. Ms. Bristow underscored that whenever there was a comprehensive modification to an ordinance or a program in the City, the Code Enforcement Division would make extra efforts to send notifications to the affected areas of the community. Chair McDermott suggested that when a future noticing is done regarding the proposed regulations, information be added to the notice detailing the various outreach opportunities the City had hosted, including the Work Session and Public Hearing meetings.

Chair McDermott opened the public hearing at 8:01 p.m.

Mr. Tad Miller, business owner of Liberty Tax in Hayward, referenced cabinet or can signs from Section 10-7.400 and asked staff if the regulations applied to lighted cabinets or the free standing signs. Senior Planner Ajello responded that the cabinet signs were often wall-mounted and/or free standing, noting that these signs no longer comply with current design standards and would now be codified through the proposed regulations. Mr. Miller commented that about 90% of the cabinet signs on buildings were contrary to the proposed regulations. Ms. Ajello stated that staff will have accurate data available on the types of signs in the City once the sign survey was completed. She also confirmed that costumed sign wavers were permitted under the regulations addressing temporary promotional signs. In regards to the regulations on inflatable characters, Mr. Miller raised the concern that his business did not have ground space available at his establishment to tether the inflatable character to the ground. He requested that a variance be allowed for businesses that do not have adequate ground space available and be allowed to secure inflatable characters on the rooftop, as his establishment had done in the past. Senior Planner Ajello indicated that the sign regulations as presently stated did not permit roof mounted signs, noting that this included the promotional signage. She added that if the Planning Commission desired, the body could make a recommendation to the City Council requesting that the sign regulations be modified for this purpose.

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, reported that the Government Relations Council of the Chamber of Commerce held a meeting comprised of a panel of sixteen local businesses, noting that City staff members present at the meeting included Planning Manager Buizer and Senior Planner Ajello. He noted that the report from the Government Relations Council was reviewed by the Chamber of Commerce's Board of Directors. Mr. Huggett was pleased that a number of the comments suggested by the Chamber of Commerce had been reflected in the proposed sign regulations, pointing out that one of the concerns addressed was incorporating a \$200 refundable deposit for the temporary sign permit fee.



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Chair McDermott closed the public hearing at 8:06 p.m.

Commissioner Lavelle made a motion per staff recommendation and including the following revisions to the Draft Sign Regulations as proposed by staff: to correct the formatting and typographical errors; to modify the five year amortization process indicated in the staff report to three years; to add standards for inflatable signs as temporary signage under Section 10-7.501 General Regulations by Sign Type; to include modifications to the Enforcement Section under Section 10-7.711 Enforcement of Signs on Private Property and Section 10-7.712 Enforcement of Signs on Public Property.

In regards to inflatable signs, Commissioner Schott asked staff if it would be possible to tether this to a cement block for businesses that did not have adequate ground space available at their establishment. Senior Planner Ajello responded that proposed regulations require the bottom of the inflatable signs to be on the ground, she reiterated that these proposed regulations could be modified if the Planning Commission desired. Commissioner Schott expressed that he did not wish to modify the language of the proposed regulations. Ms. Ajello noted that other cities also had similar regulations requiring inflatable signs to be tethered to the ground.

Commissioner Parso seconded the motion.

AYES: Commissioners Schott, Enders, Faria, Lavelle, Parso  
Chair McDermott  
NOES: None  
ABSENT: Loché  
ABSTAIN: None

### **COMMISSION REPORTS**

#### **3. Oral Report on Planning and Zoning Matters**

Planning Manager Buizer shared that there were no items scheduled for the June 11, 2015 Planning Commission meeting; however, she did have a couple items scheduled for the June 25, 2015 Planning Commission meeting.

#### **4. Commissioners' Announcements, Referrals**

Commissioner Faria stated that she had observed individuals rummaging through unattended collection boxes at the Nations Giant Hamburgers restaurant on Jackson Street and Harder Road, and commented that people would layer themselves with clothes. She added that the unattended collection box located at the Smart & Final on Hesperian Boulevard had clothes strewn around the box in the parking lot which seemed to occur mostly on weekends. Planning Manager Buizer stated that the City Council has not adopted any regulations yet on unattended collection boxes



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, May 28, 2015, 7:00 p.m.  
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and noted that if the Zoning Conformance Permit is approved by the City Council, then the permit requirements could be applied towards unattended collection boxes as well. She pointed out that present issues with unattended collection boxes involving trash and debris were enforceable actions and one way in which citizens could report these violations was through Access Hayward. Ms. Buizer indicated that she would inform Code Enforcement staff of the problems being experienced at the two locations mentioned by Commissioner Faria.

In response to Chair McDermott's question whether staff had a list of unattended collection boxes in operation in the City, Planning Manager Buizer noted that staff was trying to gather a list by soliciting information from unattended collection box operators. Ms. Buizer commented that a reason behind the proliferation of unattended collections boxes was in order to establish locations in anticipation of regulations.

Commissioner Enders announced that the City had emailed the Planning Commission notifying them that the Bay Area Quality Management District had denied the City of Hayward's request for air monitoring data at the Russell City Energy Center. She had asked the City if they would consider alternate methods for firms that have the capacity to seek out the data and noted that she received a response from the City that this will be addressed at the July 23, 2015 Hayward Area Shoreline Planning Agency Board of Trustees meeting. Ms. Enders underscored that this was an important issue that data collection and monitoring had been denied.

Chair McDermott congratulated the Golden State Warriors for advancing to the NBA Finals.

**APPROVAL OF MINUTES**

5. None.

**ADJOURNMENT**

Chair McDermott adjourned the meeting at 8:16 p.m.

**APPROVED:**

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Heather Enders, Secretary  
Planning Commission

**ATTEST:**

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Avinta Madhukansh-Singh, Senior Secretary  
Office of the City Clerk