Initial Study/Mitigated Negative Declaration for the

Central Transport Logistics Truck Terminal Project

Prepared by

HAYWARD

In Consultation with

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

January 2026

January 30, 2026

City of Hayward
Draft Mitigated Negative Declaration

I. DESCRIPTION OF PROJECT:

Conditional Use Permit Application No.: UP-24-0006

Project Title: Central Transport Logistics Truck Terminal Project

Project Location: The project is located on approximately 7.9 acres at 2256 Claremont Court in the City of Hayward, County of Alameda.

Project Applicants: Andrew Falzarano, Hayward Property LLC/Crown Enterprises, Inc.

Project Description: The project would demolish an existing 14,640-square-foot truck terminal facility and construct an approximately 45,400 square-foot truck terminal facility containing approximately 40,300 square feet of transfer facility uses and 5,100 square feet of ancillary office space on the site. The new building would operate as a truck terminal where goods are transferred from one truck to another with no long-term storage of products on-site. The existing paved parking lots on-site would remain with implementation of the project and would be modified slightly to be brought into compliance with current parking and circulation requirements. New paved parking areas would be installed along the southern, southeastern, and northwestern portions of the site as well as around the perimeter of the proposed building. The proposed building would have a flat roof with a maximum height of 23 feet to the top of the parapet.

Please note that the project site **is not** located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

II. DETERMINATION

In accordance with the City of Hayward procedures for compliance with the California Environmental Quality Act (CEQA), the City has completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

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

III. CEQA MITIGATION MEASURES:

A. Hazardous Materials:

MM HAZ-1.1: Prior to issuance of building permits on the project, and consistent with the recommendations of the Phase II Environmental Site Assessment, the project applicant shall incorporate into the project plans a vapor barrier and passively vented crawl space beneath all enclosed areas of the proposed building. The vapor barrier shall be designed to meet the needs of the building. Vapor barriers are generally constructed using membranes constructed with high-density polyethylene or other polyolefin-based resins. The vapor barrier shall be resistant to benzene and meet the American Society for Testing and Materials guidelines for a vapor barrier and have a permanence rating of 0.1 perms or less. The thickness and strength of the vapor barrier shall be based on the needs for the building, but the architect, structural engineer and contractor shall utilize material strong enough to easily withstand the building construction and other building considerations. The selected vapor barrier shall be reviewed and approved by the Community Development Director, or their designee.

B. Noise and Vibration:

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

- The construction contractor shall develop a construction noise control plan, including, but not limited to, the following available construction noise controls:
    - Selection of quieter concrete/industrial saws, excavators, dozers, graders, tractors, loaders, and backhoes, cranes, air compressors, paving equipment, and rollers. No individual device or piece of equipment shall produce a noise level exceeding eighty-three (83) dBA at a distance of twenty-five (25) feet from the source.
    - Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).

- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.

IV. FINDING:

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

V. LEAD AGENCY REPRESENTATIVE:

January 30, 2026

Steve Kowalski, Senior Planner — Date

VI. LEAD AGENCY REPRESENTATIVE:

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

Written comments may be sent to Steve Kowalski via email at steve.kowalski@hayward-ca.gov or at City of Hayward Planning Division, 777 B Street, Hayward, CA 94541.

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Appendices

All appendices are incorporated herein by reference.

Section 1.0 Introduction and Purpose

1.1 Purpose of the Initial Study

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

The project proposes to demolish the existing truck terminal facility and construct a new approximately 45,400 square foot truck terminal facility, expanded surface parking and new landscaping on-site. An existing, uncovered truck fueling facility will also be removed from its current location on the site and relocated on-site, with a new canopy to be built over the new fuel pump island. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 Public Review Period

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

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

1.3 Consideration of the Initial Study and Project

Following the conclusion of the public review period, the City will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 Notice of Determination

If the project is approved, the City will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days.

The filing of the NOD starts a 30-day statute of limitations on court challenges to the project approval under CEQA (CEQA Guidelines Section 15075(g)).

Section 2.0 Project Information

2.1 Project Title

Central Transport Logistics Truck Terminal Project

2.2 Lead Agency Contact

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

2.3 Project Applicant

Andrew Falzarano
Hayward Property LLC/Crown Enterprises, Inc.
12225 Stephens Road
Warren, MI 48089

2.4 Project Location

The project is located on approximately 7.9 acres at 2256 Claremont Court in the city of Hayward.

2.5 Assessor's Parcel Number

463-0025-043-04

2.6 General Plan Designation and Zoning District

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

2.7 Project-Related Approvals, Agreements, and Permits

The following approvals are required for this project:

- Conditional Use Permit
- Site Plan Review

Section 3.0 Project Description

3.1 Existing Setting

The approximately 7.9-acre project site consists of one parcel located at 2256 Claremont Court in the city of Hayward. The site is currently partially developed with an approximately 14,640 square foot building currently being used as a truck terminal, paved and gravel surface parking lots and landscaping. Approximately one-third of the site along the southern boundary is undeveloped and covered with grasses and shrubs. The site is bounded by Claremont Court and industrial uses to the north, industrial uses to the east and west, and Ward Creek to the south. Regional, vicinity, and aerial maps of the project site are provided in Figure 3.2-1, Figure 3.2-2, and Figure 3.2-3, respectively.

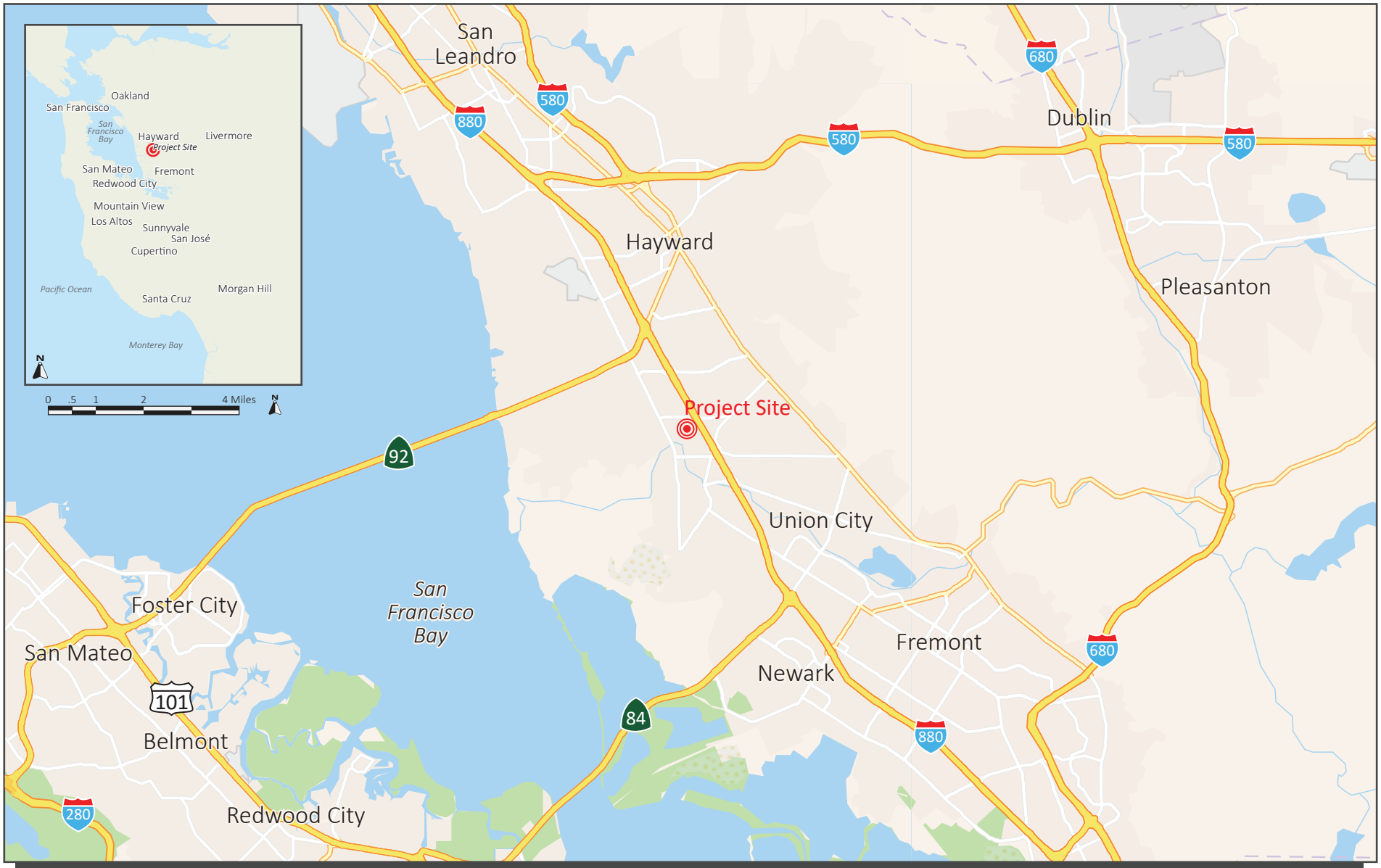
3.2 Project Description

The project would demolish an existing 14,640 square-foot truck terminal facility and construct an approximately 45,400 square-foot truck terminal facility containing approximately 40,300 square feet of transfer facility uses and 5,100 square feet of ancillary office space on the site. The new building would operate as a truck terminal where goods are transferred from one truck to another with no long-term storage of products on-site. The existing paved parking lots on-site would remain with implementation of the project and would be modified slightly to be brought into compliance with current parking and circulation requirements. New paved parking areas would be installed along the southern, southeastern, and northwestern portions of the site (refer to Figure 3.2-4) as well as around the perimeter of the proposed building. The proposed building would have a flat roof with a maximum height of 23 feet to the top of the parapet (refer to Figure 3.2-5).

3.2.1 Site Access and Parking

The project site would be accessible via one full access driveway on Claremont Court located at the northeastern corner of the site. Trucks entering the site would travel from the driveway and either continue straight to access the loading docks on the east side of the building or turn right past the office entrance to access the loading docks on the western side of the building. Truck trailer parking would be provided along the eastern and western project boundaries and north of the proposed building. The existing truck fueling facility in the northwestern portion of the site would be relocated to the west of the truck entrance and a new approximately 14-foot-tall canopy structure would be constructed over the fueling facility.

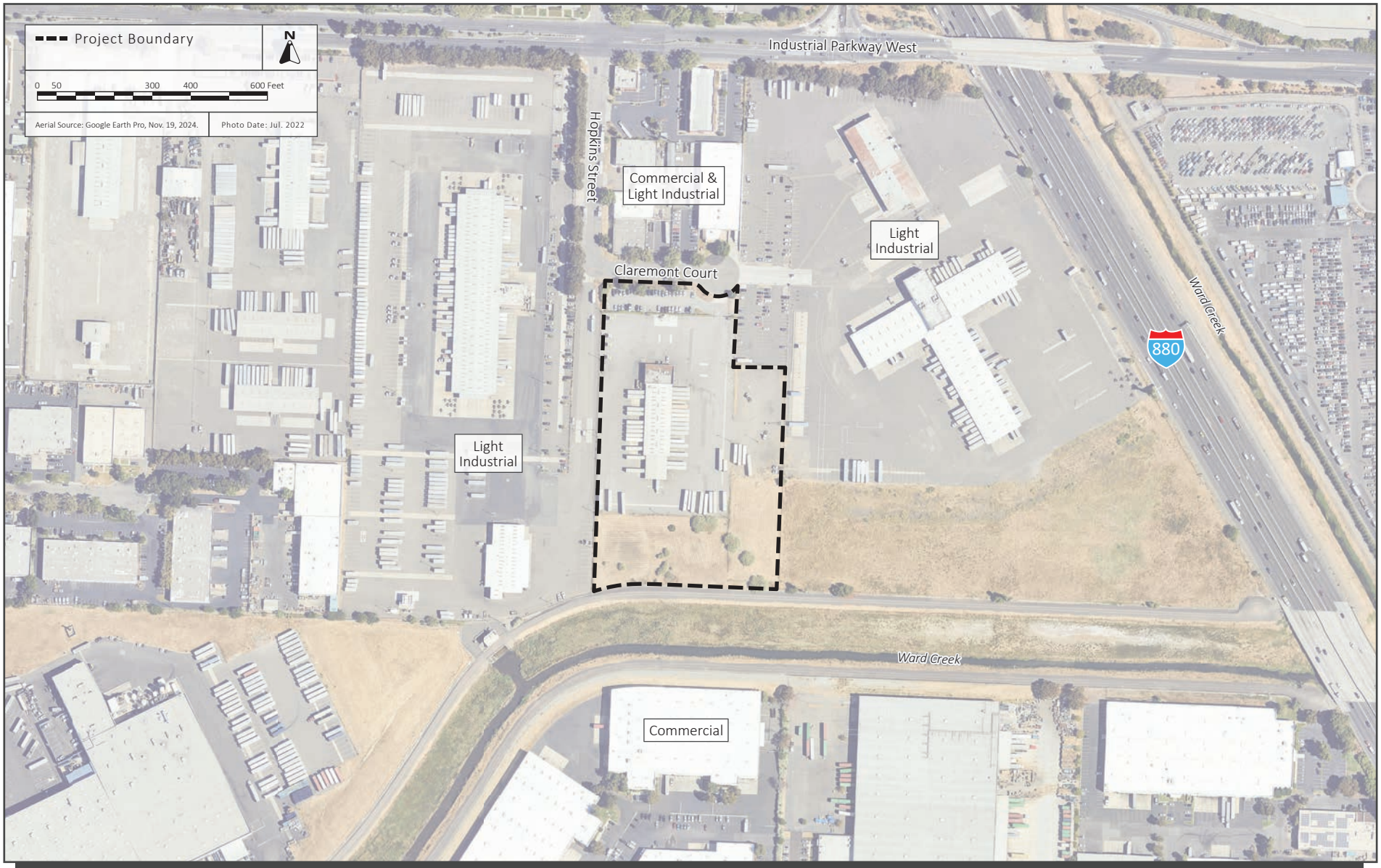
Passenger vehicle circulation on the site would be limited to the driveway and existing northernmost parking lot. Passenger vehicles would enter the site via the driveway and turn right into the passenger vehicle parking lot along the northern property boundary. Pedestrian access and circulation into and within the site would be provided via two designated pedestrian paths extending from the public sidewalk on Claremont Court to the office entrance and from the employee amenity area to the office entrance.



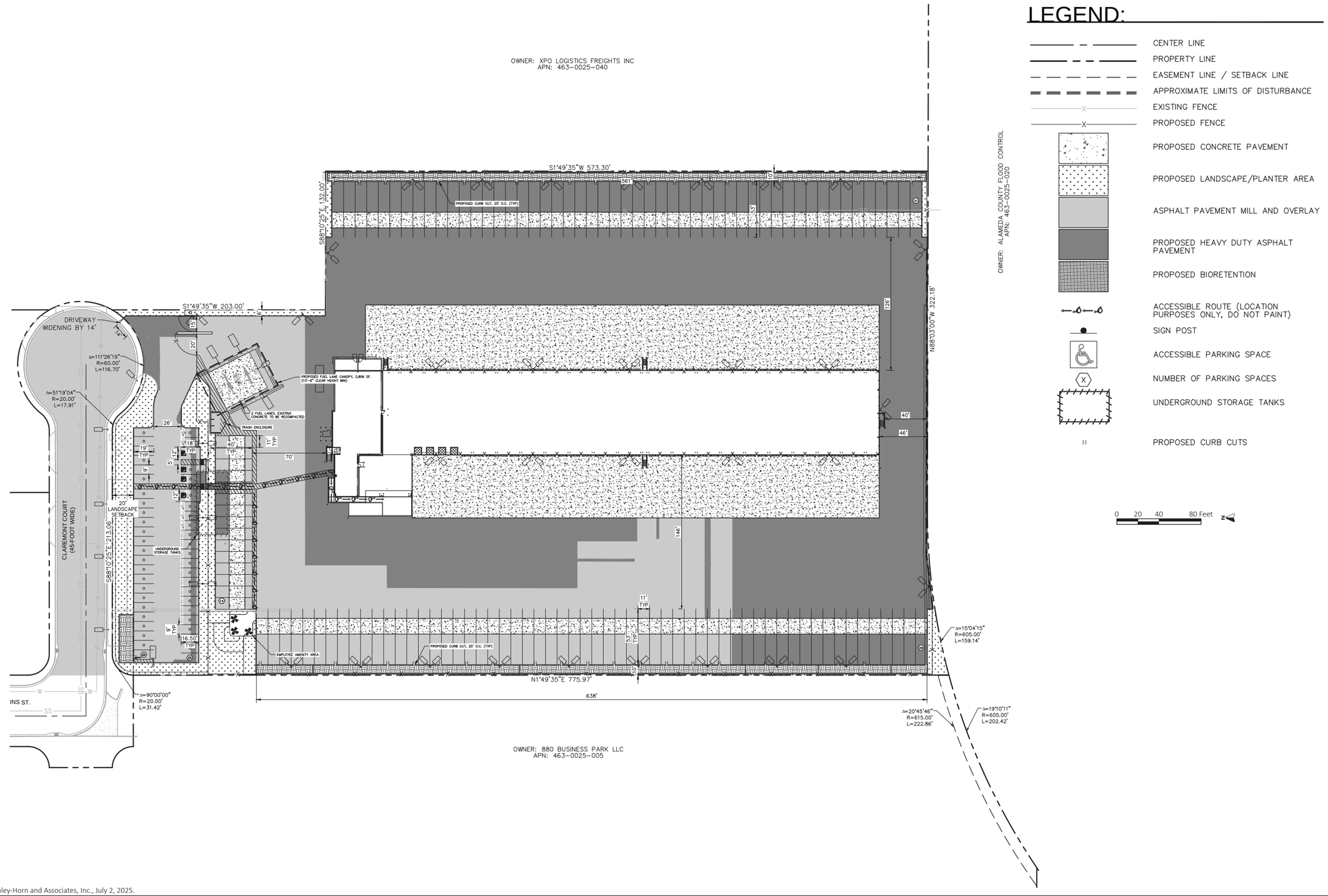
REGIONAL MAP | FIGURE 3.2-1

VICINITY MAP

FIGURE 3.2-2

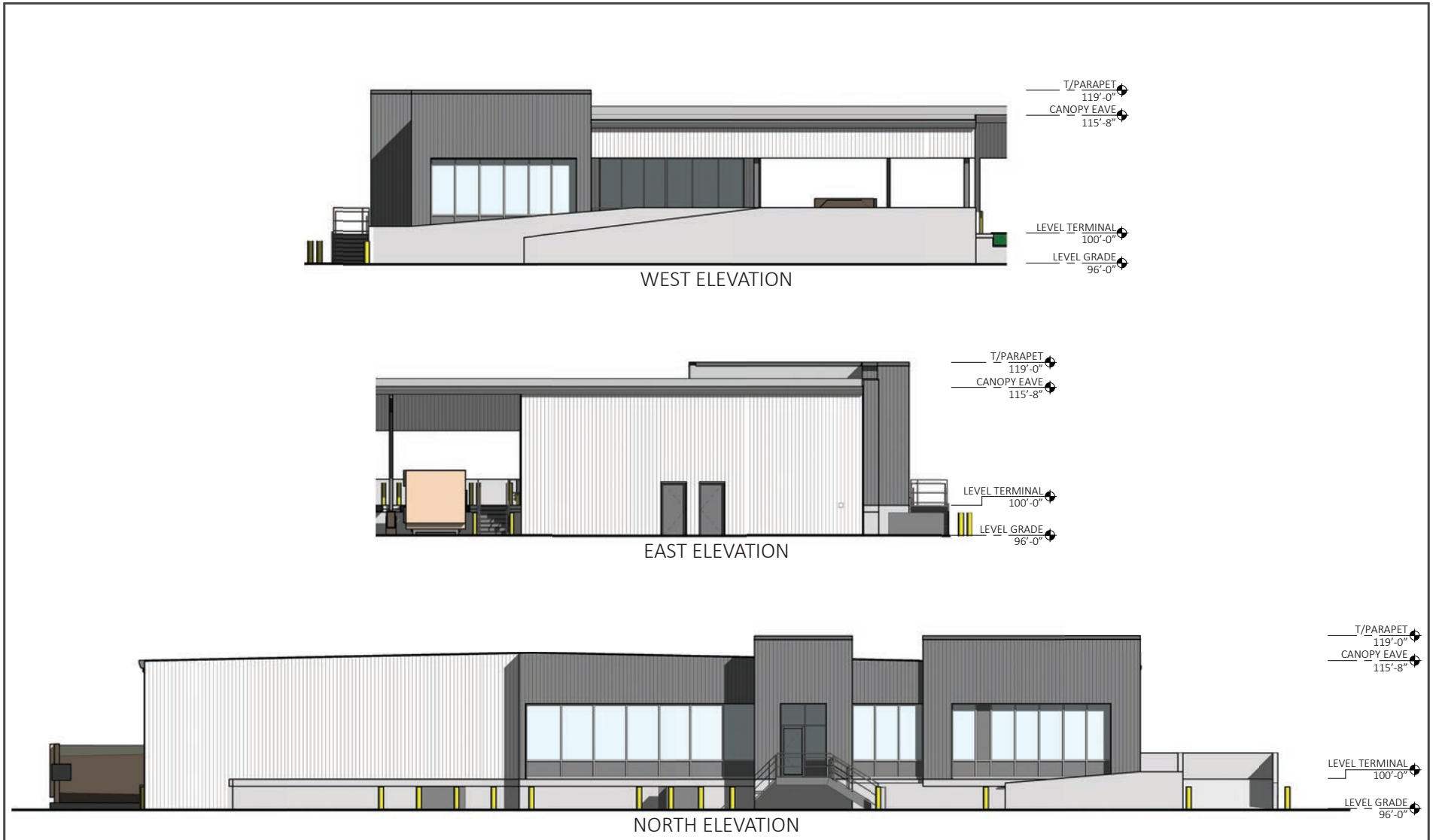


AERIAL PHOTOGRAPHY AND SURROUNDING LAND USES | FIGURE 3.2-3



Source: Kimley-Horn and Associates, Inc., July 2, 2025.

CONCEPTUAL SITE PLAN | FIGURE 3.2-4



Source: OKW Architects, August 28, 2024.

CONCEPTUAL BUILDING ELEVATIONS | FIGURE 3.2-5

A total of 175 parking spaces would be provided on-site, including 48 passenger vehicle spaces and 123 truck trailer spaces. Six passenger vehicle spaces would be equipped with electric vehicle charging stations and an additional 11 passenger vehicle parking spaces would be equipped with electrical infrastructure to support future installation of electric vehicle charging stations, consistent with the California Green Building Standards Code (CALGreen) Tier 2 standards.

3.2.2 Lighting

The proposed project would include pole-mounted lighting within the surface parking lots and building-mounted lighting on the proposed building near the pedestrian entrances and truck loading bays. All lighting on-site would be directed onto the project site and include shielding to avoid light spillover onto adjacent properties.

3.2.3 Mechanical and Operational Equipment

The office component of the proposed truck terminal facility would include mechanical rooftop equipment for building heating, cooling, and ventilation (Carrier, Model 50FCQ) and a diesel-powered emergency generator. The truck terminal component of the building would be unconditioned and ventilated only. A 750-kilowatt diesel powered generator would be located adjacent to the northeast corner of the building. Protective bollards would surround the generator and separate it from the vehicle travel lanes.

3.2.4 Utilities Improvements

Water Utilities

The project would connect to the existing water main in Claremont Court via a new 1.5-inch lateral for domestic water and a new eight-inch lateral to meet water flow requirements for fire suppression. The existing irrigation system within the landscaping on the Claremont Court frontage would be retained with implementation of the project and extended to serve the new landscaped areas on the site.

Sewer Utilities

The project would connect to the existing eight-inch sanitary sewer main in Claremont Court via a new four-inch lateral. A new 24-inch manhole is also proposed on-site within the truck parking area north of the building.

Stormwater Utilities

The project would connect to an existing 36-inch storm drain main along the southern project boundary via a new 12-inch stormwater line along the western project boundary. The existing stormwater line along the eastern project boundary would remain with implementation of the project and two new stormwater laterals and two new collection points would be installed to connect the existing stormwater line to a new catch basin along the eastern project boundary.

Electrical and Telephone Utilities

The project would underground the existing overhead electrical lines along Claremont Court across the full length of the project frontage.

Natural Gas and Diesel Fueling Station

No natural gas connections are proposed. The existing truck fueling station would be relocated adjacent to the west of the truck entrance and a new approximately 14-foot-tall canopy structure would be constructed over the fueling facility .

Solid Waste

The project would include a new solid waste enclosure adjacent to the fueling station. The enclosure would be constructed using an eight-foot-tall concrete masonry wall with gates and roof to comply with stormwater runoff requirements.

3.2.5 Landscaping

The project site would be landscaped with native and drought tolerant shrubs, plants, and trees. Landscaping would be planted along the perimeter of the site and within vehicle parking areas to comply with parking lot landscaping and shading requirements (see Figure 3.2-6). The existing trees along Claremont Court have been removed by the project applicant. With implementation of the project, the existing shrubs in the southern portion of the site would also be removed and 25 new trees would be planted around the perimeter of the new pavement that would be installed within that area.

3.2.6 Construction

Construction of the project would be completed in one phase over a period of approximately 14 months and is anticipated to begin in 2026. During this time, construction activities would occur between 7:00 AM and 7:00 PM Monday through Saturdays and 10:00 AM to 6:00 PM on Sundays and Holidays, consistent with City-allowed construction hours. The project would demolish the existing building and associated site improvements. Landscaped areas along Claremont Court would be maintained as well as much of the existing asphalt on the site (refer to Figure 3.2-6). The existing driveways would be retained during project construction to provide access to the site.

The project would require excavation to a maximum depth of eight feet below ground surface (bgs). During construction of the project, approximately 1,100 cubic yards of soil would be exported and 12,100 cubic yards of soil would be imported to the site for a net import of 11,000 cubic yards of import. No pile driving is proposed to be used during construction.

PRELIMINARY LANDSCAPE SCHEDULE

SYMBOL	QTY	BOTANICAL / COMMON NAME
TREES		
	14	CERCIS OCCIDENTALIS / WESTERN REDBUD
	3	CHITALPA TASHKENTENSIS 'PINK DAWN' / PINK DAWN CHITALPA
	1	EXISTING TREE TO BE REMOVED
	4	EXISTING TREE TO REMAIN / PROTECT IN PLACE
	7	QUERCUS AGRIFOLIA / COAST LIVE OAK
SHRUBS		
	141	ARCTOSTAPHYLOS 'JOHN DOURLY' / JOHN DOURLY MANZANITA
	81	CEANOTHUS 'CONCHA' / CONCHA CEANOTHUS
	207	LOMANDRA 'SEA BREEZE' / SEA BREEZE LOMANDRA
	93	SALVIA LEUCANTHA / MEXICAN BUSH SAGE
BIO-RETENTION		
	275	CAREX PRAEGRACILIS / CALIFORNIA FIELD SEDGE
	179	CHONDROPETALUM TECTORUM 'EL CAMPO' / EL CAMPO CAPE RUSH
	132	LEYMUS CONDENSATUS 'CANYON PRINCE' / CANYON PRINCE WILD RYE
	291	MUHLENBERGIA RIGENS / DEER GRASS

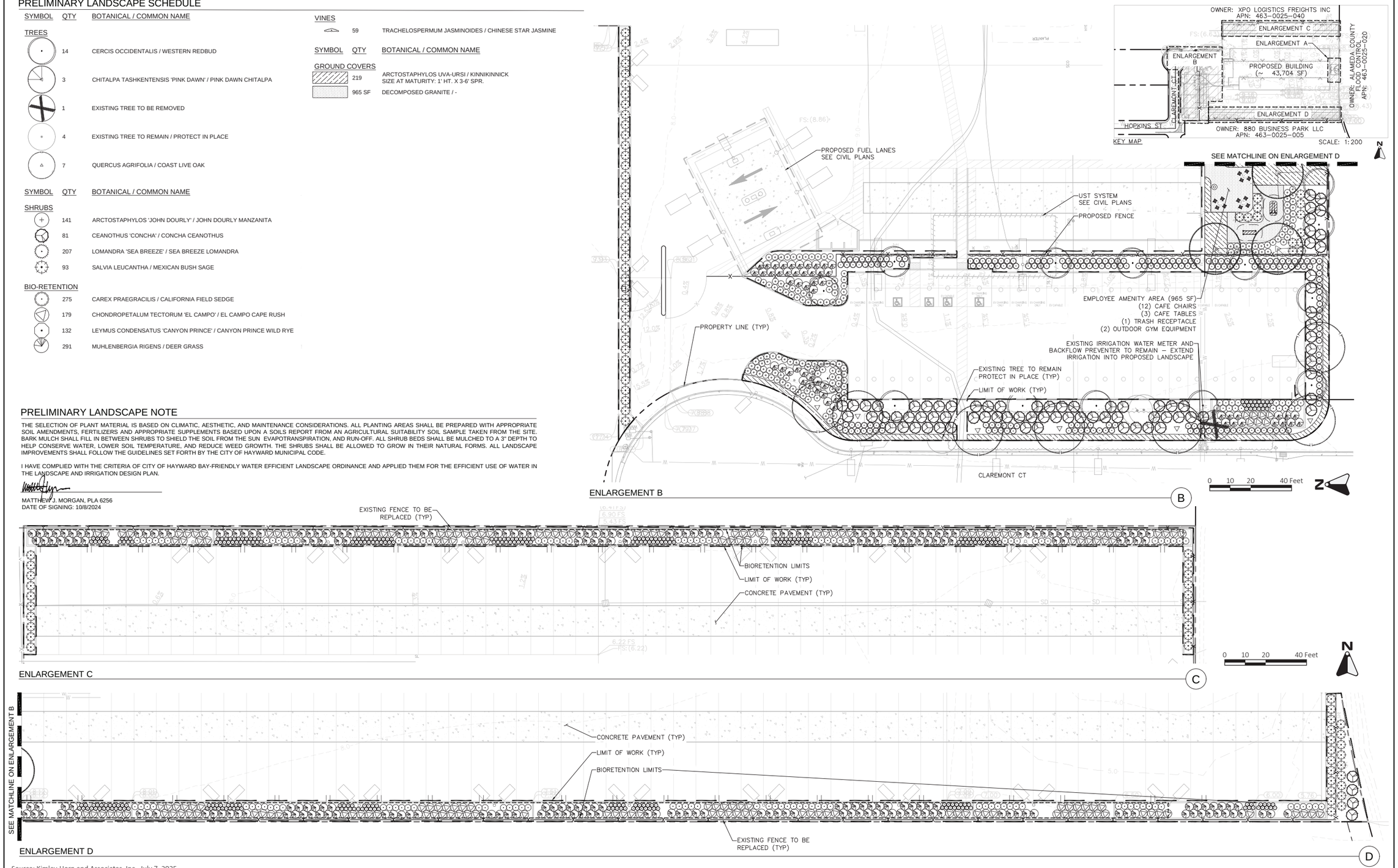
SYMBOL	QTY	BOTANICAL / COMMON NAME
VINES		
	59	TRACHELOSPERMUM JASMINOIDES / CHINESE STAR JASMINE
GROUND COVERS		
	219	ARCTOSTAPHYLOS UVA-URSI / KINNIKINNICK SIZE AT MATURITY: 1' HT. X 3-6' SPR.
	965 SF	DECOMPOSED GRANITE / -

PRELIMINARY LANDSCAPE NOTE

THE SELECTION OF PLANT MATERIAL IS BASED ON CLIMATIC, AESTHETIC, AND MAINTENANCE CONSIDERATIONS. ALL PLANTING AREAS SHALL BE PREPARED WITH APPROPRIATE SOIL AMENDMENTS, FERTILIZERS AND APPROPRIATE SUPPLEMENTS BASED UPON A SOILS REPORT FROM AN AGRICULTURAL SUITABILITY SOIL SAMPLE TAKEN FROM THE SITE. BARK MULCH SHALL FILL IN BETWEEN SHRUBS TO SHIELD THE SOIL FROM THE SUN EVAPOTRANSPIRATION, AND RUN-OFF. ALL SHRUB BEDS SHALL BE MULCHED TO A 3" DEPTH TO HELP CONSERVE WATER, LOWER SOIL TEMPERATURE, AND REDUCE WEED GROWTH. THE SHRUBS SHALL BE ALLOWED TO GROW IN THEIR NATURAL FORMS. ALL LANDSCAPE IMPROVEMENTS SHALL FOLLOW THE GUIDELINES SET FORTH BY THE CITY OF HAYWARD MUNICIPAL CODE.

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

MATTHEW J. MORGAN, PLA 6256
DATE OF SIGNING: 10/8/2024



Source: Kimley-Horn and Associates, Inc., July 7, 2025.

CONCEPTUAL LANDSCAPING PLAN | FIGURE 3.2-6

3.2.7 Green Building Measures

The proposed project would be built to the California Green Building Standards Code (CALGreen) which includes design provisions intended to minimize wasteful energy and water consumption. In addition, the project would include the following green building measures and design features:

- EV charging infrastructure (consistent with CALGreen Tier 2 standards)
- All-electric building construction
- Water efficient landscaping and irrigation systems
- Diversion of solid waste from landfills consistent with City and State requirements

Section 4.0 Environmental Setting, Checklist, and Impact Discussion

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

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

The discussion for each environmental subject includes the following subsections:

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

4.1 Aesthetics

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Senate Bill 743

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

- The project is a residential or mixed-use residential project, or employment center project and
- The project is located on an infill site within a transit priority area.[1]

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

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in Hayward. State Route 238 (SR 238) Sunol to Fremont is the nearest designated State Scenic Highway.[2]

[1] An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "transit priority area" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: California Legislative Information. "Chapter 2.7. Modernization of Transportation Analysis for Transit-Oriented Infill Projects [21099- 21099.]." Accessed July 17, 2024. https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=13.&part=&chapter=2.7.&article=.

[2] California Department of Transportation. "Scenic Highways." Accessed July 17, 2024. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

Local

Hayward 2040 General Plan Policy Document

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

Policy	Description
LU-1.2	The City shall maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies.
LU-6.7	Design Strategies. The City shall encourage developments within the Industrial Technology and Innovation Corridors to incorporate the following design strategies: • Provide attractive on-site landscaping and shade trees along street frontages and within employee and visitor parking lots. • Screen areas used for outdoor storage, processing, shipping and receiving, and other industrial operations with a combination of landscaping and decorative fences or walls. • Encourage consistent architectural façade treatments on all sides of building. • Screen roof-top equipment with roof parapets. • Design shipping and receiving areas and driveways to accommodate the turning movements of large trucks. • Develop coordinated and well-designed signage for tenant identification and way-finding. • Incorporate attractive building and site lighting to prevent dark pockets on the site. • Provide pedestrian walkways and connect building entrances to sidewalks. • Use landscaped buffers with trees and attractive sound walls to screen adjacent residential areas and other sensitive uses.
NR-8.3	The City shall protect the visual characteristics of transportation corridors that are officially designated as having unique or outstanding scenic qualities, including portions of I-580, I-880, and SR 92.

City of Hayward Exterior and Parking Lot Lighting Ordinance (Municipal Code Section 10-2.640)

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

4.1.1.2 *Existing Conditions*

Existing On-Site Setting

The project site is currently partially developed with a one-story truck terminal facility, paved and gravel surface parking, and landscaping. Approximately one-third of the project site along the southern project boundary is undeveloped grassland. The building is utilitarian in design with no special ornamentation. The building is of wood frame construction and features a flat roof with large overhang. An open steel frame truck depot extends south on the site from the main office

building and contains approximately 42 docks for truck loading and unloading. The site is primarily paved and used for truck and passenger vehicle parking and circulation. Photos 1 through 4 show views of the project site.

Existing Surrounding Setting

The site is bounded by Claremont Court and commercial and industrial uses to the north, industrial uses to the east and west, and Ward Creek to the south. Surrounding industrial development includes one-story wood and concrete frame buildings, paved and gravel surface parking and limited landscaping. The buildings in the project vicinity are utilitarian structures with stucco and concrete siding and flat or low-pitched roofs. Landscaping within the Claremont Court public right-of-way and on the adjacent properties is limited and includes ornamental shrubs around the perimeter of the sites and buildings.

Within the project area, Claremont Court is a two-lane local cul-de-sac and Industrial Parkway is a four-lane arterial road with a landscaped median island. Photos 5 through 6 show views of the existing development adjacent to the project site.

Scenic Views and Resources

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

Scenic Corridors

The project site is not located along a State-designated scenic highway. The nearest State designated scenic highway is SR 238 from Mission Boulevard in Fremont to I-680 in Sunol, approximately 6.2-miles south of the project site. This designated State scenic highway is not visible from the project site. The City's General Plan identifies Gateways where preservation and enhancement of views of the natural and man-made environment are crucial. The nearest Gateway to the project site is at Industrial Parkway Southwest at the City limits, approximately 0.5 miles east of the project site.

Photo 1: View of existing industrial building looking south

Photo 2: View of existing loading docks looking southwest

PHOTOS 1 & 2

Photo 3: View of existing loading docks looking northwest

Photo 4: View of undeveloped grass area on-site

PHOTOS 3 & 4

Photo 5: View of industrial building and Diablo Range to the east, from project site

Photo 6: View of commercial building to north, from project driveway on Claremont Court

PHOTOS 5 & 6

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?[3] If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

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

As noted in Section 4.1.1.2 Existing Conditions, intermittent views of the Diablo Range are currently provided from public viewpoints on Claremont Court and Industrial Parkway West (see Photo 5). However, public viewpoints on these roadways do not extend through the project site. Therefore, the proposed project would not result in a substantial adverse effect on a scenic vista. **(Less than Significant Impact)**

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The project site is not located on a State Designated Scenic Highway. The nearest State Designated Scenic Highway to the project site is SR 238, approximately 6.2 miles southeast of the site. The site is not visible from SR 238. The project site is not located within a state scenic highway; therefore, implementation of the project would not damage scenic resources within a State Designated Scenic Highway. **(Less than Significant Impact)**

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

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

The project site is located in an urbanized area. As discussed in Section 4.11 Land Use and Planning, the project would be consistent with the existing Industrial Technology and Innovation Corridor General Plan land use designation and General Industrial zoning for the site by constructing an approximately 45,400 square foot truck terminal facility with an FAR of 0.13 and a maximum height of 23 feet where a maximum of 0.8 FAR and maximum height of 45 feet is allowed.

The height and character of the proposed project would be similar to the existing adjacent commercial and industrial buildings and would be consistent with the surrounding, largely utilitarian architectural styles. The project would comply with the Hayward Industrial Design Guidelines by incorporating various building materials and colors in the building elevations including areas of glass and vinyl siding in three different colors. The proposed building would generally be set back 190 feet from Claremont Court, the proposed fueling station canopy would be set back approximately 60 feet from the street, new trees and landscaping would be planted along Claremont Court, along the perimeter of the building, and within the surface parking lots, shielding the proposed building and fueling station canopy and improving the overall visual appearance of the site. The proposed project would be consistent with the uses planned for the site by the Hayward 2040 General Plan and would be compatible with other buildings in the area. For these reasons, the proposed project would not conflict with applicable zoning or other regulations governing scenic quality. **(Less than Significant Impact)**

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

As noted in Section 3.2 Project Description, all proposed lighting would include shielding to reduce light spillover onto adjacent properties, consistent with the City's Exterior and Parking Lot Lighting Ordinance. With implementation of the project, lighting levels on the project site would range from 0.2- to 22.0 -foot candles with the highest levels of light occurring at the truck loading bays (22.0-foot candles) and at the northern truck parking area (7.3-foot candles). Lighting levels on adjacent properties would range from 0.0 to 1.1-foot candles. Conformance with the City's Exterior and Parking Lot Lighting Ordinance would ensure the project would not create substantial light spillover onto adjacent properties and public rights-of-way.

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

4.2 Agriculture and Forestry Resources

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

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

The California Land Evaluation and Site Assessment (LESA) is a point-based approach for rating the relative importance of agricultural land resources based upon specific measurable features. The LESA Model was developed to provide lead agencies with an optional methodology to ensure that potentially significant impacts on the environment as a result of agricultural land conversions are quantitatively and consistently considered in the environmental review process (Public Resources Code Section 21095).

California Land Conservation Act

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

Fire and Resource Assessment Program

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

4.2.1.2 *Existing Conditions*

The California Department of Conservation Important Farmland Finder map designates the project site as Urban and Built-Up land.[4] Urban and Built-Up Land is defined as land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. The site is currently partially developed with a truck terminal facility, paved and gravel surface parking lots, and landscaping. Approximately one-third of the site along the southern project boundary is undeveloped grassland. There is no forest land located on or adjacent to the project site and the site is not subject to a Williamson Act contract.

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

[4] California Department of Conservation. "California Important Farmland Finder." Accessed July 17, 2024. https://maps.conservation.ca.gov/DLRP/CIFF/

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

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

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

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

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

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

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

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

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

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

4.3 Air Quality

The discussion in this section is based, in part, on the results of an Air Quality Assessment prepared by Illingworth & Rodkin, Inc., in April 2025. The Air Quality Assessment is included as Appendix A to this Initial Study.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Criteria air pollutants are pollutants that have established federal or State standards for outdoor concentrations to protect public health. Pursuant with the federal and State Clean Air Acts, the United States Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established and enforced the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS), respectively. The NAAQS and CAAQS address the following criteria air pollutants: ozone (O_3), nitrogen dioxide (NO_2), carbon monoxide (CO), particulate matter with a diameter of 10 microns or less (PM_{10}), particulate matter with a diameter of 2.5 micros or less ($PM_{2.5}$), sulfur dioxide (SO_2), and lead. The CAAQS also includes visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride.

Toxic Air Contaminants

Toxic air contaminants (TACs) include airborne chemicals that are known to have short- and long-term adverse health effects. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Unlike criteria air pollutants, which have a regional impact, TACs are highly localized and regulated at the individual emissions source level.

DPM is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. DPM is comprised of diesel exhaust which is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (i.e., areas most susceptible to injury).[5] Chemicals in diesel exhaust, such as benzene and formaldehyde, are also TACs identified by the CARB.

An overview of the sources of criteria pollutants and TACs, as well as their associated health effects, is provided in Table 4.3-1.

[5] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed July 17, 2024. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

Table 4.3-1: Sources and Health Effects of Criteria Air Pollutants and Toxic Air Contaminants

Pollutants	Description and Sources	Primary Effects
Ozone (O_3)	O_3 is a secondary criteria air pollutant that is the result of a photochemical (sunlight) reaction between reactive organic gases (ROG) and nitrogen oxides (NO_x). Pollutants emitted by motor vehicles, power plants, industrial boilers, refineries, and chemical plants are the common sources for this reaction. High O_3 levels are caused by the cumulative emissions of ROG and NO_X. These precursor or primary pollutants react under certain meteorological conditions to form high O_3 levels. Commons sources of ROG and NO_x are vehicles, industrial plants, and consumer products.	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO_2)	NO_2 is a reactive gas that combines with nitric oxide (NO) to form NO_x. NO_2 is the byproduct of fuel combustion, with common sources of NO_2 being emissions from cars, trucks, buses, power plants, and off-road equipment. Other sources of NO_2 include high temperature stationary combustion and atmospheric reactions.	• Aggravation of respiratory illness • Reduced visibility
Carbon Monoxide (CO)	CO is a colorless, odorless, and toxic gas that is the product of incomplete combustion of carbon-containing substances (e.g., when something is burned). Common outdoor sources of CO include mobile vehicles (passenger cars and trucks) and machinery that burn fossil fuels.	• Interferes with oxygen delivery to the body's organ due to binding with the hemoglobin in the blood • Fatigue, headaches, confusion, and dizziness
Fine Particulate Matter ($PM_{2.5}$) and Coarse Particulate Matter (PM_{10})	Particulate Matter (PM) is any material that is emitted as liquid or solid particles or a gaseous material, such as dust, soot, aerosols, and fumes. PM_{10} and $PM_{2.5}$ are both small enough particulates to be inhaled into the human lungs, and $PM_{2.5}$ is small enough to deposit into the lungs, which poses an increased health risk compared to PM_{10}. Typical sources of PM include stationary combustion of solid fuels, construction activities, vehicles, industrial processes, and atmospheric chemical reactions.	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Sulfur Dioxide (SO_2)	SO_2 is a pungent and colorless gaseous pollutant. SO_2 is part of the sulfur oxides (SO_x) group and is the pollutant of greatest concern in the SO_x group. SO_x can react with other compounds in the atmosphere to form small particles. These particles contribute to pollution. SO_2 is primarily formed from fossil fuel combustion at power plants and other industrial facilities. Sources of SO_2 include motor vehicles, locomotives, ships, and off-road diesel equipment that are operated with fuels that contain high levels of sulfur. Industrial processes, such as natural gas and petroleum extraction, oil refining, and metal processing.	• Aggravation of respiratory illness • Respiratory irritation such as wheezing, shortness of breath and chest tightness • Increased incidence of pulmonary symptoms and disease, decreased pulmonary function

Pollutants	Description and Sources	Primary Effects
Lead	Lead is a naturally occurring element that can be found in all parts of the environment including the air, soil, and water. As an air pollutant, lead is present in small particles. The most common historic source of lead exposure was the past use of leaded gasoline in motor vehicles. The exhaust resulting from use of leaded gasoline would release lead emissions into the air. Now, major sources of lead in the air are from ore and metals processing plants and piston-engine aircraft operating on leaded aviation fuel. Other sources are waste incinerators, utilities, and lead-acid battery manufacturers. The highest air concentrations of lead are usually found near lead smelters.	• Adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems and the cardiovascular system
Toxic Air Contaminants (TACs)	TACs include certain air pollutants known to increase the risk of cancer and/or a range of other serious health effects. Sources of TAC include, but are not limited to, cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; and building materials and products.	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

Sensitive Receptors

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

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the EPA is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants, discussed previously; PM, O_3, CO, SO_2, NO_2, and lead.[6]

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of

[6] NO_x is the group of nitrogen compounds (NO_2 and nitric oxide [NO]) that typically represents NO_2 emissions because NO_2 emissions contribute the majority of NO_x exhaust emissions emitted from fuel combustion.

these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Diesel Risk Reduction Plan

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

Regional

2017 Clean Air Plan

The Bay Area Air District (Air District) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area, which includes the project area. Regional air quality management districts, such as Air District, must prepare air quality plans specifying how federal and state air quality standards will be met. Air District's most recently adopted plan is the Bay Area 2017 Clean Air Plan. The 2017 Clean Air Plan focuses on the following two related Air District goals and how to achieve them:

- Protect air quality and health at the regional and local scale by attaining all state and national air quality standards and eliminating disparities among Bay Area communities in cancer health risk from TAC; and
- Protect the climate by reducing Bay Area greenhouse gas (GHG) emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.[7]

CEQA Air Quality Guidelines

The Air District CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by Air District within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, Air District rules, methods of analyzing impacts, and recommended mitigation measures. The latest CEQA Air Quality Guidelines are the 2022 CEQA Air Quality Guidelines adopted on April 20, 2023, by the Air District's Board of Directors.

[7] Bay Area Air Quality Management District. *Final 2017 Clean Air Plan.* April 19, 2017. Chapter 1, Page 2.

Community Air Risk Evaluation Program

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

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

Local

Hayward 2040 General Plan Policy Document

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

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

NR-2.19	Exposure Reduction Measures for both Existing and New Receptors. The City shall work with area businesses, residents and partnering organizations to provide information about best management practices that can be implemented on a voluntary basis to reduce exposure of sensitive receptors to toxic air contaminants (TAC) and fine particulate matter ($PM_{2.5}$).

4.3.1.3 *Existing Conditions*

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

The nearest sensitive receptors are the residences on Osage Avenue, approximately 1,180 feet north of the project site.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

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

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

The Air District CEQA Air Quality Guidelines set forth criteria for determining consistency with the 2017 CAP. In general, a project is considered consistent if, a) the plan supports the primary goals of the 2017 CAP; b) it includes relevant control measures; and c) it does not interfere with

implementation of 2017 CAP control measures. The project's consistency with the Bay Area 2017 CAP is summarized in Table 4.3-2, below.

Table 4.3-2: Applicable Control Measures

Control Measure	Project Consistency with Measure Intent
Energy Measures	
EN2 - Decrease Electricity Demand: Work with local governments to adopt additional energy-efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	The project would be designed to comply with the City's Energy Code and the most recent CALGreen requirements. Additionally, the project would include all electric building construction and on-site electric vehicle charging infrastructure. For these reasons, the project would be consistent with this measure.
Building Measures	
BL1 - Green Buildings: Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the California Green Building Standards Code (CalGreen; Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	As noted above, the project would be designed to comply with the City's Energy Code and the most recent CALGreen requirements. For these reasons, the project would be consistent with this measure.
BL2 - Decarbonize Buildings: Explore potential Air District rulemaking options regarding the sale of fossil fuel-based space and water heating systems for both residential and commercial use. Explore incentives for property owners to replace their furnace, water heater or natural-gas powered appliances with zero-carbon alternatives. Update Air District guidance documents to recommend that commercial and multifamily developments install ground source heat pumps and solar hot water heaters.	As noted above, the project would be designed to comply with the City's Energy Code and the most recent CALGreen requirements. Additionally, the project would include on-site electric vehicle charging infrastructure to reduce fossil fuel use. For these reasons, the project would be consistent with this measure.
BL4 - Urban Heat Island Mitigation: Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/roofing upgrades for commercial and residential multifamily housing.	The proposed surface parking lot would be landscaped and include landscaped bioretention areas to reduce the urban heat island effect. Therefore, the project is consistent with this control measure.
Natural and Working Lands Measures	
NW2 - Urban Tree Planting: Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, Air District's technical guidance, best management practices for local plans, and CEQA review.	The project would plant 25 new trees on-site. Therefore, the project would be consistent with this measure.
Waste Management	

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

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

Regional Criteria Pollutant Emissions

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

Construction Period Emissions

Construction emissions would be generated primarily by operation of construction equipment and vehicles on-site and on area roadways. The project construction schedule and equipment usage assume the project would take 14 months to complete. Table 4.3-3 shows average annual and daily emissions of ROG, NO_x, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project.

Table 4.3-3: Construction Period Emissions

Year	ROG	NO_x	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Total Construction Emissions (tons)				
2026	0.06	0.58	0.02	0.02
2027	0.34	0.98	0.03	0.03
Air District Threshold (tons per year)	*10*	*10*	*15*	*10*
Exceed Threshold?	**No**	**No**	**No**	**No**
Average Daily Emissions (pounds)				
2026 (92 construction workdays)	1.33	12.68	0.52	0.48
2027 (365 construction workdays)	1.85	5.36	0.18	0.16
Air District Thresholds (pounds per day)	*54*	*54*	*82*	*54*
Exceed Threshold?	**No**	**No**	**No**	**No**
Source: Appendix A.				

As shown in Table 4.3-3, construction period criteria pollutant emissions associated with the project would not exceed the Air District significance thresholds. Therefore, the project would not result in a significant impact from construction emissions.

Operational Emissions

Operational emissions associated with the project would be generated primarily from trucks using the industrial warehouse, vehicles driven by future employees, and operation of the proposed diesel emergency backup generator. The earliest full year the project would be constructed and operational would be 2028. Any emissions associated with operation later than 2028 would be lower due to assumed efficiencies over time. Table 4.3-4 shows average annual and daily emissions of ROG, NO_x, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project.

Table 4.3-4: Operational Period Emissions

Scenario	ROG	NO_x	PM_{10}	$PM_{2.5}$
Average Annual Emissions (tons/year)				
2028 Annual Project Emissions	0.35	4.49	1.20	0.37
Existing Use Emissions	0.10	0.91	0.18	0.06
Net Operational Emissions	0.25	3.59	1.02	0.31
Air District Thresholds	*10*	*10*	*15*	*10*
Exceed Threshold?	**No**	**No**	**No**	**No**
Average Daily Emissions (pounds/day)				
2028 Net Daily Project Emissions	1.39	19.66	5.58	1.70
Air District Threshold	*54*	*54*	*82*	*54*
Exceed Threshold?	**No**	**No**	**No**	**No**
Source: Appendix A.				

As shown in Table 4.3-4, project generated operational emissions would not exceed the respective Air District significance thresholds and, therefore, impacts would be less than significant. **(Less than Significant Impact)**

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

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

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

Fugitive Dust Emissions

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site could deposit mud on local streets, which could be an additional source of

airborne dust after it dries. The Air District CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices are implemented to reduce these emissions.

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

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or loose material off-site shall be covered.
- All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxic Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly-visible sign shall be posted with the telephone number and person to contact at the City of Hayward regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

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

Community Health Risks

The Air District CEQA Air Quality Guidelines recommends that projects that may result in TAC emissions and that are located within 1,000 feet of sensitive receptors prepare a Health Risk Assessment to address exposure of receptors to TACs. As noted in Section 4.3.1.2 Existing Conditions, the nearest sensitive receptors to the project site are the residences on Osage Avenue, more than 1,000 feet north of the project site. Due to the distance between the project site and these receptors, a Health Risk Assessment is not required and impacts to sensitive receptors would be less than significant. **(Less than Significant Impact)**

Criteria Pollutant Emissions

In a 2018 decision (*Sierra Club v. County of Fresno*), the state Supreme Court determined CEQA requires that when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute a cumulatively considerable contribution to a significant cumulative regional criteria pollutant impact, the potential for the project's emissions to affect human health in the air basin must be disclosed. State and federal ambient air quality standards are health-based standards, and exceedances of those standards result in continued unhealthy levels of air pollutants. As stated in the Air District CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, the Air District considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect. **(Less than Significant Impact)**

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

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

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

4.4 Biological Resources

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

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

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

Migratory Bird Treaty Act

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

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Fish and Game Code Section 1602

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

Local

Hayward 2040 General Plan

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

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

Hayward Tree Preservation Ordinance

The Hayward Tree Preservation Ordinance (Article 15 of the Municipal Code) is intended to protect and preserve significant trees and control the re-shaping, removal, or relocation of those trees. Protected Trees are defined as any of the following: 1) trees that have a minimum trunk diameter of eight inches measured 54 inches above the ground; 2) street trees or other required trees such as those required as a condition of approval, Use Permit, or other Zoning requirement, regardless of size; 3) all memorial trees dedicated by an entity recognized by the City, and all specimen trees that define a neighborhood or community; 4) specific native tree species that have reached a minimum

of four inches diameter trunk size; and 5) a trees of any size planted as a replacement for a Protected Tree.

4.4.1.2 *Existing Conditions*

The project site is currently partially developed with a truck terminal facility, paved and gravel surface parking, and limited ornamental landscaping along the perimeter of site and building. The southern approximately one-third of the site is undeveloped and covered in grasses. No waterways, riparian corridors, or other sensitive habitats were identified on-site. The nearest waterway to the project site is Ward Creek, located approximately 42 feet south of the project site. The nearest wildlife corridor to the project site is the Diablo Range, located approximately 2.5-miles east of the project site.

Five landscape trees previously located on the project site have been removed by the project applicant.

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?

As noted in Section 4.4.1.2 Existing Conditions, all trees on the project site were removed by the applicant. The mature trees adjacent to the project site could, however, provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800.

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

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

- Pre-construction nesting bird surveys shall be completed if construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist or ornithologist no more than 14 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the project boundary.
- If an active nest is found in an area that would be disturbed by construction, the biologist or ornithologist shall designate an adequate buffer zone (approx. 250 feet) to be established around the nest. The buffer shall ensure that the nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.
- The applicant shall submit a report prepared by the biologist/ornithologist indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of

Development Services, prior to the removal of any trees and issuance of a grading permit or demolition permit.

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

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?

The project site is located in a developed, urban area of Hayward. There are no riparian habitats or other sensitive habitat areas on or adjacent to the project site. The nearest waterway is Ward Creek, approximately 42 feet south of the project site and separated from the proposed development by a levee. Therefore, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(No Impact)**

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

There are no federally protected wetlands on or adjacent to the project site. Therefore, the project would not result in impacts to such wetlands. **(No Impact)**

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The project site is surrounded by developed, urban land uses. The project site is not part of an established native or migratory wildlife corridor or nursery site. The nearest wildlife corridor to the project site is the Diablo Range. Impacts to migratory birds are discussed under checklist question a), above. Therefore, the project would not interfere substantially with the movement of any native resident or migratory wildlife species. **(No Impact)**

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

As noted in Section 4.4.1.2 Existing Conditions, the project applicant has removed all five trees on the project site. However, based on a review of the development plans, the 25 proposed replacement trees would satisfy the City's tree replacement requirements. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources. **(Less than Significant Impact)**

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

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

4.5 Cultural Resources

The following discussion is based upon an Archaeological Sensitivity Assessment prepared by Archaeological/Historical Consultants, Inc. in September 2024. A copy of the Archaeological Sensitivity Assessment, which is a confidential report, is on file at the City of Hayward Department of Development Services and is available upon request with appropriate credentials.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

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

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

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

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes

and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[8]

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

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as "the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource's eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

California Native American Historical, Cultural, and Sacred Sites Act

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

Local

Hayward 2040 General Plan

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

Policy	Description
LU-8.1	Value of Historic Preservation. The City shall recognize the value and co-benefits of local historic preservation, including job creation, economic development, increased property values, and heritage tourism.
LU-8.2	Local Preservation Programs. The City shall strive to enhance its local historic preservation programs to qualify for additional preservation grants and financing programs.
LU-8.3	Historic Preservation Ordinance. The City shall maintain and implement its Historic Preservation Ordinance to safeguard the heritage of the city and to preserve historic resources.
LU-8.4	Survey and Historic Reports. The City shall maintain and expand its records of reconnaissance surveys, evaluations, and historic reports completed for properties located within the city.

[8] California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed August 31, 2020. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

LU-8.5	Flexible Land Use Standards. The City shall maintain flexible land use standards to allow the adaptive reuse of historic buildings with a variety of economically viable uses, while minimizing impacts to the historic value and character of sites and structures.
LU-8.6	Historic Preservation Standards and Guidelines. The City shall consider The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings when evaluating development applications and City projects involving historic resources, or development applications that may affect scenic view or historic context of nearby historic resources.

Hayward Historic Preservation Ordinance

The City's Historic Preservation Ordinance (Article 11 of the Municipal Code) is intended to identify, protect, and enhance historical resources, archaeological sites, and other cultural resources within the City. The Historic Preservation Ordinance sets forth conditions of approval required for projects that may impact historic or archaeological resources.

4.5.1.2 *Existing Conditions*

Native American Resources

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

Historic Resources

During the Mexican period, the project site and surrounding area was part of Rancho Arroyo de la Alameda which extended from Alameda Creek to the south and southwest to Mount Eden. By 1878, after California became a State, the area was labeled Eden Township. The project site and surrounding area was used for agricultural purposes throughout most of its history until 1958, when it was used as a soil borrow pit. By 1968, a portion of the site was used for trailer storage. The existing truck terminal facility was constructed in 1987.[9] Due to the previous agricultural use of the site (which is not typically associated with buried historic archaeological deposits) and relatively recent development of the site with industrial uses, the project site was found to have low sensitivity for buried historic-era archaeological resources.

[9] City of Hayward. *Extended Property Report for Property Located at: 2256 Claremont Ct, Hayward, CA 94545.* Accessed September 3, 2024. https://webmap.hayward-ca.gov/Client/Hayward/ExtendedPropertyReport.aspx?apn=463002504304&x=-13589571.316365322&y=4525146.282498684

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

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

The existing truck terminal facility on-site is not listed as a historic resource on the NRHP[10] or CRHR[11] and are not considered historic resources by the City of Hayward. As discussed in Section 4.5.1.2 Existing Conditions above, the existing truck terminal facility was constructed in 1987 and is not considered a historic resource under CEQA. There are no historic resources adjacent to the project site. For these reasons, the project would not cause a substantial adverse change in the significance of a historical resource. **(Less than Significant Impact)**

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

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

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

[10] National Park Service. "National Register of Historic Places, National Register Database and Research." Accessed July 18, 2024. https://www.nps.gov/subjects/nationalregister/database-research.htm#table

[11] California Office of Historic Preservation. "California Historical Resources." Accessed July 18, 2024. https://ohp.parks.ca.gov/ListedResources/?view =county&criteria=1

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

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

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

As described above, there are no recorded archaeological resources, including human remains, on-site. In the unlikely event human remains are unearthed during project construction, the project would be required to implement the following Standard Conditions of Approval, pursuant to the City's Historic Preservation Ordinance and Public Resources Code Sections 5097 and 5097.98.

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

- If human remains are discovered during project construction, all ground disturbing activity within 100 feet of the remains shall be halted and the City's Planning Manager and the Alameda County Coroner shall be notified immediately, in accordance with Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may

provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Hayward shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Hayward, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

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

4.6 Energy

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

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

Renewables Portfolio Standard Program

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

Executive Order B-55-18 and Assembly Bill 1279

Executive Order B-55-18 was issued in September 2018. It ordered a new statewide goal of achieving carbon neutrality no later than 2045 and to maintain net negative emissions thereafter.

Assembly Bill (AB) 1279, also known as the California Climate Crisis Act, was approved on September 16, 2022, and codifies the statewide goal set by Executive Order B-55-18 of achieving net zero GHG emissions no later than the year 2045 and maintaining net negative emissions thereafter. In addition, this bill has a statewide goal of reducing anthropogenic GHG emissions by 85 percent below the 1990 levels by the year 2045. The bill requires CARB to work with relevant state agencies to ensure that updates to the scoping plan, identify and recommend measures to achieve these policy goals, and implement strategies that enable CO_2 removal solutions and carbon capture, utilization, and storage technologies in California. The bill requires CARB to submit an annual report.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a

legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.[12] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[13]

California Green Building Standards Code

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

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars II program in 2022 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2026 through 2035. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving consumers money through fuel savings.[14]

Local

Hayward 2040 General Plan

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

Policy	Description
NR-4.1	Energy Efficient Measures. The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment.
NR-4.3	Efficient Construction and Development Practices. The City shall encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources throughout the lifecycle of a structure.
NR-4.6	Renewable Energy. The City shall encourage and support the generation, transmission, use, and storage of locally-distributed renewable energy in order to promote energy independence, efficiency, and sustainability. The City shall consider various incentives to

[12] California Building Standards Commission. "California Building Standards Code." Accessed July 19, 2024. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.
[13] California Energy Commission (CEC). "2022 Building Energy Efficiency Standards." Accessed July 19, 2024. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency.
[14] California Air Resources Board. "Advanced Clean Cars II." Accessed July 19, 2024. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii

	encourage the installation of renewable energy projects (i.e., reduced permit fees and permit streamlining).
NR-4.11	Green Building Standards. The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of meeting or exceeding the State's zero net energy goals by 2020.
NR-6.15	Native Vegetation Planting. The City shall encourage private property owners to plant native or drought-tolerant vegetation in order to preserve the visual character of the area and reduce the need for toxic sprays and groundwater supplements.
NR-6.16	Landscape Ordinance Compliance. The City shall continue to implement the Bay-Friendly Water Efficient Landscape Ordinance.

Hayward Climate Action Plan

In January 2024, Hayward City Council adopted the latest update to the Hayward Climate Action Plan. The plan aims to make Hayward a more environmentally and socially sustainable community by reducing greenhouse gas (GHG) emissions. Hayward's GHG reduction goals include:

- 20 percent below 2005 baseline emissions levels by 2020
- 30 percent below 2005 baseline emissions levels by 2025
- 55 percent below 2005 baseline emissions levels by 2030
- Work with the community to develop a plan that may result in the reduction of community-based GHG emissions to achieve carbon neutrality by 2045

As of January 2019, Hayward achieved and exceeded its goal of reducing GHG emissions 20 percent below 2005 levels by 2020.

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 6,817 trillion British thermal units (Btu) in the year 2023, the most recent year for which this data was available.[15] Out of the 50 states, California is ranked third in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 17 percent (1,167 trillion Btu) for residential uses, 17 percent (1,158 trillion Btu) for commercial uses, 21 percent (1,457 trillion Btu) for industrial uses, and 45 percent (3,036 trillion Btu) for transportation.[16] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Alameda County in 2022 was consumed primarily by the non-residential sector (69 percent), followed by the residential sector consuming 31 percent. In 2022, a total of approximately 10,395 gigawatt hours (GWh) of electricity was consumed in Alameda County.[17]

[15] United States Energy Information Administration. "California State Energy Profile." Accessed July 22, 2025. https://www.eia.gov/state/print.php?sid=CA.
[16] Ibid.
[17] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed July 19, 2024. http://ecdms.energy.ca.gov/elecbycounty.aspx.

Ava Community Energy (Ava) is the electricity provider for Alameda County. Ava sources electricity and PG&E delivers it to customers over their existing utility lines. Ava customers can choose from two service options, Renewable 100, which provides electricity from 100 percent renewable energy sources (solar and wind).[18] Customers also have the option to enroll in Bright Choice, which sources energy from 49.4 percent renewable sources (small hydroelectric, solar, and wind).

Natural Gas

PG&E provides natural gas services within Hayward. In 2023, California's natural gas supply came from a combination of in-state production and imported supplies from other western states and Canada.[19] In 2022, residential and commercial customers in California used 35 percent of the state's natural gas, the industrial sector used 22.5 percent, and the transportation sector used 42.6 percent.[20] In 2022, Alameda County used less than one percent of the state's total consumption of natural gas.[21]

Fuel for Motor Vehicles

In 2024, California produced 124 million barrels of crude oil and 13.4 billion gallons of gasoline were sold in California.[22, 23] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13 miles per gallon (mpg) in the mid-1970s to 27.1 mpg in 2023.[24] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in April 2022 to require all cars and light duty trucks achieve an overall industry average fuel economy of 49 mpg by model year 2026.[25,26]

[18] Ava Community Energy. "Our Power Mix". Accessed July 19, 2024. https://avaenergy.org/our-power-mix/index.html

[19] California Gas and Electric Utilities. 2023 *California Gas Report.* Accessed July 19, 2024. https://www.socalgas.com/sites/default/files/Joint_Biennial_California_Gas_Report_2023_Supplement.pdf

[20] United States Energy Information Administration. "Natural Gas Consumption by End Use. 2022." Accessed July 19, 2024. https://www.eia.gov/state/?sid=CA#tabs-2.

[21] California Energy Commission. "Natural Gas Consumption by County." Accessed July 18, 2024. http://ecdms.energy.ca.gov/gasbycounty.aspx.

[22] U.S. Energy Information Administration. "Petroleum & Other Liquids, California Field Production of Crude Oil." July 22, 2025. https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfpca1&f=a

[23] California Department of Tax and Fee Administration. *Net Taxable Gasoline Gallons*. Accessed July 22, 2025. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.

[24] United States Environmental Protection Agency. The 2024 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975. November 2024

[25] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed July 19, 2024. http://www.afdc.energy.gov/laws/eisa.

[26] United States Department of Transportation. USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026." Accessed July 19, 2024. https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

a) Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Construction

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

Operations

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

Table 4.6-1: Annual Energy Use and Proposed Development

	Electricity (kWh)	Natural Gas (kBtu)	Gasoline (gallons)
Existing Use	159,572	640,459	53,723
Proposed Project	524,742	0	364,544
Project Net Increase	365,170	(640,459)	310,821

Note: The estimated gasoline demand is based on the estimated VMT of 377,923 for existing uses and 2,564,475 for the project. As noted in Appendix C Transportation Analysis, vehicle trips associated with the existing use and proposed project would consist of 10 percent passenger vehicles and 90 percent trucks. Therefore, gasoline demand associated with the existing use and proposed project was calculated assuming 10 percent of VMT was generated by passenger vehicles (with an average fuel economy of 27.1 mpg), and 90 percent of VMT was generated by delivery trucks (with an average fuel economy of 6.5 mpg).

kWh = kilowatt per hour

kBtu = kilo-British thermal unit

Source: Appendix A.

As shown in Table 4.6-1, the project would result in a reduction in natural gas demand and an increase in electricity and gasoline demand compared to existing conditions. The project, however, would not represent a wasteful or inefficient use of energy resources because it would be required to comply with Title 24 and CALGreen requirements to reduce energy consumption, include on-site electric vehicle charging stations, and be all electric. For these reasons, the project would not result in a wasteful use of energy or conflict with a state or local plan for renewable energy or energy efficiency and impacts would be less than significant. **(Less than Significant Impact)**

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The project would be consistent with the policies described in Section 4.6.1.1. In addition, the proposed project would comply with Title 24 and CalGreen and the green building measures listed above. For these reasons, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

4.7 Geology and Soils

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

California Building Standards Code (CBC)

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

California Division of Occupational Safety and Health Regulations

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

Public Resources Code Section 5097.5

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

Local

Hayward 2040 General Plan

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

Policy	Description
NR-6.4	Minimizing Grading. The City shall minimize grading and, where appropriate, consider requiring onsite retention and settling basins.
NR-6.5	Erosion Control. The City shall concentrate new urban development in areas that are the least susceptible to soil erosion into water bodies in order to reduce water pollution.
NR-7.1	Paleontological Resource Protection. The City shall prohibit any new public or private development that damages or destroys a historically- or prehistorically-significant fossil, ruin, or monument, or any object of antiquity.
NR-7.2	Paleontological Resource Mitigation. The City shall develop or ensure compliance with protocols that protect or mitigate impacts to paleontological resources, including requiring grading and construction projects to cease activity when a paleontological resource is discovered so it can be safely removed.
HAZ-2.1	Seismic Safety Codes and Provisions. The City shall enforce the seismic safety provisions of the Building Code and Alquist-Priolo Special Studies Zone Act to minimize earthquake-related hazards in new construction, particularly as they relate to high occupancy structures or buildings taller than 50 feet in height.
HAZ-2.2	Geologic Investigations. The City shall require a geologic investigation for new construction on sites within (or partially within) the following zones: • Fault Zone • Liquefaction Zone • Landslide Zone A licensed geotechnical engineer shall conduct the investigation and prepare a written report of findings and recommended mitigation measures to minimize potential risks related to seismic and geologic hazards.
HAZ-2.4	New Buildings in a Fault Zone. The City shall prohibit the placement of any building designed for human occupancy over active faults. All buildings shall be set back from active faults by at least 50 feet. The City may require a greater setback based on the recommendations of the licensed geotechnical engineer evaluating the site and the project.

4.7.1.2 *Existing Conditions*

Regional Geology

Hayward is located on the eastern side of San Francisco Bay, a region of varied geographic composition and topography. Hayward contains three distinct geologic zones: (1) properties near the Bay in the western portion of the community (bay lands); (2) the primarily urbanized portion of the community below the elevation of 500 feet above sea level (bay plain); and (3) the Hayward Hills, which are part of the Diablo Range and have elevations of up to 1,500 feet, in the eastern portion of Hayward.[27]

Geologic materials beneath Hayward include bedrock, Bay Mud near estuarine areas, semi-consolidated and unconsolidated alluvium along streams and beneath flat-lying areas, colluvium on slopes derived from bedrock, and artificial fill (especially along the Bay margins).[28]

On-site Geologic Conditions

Seismicity

There are several major fault zones present in the Bay Area. The Working Group on California Earthquake Probability has estimated that there is a 62 percent probability that one or more major earthquakes would occur in the San Francisco Bay Area between 2002 and 2031.[29] The Hayward Fault is located approximately two miles east of the project site at its nearest point.[30] The project site is not located within an Alquist Priolo Fault Zone.[31] The project site would be subject to strong ground shaking during a seismic event but would not be expected to experience surface rupturing.

Topography and Soils

The topography of the project site is relatively flat with the site having an elevation of approximately 11 feet above mean sea level.[32] The project site is underlain by approximately 83 percent omni silty clay loam and 17 percent Sycamore silt loam. Based on the clay content of the soils on-site, there is moderate potential for expansion.[33]

[27] City of Hayward. *Hayward 2040 General Plan Background Report.* January 2014. Page 9-2.
[28] Ibid.
[29] Working Group on California Earthquake Probabilities. "Uniform California Earthquake Rupture Forecast (Version 3)." Accessed July 10, 2025. http://wgcep.org/
[30] California Department of Conservation, California Geological Survey. Fault Activity Map of California. Accessed July 10, 2025. https://maps.conservation.ca.gov/cgs/fam/
[31] California Department of Conservation. "Earthquake Zones of Required Investigation." Accessed July 10, 2025. https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/#data_s=id%3AdataSource_4-191d8e6d993-layer-25%3A289768
[32] Lord and Winter. *Phase I Environmental Site Assessment for 2256 Claremont Court, Hayward California 94545*. July 1, 2024.
[33] United States Department of Agriculture. Websoil Survey. Accessed March 13, 2025.

Groundwater

Based on the subsurface investigations prepared for the project site, groundwater within the vicinity of the project site has been estimated at a depth of approximately 12 to 19 feet bgs.[34] Groundwater in the project vicinity generally flows from east to west toward the San Francisco Bay with recharge occurring primarily in the foothills.[35]

Liquefaction

Liquefaction is a result of seismic activity characterized by the transformation of loose water saturated soils from a solid state to a liquid state during ground shaking. According to the California Geological Survey, the project site is located within a liquefaction hazard zone.[36]

Landslides and Lateral Spreading

The potential for landslides or downslope movement is dependent on slope geometry, subsurface soils, and groundwater conditions, prior slope behavior, and severity of ground shaking. The project site is located in a relatively flat area and is not within a landslide hazard zone.[37]

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying soil material toward an open face, such as the steep bank of a stream channel. The project site does not contain any features susceptible to lateral spreading.[38]

Paleontological or Geological Features

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

[34] Nicola Taylor, Project Manager. Crown Enterprises, Inc. Personal Communication. March 25, 2025.
[35] East Bay Municipal Utilities District. *South East Bay Plain Basin Groundwater Management Plan*. March 2013.
[36] California Department of Conservation. "Earthquake Zones of Required Investigation." Accessed July 10, 2025. https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/#data_s=id%3AdataSource_4-191d8e6d993-layer-25%3A289768
[37] Ibid.
[38] Ibid.

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
• Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☒	☐
• Strong seismic ground shaking?	☐	☐	☒	☐
• Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
• Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?

Fault Rupture

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

Seismic Ground Shaking

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

Liquefaction

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

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

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

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

Landslides

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

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

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

The project site is relatively flat and is currently partially developed with a truck terminal facility, surface parking, ornamental landscaping, and grasslands. Construction of the project would involve ground disturbing activities such as excavation of the site, grading, and trenching. Such work would increase the potential for erosion from wind or stormwater runoff. As discussed in Section 4.10 Hydrology and Water Quality, the project would not include construction activities within or adjacent to Ward Creek and the project would be required to adhere to the National Pollutant Discharge Elimination System (NPDES) requirements and implement construction sediment and erosion control measures as a Standard Condition of Approval. Implementation of this Standard Condition of Approval would avoid soil erosion and would not cause a significant loss of topsoil. **(Less than Significant Impact)**

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

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

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

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

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

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

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

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

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

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

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

4.8 Greenhouse Gas Emissions

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

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

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

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. Per the 2022 Scoping Plan from CARB, atmospheric concentrations of CO_2 have increased by 50 percent since the Industrial Revolution and continue to increase at a rate of two parts per million each year, which will result in increased global temperatures.[39] The climate within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

[39] CARB. *2022 Scoping Plan for Achieving Carbon Neutrality*. December 2022. Page 3.

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32 and State Bill 32

Under the California Global Warming Solutions Act, known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources. The first Scoping Plan was approved by CARB in 2008 and must be updated at least every five years. Since 2008, there have been two updates to the Scoping Plan.

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

2022 Scoping Plan

On December 15, 2022, CARB approved the 2022 Scoping Plan. The 2022 Scoping Plan provides a sector-by-sector guide on how to reduce man-made (i.e., anthropogenic) GHG emissions by 85 percent below 1990 levels and achieve carbon neutrality by 2045 over a 25-year horizon.[40] The primary focus of the 2022 Scoping Plan is to reduce the usage of fossil fuels by electricizing the transportation sector, procuring electricity from renewable resources, phasing out natural gas in land use developments, and building transit-oriented communities that encourage multi-modal transportation. If implemented successfully, the 2022 Scoping Plan would not only reduce GHG emissions but also reduce smog-forming air pollution (NO_x) by 71 percent and reduce fossil fuel demand by 94 percent. The 2022 Scoping Plan also details natural carbon capture and storage process along with mechanical carbon capture programs to address the remaining 15 of anthropogenic GHG emissions that will remain post-2045. To meet these goals, CARB also includes a revised goal of reducing state GHG emissions 48 percent below 1990 levels by 2030.

Senate Bill 375 and Plan Bay Area 2050

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

[40] CARB. *2022 Scoping Plan for Achieving Carbon Neutrality*. December 2022. Page 5.

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

SB 100

SB 100, known as The 100 Percent Clean Energy Act of 2018, was adopted on September 10, 2018. The overall goal is to have all retail electricity sold in California be procured from 100 percent renewable and zero-carbon resources by the year 2045. SB 100 also modified the renewables portfolio standard to 50 percent by 2025 and 60 percent by 2030.

Executive Order B-55-18 and Assembly Bill 1279

Executive Order B-55-18 was issued in September 2018. It ordered a new statewide goal of achieving carbon neutrality no later than 2045 and to maintain net negative emissions thereafter.

AB 1279, also known as the California Climate Crisis Act, was approved on September 16, 2022, and codifies the statewide goal set by Executive Order B-55-18 of achieving net zero GHG emissions no later than the year 2045 and maintaining net negative emissions thereafter. In addition, this bill has a statewide goal of reducing anthropogenic GHG emissions by 85 percent below the 1990 levels by the year 2045. The bill requires CARB to work with relevant state agencies to ensure that updates to the scoping plan identify and recommend measures to achieve these policy goals and implement strategies that enable CO_2 removal solutions and carbon capture, utilization, and storage technologies in California. The bill requires CARB to submit an annual report.

Advanced Clean Cars II and Advanced Clean Trucks Regulation

To continue reducing air pollutants and GHG emissions in the transportation sector, CARB adopted the Advanced Clean Cars II Regulation (Resolution 22-12) on August 25, 2022 and the Advanced Clean Trucks Regulation on August 20, 2021. The Advanced Clean Cars II regulation, by 2035 all new passenger cars, trucks, and SUVs sold in California will be zero-emission vehicles. This regulation bans the sale of new gasoline or diesel passenger cars, trucks, and SUVs in California from automakers. Beginning in 2026, 35 percent of new vehicle sales must be zero-emission vehicles and plug-in hybrid electric vehicles (EV) and that percentage will increase per year. By 2030, 70 percent of new vehicle sales will be zero-emissions vehicles and by the 2035 model year 100 percent of new vehicle sales will be zero-emissions. CARB will limit the use of plug-in hybrid EVs in the percentage requirements to keep the manufacturing of zero-emissions as the primary goal. Existing gasoline cars can continue to be driven and sold as used cars beyond 2035. CARB is required to track and report on the zero-emissions vehicle market development annually.

The Advanced Clean Trucks regulation requires that 55 percent of Class 2b-3 truck sales, 75 percent of Class 4-8 straight truck sales, and 40 percent of truck trailer sales consist of zero emissions vehicles by 2035. Additionally, under this regulation, large employers including retailers, manufacturers, brokers, and others are required to report information about shipments and shuttle services to help identify future strategies to ensure fleets include available zero-emissions trucks and place them in service where suitable.

California Building Standards Code – Title 24 Part 11 and Part 6

The CALGreen Code is part of the California Building Standards Code under Title 24, Part 11.[41] The CALGreen Code encourages sustainable construction standards that incorporate planning/design, energy efficiency, water efficiency resource efficiency, and environmental quality. These green building standard codes are mandatory statewide and are applicable to residential and non-residential developments. The most recent CALGreen Code (2022 CALGreen Code) was effective as of January 1, 2023. The 2022 CALGreen standards require deployment of additional EV chargers in various building types, including multi-family residential, hotel, and non-residential land uses. They include requirements for both EV capable parking spaces and the installation of EV supply equipment for multi-family residential and nonresidential buildings. The 2022 CALGreen standards also include requirements for both EV readiness and the actual installation of EV chargers. CALGreen also requires new construction and demolition projects to have a diversion of at least 65 percent of the construction waste generated.

The California Building Energy Efficiency Standards (California Energy Code) is under Title 24, Part 6 and is overseen by the CEC. This code includes design requirements to conserve energy in new residential and non-residential developments. This Energy Code is enforced and verified by cities during the planning and building permit process. The 2022 Energy Code replaced the 2019 Energy Code as of January 1, 2023. There are new 2022 standards for single-family residences, multi-family residences, and non-residential uses.[42,43,44] Major changes include electric-ready single-family and multi-family residence and solar photovoltaic systems and energy storage systems for residential and commercial developments.

[41] Refer to https://www.dgs.ca.gov/BSC/CALGreen.
[42] California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Single-Family Residential." Revised July 15, 2022. Accessed April 9, 2025. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Single-family_Whats_New_Summary_ADA.pdf.
[43] California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Multifamily." Revised August 4, 2022. Accessed April 9, 2025. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Multifamily_Whats_new_Summary_ADA.pdf.
[44] California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Nonresidential." Revised August 4, 2022. Accessed April 9, 2025. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Nonresidential_Whats_New_Summary_ADA.pdf.

Regional and Local

2017 Clean Air Plan

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

Air District CEQA Thresholds for Evaluating Climate Impacts from Land Use Projects and Plans

In April 2022, the Air District Board of Directors adopted the Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans. The report includes the Air District's thresholds of significance for use in determining whether a proposed project or plan will have a significant impact on climate change and provides substantial evidence to support these thresholds. The April 2022 GHG thresholds replace the GHG thresholds set forth in the May 2017 Air District CEQA Air Quality Guidelines and represent what is required of new land use development projects and plans to achieve California's long-term climate goal of carbon neutrality by 2045.

Hayward 2040 General Plan

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

Policy	Description
LU-1.1	Jobs-Housing Balance. The City shall support efforts to improve the jobs-housing balance of Hayward and other communities throughout the region to reduce automobile use, regional and local traffic congestion, and pollution.
LU-1.8	Green Building and Landscaping Requirements. The City shall maintain and implement green building and landscaping requirements for private- and public-sector developments to: • Reduce the use of energy, water, and natural resources • Minimize the long-term maintenance and utility expense of infrastructure, buildings, and properties • Create healthy indoor environments to promote the health and productivity of residents, workers, and visitors • Encourage the use of durable, sustainably-sourced, and/or recycled building materials • Reduce landfill waste by promoting practices that reduce, reuse, and recycle solid waste
M-1.6	Bicycling, Walking, and Transit Amenities. The City shall encourage the development of facilities and services (e.g., secure term bicycle parking, streetlights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.
M-6.1	Bikeway System. The City shall maintain and implement the Hayward Bicycle Master Plan.

M-6.2	Encourage Bicycle Use. The City shall encourage bicycle use in all neighborhoods especially where short trips are most common.
M-7.10	New facilities. The City shall require developers of large projects to identify and address, as feasible the potential impacts of their projects on AC Transit ridership and bus operations as art of the project review and approval process.
M-8.1	Increase Vehicle Occupancy. The City shall work with a broad range of agencies (e.g., Metropolitan Transportation Commission, Air District, AC Transit, Caltrans) to encourage and support programs that increase vehicle occupancy including the provision of traveler information, shuttles, preferential parking for carpools/vanpools, transit pass subsidies, and other methods.
M-8.2	Citywide TDM Plan. The City shall maintain and implement a citywide Travel Demand Management Program, which provides a menu of strategies and programs for developers and employers to reduce single-occupant vehicle travel in the city.
M-8.4	Automobile Commute Trip Reduction. The City shall encourage employers to provide transit subsidies, bicycle facilities, alternative work schedules, ridesharing, telecommuting and work-at home programs, employee education, and preferential parking for carpools/ vanpools.
M-8.5	Commuter Benefits Programs. The City shall assist businesses in developing and implementing commuter benefits programs (e.g., offers to provide discounted or subsidized transit passes, emergency ride home programs, participation in commuter rideshare programs, parking cash-out or parking pricing programs, or tax credits for bike commuters).
M-9.9	Alternative Fuel Vehicle Parking. The City shall require new private parking lots to grant low-carbon vehicle access to preferred parking spaces, and shall require new private parking lots to provide electric vehicle charging facilities. The City shall provide electric vehicle parking facilities in public parking lots.
NR-2.4	Community Greenhouse Gas Reduction. The City shall work with the community to reduce community-based GHG emissions by 20 percent below 2005 baseline levels by 2020, and strive to reduce community emissions by 61.7 percent and 82.5 percent by 2040 and 2050, respectively.
NR-2.6	Greenhouse Gas Reduction in New Development. The City shall reduce potential greenhouse gas emissions by discouraging new development that is primarily dependent on the private automobile; promoting infill development and/or new development that is compact, mixed use, pedestrian friendly, and transit oriented; promoting energy-efficient building design and site planning; and improving the regional jobs/housing balance ratio.
NR-4.1	Energy Efficiency Measures. The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment.
NR-4.2	Efficient Construction and Development Practices. The City shall encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources through the life-cycle of a structure.
NR-4.11	Green Building Standards. The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of meeting or exceeding the State's zero net energy goals by 2020.
NR-4.12	Urban Forestry. The City shall encourage the planting of native and diverse tree species to reduce heat island effect, reduce energy consumption, and contribute to carbon mitigation.
NR-6.9	Water Conservation. The City shall require water customers to actively conserve water year-round, and especially during drought years.
NR-6.12	Dual Plumbing Systems. The City shall encourage the installation and use of dual plumbing systems in new buildings to recycle greywater.

HQL-8.4	Urban Heat Island Effects. The City shall promote planting shade trees with substantial canopies, and require, where feasible, site design that uses appropriate tree species to shade parking lots, streets, and other facilities to reduce heat island effects.
HQL-9.6	Energy Resiliency. The City shall continue to encourage residents and businesses to use less gasoline for transportation, and improve energy efficiency in and renewable energy generation from buildings and industry processes to reduce impacts from rising oil and energy prices.
PFS-3.17	Bay-Friendly landscaping. The City shall promote landscaping techniques that use native and climate appropriate plants, sustainable design and maintenance, water efficient irrigation systems, and yard clipping reduction practices.
PFS-7.12	Construction and Demolition Waste Recycling. The City shall require demolition, remodeling and major new development projects to salvage or recycle asphalt and concrete and all other nonhazardous construction and demolition materials to the maximum extent practicable.

Hayward Climate Action Plan

In January 2024, Hayward City Council adopted the latest update to the Hayward Climate Action Plan. The plan aims to make Hayward a more environmentally and socially sustainable community by reducing greenhouse gas (GHG) emissions. Hayward's GHG reduction goals include:

- 20 percent below 2005 baseline emissions levels by 2020
- 30 percent below 2005 baseline emissions levels by 2025
- 55 percent below 2005 baseline emissions levels by 2030
- Work with the community to develop a plan that may result in the reduction of community-based GHG emissions to achieve carbon neutrality by 2045

As of January 2019, Hayward achieved and exceeded its goal of reducing GHG emissions 20 percent below 2005 levels by 2020.

4.8.1.3 *Existing Conditions*

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

The existing truck terminal facility on-site is currently occupied. GHG emissions are generated by automobiles and trucks traveling to and from the site and from lighting, heating, and cooling of the existing buildings.

4.8.2 Impact Discussion

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

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

Construction Emissions

Construction activities associated with the proposed project would result in temporary GHG emissions. Construction related GHG emissions vary depending on the level of activity, length of construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of Hayward nor the Air District has established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. Project construction would occur over a period of approximately 14 months and include use of equipment for grading, excavation, trenching, building construction, and landscaping. Project construction would not result in a permanent increase in emissions since construction-related GHG emissions would cease upon completion of the development.

Operational Emissions

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

The project would include all electric building construction and EV charging infrastructure consistent with CALGreen Tier 2 standards. As discussed in Section 4.6 Energy, the project would not represent a wasteful or inefficient use of energy resources because it would be considered an

infill development and comply with Title 24 and CALGreen requirements to reduce energy consumption. In addition, as discussed in Section 4.17 Transportation, the project would not generate VMT greater than or equal to 15 percent below the regional average VMT per employee, consistent with the City's Transportation Analysis Guidelines (a locally adopted SB 743 VMT target). Therefore, operation of the project would not exceed the Air District threshold of significance for GHG emissions and would not interfere with the implementation of SB 32 in 2030. **(Less than Significant Impact)**

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

Hayward General Plan and Climate Action Plan

As noted in Section 4.8.1.2 Existing Conditions, the City of Hayward's CAP was adopted in January 2024 and includes a number of policies applicable to the proposed project which would reduce GHG emissions associated with the project. These measures and the project's consistency with them are discussed in Table 4.8-1 below.

Table 4.8-1: Climate Action Plan Consistency

Policy	Description	Consistency
T-1	Increase active transportation mode share to 15% by 2030 and to 20% by 2045.	Although no off-site improvements are proposed as part of the project, the project would construct two new pedestrian paths on-site which will increase pedestrian access to the site from Claremont Court. In addition, three bike parking spaces would be provided, consistent with City and CALGreen requirements. Therefore, the project would comply with this measure.
T-4	Increase zero-emission vehicle (ZEV) adoption to 15% by 2030 and 50% by 2045.	The project would include six parking spaces equipped with EV charging stations and 11 parking spaces with electric infrastructure to support future charging station installation, consistent with CALGreen Tier 2 standards. Therefore, the project would be consistent with this measure.
SW-1	Implement and enforce SB 1383 requirements to reduce community-wide landfilled organics by 75% by 2025 and 90% by 2045.	The project would be served by Waste Management, Inc. for organic waste collection. Organic waste collected in the City of Hayward is transferred to Redwood Recycling Center in Marin County where it is composted. Therefore, the project would comply with this measure.
SW-2	Increase community-wide overall landfill diversion of waste to 75% by 2030 and 85% by 2045.	The project would comply with the City's Construction and Demolition diversion requirements. Therefore, the project is consistent with this measure.

WW-1	Reduce water consumption by 15% by 2030 and maintain it through 2045.	The project would be designed to meet CALGreen requirements for water efficiency including installation of water efficient plumbing fixtures throughout the proposed truck terminal facility. Proposed landscaping would also utilize drought tolerant plants and trees, and water efficient irrigation systems to further reduce water consumption. For these reasons, the project would be consistent with this measure.
CS-1	Increase carbon sequestration by planting and maintaining 1,000 new trees annually through 2030 to sequester carbon and create urban shade to reduce heat island effect.	The project would plant 25 new trees to replace five trees on-site that were removed by the applicant. Therefore, the project would not conflict with City tree replacement requirements and is consistent with this measure.

General Plan Consistency

As noted in Section 4.8.1.2 above, the City of Hayward's General Plan included a number of policies related to reducing GHG emissions. The General Plan policies that are applicable to the project and the project's consistency with them are discussed in Table 4.8-2 below.

Table 4.8-2: General Plan Consistency

Policy	Description	Consistency
LU-1.1	Jobs-Housing Balance. The City shall support efforts to improve the jobs-housing balance of Hayward and other communities throughout the region to reduce automobile use, regional and local traffic congestion, and pollution.	The project would result in a net increase of 38 jobs on a site located within an area of the City with low VMT per employee. Therefore, the project would increase jobs in the region in a manner that would reduce automobile, regional, and local traffic congestion, and pollution.
LU-1.8	Green Building and Landscaping Requirements. The City shall maintain and implement green building and landscaping requirements for private-and public-sector development to: • Reduce the use of energy, water, and natural resources • Minimize the long-term maintenance and utility expenses of infrastructure, buildings, and properties • Create healthy indoor environments to promote the health and productivity of residents, workers, and visitors • Encourage the use of or durable, sustainably-sourced, and/or recycled building materials. • Reduce landfill waste by promoting practices that reduce, reuse, and recycle solid waste.	As noted in Section 3.0 Project Description and discussed under checklist question a above, the project would be built to CALGreen standards which includes design provisions intended to minimize wasteful energy consumption. In addition, the project would include EV charging infrastructure, all electric building construction, pedestrian access from Claremont Court, water efficient landscape irrigation system, and would divert solid waste from landfills. Therefore, the project is consistent with this measure.

Policy	Description	Consistency
M-1.6	Bicycling, Walking, and Transit Amenities. The City shall encourage the development of facilities and services (e.g., secure term bicycle parking, streetlights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.	The project would include three bicycle parking spaces, consistent with City requirements, and an on-site pedestrian path to encourage bicycling and walking in the project area. Therefore, the project is consistent with this measure.
M-6.2	Encourage Bicycle Use. The City shall encourage bicycle use in all neighborhoods especially where short trips are most common.	The project would include three bicycle parking spaces, consistent with the City requirements to encourage bicycling in the project area. Therefore, the project is consistent with this measure.
M-7.9	Development Impacts on Transit. The City shall require developers of large projects to identify and address, as feasible the potential impacts of their projects on AC Transit ridership and bus operations as part of the project review and approval process.	As discussed in Section 4.17 Transportation, the proposed project is expected to generate very few trips via transit services, which can be accommodated by the existing transit capacity. Therefore, the project would not conflict with or impede implementation of a program, plan, ordinance, or policy addressing transit facilities.
M-8.4	Automobile Commute Trip Reduction. The City shall encourage employers to provide transit subsidies, bicycle facilities, alternative work schedules, ridesharing, telecommuting and work-at-home programs, employee education, and preferential parking for carpools/vanpools.	As discussed in Section 4.17 Transportation, the project site is located in a low-VMT area and would result in a less than significant VMT impact. For these reasons, this policy is not applicable to the project.
M-8.5	Commuter Benefits Programs. The City shall assist with businesses in developing and implementing commuter benefits programs (e.g., offers to provide discounted or subsidized transit passes, emergency ride home programs, participation in commuter rideshare programs, parking cash-out or parking pricing programs, or tax credits for bike commuters).	As discussed in Section 4.17 Transportation, the project is located in a low-VMT area and would result in a less than significant VMT impact. Therefore, the project would be consistent with this measure.
M-9.9	Alternative Fuel Vehicle Parking. The City shall require new private parking lots to grant low-carbon vehicle access to preferred parking spaces, and shall require new private parking lots to provide electric vehicle charging facilities. The City shall provide electric vehicle parking facilities in public parking lots.	The proposed project would include six EV charging stations and 11 EV capable spaces to encourage the use of low-carbon vehicles. Therefore, the project is consistent with this measure.
NR-1.7	Native Tree Protection. The City shall encourage protection of mature native tree species to the maximum extent practicable, to support the local eco-system, provide shade create windbreaks, and enhance the	The project would plant 25 trees on-site to replace the five trees removed by the applicant. Therefore, the project would not conflict with City tree replacement requirements and is consistent with this measure.

Policy	Description	Consistency
	aesthetics of new and existing development.	
NR-2.4	Community Greenhouse Gas Reduction. The City shall work with the community to reduce community-based GHG emissions by 20 percent below 2005 baseline levels by 2020, and strive to reduce community emissions by 61.7 percent and 82.5 percent by 2040 and 2050, respectively.	As discussed under checklist question a, the project would include all project design elements required as part of the Air District threshold of significance for greenhouse gas emissions. Therefore, the project would be aligned with the state's goal of achieving carbon neutrality by 2045.
NR-2.6	Greenhouse Gas Reduction in New Development. The City shall reduce potential greenhouse gas emissions by discouraging new development that is primarily dependent on the private automobile; promoting infill development and/or new development that is compact, mixed use, pedestrian friendly, and transit oriented; promoting energy efficient building design and site planning; and improving the regional jobs/housing balance ratio.	The project would increase the density of development on an infill lot, be constructed to CALGreen standards. The project would result in a net increase of approximately 38 jobs on-site and be located in an area of the City with low VMT. For these reasons, the project would be consistent with this measure.
NR-4.1	Energy Efficiency Measures. The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment.	The proposed truck terminal facility would be all electric, designed to meet CALGreen requirements. Therefore, the project would be consistent with this measure.
NR-4.3	Efficient Construction and Development Practices. The City shall encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources though the life-cycle of a structure.	The proposed project would be all electric, designed to meet CALGreen requirements for energy efficiency, and include EV charging stations and infrastructure. Therefore, the project would be consistent with this measure.
NR-4.11	Green Building Standards. The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of meeting or exceeding the State's zero net energy goals by 2020.	The proposed truck terminal facility would be all electric and designed to meet CALGreen requirements for energy efficiency. Therefore, the project would be consistent with this measure.
NR-4.12	Urban Forestry. The City shall encourage the planting of native and diverse tree species to reduce heat island effect, reduce energy consumption, and contribute to carbon mitigation.	The project would plant 25 new trees and water efficient landscaping plants and shrubs on-site to reduce the heat island effect. Therefore, the project would be consistent with this measure.
NR -6.9	Water Conservation. The City shall require water customers to actively conserve water year-round, and especially during drought years.	The project would be designed to meet CALGreen requirements for building efficiency including use of water efficient plumbing fixtures and would utilize water efficient landscaping plants and irrigation systems to reduce water demand on-

Policy	Description	Consistency
		site. Therefore, the project would be consistent with this measure.
HQL-8.4	Urban Heat Island Effects. The City shall promote planting shade trees with substantial canopies, and require, where feasible, site design that uses appropriate tree species to shade parking lots, streets, and other facilities to reduce health island effects.	The project would plant 25 trees to replace the five trees that were removed by the applicant. In addition, water efficient landscaping plants and shrubs would also be planted on-site. This would reduce the urban heat island effect. Therefore, the project would be consistent with this measure.
HQL-9.6	Energy Resiliency. The City shall continue to encourage residents and businesses to use less gasoline for transportation, and improve energy efficiency in and renewable energy generation from buildings and industry processes to reduce impacts from rising oil and energy prices.	The project would include installation of six EV charging stations and 11 EV capable spaces on-site to reduce gasoline use for transportation. Therefore, the project is consistent with this measure.
PFS-3.17	Bay-Friendly landscaping. The City shall promote landscaping techniques that use native and climate appropriate plants, sustainable design and maintenance, water efficient irrigation systems, and yard clipping reduction practices.	The project would plant 25 trees and water efficient landscaping plants and shrubs throughout the project site. Therefore, the project would be consistent with this measure.
PFS 7.12	Construction and Demolition Waste Recycling. The City shall require demolition, remodeling and major new development projects to salvage or recycle asphalt and concrete and all other nonhazardous construction and demolition materials to the maximum extent practicable.	The project would comply with City and state construction waste diversion requirements. Therefore, the project would be consistent with this measure.

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

4.9 Hazards and Hazardous Materials

The following discussion is based, in part, on a Phase I Environmental Site Assessment and a Phase II Subsurface Investigation prepared by Lord and Winter, LLC in July 2024 and October 2024, respectively. These reports are included as Appendix B to this Initial Study.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

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

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

Federal and State

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

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

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

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the

environment. Over five years, $1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

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

The law authorizes two kinds of response actions:

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

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[45]

Resource Conservation and Recovery Act

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

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

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

authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[46]

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[47]

Toxic Substances Control Act

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

California Accidental Release Prevention Program

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

Asbestos-Containing Materials

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

[46] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed May 11, 2020. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.
[47] California Environmental Protection Agency. "Cortese List Data Resources." Accessed January 14, 2026. https://calepa.ca.gov/sitecleanup/corteselist/.

products.[48] The EPA is currently considering a proposed ban on on-going use of asbestos.[49] National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

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

Local

Hayward 2040 General Plan

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

Policy	Description
HAZ-6.2	Site Investigations. The City shall require site investigations to determine the presence of hazardous materials and/or waste contamination before discretionary project approvals are issued by the City. The City shall require appropriate measures to be taken to protect the health and safety of site users and the greater Hayward community.
HAZ-6.3	Permit Requirements. The City shall direct the Fire Chief (or their designee) and the Planning Director (or their designee) to evaluate all project applications that involve hazardous materials, electronic waste, medical waste, and other hazardous waste to determine appropriate permit requirements and procedures.
HAZ-6.4	Land Use Buffers. The City shall review applications for commercial and industrial uses that involve the use, storage, and transport of hazardous materials to determine the need for buffer zones or setbacks to minimize risks to homes, schools, community centers, hospitals, and other sensitive uses.
HAZ-6.8	Truck Routes. The City shall maintain designated truck routes for the transportation of hazardous materials through the City of Hayward. The City shall discourage truck routes passing through residential neighborhoods to the maximum extent feasible.

Hayward Executive Airport Land Use Compatibility Plan

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

[48] United States Environmental Protection Agency. "EPA Actions to Protect the Public from Exposure to Asbestos." Accessed April 19, 2022. https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos
[49] Ibid.

4.9.1.2 *Existing Conditions*

On-Site Conditions

Historic and Current Uses

The project site was used as farmland between the 1930s and late 1950s, and in 1958, the site was used as a soil borrow pit. By 1968, a portion of the site was used for trailer storage. The existing truck terminal facility was constructed in 1987.[50]

One 10,000-gallon underground storage tank (UST) (Facility ID 01-003-007902) is located on the project site adjacent to the diesel fueling station and is currently used to store diesel fuel for the on-site fueling station. The occupants of the project site have a history of operating this UST for approximately the last 40 years, and there are many UST-related violations on record. The facility also has an extensive history of hazardous waste violations on record relating to reporting and storage of hazardous waste.

On-Site Contamination

Given the long history of UST usage and the many reported hazardous waste violations, a Phase II subsurface investigation was completed to determine if an unreported release has occurred on-site and whether on-site soils, soil vapor, or groundwater has been impacted. Laboratory results revealed benzene in on-site soil vapor above the Tier 1 Environmental Screening Level (ESL). In addition, soil samples contained arsenic, thallium, and vanadium in excess of Tier 1 environmental screening levels but within background concentrations. Groundwater samples also included dissolved silver, arsenic, and cadmium above Tier 1 ESLs but within the background levels for the project area.

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Surrounding Conditions

Historic Uses

The area surrounding the project site was used for agricultural purposes until the 1960s when I-880 was constructed and many of the industrial buildings were constructed to the east, and west of the project site. A residential neighborhood was constructed north of the project site in 1969.

The trucking terminal east of the project site includes maintenance garages which generate petroleum products like waste oil, grease, and solvents. Because the truck terminal was constructed

[50] City of Hayward. *Extended Property Report for Property Located at: 2256 Claremont Ct, Hayward, CA 94545.* Accessed September 3, 2024. https://webmap.hayward-ca.gov/Client/Hayward/ExtendedPropertyReport.aspx?apn=463002504304&x=-13589571.316365322&y=4525146.282498684

and has been in operation before environmental regulations were enacted, it is possible that an unreported release may have occurred which could impact the project site.

Other Hazards

Airports

The Hayward Executive Airport is located approximately 3.25 miles north of the project site. The project site is not located within the AIA.[51] The project site is not located within any of the airport's Community Noise Equivalent Level (CNEL) noise contours or within any safety zones for the airport.

Wildland Fire Hazards

The project site is not located within a Fire Hazard Severity Zone.[52]

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒

[51] County of Alameda. *Hayward Executive Airport Land Use Compatibility Plan.* August 2012. Figure 3-2.
[52] CalFire. Alameda County Fire Hazard Severity Zones in State Responsibility Area (SRA). Map. Adopted November 21, 2022. https://osfm.fire.ca.gov/media/1yelle2d/fhsz_county_sra_11x17_2022_alameda_ada.pdf

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

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

The proposed project would construct an approximately 45,400 square foot truck terminal facility, surface parking and landscaping on-site. Construction of the proposed project would involve the use of materials that are generally regarded as hazardous, such as gasoline, hydraulic fluids, paint, and other similar materials. Operation of the building as a truck terminal would involve routine transport, use, and/or disposal of hazardous materials such as diesel fuel, oil, and grease. As noted in Section 3.2.4 Utilities Improvements, the project would relocate the existing fueling station from its current location to the west of the truck entrance and construct a new canopy structure over the fueling station. The routine transport, use, or disposal of these materials could pose a potential hazard to construction workers and future employees working at the project site. In addition, cleaning supplies and maintenance chemicals would be used and stored in small quantities in the building. Compliance with existing federal, state, and local regulatory programs and policies for hazardous materials as outlined in Section 4.9.1.1 Regulatory Framework, would ensure the routine transport, use, and disposal of these hazardous materials during construction and operations of the project would not pose a significant hazard to the public or the environment. **(Less than Significant Impact)**

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Asbestos and Lead

As described in Section 4.9.1.2 Existing Conditions, the existing truck terminal facility was constructed in 1987. Since the building was constructed after the ban on the use of asbestos in building materials and LBPs, the demolition of the building would not result in a release of ACMs or LBPs into the environment. **(Less than Significant Impact)**

Fueling Station Relocation

As noted in Section 3.2 Project Description and under checklist question a above, the project would relocate the existing truck fueling station to adjacent to the west of the truck entrance and construct a new canopy structure over the fueling station. Relocation of these improvements could result in the release of diesel fuel if not properly managed. The proposed project would comply with all applicable state and federal regulations and the City's permit process regarding the proper removal of the existing and installation of the new fueling station. Compliance with existing federal, state, and local regulatory programs and policies for hazardous materials would ensure the relocation of the fueling station and construction of the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact)**

Soil Vapor and Groundwater

As noted in Section 4.9.1.2 Existing Conditions, groundwater is impacted by silver, arsenic, and cadmium, and soil vapor is impacted by benzene. Groundwater is present between 12 and 19 feet bgs on-site and project construction would include excavation to a maximum depth of eight feet bgs. Therefore, project construction would not expose workers to contamination in on-site groundwater. However, redevelopment of the project site could expose future users of the site to impacted soil vapor during operations.

Impact HAZ-1: Due to the presence of contaminated soil vapor on-site, operation of the proposed truck terminal facility could expose future occupants to hazardous materials in soil vapor.

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

MM HAZ-1.1: Prior to issuance of building permits on the project, and consistent with the recommendations of the Phase II Environmental Site Assessment, the project applicant shall incorporate into the project plans a vapor barrier and passively

vented crawl space beneath all enclosed areas of the proposed building. The vapor barrier shall be designed to meet the needs of the building. Vapor barriers are generally constructed using membranes constructed with high-density polyethylene or other polyolefin-based resins. The vapor barrier shall be resistant to benzene and meet the American Society for Testing and Materials guidelines for a vapor barrier and have a permanence rating of 0.1 perms or less. The thickness and strength of the vapor barrier shall be based on the needs for the building, but the architect, structural engineer and contractor shall utilize material strong enough to easily withstand the building construction and other building considerations. The selected vapor barrier shall be reviewed and approved by the Community Development Director, or their designee.

Through implementation of mitigation measure MM HAZ-1.1, vapor barriers and passive venting would be installed beneath the proposed building such that soil vapor contamination would not impact future site users. The project, therefore, would not result in any impact to the public due to the release of hazardous materials during construction or long-term operation of the project.**(Less than Significant Impact with Mitigation Incorporated)**

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

As discussed in Section 4.15 Public Services, the nearest school to the project site is Mt. Eden High School, located at 23000 Panama Street (approximately 0.64 mile north of the project site). There are no proposed schools within 0.25-mile of the project site. Therefore, implementation of the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school. **(No Impact)**

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

As noted in section 4.9.1.2 Existing Conditions, the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, the project would not create a significant hazard to the public or the environment. **(No Impact)**

e) If located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

The nearest airport to the project site is Hayward Executive Airport, approximately 3.25 miles north of the project site. The project site is not located within the Airport Influence Area, or within an airport safety zone or noise contour for the Hayward Executive Airport. For these reasons, the

project would not result in aircraft safety hazards and would not result in a substantial safety hazard for people residing or working in the project area. **(No Impact)**

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

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

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

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

4.10 Hydrology and Water Quality

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

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

Under Section 303(d) of the federal Clean Water Act, the SWRCB and RWQCBs are required to identify impaired surface water bodies that do not meet water quality standards and develop total maximum daily loads (TMDLs) for contaminants of concern. The list of the state's identified impaired surface water bodies, known as the "303(d) list" can be found on the on the SWRCB's website.[53]

National Flood Insurance Program

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

California Building Code Section 1612

California Building Code Section 1612 requires all new construction of buildings, structures and portions of buildings and structures, including substantial improvement and restoration of substantial damage to buildings and structures, be designed and constructed to resist the effects of flood hazards and flood loads.

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

Statewide Construction General Permit

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

Regional and Local

San Francisco Bay Basin Plan

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

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in May 2022 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.[54] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 5,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely

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

to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if: (1) the post-project impervious surface area is less than, or the same as, the pre-project impervious surface area; (2) the project is located in a catchment that drains to a hardened (e.g., continuously lined with concrete) engineered channel or channels or enclosed pipes, which extend continuously to the Bay, Delta, or flow-controlled reservoir, or, in a catchment that drains to channels that are tidally influenced; or (3) the project is located in a catchment or subwatershed that is highly developed (i.e., that is 70 percent or more impervious).[55]

Municipal Regional Permit Provision C.12.f

Provision C.12.f of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.[56] Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area are updating their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family residential and wood frame structures are exempt.

Construction Dewatering Waste Discharge Requirements

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

Hayward 2040 General Plan

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

Policy	Description
NR-6.6	Stormwater Management. The City shall promote stormwater management techniques that minimize surface water runoff and impervious ground surfaces in public and private developments, including requiring the use of Low Impact Development (LID) techniques to best manage stormwater through conservation, onsite filtration, and water recycling.

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

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

NR-6.8	NPDES Permit Compliance. The City shall continue to comply with the San Francisco Bay Region National Pollutant Discharge Elimination System (NPDES) Municipal Regional Stormwater Permit.
NR-6.9	Water Conservation. The City shall require water customers to actively conserve water year-round, and especially during drought years.
HAZ-3.2	Development in Floodplains. The City shall implement Federal, State, and local requirements related to new construction in flood plain areas to ensure that future flood risks to life and property are minimized.
PFS-4.11	Industrial Pretreatment. The City shall enforce appropriate industrial pretreatment standards and source control to prevent materials prohibited by Federal and State regulations from entering the wastewater system and to ensure compliance with the City's local discharge limits. The City shall work with the business community to maintain and implement programs to ensure compliance with all Federal, State and local discharge requirements.
PFS-5.1	Accommodate New and Existing Development. The City shall work with the Alameda County Flood Control and Water Conservation District to expand and maintain major stormwater drainage facilities to accommodate the needs of existing and planned development.
PFS-5.6	The City shall impose appropriate conditions on grading projects performed during the rainy season to ensure that silt is not conveyed to storm drainage systems.

City of Hayward Stormwater Management and Urban Runoff Control Ordinance

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

Hayward Municipal Code Chapter 9 Building Regulations, Article 4 Flood Plain Management

Hayward Municipal Code Chapter 9 Building Regulations, Article 4 Flood Plain Management promotes the public health, safety, and general welfare by minimizing public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. The City's code restricts or prohibits uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities; requires properties vulnerable to floods, including facilities on such properties, be protected against flood damage at the time of initial construction; controls the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters; controls filling, grading, dredging, and other development which may increase flood damage; and prevents or regulates the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

East Bay Plain Subbasin Groundwater Sustainability Plan

In January 2022, the City of Hayward City Council adopted a Groundwater Sustainability Plan (GSP) for the East Bay Plain Subbasin. The East Bay Plain Subbasin Groundwater Sustainability Plan creates

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

4.10.1.2 *Existing Conditions*

Stormwater

The project site is located within the Old Alameda Creek Watershed, which includes Ward Creek and extends from the Hayward Highlands to the San Francisco Bay.[57]

The project site is currently partially developed with one truck terminal facility, paved and gravel surface parking, and ornamental landscaping. The southern, approximately one-third of the site is undeveloped and consists of grassland. Approximately 227,122 square feet (66 percent) of the site is composed of impervious surfaces and the remaining 117,002 square feet (34 percent) is composed of pervious surfaces.

Groundwater

The City of Hayward is located in the East Bay Plain Subbasin of the Santa Clara Valley Groundwater Basin.[58] The East Bay Plain Subbasin is bounded by the San Francisco Bay in the north and the west, the Hayward Fault Zone to the east and the Nile Cones Subbasin to the south. The City of Hayward acts as the Groundwater Sustainability Agency (GSA) for the portion of the East Bay Plain Subbasin that includes the project site.[59]

Based on the subsurface investigations prepared for the project site, groundwater within the vicinity of the project site has been estimated at a depth of approximately 12 to 19 feet bgs.[60] Groundwater in the East Bay Plain Subbasin generally flows from east to west toward the San Francisco Bay with recharge occurring primarily in the foothills.[61]

[57] Alameda County Flood Control & Water Conservation District. Interactive Map: Alameda County Watersheds. Accessed July 23, 2024. https://acfloodcontrol.org/the-work-we-do/resources/#explore-watersheds
[58] City of Hayward. Hayward 2040 General Plan Draft EIR. January 30, 2014. Page 13-1.
[59] East Bay Municipal Utility District and the City of Hayward. *East Bay Plain Subbasin Sustainable Groundwater Management – Draft Stakeholder Communication and Engagement Plan.* February 2018. https://www.haywardca.gov/sites/default/files/Draft%20C%26E%20Plan_022718.pdf
[60] Nicola Taylor, Project Manager. Crown Enterprises, Inc. Personal Communication. March 25, 2025.
[61] East Bay Municipal Utilities District. *South East Bay Plain Basin Groundwater Management Plan*. March 2013. Page 85.

Flood Hazards

FEMA has designated the project site and the surrounding vicinity as Zone AE.[62] Flood Zone AE is defined as areas with a one (1) percent annual chance of being inundated by flood waters. These areas have a one (1) percent annual chance of flooding and are also referred to as the base flood or 100-year flood elevation.[63]

Seiches, Tsunamis, and Mudflow Hazards

The project site is not located within a tsunami inundation area.[64] There are no lakes or other bodies of water within the project vicinity that would be subject to seiches.

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
- result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐

[62] Federal Emergency Management Agency (FEMA). Flood Rate Insurance Map 06001C0427G. Effective August 3, 2009.

[63] FEMA. "Flood Zones" Accessed July 23, 2024. https://www.fema.gov/glossary/flood-zones

[64] California Department of Conservation. California Tsunami Maps and Data. Accessed July 23, 2024. https://www.conservation.ca.gov/cgs/tsunami/maps

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
- create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
- impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

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

Construction

Construction activities (e.g., grading and excavation) on the project site may result in temporary impacts to surface water quality. When disturbance of underlying soils occurs, the surface runoff that flows across the site may contain sediments that are discharged into the storm drainage system. Construction of the proposed project would disturb 5.24 acres of the 7.88-acre project site. Since construction of the project would disturb more than one (1) acre of soil, the project would be required to comply with the NPDES General Permit for Construction Activities. Because the project would include replacement of more than 5,000 square feet of impervious surfaces, the project would also be subject to the requirements of the RWQCB MRP. All development projects in Hayward are required to comply with the City's Municipal Stormwater Management and Urban Runoff Control Ordinance. This ordinance requires that all projects include construction best management practices (BMPs) to prevent stormwater pollution during all demolition, grading and construction activities.

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

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

- Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site

dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.

- Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
- Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, stormdrain or stream. See "Building Maintenance/Remodeling" flyer for more information.
- Ensure that concrete/gunite supply trucks or concrete/plaster finishing operations do not discharge wash water into street gutters or drains.
- The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
- No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- Non-storm water discharges to the City storm sewer system are prohibited. Prohibited discharges include but are not limited to the following: polluted cooling water, chlorinated or chloraminated swimming pool water, hazardous or toxic chemicals, grease, animal wastes, detergents, solvents, pesticides, herbicides, fertilizers, and dirt. All discharges of material other than storm water must comply with the NPDES Permit issued for the discharge other than NPDES Permit No. CAS612008.

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

Post-Construction

The project would result in 317,924 square feet (approximately 92 percent) of impervious surface area and 26,200 square feet (approximately eight percent) of pervious surface area on-site, an approximately 26 percent increase in impervious surfaces compared to existing conditions. As noted under Construction Impacts above, the project site is considered a regulated project under Provision C.3 of the MRP. As such, the project would include bioretention facilities designed to meet on-site runoff treatment requirements and ensure that stormwater discharge rates and durations under project operations do not exceed existing conditions on-site. Stormwater would be retained in these bioretention basins (located along the eastern and western property lines) to reduce the amount and rate of stormwater runoff prior to discharge into the City's existing storm drain system. The project includes site design and pollutant control measures such as the use of drought-tolerant and water-conserving landscape materials, and stenciled storm drain inlets. Implementation of these measures would reduce the rate of stormwater runoff while also removing the pollutants.

In addition, the proposed trash enclosure and fueling station would be canopied and have drains to convey runoff to the sanitary sewer system, which would prevent runoff to the storm drain system.

For these reasons, the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality. **(Less than Significant Impact)**

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Although Hayward does not use groundwater as a regular water supply, the City maintains groundwater wells that are critical to the City's ability to provide water service during an earthquake or other water supply emergency. Although one-third of the site is currently undeveloped and pervious, the project is not considered an important groundwater recharge zone.[65] Furthermore, to increase recharge on the site, the project would include bioretention basins along the eastern and western boundaries of the project site.

The project would connect to the existing municipal water system and does not propose to draw groundwater on-site. The project would require excavation to a maximum depth of eight feet bgs. Given that groundwater is located approximately 12 to 19 feet bgs on-site, the project would not encounter groundwater and temporary dewatering would not be required during construction. No permanent dewatering is proposed. For these reasons, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

The project site does not contain any waterways. The nearest waterway to the project site is Ward Creek, located approximately 139 feet south of the project site. The proposed project would occur entirely within the project site and does not include any work within the creek. Therefore, the project would not alter the course of a stream or river.

[65] East Bay Municipal Utilities District. *South East Bay Plain Basin Groundwater Management Plan*. March 2013. Page 85.

As discussed under checklist question a) above, construction on-site will comply with the City's BMPs to ensure construction activities do not result in increased soil erosion and siltation. In addition, although the project would increase impervious surfaces on-site compared to existing conditions, stormwater would be directed to the bioretention basins where runoff would be retained and treated prior to entering the municipal storm drainage system. For these reasons, the project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site.

As discussed under checklist question a) above, consistent with Provision C.3 of the MRP, the project would include bioretention facilities designed to meet on-site stormwater runoff treatment requirements and ensure that stormwater discharge rates and durations under project operations do not exceed existing conditions on-site. Stormwater would be treated and retained in on-site bioretention basins to reduce the amount and rate of runoff prior to discharge into the City's existing storm drain system. For these reasons, the project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, nor 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.

The project site is located within special hazard Flood Zone AE. Zone AE indicates a one percent annual chance of inundation by flood waters when flood waters overtop the banks of Ward Creek.[66] The proposed truck terminal facility would be designed such that the lowest floor is elevated to at or above the base flood elevation. This could result in redirection of flood flows. To ensure that the project does not increase flooding off-site, the project would implement the following Standard Conditions of Approval, consistent with Hayward Municipal Chapter 9 Building Regulations, Article 4 Flood Plain Management and California Building Code Section 1612.

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

- The applicant shall elevate the proposed building at least one foot above the base flood elevation, elevate building utility systems above the BFE, submit an Elevation Certificate (FEMA Form FF-206-FY-22-152) to confirm elevation of the improvements in relation to the BFE, and prepare and certify a hydrologic and hydraulic analysis by a qualified registered civil engineer demonstrating that the proposed grading and fill, will remove the site from the one percent annual chance floodplain (100-year flood), and will not result in adverse floodplain impacts to adjacent properties or the public right of way.

Compliance with the Hayward Municipal Chapter 9 Building Regulations, Article 4 Flood Plain Management and California Building Code Section 1612, as outlined in the Standard Conditions of Approval above would ensure that the project would not impede or redirect flood flows. **(Less than Significant Impact)**

[66] FEMA. "Flood Zones" Accessed July 23, 2024. https://www.fema.gov/glossary/flood-zones

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

As noted in section 4.10.1.2 Existing Conditions above, the project site is not located in a tsunami or seiche hazard zone. Although the project site is located in a special hazard flood zone (Zone AE), as discussed in Section 4.9 Hazards and Hazardous Materials, the project would comply with existing federal and state regulations and City policies governing proper handling and storage of hazardous materials to prevent accidental release of pollutants including during inundation resulting from a flood. Additionally, as discussed above, the proposed building would be elevated above the base flood elevation and, therefore, any potential pollutants used in the building would not be at risk nor released due to project inundation in a flood. **(Less than Significant Impact)**

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

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

4.11 Land Use and Planning

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Local

Hayward 2040 General Plan

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

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

Hayward Executive Airport Land Use Compatibility Plan

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

Hayward Zoning Ordinance

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

4.11.1.2 *Existing Conditions*

The project site has a General Plan land use designation of Industrial Technology and Innovation Corridor. The Industrial Technology and Innovation Corridor designation generally applies to warehouses, office buildings, research and development facilities, manufacturing plants, business parks, and corporate campus buildings. The project site is zoned General Industrial (IG). The IG zoning is intended to accommodate the widest variety of industrial uses including heavy industrial and warehousing/distribution uses. Development standards focus on well-designed frontages along key corridors and screening with more flexibility allowed in other areas that are less visible and/or not located along major corridors.

Surrounding land uses include industrial uses to the north, east, and west. Additional industrial uses are located south of the project site, across Ward Creek.

4.11.2 Impact Discussion

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

a) Would the project physically divide an established community?

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The project proposes demolition of an existing truck terminal facility, surface parking, and landscaping, and construction of an approximately 45,400 square-foot truck terminal facility, surface parking, and landscaping on-

site. No new roadways or freeways are proposed. Therefore, the project would not physically divide an established community. **(No Impact)**

b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The Industrial Technology and Innovation Corridor land use designation for the site allows for professional offices, corporate campuses, research and development, warehousing and logistics, manufacturing, and biotechnology uses with a maximum floor area ratio (FAR) of 0.8. The General Industrial (IG) zoning allows for buildings with a maximum height of 75 feet.

The project proposes development of an approximately 45,400 square-foot truck terminal facility with a maximum height of 23 feet. The project would have an FAR of 0.13. Therefore, the proposed project would be consistent with the current General Plan land use designation and zoning for the site.

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

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

4.12 Mineral Resources

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

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

Local

Hayward 2040 General Plan

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

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

4.12.1.2 *Existing Conditions*

According to the General Plan, the only designated mineral resource sector of regional significance within the City of Hayward was the La Vista Quarry. The La Vista Quarry was located east of Mission Boulevard and Tennyson Road, approximately two miles east of the project site and ceased operation prior to 2008 due to depletion of the accessible aggregate resource within the quarry.[67]

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

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

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

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

b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

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

4.13 Noise

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

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

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq}, DNL, or CNEL.[68] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

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

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

4.13.1.2 *Regulatory Framework*

State and Local

California Green Building Standards Code

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

Hayward 2040 General Plan

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

Policy	Description
HAZ-8.1	Locating Noise Sensitive Uses. The City shall strive to locate noise sensitive uses, (e.g., residences, schools, hospitals, libraries, religious institutions, and convalescent homes) away from major sources of noise.
HAZ-8.2	Noise Study and Mitigation. The City shall require development projects in areas where they may be exposed to major noise sources (e.g., roadways, rail lines, and aircraft or other non-transportation noise sources) to conduct a project level environmental noise analysis. The noise analysis shall determine noise exposure and noise standard compatibility with respect to the noise standards identified in Table HAZ-1 and shall incorporate noise mitigation when located in noise environments that are not compatible with the proposed uses of the project. The City shall use Table HAZ-1 (Exterior Noise Standards for Various Land Uses) and Figure HAZ-1 (Future Noise Contour Maps) to determine potential noise exposure impacts, noise compatibility thresholds, and the need for mitigation. The City shall determine mitigation measures based on project-specific noise studies, and may include sound barriers, building setbacks, the use of closed windows and the installation of heating and air conditioning ventilation systems, and the installation of noise attenuating windows and wall/ceiling insulation.
HAZ-8.3	Incremental Noise Impacts of Commercial and Industrial Development. The City shall consider the potential noise impacts of commercial and industrial developments that are located near residences and shall require noise mitigation measures as a condition of project approval.
HAZ-8.4	Noise Mitigation and Urban Design. The City shall consider the visual impact of noise mitigation measures and shall require solutions that do not conflict with urban design goals and standards.
HAZ-8.14	Airport Noise. The City shall monitor noise impacts from aircraft operations at the Hayward Executive Airport and maintain and implement the noise abatement policies and procedures outlined in the Airport Noise Ordinance and Land Use Compatibility Plan.

HAZ-8.15	Airport Noise Evaluation and Mitigation. The City shall require project applicants to evaluate potential airport noise impacts if the project is located within the 60 dB CNEL contour line of the Hayward Executive Airport or Oakland International Airport (as mapped in the Land Use Compatibility Plan). All projects shall be required to mitigate impacts to comply with the interior and exterior noise standards established by the Land Use Compatibility Plan.
HAZ-8.20	Construction Noise Study. The City may require development projects subject to discretionary approval to assess potential construction noise impacts on nearby sensitive uses and to minimize impacts on those uses, to the extent feasible.
HAZ-8.21	Construction and Maintenance Noise Limits. The City shall limit the hours of construction and maintenance activities to the less sensitive hours of the day (7:00 am to 7:00 pm Monday through Saturday and 10:00 am to 6:00 pm on Sundays and holidays).
HAZ-8.22	Vibration Impact Assessment. The City shall require a vibration impact assessment for proposed projects in which heavy-duty construction equipment would be used (e.g., pile driving, bulldozing) within 200 feet of an existing structure or sensitive receptor. If applicable, the City shall require all feasible mitigation measures to be implemented to ensure that no damage or disturbance to structures or sensitive receptors would occur.

City of Hayward Municipal Code

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

Section 4-1.03.1 Noise Restriction by Decibel

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

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

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

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

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

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

4.13.1.3 *Existing Conditions*

The existing noise environment at the project site results primarily from local vehicular traffic along the surrounding roadways and nearby Interstate 880 freeway. Operational noise from the industrial land uses in the project vicinity also contribute to the noise environment. Existing noise levels in the project vicinity range from 70 to 75 dBA.[69]

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Temporary Construction Noise

As noted in Section 3.2.6 Construction, project construction would be completed in one phase over a period of approximately 14 months. During this time, construction activities would occur between 7:00 AM and 7:00 PM Monday through Saturday and 10:00 AM to 6:00 PM on Sundays and holidays, consistent with General Plan Policy HAZ-8.21 and Municipal Code Section 4-1.03.4. Noise from individual construction equipment shall not exceed 83 dBA at a distance of 25 feet from the

[69] City of Hayward. *Draft Environmental Impact Report, City of Hayward 2040 General Plan.* January 30, 2013. Figure 15-1.

equipment or from the housing in which the equipment is located. In addition, noise levels shall not exceed 86 dBA at any point outside the property line.

Construction activities generate considerable amounts of noise, especially during earth moving activities when heavy equipment is used. Construction of the project would involve demolition of the existing building and pavement, site preparation, grading and excavation, trenching, building construction, and paving which would temporarily increase noise levels in the immediate vicinity of the site. The typical noise levels generated by construction equipment are shown in Table 4.13-1 below.

Table 4.13-1: Typical Construction Noise Levels for Industrial Development at 50 Feet

Construction Phase	Noise Levels
Ground Clearing	83-84
Excavation	71-89
Foundations	77
Building Construction	72-84
Finishing	74-89

Source: Illingworth & Rodkin, Inc. Centerpoint Industrial Project Noise and Vibration Assessment. August 2023.

Due to the distance between the proposed building and the property lines, construction would not exceed the 86 dBA noise limit at the nearest property lines. However, as shown in Table 4.13-1, ground clearing, excavation, building construction, and finishing work could exceed the City's 83 dBA noise limit.

Impact NOI-1: Project construction activities would result in noise levels exceeding the noise limit of 83 dBA for individual pieces of equipment.

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

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

- The construction contractor shall develop a construction noise control plan, including, but not limited to, the following available construction noise controls:

- Selection of quieter concrete/industrial saws, excavators, dozers, graders, tractors, loaders, and backhoes, cranes, air compressors, paving equipment, and rollers. No individual device or piece of equipment shall produce a noise level exceeding eighty-three (83) dBA at a distance of twenty-five (25) feet from the source.
- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).
- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.

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

Permanent Operational Noise

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

Furthermore, a significant permanent noise increase would occur if the project would produce a noise level at any point outside the property plane that exceeds 70 dBA.

As described in Section 4.13.1.3 Existing Conditions above, the existing noise levels near the project site range from existing noise levels in the project vicinity range from 70 to 75 dBA which is considered a "normally acceptable" noise level for industrial uses. Therefore, a significant impact would occur if the project would permanently increase ambient noise levels by five dBA L_{dn}.

Project-Generated Traffic

According to the Transportation Impact Analysis prepared for the project by Kittelson & Associates on June 3, 2025 (Appendix C), the project would result in 17 new passenger vehicle and 151 new daily truck trips.[70] Industrial Parkway has approximately 24,272 average daily truck trips. Therefore,

[70] Kittelson & Associates, Inc. *Hayward 2256 Claremont Court Truck Terminal Transportation Impact Analysis*. June 2025.

project-generated truck trips would represent a less than one percent increase compared to existing conditions.[71] This would not be perceptible. Therefore, the project would not result in an increase in noise levels in the project vicinity. **(Less than Significant Impact)**

Truck Loading/Unloading, Parking, and Mechanical Equipment

During project operations, truck loading/unloading activities, truck paving, and operation of mechanical equipment would generate noise perceptible in the project vicinity. Average loading dock activities are anticipated to reach 66 dBA L_{eq} at 50 feet, and an average noise level resulting from truck circulation and maneuvering activities range from 58 to 60 dBA L_{eq} at 50 feet. Parking lot activities are expected to produce noise levels of 56 dBA L_{eq} at 50 feet. Similarly, noise levels produced by mechanical equipment are typically 57 dBA L_{eq} at 50 feet. These noise levels would be below the existing ambient noise levels in the project vicinity and would not be perceptible. Therefore, project operations would not result in a substantial permanent increase in noise levels. **(Less than Significant Impact)**

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

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

The California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for new residential and modern commercial/industrial structures, 0.3 in/sec PPV for older residential buildings, and a limit of 0.25 in/sec PPV for historic and some older buildings (constructed prior to World War II).

According to the Phase I ESA prepared for the site, the surrounding industrial buildings were constructed in the 1960s or later, and would be considered modern structures. The nearest building to the project site is located at 2267 Claremont Court, approximately 75 feet from the nearest project boundary. At this distance, vibration levels resulting from project construction would not exceed the 0.5 in/sec PPV limit. **(Less than Significant Impact)**

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

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The nearest airport to the site is Hayward Executive Airport, approximately 3.25 miles north of the project site. The project site is not located within an adopted AIA and is not located within two miles of an airport.[72] The project would be located outside the noise contour levels of 65 dBA CNEL for the Hayward Executive Airport.[73] As a result, the project would not expose people residing or working in the project area to excessive noise levels. **(No Impact)**

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

4.14 Population and Housing

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[74] The City of Hayward Housing Element and related land use policies were last updated in February 2023.[75]

Regional and Local

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.[76]

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

[74] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed July 23, 2024. http://hcd.ca.gov/community-development/housing-element/index.shtml.
[75] City of Hayward. "Hayward Housing Element, Climate Action Plan, Safety Element and Environmental Justice Update." Accessed July 23, 2024.
[76] Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.

technical overview of the growth forecasts and land use models upon which Plan Bay Area 2050 is based.

4.14.1.2 *Existing Conditions*

According to the last Census, the City of Hayward had a population of 162,954 in April 2020. As of January 2022, there are approximately 53,997 residential units in the City.[77] According to ABAG projections, Hayward's population is expected to grow to a total of 178,270 by 2040.[78]

The project site is currently developed with one truck terminal facility totaling approximately 14,640 square feet. The building is currently occupied with approximately 10 existing employees on-site on a normal business day.

4.14.2 Impact Discussion

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

a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The project proposes to replace an existing truck terminal facility with an approximately 45,400 square-foot truck terminal facility and 48 space surface parking lot for passenger vehicles. No residential uses are proposed. Assuming there are as many employees as parking spaces provided, the project would generate 48 jobs, a net increase of 38 jobs over existing conditions on-site. Because the project does not include residential uses, it would not directly result in population growth. Furthermore, as discussed in Section 4.11 Land Use and Planning, the proposed project is

[77] California Department of Finance. E-5 Population and Housing Estimates for Cities, Counties, and the State 2021-2024 with 2020 Census Benchmark. Accessed July 23, 2024. Available at: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2024/

[78] Association of Bay Area Governments. "Projections 2040." Accessed July 23, 2024. Available at: http://projections.planbayarea.org/.

consistent with the existing General Plan land use designation for the site, and therefore, is consistent with the General Plan growth projections for the site. For these reasons, the project would not induce or indirectly result in substantial unplanned growth, and, therefore, growth impacts would be less than significant. **(Less than Significant Impact)**

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

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

4.15 Public Services

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

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

Government Code Section 65995 through 65998

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

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

Regional and Local

Hayward 2040 General Plan

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

Policy	Description
CS-1.10	Lighting. The City shall encourage property owners to use appropriate levels of exterior lighting to discourage criminal activity, enhance natural surveillance opportunities, and reduce fear.

CS-2.4	Response Time for Priority 1 Calls. The City shall strive to arrive at the scene of Priority 1 Police Calls within 5 minutes of dispatch, 90 percent of the time.
CS-2.5	Police Equipment and Facilities. The City shall ensure that Police equipment and facilities are provided and maintained to meet modern standards of safety, dependability, and efficiency.
CS-2.6	Police Facilities Master Plan. The City shall maintain and implement a Police Department Facilities Master Plan that serves as the long-term plan for providing the Police Department with state-of the-art equipment and facilities, including police headquarters, police substations, training facilities, detention facilities, shooting ranges, and emergency operations centers.
CS-2.14	Development Fees. The City shall consider the establishment of development impact fees to help fund Police Department operations.
CS-3.2	Fire and Building Codes. The City shall adopt and enforce fire and building codes.
CS-3.3	Development Review. The City shall continue to include the Fire Department in the review of development proposals to ensure projects adequately address fire access and building standards.
CS-3.4	Adequate Water Supply for Fire Suppression. The City shall require new development projects to have adequate water supplies to meet the fire suppression needs of the project without compromising existing fire suppression services to existing uses.
CS-4.12	Development Fees. The City shall consider the establishment of development impact fees to fund Fire Department operations.
EDL-3.11	School Impact Fees. The City shall coordinate with school districts to ensure that the impacts of new development are identified and mitigated through the payment of school impact fees in accordance with State law.
PFS-1.4	The City shall, through a combination of improvement fees and other funding mechanisms, ensure that new development pays its fair share of providing new public facilities and services and/or the costs of expanding/upgrading existing facilities and services impacted by new development (e.g., water, wastewater, stormwater drainage).

Hayward Municipal Code Chapter 10, Article 16

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

4.15.1.2 *Existing Conditions*

Fire Protection Services

The Hayward Fire Department (HFD) provides fire protection services throughout the City. The HFD staffs nine different stations housing nine engine companies and two truck companies.[79] The closest

[79] Hayward Fire Department. "Stations." Accessed July 23, 2024. https://www.hayward-ca.gov/firedepartment/Stations

fire station to the project site is Fire Station 4, located at 27836 Loyola Avenue, approximately one mile northwest of the project site.

Police Protection Services

The Hayward Police Department (HPD) provides police protection services throughout the City. The HPD has a staff of 300, including sworn and professional personnel.[80] The HPD is headquartered at 300 West Winton Avenue, approximately three miles northeast of the project site.

Schools

The project site is served by the Hayward Unified School District (HUSD). Students in the project area attend Palma Ceia Elementary School, located at 27676 Melbourne Avenue (approximately 0.85-mile north of the project site), Anthony W. Ochoa Middle School, located at 2121 Depot Road (approximately 2.3 miles north of the project site), and Mt. Eden High School, located at 23000 Panama Street (approximately 0.64-mile north of the project site).[81]

Parks and Open Space

The City of Hayward contains more than 3,000 acres of parks and open space and features 20 miles of running and hiking trails. The City does not administer its own parks. Parks within the City are managed by the Hayward Area Recreation and Parks District (HARD) and the East Bay Regional Parks District (EBRPD). The nearest park to the project site is Alden E. Oliver Sports Park, located at 2580 Eden Park Pl, approximately 0.42-mile west of the project site. Alden E. Oliver Sports Park includes barbecues, a baseball/softball field, basketball, NFC Fitness Court, picnic tables, playground, restrooms, snack bar, and soccer fields.[82]

Other Public Facilities

Libraries

The Hayward Public Library provides library services within the City of Hayward. The Hayward Public Library consists of two branch locations. The nearest library to the project site is the Weekes Branch Library, located at 27300 Patrick Avenue, approximately 1.2 miles northwest of the project site.

Community Centers

The HARD operates 11 community centers available for rent within its total jurisdiction, which includes all of the City of Hayward as well as some unincorporated communities of Castro Valley, San Lorenzo, Ashland, Cherryland, and Fairview. The nearest community center to the project site is

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

[81] Hayward Unified School District. "School Locator." Accessed July 23, 2024. http://apps.schoolsitelocator.com/index.html?districtCode=41834

[82] Hayward Area Recreation and Park District. "Facilities." Accessed July 10, 2025. https://www.haywardrec.org/facilities/facility/details/Alden-E-Oliver-Sports-Park-38

the Weekes Community Center, located at 27182 Patrick Avenue, approximately 1.2 miles northeast of the project site. The Weekes Community Center features a kitchen, parking, patio, stage, and playground.[83]

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire Protection?	☐	☐	☒	☐
b) Police Protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☒	☐
e) Other Public Facilities?	☐	☐	☐	☒

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

The HFD reviews project plans before building permits are issued to ensure compliance with all applicable fire and building code standards and to ensure that adequate fire and life safety measures are incorporated into the project in compliance with all applicable state and city fire safety regulations. As discussed in Section 4.14 Population and Housing, the proposed project would result in a net increase of 38 jobs on-site, incrementally increasing the demand for fire protection services compared to existing conditions. The HFD currently serves the existing truck terminal facility on-site and the increase in service population from the project would be incremental compared to existing conditions. Therefore, the project would not individually require new or altered fire protection facilities, and as a result, would have a less than significant impact on the environment. **(Less than Significant Impact)**

[83] Hayward Area Recreation and Parks District. "Facilities." Accessed July 10, 2025. https://www.haywardrec.org/facilities/facility/details/Weekes-Community-Center-123

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

The HPD currently serves the existing truck terminal facility on-site. As discussed in Section 4.14 Population and Housing, the proposed project would result in a net increase of 38 jobs on-site, incrementally increasing the demand for police protection services compared to existing conditions. However, the increase in service population from the project would be incremental compared to existing conditions and would not exhaust existing police facilities. Therefore, the project would have a less than significant impact on the provision of police protection services and would not require new or altered police facilities. **(Less than Significant Impact)**

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

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

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

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

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

As described above, the project would result in a net increase of 38 jobs on-site compared to existing conditions. However, the increased jobs resulting from the proposed project would be within the planned service population growth for the City, and, as a result, would not cause a substantial adverse impact associated with the provision of new or altered libraries, community centers, or other public facilities. **(No Impact)**

4.16 Recreation

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

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

Local

Hayward 2040 General Plan

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

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

4.16.1.2 *Existing Conditions*

The City of Hayward contains more than 3,000 acres of parks and open space and features 20 miles of running and hiking trails. The City does not administer its own parks. Parks within the City are managed by HARD and EBRPD. The nearest park to the project site is Alden E. Oliver Sports Park, located at 2580 Eden Park Place, approximately 0.42-mile west of the project site. Alden E. Oliver Sports Park includes barbecues, a baseball/softball field, basketball courts, NFC Fitness Court, picnic tables, playground, restrooms, snack bar, and soccer fields.[84]

[84] Hayward Area Recreation and Park District. "Facilities." Accessed July 23, 2024. https://www.haywardrec.org/facilities/facility/details/Alden-E-Oliver-Sports-Park-38

4.16.2 Impact Discussion

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☒	☐
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Unlike residential development, which increases City population and associated demand on City parks, the proposed development would not create substantial demand for more parks within the City. While employees of the proposed project may use Alden E. Oliver Sports Park (or others in the vicinity) during breaks or before or after work, the incremental increase in use would not result in the deterioration of these facilities. Furthermore, the project would be required to pay the City's park impact fees. For these reasons, the proposed project would not result in the need for new or physically altered parks in the project area. **(Less than Significant Impact)**

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

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

4.17 Transportation

The following discussion is based, in part, on a Transportation Impact Analysis prepared by Kittelson on June 3, 2025. The Transportation Impact Analysis is included as Appendix C to this Initial Study.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Senate Bill 743

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

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

Regional and Local

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Alameda County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2050 in October 2021, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2050.

Congestion Management Program

Alameda County Transportation Commission (Alameda CTC) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact

analysis program, and a capital improvement element. Alameda CTC has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

City of Hayward Transportation Impact Analysis Guidelines

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

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

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

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

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

Hayward 2040 General Plan

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

Policy	Description
M-1.4	Multimodal System Extensions. The City shall require all new development that proposes or is required to construct or extend streets to development a transportation network that complements and contributes to the city's multimodal system, maximizes connections, and minimizes barriers to connectivity.
M-1.5	Flexible LOS Standards. The City shall consider flexible Level of Service (LOS) standards, as part of multimodal system approach, for projects that increase transit-ridership, biking, and

	walking in order to reduce air pollution, energy consumption, and greenhouse gas emissions.
M-1.7	Eliminate Gaps. The City shall strive to create a more comprehensive multimodal transportation system by eliminating "gaps" in roadways, bikeways, and pedestrian networks, increasing transit access in underserved areas, and removing natural and manmade barriers to accessibility and connectivity.
M-1.8	Transportation Choices. The City shall provide leadership in educating the community about the availability and benefits of using alternative transportation modes.
M-3.3	Balancing Needs. The City shall balance the needs of all travel modes when planning transportation improvements and managing transportation use in the public right-of-way.
M-3.7	Development Review. The City shall consider the needs of all transportation users in the review of development proposal to ensure on-site and off-site transportation facility improvements complement existing and planned land uses.
M-3.8	Connections with New Development. The City shall ensure that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways, pedestrian ways, and transit facilities.
M-4.1	Traffic Operations. The City shall strive to address traffic operations, including traffic congestion, intersection delays, and travel speeds, while balancing neighborhood safety concerns.
M-4.2	Roadway Network Development. The City shall develop a roadway network that categorizes streets according to function and type as shown on the Circulation Diagram and considering surrounding land use context.
M-4.3	Level of Service. The City shall maintain a minimum vehicle Level of Service E at signalized intersections during the peak commute periods except when a LOS F may be acceptable due to costs of mitigation or when there would be other unacceptable impacts, such as right-of-way acquisition or degradation of the pedestrian environment due to increased crossing distances or unacceptable crossing delays.
M-4.5	Emergency Access. The City shall develop a roadway system that is redundant (i.e., includes multiple alternative routes) to the extent feasible to ensure mobility in the event of emergencies.
M-5.8	Parking Facility Design. The City shall ensure that new automobile parking facilities are designed to facilitate safe and convenient pedestrian access, including clearly defined internal corridors and walkways connecting parking areas with buildings and adjacent sidewalks and transit stops and adequate lighting.
M-6.5	Connections between New Development and Bikeways. The City shall encourage that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways and do not interfere with existing and proposed bicycle facilities.
M-8.2	Citywide TDM Plan. The City shall maintain and implement a citywide Travel Demand Management Program, which provides a menu of strategies and programs for developers and employers to reduce single-occupant vehicle travel in the city.
M-8.3	Employer-based Strategies. The City shall encourage employers to participate in TDM programs (e.g., guaranteed ride home, subsidized transit passes, carpool and vanpool programs) and to participate in or create Transportation Management Association to reduce parking needs and vehicular travel.
M-11.2	Designated Truck Routes. The City shall require trucks to use designated routes and shall prohibit trucks on local streets to address traffic operations and safety concerns in residential neighborhoods.
M-11.3	Truck Parking in Neighborhoods. The City shall prohibit overnight and other specified truck parking activities in residential areas.

City of Hayward Bicycle and Pedestrian Master Plan

On September 29, 2020, the Hayward City Council adopted the 2020 Bicycle and Pedestrian Master Plan (BPMP), which details the City's plan to establish a network of accessible, safe, and integrated

bicycle and pedestrian facilities. The 2020 BPMP replaces and builds on the City's original 2007 Bicycle Master Plan with its inclusion of pedestrian-centered facilities and extensive public input. The new plan recommends a total of 153 miles of new bicycle facilities, including 32 miles of multiuse paths for both pedestrians and cyclists.

4.17.1.2 *Existing Conditions*

Regional Roadway Network

Regional access to the project site is provided by I-880. Local access to the project site is provided via Claremont Court and Industrial Parkway West.

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

Hesperian Boulevard is a north-south arterial and truck route that extends from the Union City border (where it turns into Union City Boulevard) to SR 185. In the vicinity of the project site, it is a six-lane road with a center median. Class II bike lanes are present on Hesperian Boulevard south of Industrial Parkway West, however, no bicycle facilities are located north of Industrial Parkway West. Sidewalks are located along the entire corridor.

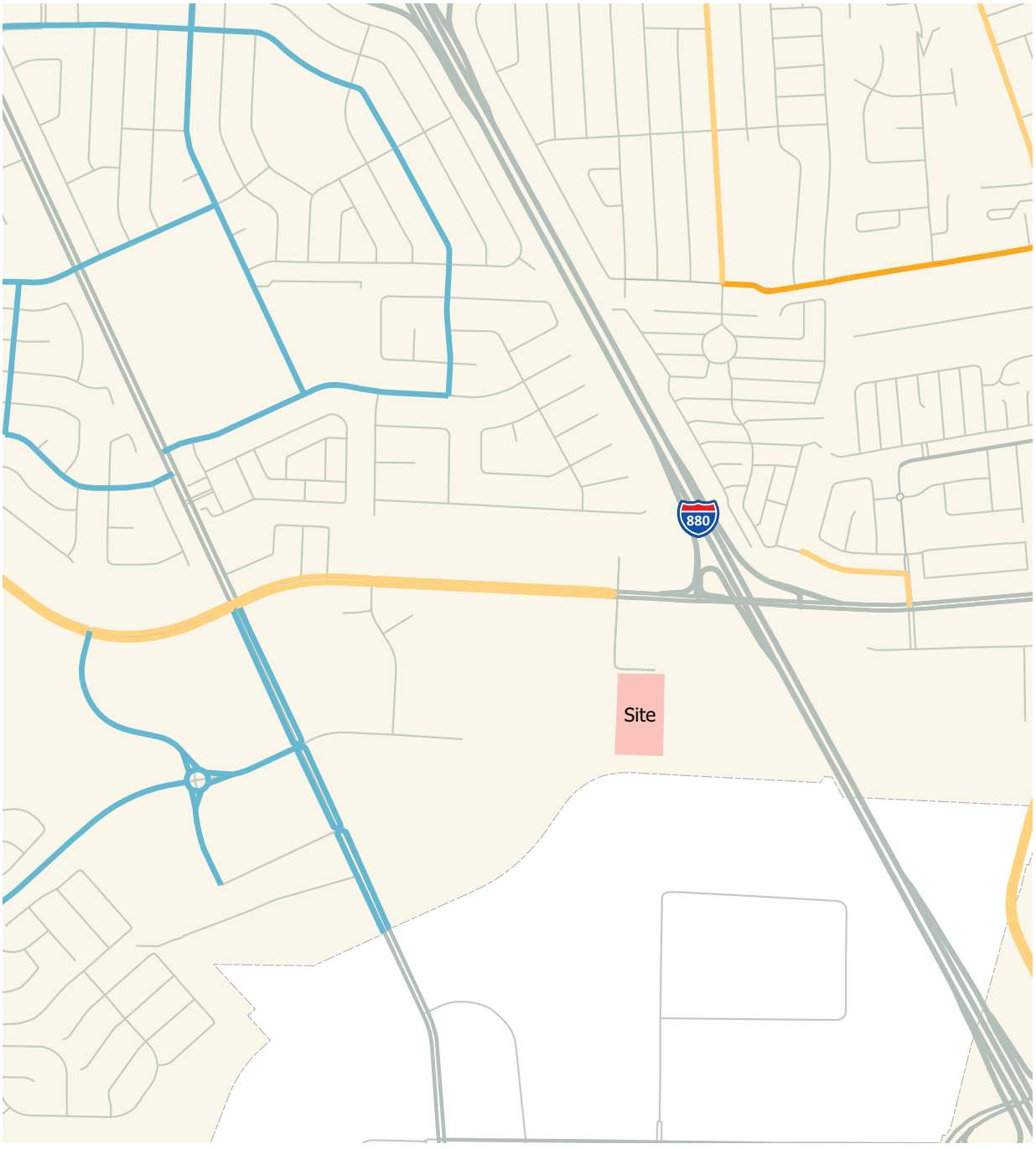
Industrial Parkway West/Industrial Boulevard is an east-west arterial street that extends from Hesperian Boulevard in the west to State Route 238 in the east. Within the vicinity of the project, Industrial Parkway West is four lanes wide and has sidewalks on both sides of the street with a few exceptions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

Hopkins Street is a two-lane north-south roadway that begins south of Industrial Boulevard. The street has no sidewalks and parking is permitted only on the east side of the roadway for vehicles under 25 feet in length.

Claremont Court is a two-lane east-west street that begins east of Hopkins Street. The street has no sidewalks and parking is permitted on the south side of the street for vehicles under 25 feet in length.

Existing Bicycle Facilities

Bicycle facilities in the project area include Class II bike lanes and Class III bike routes. Class II bike lanes are present on Hesperian Boulevard south of Industrial Boulevard. Class III bike routes are present on Industrial Boulevard and on Industrial Parkway West, west of Hopkins Street. In addition, the City's Bicycle and Pedestrian Master Plan includes planned bicycle improvements in the project vicinity including Class IV separated bike lanes on Hesperian Boulevard and Class IV separated bike lanes on Industrial Boulevard and Industrial Parkway West. Figure 4.17-1 shows the location of existing bicycle facilities in the project area.



Source: Kittelson & Associates, June 3, 2025.

EXISTING BICYCLE FACILITIES IN THE PROJECT AREA | FIGURE 4.17-1

Existing Pedestrian Facilities

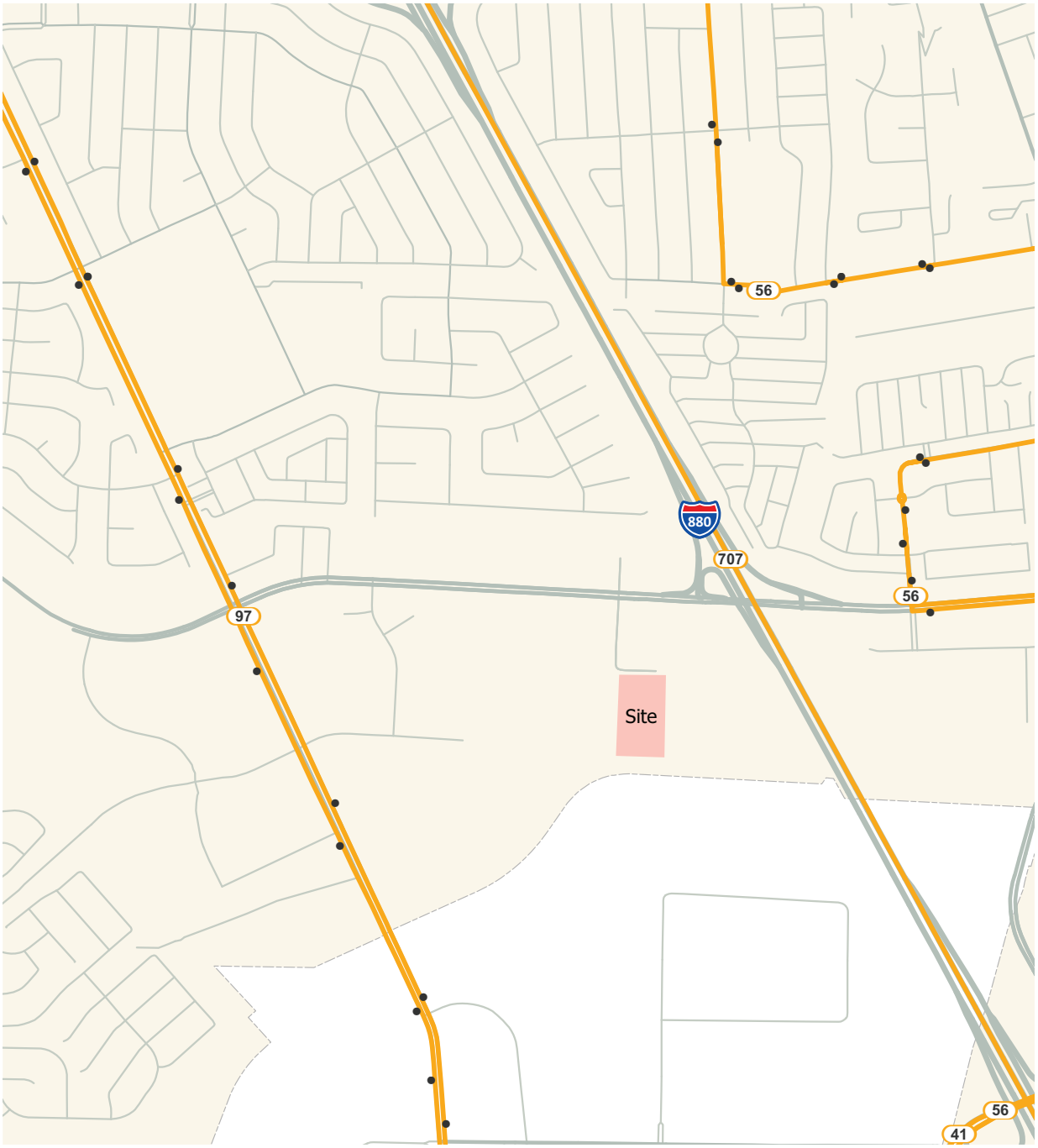
Pedestrian facilities in the project area include sidewalks and crosswalks. Sidewalks are generally present on both sides of Hesperian Boulevard and Industrial Parkway West. The sidewalk adjacent to the westbound traffic on Industrial Boulevard ends approximately 750 feet west of Hesperian Boulevard. The sidewalk adjacent to the northbound traffic on Hopkins Street stops approximately 100 feet from Industrial Parkway West at a midblock location. No sidewalks are present on Hopkins Street north of Industrial Parkway West or on Claremont Court. The Hesperian Boulevard/Industrial Parkway West intersection is marked with crosswalks on each approach. There are also marked crosswalks at the I-880 southbound off-ramp and the I-880 northbound on-ramp. No marked crosswalks exist at the intersection of Industrial Parkway West and Hopkins Street.

Existing Transit Facilities

Transit service and facilities in the project area are provided by Alameda-Contra Costa Transit District (AC Transit). AC Transit Bus Line 97 provides service along Hesperian Boulevard, Line 707 operates along the I-880 corridor, and Line 56 runs locally through the neighborhoods east of I-880. There are no transit stops within a quarter-mile of the project site. The location of the nearest AC Transit bus routes and stops are shown in Figure 4.17-2.

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐



Source: Kittelson & Associates, June 3, 2025.

EXISTING TRANSIT FACILITIES IN THE PROJECT AREA | FIGURE 4.17-2

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

Transit Facilities

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

Bicycle Facilities

As noted in Section 4.17.1.2 Existing Conditions, the project site is accessible via bike lanes on Industrial Boulevard and Hesperian Boulevard. The project does not include any improvements within Industrial Boulevard and Hesperian Boulevard rights-of-way or otherwise impede implementation of the planned bikeways on these roads. For these reasons, the proposed project would not conflict with existing and planned bicycle facilities.

Pedestrian Facilities

As discussed in Section 4.17.1.2 Existing Conditions, pedestrian facilities in the project area are limited to sidewalks along the project site. Sidewalks are generally present on both sides of Hesperian Boulevard and Industrial Parkway West. No sidewalks are present along Hopkins Street north of Industrial Parkway West or Claremont Court. The roadways in the project area are designated as truck routes and pedestrian-oriented uses are not prioritized in this area.

No additional pedestrian infrastructure is proposed with the project. The project would generate minimal pedestrian traffic in the area. For these reasons, the project would not conflict with existing and planned pedestrian facilities.

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

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

All new development projects within the City of Hayward are required to evaluate the effects of development on the transportation system using the VMT metric and conform to the City of Hayward Transportation Analysis Guidelines. The City of Hayward Transportation Analysis Guidelines provides screening criteria for development projects based on the type of projects, characteristics, and/or the location of the project. If a project meets the City's screening criteria, the

project is presumed to have a less-than-significant VMT impact and a detailed VMT analysis is not required.

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

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

Site access was evaluated to determine the adequacy of the site's access points with regard to traffic volumes, delays, vehicle queues, geometric design, and sight distance.

Site Access

Vehicle access to the project site would be provided via one full access driveway on Claremont Court. Trucks would access the site via a gate approximately 55 feet south of the project driveway and passenger vehicles would enter the site via the driveway and immediately turn right to enter the passenger vehicle parking lot. According to the site plan, the project driveway is 35 feet wide, and all drive aisles on-site would be 20 feet wide or greater to accommodate the turning radius of a City fire truck and semi-trucks. These widths are consistent with the City standard. Therefore, the project would not result in an increased hazard due to a geometric design feature.

Sight Distance

The adequacy of sight distance was evaluated for the project based on the American Association of State Highway and Transportation Officials' (AASHTO) Policy on Geometric Design of Highways and Streets.

The speed limit on Claremont Court is 25 mph. According to AASHTO the required minimum stopping sight distance to complete a right turn from a stop for design speed of 25 mph is 240 feet and the stopping sight distance to complete a left turn from a stop for a design speed of 25 mph is 280 feet. There are no obstructions on the site plan that would impede vision for vehicles exiting the site. Claremont Court is a cul-de-sac that terminates at the project driveway and experiences low traffic volumes. Therefore, sight distance at the project driveway would be adequate and would not result in a significant hazard due to a geometric design feature.

Intersections Analysis

The Transportation Impact Analysis prepared for the project included a review of collision data for roadways at four intersections (Hesperian Boulevard/Industrial Parkway West, Hopkins Street/Industrial Parkway West, I-880 SB Ramps/Industrial Parkway West, and I-880 NB On-Ramp/Industrial Parkway West). The study intersections were compared to similar intersections in

the state to determine if the project would result in increased hazards in the project area. These intersection's observed collision rates were found to be lower than the state average collision rates for similar intersections. The project would not involve changes to the existing roadway or intersection geometrics nor would it include a change in the truck or vehicle types accessing the site; thus, the project would not have an adverse effect on collisions near the project site.

Truck Access and Queueing

As discussed above, trucks would access the project site via the driveway on Claremont Court and proceed straight through a gate before navigating to truck parking or loading docks on either side of the building.

A queuing analysis was completed for the proposed project at the study intersections to identify locations where queues may exceed the available storage. No movements were found to queue beyond the available storage capacity. The queuing analysis found that 95 percentile vehicle queues can be accommodated by the existing storage space during peak periods for all project scenarios (refer to Appendix C for details).

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

d) Would the project result in inadequate emergency access?

Emergency access to the project site would be provided via one 35-foot driveway on Claremont Court and the drive aisles on-site. The California Fire Code requires a minimum width of 20 feet for emergency vehicle access roads. As discussed under checklist question c) above, the proposed driveway and drive aisles would have widths greater than 20 feet. Therefore, the project would not result in inadequate emergency access. **(Less than Significant Impact)**

4.18 Tribal Cultural Resources

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

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

Under AB 52, TCRs are defined as follows:

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

4.18.1.2 *Existing Conditions*

Hayward is situated within the historic territory of the Chochenyo Tribelet of the Costanoan Indians (also known as the Ohlone).[85] Historic accounts suggest that the Native Americans may have had a village site along San Lorenzo Creek as well as temporary camps in its vicinity. The Costanoan aboriginal way of life disappeared by 1810 due to introduced diseases, a declining birth rate, and the impact of the Spanish mission system.[86]

There are no known tribal cultural resources on-site. As noted in Section 4.5 Cultural Resources, no recorded archaeological resources were identified on-site or within a ¼-mile radius of the project site. In addition, a records search of the Native American Heritage Commission (NAHC) Sacred Lands File was completed for the site and the result was positive.[87]

[85] City of Hayward. *Hayward 2040 General Plan Background Report.* January 2014. Page 1-28.
[86] Ibid.
[87] Archaeological/Historical Consultants, Inc. *Archaeological Sensitivity Assessment, 2256 Claremont Court, Hayward, Alameda County*. September 2024.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☐	☒	☐
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

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

On March 2, 2016, the Ione Band of Miwok Indians requested AB 52 notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b). In addition, the Confederated Villages of Lisjan, a tribe that is traditionally and culturally affiliated with the geographic area of Hayward, also requested notification of projects pursuant to AB 52. Accordingly, AB 52 notification for this project was sent electronically to the Confederated Villages of Lisjan and Ione Band of Miwok Indians on April 30, 2024. The Confederated Villages of Lisjan requested a copy of the CHRIS records search, Initial Study, and SLF search results. A copy of the Archaeological Sensitivity Assessment prepared for the project which contains the CHRIS records search and SLF search results were sent to the Confederated Villages of Lisjan by the City via email on July 16, 2025. An

Administrative Draft of the Initial Study was shared by the City with the tribe during a consultation meeting held on August 13, 2025. During the consultation meeting, the Confederated Villages of Lisjan did not identify any known resources located on the project site. Although no resources were identified, the tribe expressed that due to the limited previous development on the southern portion of the site, adjacent to Ward Creek, there is potential to encounter unrecorded resources during ground disturbance. Therefore, the Confederated Villages of Lisjan requested that standard measures for tribal monitoring, work stoppage and preparation of a mitigation plan be implemented by the project applicant during construction. The City has agreed to include conditions of approval on the project for tribal monitoring. A letter was sent by the City formally documenting this agreement and concluding consultation on October 10, 2025.

Standard Condition of Approval: Pursuant to the tribal consultation completed for the project, the following measures shall be implemented to reduce potential impacts to unrecorded tribal cultural resources within the undeveloped portion of the site adjacent to Ward Creek during ground disturbing construction.

- **Native American Monitoring.** Prior to ground disturbing activities, the applicant shall submit evidence to the Director of the Department of Development Services that a tribal monitor registered with the Native American Heritage Commission for the City of Hayward that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 has been retained. The tribal monitor shall be present during all ground disturbing activities occurring within the undeveloped portion of the site adjacent to Ward Creek. No monitoring shall be required for ground disturbing activities within the remainder of the site. The tribal monitor shall have the authority to halt and redirect work should any archaeological or tribal cultural resources be identified during monitoring. If archaeological Tribal Cultural Resources are encountered during ground disturbing activities, work within 100 feet of the find must halt and the find evaluated for listing in the CRHR and NRHP. Monitoring may be reduced or halted at the discretion of the tribal monitor in consultation with the City of Hayward, as warranted by conditions such as encountering bedrock, or sediments being excavated are fill. Or negative findings during the first 50 percent of the entire area of ground disturbance. If monitoring is reduced to spot checking, spot checking shall occur when ground disturbing activities moves to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).

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

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

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

4.19 Utilities and Service Systems

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

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

Assembly Bill 939

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

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle.

Senate Bill 610

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

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

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025. CalRecycle released an analysis titled "Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals" in August 2020 (revised November 2020), which recommended maintaining the disposal reduction targets set forth in SB 1383.[88]

California Green Building Standards Code

CALGreen establishes mandatory green building standards for all buildings in California. The code is updated every three years.[89] CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupants.

[88] CalRecycle. "Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals (DRRR-2020-1693)." Accessed July 23, 2024. https://www2.calrecycle.ca.gov/Publications/Details/1693.
[89] California Building Standards Commission. "California Building Standards Code." Accessed July 23, 2024. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.

Local

Construction and Demolition Diversion Deposit Program

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

Hayward 2040 General Plan

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

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

PFS-7.12	Construction and Demolition Waste Recycling. The City shall require demolition, remodeling and major new development projects to salvage or recycle asphalt and concrete and all other nonhazardous construction and demolition materials to the maximum extent practicable.
PFS-8.1	Electricity and Natural Gas Service. The City shall continue to work closely with energy providers (e.g., PG&E) to ensure that adequate electricity and natural gas services are available for existing and newly developing areas.
PFS-8.3	Coordination with Utility Providers. The City shall coordinate with energy providers (e.g., PG&E) in the siting and design of gas and electric facilities to minimize environmental, aesthetic, and safety impacts.
PFS-8.5	Underground New Utility Lines. The City shall require that all new utility lines constructed as part of new development projects are installed underground or, in the case of transformers, pad-mounted.
PFS-8.6	Undergrounding Existing Utility Lines. The City shall encourage the undergrounding of existing overhead facilities.
PFS-9.5	New Developments. The City shall establish requirements for the installation of state-of-the-art internal telecommunications technologies in new planned developments and office and commercial developments.
CS-3.5	Water Supply Infrastructure. The City shall require development to construct and install fire suppression infrastructure and equipment needed to serve the project.

Hayward Urban Water Management Plan (2020)

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

4.19.1.2 *Existing Conditions*

Water Supply

The City of Hayward purchases 100 percent of its potable water from the San Francisco Public Utilities Commission (SFPUC). Under normal conditions, the SFPUC meets demand in its service area from its watersheds, which consist of the Tuolumne River, San Antonio Creek, Upper Alameda Creek, Arroyo Honda, and San Mateo Creek watersheds.[90] The City completed construction of a new one-million-gallon tank, pump station, and recycled water distribution system in 2019 and a treatment plant was completed in 2020. Recycled water is currently provided to customers west of I-880. The project site is not served by recycled water.[91] The City will continue to explore greater opportunities to increase the use of recycled water throughout the City. Water is supplied to the project site by an existing water main on Claremont Court.

[90] City of Hayward. *2020 Urban Water Management Plan.* July 2021. Page 51.
[91] City of Hayward. "Hayward Recycled Water Project." Accessed September 20, 2024. https://www.hayward-ca.gov/your-government/departments/utilities-environmental-services/recycled-water

The existing use on-site have a water demand of approximately 9,275 gallons per day.[92]

Wastewater/Sanitary Sewer

The City of Hayward owns and operates the wastewater collection, treatment, and disposal system that serves the majority of the City, including the project site. Wastewater is collected and transported via underground sewer lines to the City of Hayward Water Pollution Control Facility (WPCF).[93] In 2020, 3,922 million gallons (10.7 million gallons per day) of wastewater were collected from the City of Hayward and treated at the WPCF.[9495] The WPCF can accommodate up to 18.5 mgd of wastewater.[96]

The existing use on-site generates approximately 8,348 gallons of wastewater per day.[97]

Stormwater

The project site is located in the Old Alameda Creek Watershed, which includes Ward Creek and extends from the Hayward Highlands to the San Francisco Bay.[98] The project site is currently partially developed with an existing truck terminal facility, paved surface parking, landscaping and undeveloped grasslands adjacent to Ward Creek. Approximately 227,122 square feet (66 percent) of the site is composed of impervious surfaces and the remaining 117,002 square feet (34 percent) is composed of pervious surfaces. The project site currently connects to an existing 36-inch storm drain main along the southern project boundary.

Solid Waste

Solid waste is collected from Hayward homes and businesses and is processed by Waste Management, Inc. (WM). The Hayward community currently recycles or composts 75 percent of its waste.[99] After collection, WM first delivers solid waste to the Davis Street Transfer Station in San Leandro to be sorted and combined. Then, residential recyclables are sorted at the Tri-City Economic Development Corporation (Tri-CED) facility in Union City, organics are composted at the Redwood Recycling Center in Marin County, and solid waste that is not recyclable or compostable is delivered to the Altamont Landfill outside of Livermore.[100]

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[92] The existing truck terminal facility is 14,640 square feet. Using a rate of 231,250 gallons per year per 1,000 square feet, the water demand for the existing building was calculated as follows: 14.64 x 231,250 gallons per year = 3,385,500 gallons per year. California Air Pollution Officers Association (CAPCOA). CalEEMod Appendix D: Default Data Tables. April 2022.

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

[94] City of Hayward. *2020 Urban Water Management Plan.* June 2021. Table 6-2.

[95] 3,922 million gallons per year ÷365 days/year = 10.74 mgpd

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

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

[98] Alameda County Flood Control & Water Conservation District. Interactive Map: Alameda County Watersheds. Accessed July 10, 2025. https://acfloodcontrol.org/the-work-we-do/resources/#explore-watersheds

[99] Ibid.

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

The existing use on-site generates approximately 89.3 pounds per day of solid waste.[101]

4.19.2 Impact Discussion

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

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

The project would connect to the existing utilities in Claremont Court. The project would be required to make any improvements necessary to accommodate the proposed development. Existing overhead utilities along the project frontage would be removed and replaced with an underground system. The project would connect to an existing storm drain main on the southern

[101] Solid waste generation for the existing truck terminal facility was calculated using a rate of 8.93 pounds per employee per day. 10 employees x 8.93 pounds per employee per day = 89.3 pounds per day. Source: Calrecycle. "Estimated Solid Waste Generation Rates." Accessed March 26, 2025. https://www2.calrecycle.ca.gov/wastecharacterization/general/rates

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

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

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

The project would result in a net increase in water demand of approximately 19,490 gpd, or approximately 7.1 million gallons per year (mgy) compared to existing conditions on-site.[102] The 2020 UWMP estimated that the City's total water demand in 2045 would be 7,671 mgy. Thus, the project would result in a less than one percent increase in the City's total water demand, representing an incremental increase in Citywide demand. The project would have a sufficient water supply during normal years and would have sufficient supplies during single-dry and multiple-dry years with implementation of the Citywide water shortage contingency plan measures. **(Less than Significant Impact)**

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

The project would result in a net increase of approximately 17,541 gpd of wastewater to be treated at the WPCF, approximately 0.009 percent of the available capacity.[103] This would be an incremental increase in wastewater flow. Therefore, the project would not result in a determination by the WPCF that it does not have adequate capacity to serve the increased demand from the project in addition to its existing commitments. **(Less than Significant Impact)**

[102] Proposed project (10,499,213 gpy) – existing uses (3,385,500 gpy) = 7,113,713 gpy/ 365 = 19,490 gpd. Source: Illingworth & Rodkin, Inc. 2256 Claremont Court Industrial Project Air Quality Assessment, Hayward, California. April 2025.
[103] Assuming wastewater generation is 90 percent of the project's water demand.

d) Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Solid waste generated in Hayward that is not recyclable or compostable is sent to the Altamont Landfill. The Altamont Landfill has a remaining capacity of 65 million cubic yards[104] of solid waste and is anticipated to have disposal capacity through 2045.[105] According to WM, the Altamont Landfill is able to accept unlimited tons of waste for disposal for Alameda County,[106] which includes the City of Hayward. The project would result in a net increase of approximately 46 tons of solid waste per year compared to existing conditions on-site.[107] As such, the project would not generate solid waste in excess of state or local standards or in excess of the Altamont Landfill capacity. **(Less than Significant Impact)**

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

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

[104] CalRecycle. "Altamont Landfill & Resource Recovery (01-AA-0009)." Accessed October 17, 2024. https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/7?siteID=7

[105] WM. "Sustainability." Accessed October 17, 2024. https://altamontlandfill.wm.com/sustainability/index.jsp#:%7E:text=As%20a%20result%2C%20the%20Altamont,the%20management%20of%20discarded%20materials

[106] WM. "Altamont Landfill." Accessed October 17, 2024. https://altamontlandfill.wm.com/index.jsp

[107] Solid waste generation for the proposed truck terminal facility was calculated using a rate of 8.93 pounds per employee per day. 38 employees x 8.93 pounds per employee per day = 339.34 pounds per day. 339.34 *365 = 123,859.1 pounds per year. Net solid waste generation was calculated as follows: 123,859 - 32,594 = 91,265 net pounds per year. Source: Calrecycle. "Estimated Solid Waste Generation Rates." Accessed March 26, 2025. https://www2.calrecycle.ca.gov/wastecharacterization/general/rates

4.20 Wildfire

4.20.1 Environmental Setting

4.20.1.1 *Regulatory Framework*

State

Fire Hazard Severity Zones

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

California Fire Code Chapter 47

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

California Public Resources Code Section 4442 through 4431

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

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section 4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and

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

California Code of Regulations Title 14

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

Fire Management Plans

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

Local

Hayward 2040 General Plan

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

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

4.20.1.2 *Existing Conditions*

Cal Fire is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZ), these maps influence

how people construct buildings and protect property to reduce risk associated with wildland fires. The project site is not located within an FHSZ.[108]

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

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

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

4.21 Mandatory Findings of Significance

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☒	☐	☐
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

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

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

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

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

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

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

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

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

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

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

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Section 6.0 Lead Agency and Consultants

6.1 Lead Agency

City of Hayward
Development Services Department
Steve Kowalski, Senior Planner

6.2 Consultants

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Kittelson & Associates, Inc.
Transportation Consultants

Lord & Winter
Hazardous Materials Consultants

Section 7.0 Acronyms and Abbreviations

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACM	asbestos-containing material
Air District	Bay Area Air District
ALUCP	Airport Land Use Compatibility Plan
Bay Area	San Francisco Bay Area
bgs	below ground surface
Btu	British thermal unit
CAAQS	California Ambient Air Quality Standard
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Standards Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	chlorofluorocarbon
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH_4	methane
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalents
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency

dBA	A-weighted decibel
DNL	Day/Night Average Sound Level
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FHSZ	Fire Hazard Severity Zone
FMMP	Farmland Mapping and Monitoring Program
GHG	greenhouse gas
GWh	gigawatt hour
GWP	Global Warming Potential
HSWA	Hazardous and Solid Waste Amendments
ibid	Same source as previous footnote
L_{eq}	Energy-Equivalent Sound/Noise Descriptor
L_{max}	Maximum A-weighted noise level during a measurement period
LBP	lead-based paint
LOS	Level of Service
LRA	Local Responsibility Area
MBTA	Migratory Bird Treaty Act
$MMTCO_2e$	million metric tons of carbon dioxide equivalent
MND	Mitigated Negative Declaration
mpg	miles per gallon
MTC	Metropolitan Transportation Commission
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standard
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NESHAP	National Emission Standards for Hazardous Air Pollutants

NO_2	nitrogen dioxide
NOD	Notice of Determination
NO_x	nitrogen oxides
NRHP	National Register of Historic Places
O_3	ozone
PCB	polychlorinated biphenyls
PFC	perfluorocarbon
PDA	Priority Development Areas
PG&E	Pacific Gas and Electric Company
PM	particulate matter
PM_{10}	particulate matter with a diameter of 10 microns or less
$PM_{2.5}$	particulate matter with a diameter of 2.5 microns or less
PPV	Peak Particle Velocity
RCRA	Resource Conservation and Recovery Act
ROG	reactive organic gases
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCS	Sustainable Communities Strategy
SF_6	sulfur hexafluoride
SHMA	Seismic Hazards Mapping Act
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SO_x	sulfur oxides
SR	State Route
SRA	State Responsibility Area
SWRCB	State Water Resources Control Board
TACs	Toxic Air Contaminants
Title 24	Title 24, Part 6 of the California Code of Regulations
TSCA	Toxic Substances Control Act
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service

VMT	vehicle miles traveled
Williamson Act	California Land Conservation Act
WUI	wildland-urban interface
ZNE	zero net carbon emission