

CITY OF UNION CITY AGENDA FOR THE REGULAR PLANNING COMMISSION MEETING ON THURSDAY, JULY 20, 2017 7:00 PM IN THE COUNCIL CHAMBERS AT CITY HALL 34009 ALVARADO-NILES RD., UNION CITY, CA 94587

1. ROLL CALL:

Chairperson Harpal Mann, Vice-Chair Lee Guio Commissioners: Ray Gonzales, Jr., Jo Ann Lew, Harris Mojadedi Alternate Commissioners: Scott Sakakihara, Jeanelle Singh

2. APPROVAL OF MINUTES:

A. The regular Planning Commission minutes of July 6, 2017.

3. ORAL COMMUNICATIONS:

(This is an opportunity for persons to speak on items not listed on the agenda. According to the California Government code the commission is prohibited from taking any immediate action on an item which does not appear on the agenda.)

4. WRITTEN COMMUNICATIONS:

5. PUBLIC HEARINGS:

A. CONTINUED HEARINGS:

1. U. S. PIPE AND FOUNDRY, 1295 WHIPPLE RD., Site Development Review SD-15-004

The applicant, SCS Engineers, on behalf of U.S. Pipe, is seeking Site Development Review approval for a 2.55-acre stormwater retention basin located within the vacant portion of the site along the westerly Whipple Road frontage and a new landscaping berm along the Whipple Road frontage and along a portion of the westerly property line. The property is located at 1295 Whipple Road (APN: 475-50-18). The site is located in the General Industrial (MG) zoning district. A Mitigated Negative Declaration was prepared for the project, which determined that the project would not result in any significant environmental impacts with the incorporation of mitigation measures.

B. <u>NEW HEARINGS:</u>

1. WOODSTOCK DEVELOPMENT, INC., 1320 and 1328 DECOTO RD., General Plan Amendment (AG-17-002), Zoning Text Amendment (AT-17-001), Site Development Review (SD-17-002), Use Permit (UP-17-004), and Vesting Tentative Parcel Map (TPM-17-001)

The applicant, Woodstock Development, Inc., is seeking a General Plan Amendment, Zoning Text Amendment, and Site Development Review, Use Permit, and Vesting Tentative Parcel Map approvals to 1) reduce the minimum FAR requirement from 1.0 to .5 and clarify the list of permitted and conditional uses for the Station Mixed Use Commercial (CSMU) General Plan and Zoning designations, 2) construct a new 31,381 sq. ft. mixed- use office building and associated site improvements, and 3) facilitate dedication of right-of-way along Station Way and clean-up actions associated with existing property lines and easements. The project site is located at 1320 and 1328 Decoto Road (APNs: 87-19-18 and 87-19-19). The Planning Commission will consider a Mitigated Negative Declaration, prepared for the project, which determined that the project would not result in any significant environmental impacts with the incorporation of mitigation measures.

6. **SUPPLEMENTAL STAFF REPORTS:**

- A. CONTINUED REPORTS:
- B. **NEW REPORTS:**
- 7. ECONOMIC DEVELOPMENT REPORTS:
- 8. <u>COMMISSION MATTERS:</u>
 - **A.** Follow-up on Planning Commission referrals to the City Council.
 - **B.** Upcoming applications for the Regular Planning Commission meeting for August 3, 2017.

9. GOOD OF THE ORDER:

10. ADJOURNMENT:

A complete agenda packet is available for review at City Hall or on our website www.unioncity.org

Any writings or documents provided to a majority of City Council or Planning Commission members regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter at City Hall, located at 34009 Alvarado-Niles Road, Union City, California, during normal business hours.

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested person must request the accommodation at least

two working days in advance of the meeting by calling (510) 675-5319.



Agenda Item

ATTACHMENTS:

Description

□ Planning Commission Minutes - 07-06-2017

Type

Attachment



CITY OF UNION CITY MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING ON THURSDAY, JULY 6, 2017, 7:00 P.M. IN THE COUNCIL CHAMBERS OF CITY HALL 34009 ALVARADO-NILES ROAD UNION CITY, CA 94587

1. ROLL CALL: Chairperson Harpal Mann, Vice Chair Lee Guio

Commissioners Ray Gonzales Jr., Jo Ann Lew, Harris Mojadedi

STAFF: Joan Malloy (Economic and Community Development Director); Carmela

Campbell (Planning Manager); Binh Nguyen (Contract Planner); Mintze Cheng (Public Works Director); Kit Faubion (City Attorney); Kris Fitzgerald (Administrative

Assistant)

2. APPROVAL OF MINUTES:

- **A.** The regular Planning Commission minutes of June 15, 2017 were approved as submitted.
- 3. ORAL COMMUNICATIONS: None.
- 4. WRITTEN COMMUNICATIONS: None.
- 5. **PUBLIC HEARINGS:**
 - A. **CONTINUED HEARINGS:** None.
 - B. **NEW HEARINGS**:
 - U. S. PIPE AND FOUNDRY, 1295 WHIPPLE RD., Site Development Review SD-15-004 The applicant, SCS Engineers, on behalf of U.S. Pipe, is seeking Site Development Review approval for a 2.55-acre stormwater retention basin located within the vacant portion of the site along the westerly Whipple Road frontage and a new landscaping berm along the Whipple Road frontage and along a portion of the westerly property line. The property is located at 1295 Whipple Road (APN: 475-50-18). The site is located in the General Industrial (MG) zoning district. A Mitigated Negative Declaration was prepared for the project, which determined that the project would not result in any significant environmental impacts with the incorporation of mitigation measures.

Binh Nguyen, Contract Planner, presented the staff report.

<u>Commissioner Gonzales</u> asked if the City would be receiving copies of the required reports throughout the process.

<u>Joan Malloy, Economic and Community Development Director</u>, replied that the establishment of the basin and it's requirement for dredging and removing the soil is in the consent decree and when they do take the soil off-site there is a mitigation and a condition of approval that the City will review the lab reports and also, the dumping receipts to ensure that it has been addressed properly.

Commissioner Gonzales asked if the testing is to find out if there is any hazardous material that has accumulated over the five year period and would take five inches of soil from the bottom.

Ms. Malloy clarified that it is five centimeters per the consent decree.

Commissioner Gonzales asked if burrowing owls were sighted during breeding season would that create a cease of operations.

<u>Carmela Campbell, Planning Manager</u>, suggested deferring the question to the environmental consultant.

Commissioner Gonzales asked how far the chain link fence would be from the basin.

Mr. Nguyen replied that the chain link fence is around the road.

Commissioner Gonzales asked if it would be eight feet high.

Mr. Nguyen replied that is correct.

Commissioner Gonzales asked if the basin is going to be three feet high.

Mr. Nguyen replied that it will be eight feet deep.

Commissioner Gonzales asked how high the berm will be.

Mr. Nguyen replied that it would be a minimum of three feet high.

Commissioner Gonzales asked if the fence will exceed the height of the berm.

Mr. Nguyen replied that it is unlikely that it will because the berm is designed for the trees.

Commissioner Gonzales asked if the chain link fence will constructed at street level.

Mr. Nguyen replied it would be at the level of the road that is around the berm.

Ms. Malloy stated that the chain link fence is to secure the pond and it will be constructed around the maintenance road of the pond not the basin itself. Ms. Malloy stated that the berm along the street edge is designed to give some elevation for the landscaping, and the trees that will ultimately grow to be 40 feet. Ms. Malloy stated that eventually the landscaping will screen the pond, which is set back several hundred feet from Whipple Road. Ms. Malloy stated that it should not have a strong visual impact, but with the landscaping it will essentially be screened from the road.

Commissioner Gonzales clarified that when the chain link fence is constructed the vegetation will not be full grown but over time it will grow and screen the pond area.

Ms. Malloy replied that is correct.

Ms. Campbell stated that staff was also concerned about the visual impact of the fence, which is why staff recommended chain link fence because it has the most transparency and staff anticipates that with the setback distance and the berm, the fence will disappear into the horizon.

Commissioner Gonzales asked if wooden fence posts similar to the ones that are built along the east side of the U.S. Pipe entrance to the property (in the public right-of-way) will be continued along the west side of the entrance.

Mintze Cheng, Public Works Director, replied that at this time it is not planned.

Commissioner Gonzales asked if the fence posts were constructed to prevent the large trucks from parking on the side of Whipple Road.

Ms. Cheng stated that was partly the reason.

<u>Commissioner Guio</u> referred to page 11 and asked if due to the removal of one centimeter of soil every year, will the pond become very deep in ten years. Commissioner Guio stated that if only one centimeter accumulates and five centimeters is removed every year then pond is going to get deeper.

Ms. Malloy replied that the purpose is to scrap any sediment that has accumulated every five years and they estimate that depth to be approximately five centimeters, or one centimeter per year. Ms. Malloy stated that the applicant will scrape the accumulated sediment to the original grade of the basin.

Commissioner Guio referred to condition #25 and asked for clarification of the drainage plan.

Ms. Cheng replied that the City wants to make sure that all the internal drainage will be towards the retention pond or they have a facility to catch the run-off on their own property and will not flow into the streets.

Commissioner Guio referred to condition #39 and asked if this condition is referring to mosquitos.

Ms. Cheng replied yes.

Commissioner Guio stated that conditions #37 and #43 are duplicates.

Ms. Campbell replied that they would be updated.

Commissioner Lew thanked staff for answering the questions that she emailed to staff. Commissioner Lew asked if the consent decree would take precedence over all of the City requirements. Commissioner Lew asked if there is a conflict which document would take precedence.

Ms. Campbell replied that the project was designed consistent with City standards and other standards that might apply. Ms. Campbell stated that the City did not take into consideration the consent decree.

Commissioner Lew asked if there is a conflict between the consent decree and the City requirements how do you plan to resolve it.

Ms. Campbell replied that staff is not aware of any conflicts but if they should arise, we assume the applicant would reach out to the Baykeepers and address it through them or if the City has some flexibility we could modify the project to address it. Ms. Campbell stated that the City is not aware of any conflicts.

Commissioner Lew referred to question #5 in the desk item and asked where is the scraped soil going to be disposed.

Ms. Malloy replied that it would be taken to an appropriate landfill depending on the upon the laboratory reports about what is contained in the soil.

Commissioner Lew stated that there is an assumption that the soil cannot be reused.

Commissioner Mojadedi asked if there will be any traffic impacts from this project such as lanes closed.

Mr. Nguyen replied that it is not anticipated to cause any traffic impact. Mr. Nguyen stated that Whipple Road is scheduled to be widened in the future.

Ms. Cheng stated that the applicant proposed to use the existing soil on site to create the berm and retention pond and then the excess material will be spread out. Ms. Cheng stated that they will have to get a grading permit to show how they are going to excavate and make the drainage flow. Ms. Cheng stated that they are not anticipating any truck trips on or off site except when they bring in the planting materials.

Commissioner Mojadedi asked if the Fire Department has been involved in planning if the basin were to overflow.

Ms. Campbell replied that the basin has been designed to accommodate a 10 year storm. Ms. Campbell stated that if there are more instances of 10 years storms to close together there is an inlet in the basin that will let it drain.

Commissioner Mojadedi referred to condition #9 and asked for clarification of the landscape maintenance contract.

Ms. Campbell replied that this is a standard condition of approval where the City requires a \$10,000.00 cash bond to insure that the landscaping is installed and to require the applicant to enter into a two-year maintenance contract to maintain the landscaping.

Chairperson Mann asked if there are existing trees that will be removed and how many.

Mr. Nguyen replied that there are no trees on site right now.

Chairperson Mann asked if there is a mitigation measure for any odors emanating from the pond.

Mr. Nguyen replied that it is not expected that there would be an odor since the purpose of the pond is to store water temporarily and to evaporate after two or three days.

Chairperson Mann referred to the existing active water well on the property and asked if it is contaminated.

Mr. Nguyen replied that staff is unaware if the well is contaminated and it is still being used by U. S. Pipe is using the water for industrial purposes.

Chairperson Mann referred to the previous lot split and asked does U. S. Pipe have enough land to expand in the future.

Ms. Malloy replied that overall it is a 70 acre parcel and they did split off Lot 2 to separate the waste containment area from the remainder of the parcel. Ms. Malloy stated that the applicant may be able to

comment on their future plans. Ms. Malloy stated that the pond is only 2 acres in size of the 56 acres available so there is still quite a bit of land still available that is not fully utilized.

Chairperson Mann opened the public hearing.

Scot Aler, U. S. Pipe, 1295 Whipple Road, Union City, CA, stated that currently when it rains the excess rain runs off-site into the existing storm sewer and the intent of this project is that when it rains the water will accumulate into this pond and it will allow time for the dirt to settle out to the bottom. Mr. Aler stated that if there is a very large storm and the pond fills up there is a design feature that will allow the water to run-off to the existing storm sewer.

Commissioner Gonzales asked what they will do if they find burrowing owls.

Mr. Aler replied that they have not seen any burrowing owls and they have done a couple of CEQA processes in the past and the requirement is to have a biologist walk the property and look for owls and if they did see any he is not sure if they would relocate or what. Mr. Aler stated that if during construction they found owls they would stop and protect the owl until they leave.

Commissioner Gonzales stated that it is not just burrowing owls but could be other raptor species.

<u>Doug Herring</u>, <u>El Cerrito</u>, <u>CA</u> stated that there is a required pre-construction survey that must be done 30 days prior to the start of construction and if there are owls present they must be protected or they can be relocated. Mr. Herring stated that the applicant can also create a buffer around the nest. Mr. Herring stated that once the project is finished there would not be much potential of impact from burrowing owls.

Commissioner Gonzales stated that the only species of raptors he sees are in the Dry Creek area.

Mr. Herring replied that raptors could be present, there is habitat on-site and there is mitigation requiring a survey for nesting birds and that is separate from the burrowing owl survey.

Chairperson Mann asked are there any plans for expansion at the site.

<u>Henry Mentink, U. S. Pipe, 1295 Whipple Road, Union City, CA</u> replied that they do not have any plans for expansion currently.

Chairperson Mann asked if they see an increase of demand for the pipes.

Mr. Mentik replied that the demand has been pretty flat but they can meet any increase in demand with additional people and shifts.

Commissioner Lew asked if they compete with the purple pipe and green pipe that she sees.

Mr. Mentik replied that they do compete with any pipe used for water transportation. Mr. Mentik stated that some municipalities prefer their product, cast iron ductile pipe, and other municipalities prefer the plastic pipe of the competitors.

Chairperson Mann continued the public hearing to July 20, 2017.

Commissioner Lew made a motion to continue SD-15-004 to the Planning Commission meeting on July 20, 2017.

Commissioner Mojadedi seconded the motion.

AYES 5 (Gonzales, Guio, Lew, Mann, Mojadedi)

NOES 0 ABSENT 0 ABSTAIN 0

6. **SUPPLEMENTAL STAFF REPORTS:**

- A. **CONTINUED REPORTS:** None.
- B. <u>NEW REPORTS:</u>
- 7. **ECONOMIC DEVELOPMENT REPORTS:** None.

8. <u>COMMISSION MATTERS</u>:

- **A.** Follow-up on Planning Commission referrals to the City Council.
- **B.** Upcoming applications for the Regular Planning Commission meeting for July 20, 2017.

9. GOOD OF THE ORDER:

Commissioner Gonzales spoke about his recent vacation.

Commissioner Guio stated that the annual Fall Festival will be in September.

Commissioner Guio stated that the Sister City Festival will be held August 20, 2017 and he has tickets for sale.

Commissioner Guio stated that the Clipper Card is being accepted by Union City Transit.

Commissioner Guio stated that due to planned vacation he will be missing the next Planning Commission meeting.

Commissioner Lew stated that the next Planning Commissioner's Academy will be held on April 1-4, 2018 in Monterey, California and she recommended that the new Planning Commissioner should try to q_0 .

Commissioner Lew stated that the driveway that goes into Petco and Michaels from Dyer Street has a hole in it and needs to be repaired.

Commissioner Lew stated that the driveway brick is failing by the Chili's parking lot.

Commissioner Mojadedi stated that there were a lot of illegal fireworks in the City on the 4th of July.

Chairperson Mann stated that the League of California Cities annual conference will be held in Sacramento, CA from September

Chairperson Mann stated that the Tri-City Senior Coalition is hosting a fund raising event for seniors and you can sponsor a senior.

Chairperson Mann spoke about his vacation.

Ms. Malloy stated that the City Council will be holding two special meetings: one on cannabis on August 8, and the other on park land on August 15.

10. ADJOURNMENT: 7:58p.m.

APPROVED:			
HARPAL MA	NN, CH	AIRPERSO	N

ATTEST:

JOAN MALLOY, SECRETARY



Agenda Item

ATTACHMENTS:

	Description	Type
ם	PC Staff Report Continued - 2017-0720	Staff Report
D	Attachment 1 - PC Staff Report - 7-6-2017	Attachment
ם	Attachment 1 - Exhibit A	Exhibit
ם	Attachment 1 - Site Photos	Attachment
D	Attachment 1 - US Pipe - MND	Attachment
	Attachment 2 - Desk Item	Attachment



Agenda Item

DATE: 07/20/2017

TO: PLANNING COMMISSION

FROM: JOAN MALLOY, ECONOMIC AND COMMUNITY DEVELOPMENT

DIRECTOR

SUBJECT: CONTINUED PUBLIC HEARING FROM JULY 6, 2017 FOR

SD-15-004, SITE DEVELOPMENT REVIEW FOR A 2.55 ACRE STORMWATER RETENTION BASIN AT 1295 WHIPPLE ROAD.

The applicant, SCS Engineers, on behalf of U.S. Pipe Holdings Corporation, is requesting approval of a Site Development Review application (SD-15-004) for a stormwater retention basin at 1295 Whipple Road (APN: 475-50-18).

I. DISCUSSION

Background

The Planning Commission opened the public hearing and reviewed the proposal to construct a stormwater retention basin on the U.S. Pipe property at their July 6, 2017 meeting. As a result of a noticing error, the Commission continued the item to July 20, 2017.

A copy of the July 6, 2017 Planning Commission staff report, project plans and the Desk Item are attached (Attachment 1 and Attachment 2, respectively). A set of 11"x17" plans was provided to the Commission at the July 6, 2017 meeting. The meeting minutes are also included in the Commission Packet for review and approval.

Analysis

The project was re-noticed, and as of July 13, 2017. No public comment was submitted for the project or the Initial Study and Mitigated Negative Declaration (ISMND).

As a result of the Planning Commission discussion at the July 6 meeting, staff has updated the Conditions of Approval to reflect the proposed amendments from the Desk Item and hearing on July 6:

- All Conditions related to Mitigation Measures have been revised to mirror the language in the ISMND.
- Condition 37 (drain inlet stenciling requirement) was removed as the requirement was addressed in another condition.

- Condition 42 and 43, which is in regards to best management practices relating to construction site controls for stormwater, have been combined into Condition 42.
- In addition, staff has added a Condition 10, which requires the applicant and/or the property owner to submit a check for the Department of Fish & Game Notice of Determination Filing Fee of the CEQA document.
- Revisions are redlined for clarity.

Staff recommends that the Planning Commission hear a brief staff report and seek any additional public comment regarding the proposed project to construct a stormwater retention basin. Staff further recommends that the Commission close the public hearing, deliberate and make any additional changes to the Conditions, followed by a motion to recommend approval to the City Council.

II. REQUIRED FINDINGS

Section 18.76.060 of the Zoning Ordinance requires that the Planning Commission make a recommendation to the City Council based on the following findings in granting Site Development Review approval. Below each finding is a discussion of how the project meets the required finding.

1. Approval of this application is consistent with the General Plan and any applicable specific plans;

The project site has a General Plan designation of MG (General Industrial), which allows for heavier industrial uses on large land acreage such that the impacts associated with unsightliness, noise, odor and traffic, and the hazards associated with certain industrial uses, will not impact on residential, commercial or other less intense zoning districts. The proposed retention basin will help to limit stormwater flow from an industrial use. The project is consistent with the General Plan's emphasis on limiting negative impacts associated with industrial uses. There are no specific plans applicable to the project.

2. Approval of this application is consistent with the purpose of Title 18 and the requirements of the MG Zoning District; and

The project, as conditioned, is consistent with the purpose of Title 18, which seeks to promote the public health, safety, morals, comfort, convenience and the general welfare of the people. The proposed stormwater basin, as conditioned, is consistent with the applicable requirements for the MG Zoning District.

3. Approval of this application is consistent with the purpose of Site Development review as outlined in Section 18.76.010.

The project, as conditioned, is consistent with the purpose of Site Development Review, which seeks to promote orderly, attractive and harmonious development and the stability of land values and investments and the general welfare, by preventing the establishment of uses or the erection or maintenance of structures having unsightly, undesirable or obnoxious qualities promote orderly, attractive and harmonious development and the stability of land values. The stormwater retention basin, would be consistent with the purpose of Site Development Review as it would include landscaping treatment along the Whipple Road frontage to screen the basin.

Based on the above discussion and analysis, the Development Review Committee believes that the specific findings can be made in support of the subject application.

III. ALTERNATIVES

- Recommend approval of the Site Development Review and adoption of the ISMND to the City Council as proposed;
- 2. Recommend approval of the Site Development Review and adoption of the ISMND to the City Council with modifications;
- Recommend denial of the project application and/or ISMND, stating findings for denial;
- 4. Continue the matter for further consideration.

IV. CONDITIONS OF APPROVAL

Planning Department

- 1. All actual site improvements shall be made with strict adherence to plans marked Exhibit A, except as they may be modified by other conditions of approval.
- 2. This application shall expire one year from the date of City Council approval unless building permits have been issued and construction diligently pursued.
- 3. The applicant and/or property owner shall attach an annotated copy of the approved City Council Resolution with the conditions of approval to each set of detailed construction plans, civil and working drawings submitted for plan review prior to issuance of a grading permit. Notations to the plans shall be made to clearly indicate how the project complies, or will comply, with the conditions of approval. Construction plans shall not be accepted without the annotated final conditions of approval included with each set of plans.
- 4. Prior to the issuance of a grading permit for the retention basin, the applicant and/or property owner shall be responsible for the payment of all City fees as set forth in the Master Fee Schedule in effect at the time such fees are due and payable.
- 5. Plans submitted for grading permit issuance shall reflect the following:
 - a. The maximum berm slope shall be 3:1.
 - b. Along Whipple Road, the minimum width of the berm at the top shall be eight (8) feet.

- c. Along Whipple Road, the minimum width of the berm at the bottom shall be 25 feet.
- d. Along Whipple Road, the minimum height of the berm shall be thee (3) feet as measured from the edge of roadway.
- e. Along the westerly and easterly boundaries of the site, the height and width of the berm may be reduced or increased, subject to review and approval by the Public Works Department and the Economic and Community Development Department.
- f. Along the easterly boundaries of the site, the berm must be eliminated if it is not landscaped.
- g. Along Whipple Road, a minimum three (3) feet buffer area between the toe of the berm and the Alameda County Water District easement shall be provided.
- h. The berm along Whipple Road shall be aligned with the existing parking located to the east of the site, subject to any modifications required by other conditions of approval.
- 6. Prior to the issuance of permits, the exact location and extent of the berm shall be staked for review and approval by the Public Works Department and the Economic and Community Development Department.
- 7. The applicant and/or property owner shall be responsible for ensuring that all contractors and subcontractors have obtained a valid City of Union City business license for the duration of the project.
- 8. Prior to the issuance of the grading permit, the applicant and/or property owner shall submit a final landscape package, which is consistent with the preliminary landscape package except as may be modified by the following requirements or by other conditions of approval. Landscape package shall also be consistent with Chapter 18.112, Water Efficient Landscape, of the Municipal Code and the Landscape Standards Policy Statement. Final landscape plan will be subject to review and approval by the City's consulting Landscape Architect. Additional fees for consultant's review and inspection are required to be paid with the grading permit fees. A final inspection of the installed landscaping and irrigation shall be completed prior to release of any bonds associated with site work. The applicant/property owner shall be responsible for maintaining all irrigation and landscaping and shall replace any dead or dying vegetation for the life of the project.
 - a. The area in front of the berm shall be hydroseeded with native wild flowers and grasses.
 - b. The berm soil shall be amended as recommended by the landscape architect to ensure successful growth of the trees, shrubs and groundcover.
- 9. A certificate of deposit shall be submitted in the amount of 50% of the estimated installation cost of the landscaping, up to \$10,000.00, in order to insure installation of the

planting shown on the approved landscape plan. The property owner shall enter into a private landscape maintenance contract for the maintenance of the required landscaping for a minimum period of two years after installation. The required certificate of deposit shall be submitted to the Economic and Community Development Department prior to the issuance of the grading permit. The project landscaping shall be completed, pursuant to the above-stated requirements, prior to the release of the bonds associated with the site work.

10. The applicant and/or property owner shall submit a check to the Economic and Community Development Department for the Department of Fish & Game Notice of Determination Filing Fee in the amount of \$2,266.25 in compliance with the California Environmental Quality Act Guidelines. The check shall be made payable to the Alameda County Clerk and shall be submitted within two (2) working days of City Council approval of the project.

Mitigation Measures

- 11. Mitigation Measure AQ-1 (Air Quality): The applicant and/or property owner shall require the construction contractor to comply with the following control measures: The project applicant shall require the construction contractor to reduce the severity of project construction period dust impacts by complying with the following control measures:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-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.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as
 possible. Building pads shall be laid as soon as possible after grading unless seeding
 or soil binders are used.
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

- h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- 12. Mitigation Measure BR-1 (Biological Resources): Prior to issuance of a grading permit. the applicant and/or property owner shall hire a qualified biologist to conduct an initial protocol-level survey during the peak of the breeding season (mid-April to mid-July) to determine whether the burrowing owl breeds on the site. A preconstruction survey shall also be conducted no more than 30 days prior to any ground disturbing activities. If owls are encountered during either survey, a Burrowing Owl Mitigation Plan shall be prepared, approved by the Union City Community Development Department and the California Department of Fish and Wildlife (CDFW), and implemented; this plan must be approved by the City prior to issuance of a grading permit. Prior to issuance of a grading permit, a qualified biologist shall conduct an initial protocol-level survey during the peak of the breeding season (mid-April to mid-July) to determine whether the burrowing owl breeds on the site. A preconstruction survey shall also be conducted no more than 30 days prior to any ground-disturbing activities. If owls are encountered during either survey, a Burrowing Owl Mitigation Plan shall be prepared, approved by the Union City Community Development Department and the California Department of Fish and Wildlife (CDFW), and implemented; this plan must be approved by the City prior to issuance of a grading permit. The mitigation plan may include passive relocation during the nonbreeding season (September 1st to January 31st). No burrowing owls shall be evicted from burrows during the nesting season (February 1st through August 31st) unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). During the nesting season, a 250-foot buffer, within which no new activity will be permissible, shall be maintained between project activities and occupied burrows.
- 13. Mitigation Measure BR–2 (Biological Resources): Prior to issuance of a grading permit, the applicant and/or property owner shall hire a qualified biologist to conduct a reconnaissance-level biological resources analysis of the project site, which shall include a site survey and query of the California Natural Diversity Data Base (CNDDB) maintained by the California Department of Fish and Wildlife (CDFW). Prior to issuance of a grading permit, a qualified biologist shall conduct a reconnaissance-level biological resources analysis of the project site, which shall include a site survey and query of the California Natural Diversity Data Base (CNDDB) maintained by the California Department of Fish and Wildlife (CDFW). The biologist shall identify any protected or special-status species plant or animal that may be present on the site and shall identify any potential impacts that could occur to such species from implementation of the proposed project. The biological resources analysis report shall identify appropriate mitigation measures sufficient to reduce any potential impacts to less-than-significant levels. The City of Union City shall ensure proper implementation of the mitigation measures by the project applicant prior to issuance of a grading permit.
- 14. Mitigation Measure BR-3 (Biological Resources): If any site grading or project construction will occur during the general bird nesting season (February 1 through August 31), the applicant and/or property owner shall hire a qualified raptor biologist to conduct a bird nesting survey prior to any grading or construction activity. If conducted

during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of grading/construction activities. If conducted during the late part of the breeding season (May to August), the survey shall be performed no more than 30 days prior to initiation of these activities. Actions described in the MND shall be taken if active nests are found onsite. If any site grading or project construction will occur during the general bird nesting season (February 1 through August 31), a bird nesting survey shall be conducted by a qualified raptor biologist prior to any grading or construction activity. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of grading/construction activities, due to the higher probability that new nest construction could be initiated during this time. If conducted during the late part of the breeding season (May to August), when the potential for new nest creation is much lower, the survey shall be performed no more than 30 days prior to initiation of these activities. If active nests are identified, a 250-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Wildlife) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged. A biological monitor shall be present during earthmoving activity near the buffer zone to make sure that grading does not enter the buffer area.

- 15. Mitigation Measure CR–1 (Cultural Resources): The applicant and/or property owner shall arrange a pre-construction meeting with City Staff and the Project Construction Superintendent, Project Inspector, and Building Inspector to discuss the potential for encountering cultural resources during construction and the applicant's responsibilities per CEQA should resources be encountered. This advisory shall also be printed on the Plans and Specification Drawings for this project. City Staff shall advise the Project Construction Superintendent, Project Inspector, and Building Inspector at a preconstruction conference of the potential for encountering cultural resources during construction and the applicant's responsibilities per CEQA should resources be encountered. This advisory shall also be printed on the Plans and Specification Drawings for this project.
- 16. Mitigation Measure CR-2 (Cultural Resources): If any cultural artifacts are encountered during site grading or other construction activities, the applicant and/or property owner shall ensure that all ground disturbance within 100 feet of the find are halted until the City of Union City is notified, and a qualified archaeologist can identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). If any cultural artifacts are encountered during site grading or other construction activities, all ground disturbance within 100 feet of the find shall be halted until the City of Union City is notified, and a qualified archaeologist can identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). The results of any additional archaeological effort required through the implementation of Mitigation Measures CR-2 or CR-3 shall be presented in a professional-quality report, to be submitted to the project sponsor, the Union City Community Economic and Development Department, and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)-(f) of the CEQA Guidelines and Public Resources Code Section 21083.2.

- 17. Mitigation Measure CR-3 (Cultural Resources): In the event that any human remains are encountered during site disturbance, the applicant and/or property owner shall ensure that all ground-disturbing work cease immediately and a qualified archaeologist shall notify the Office of the Alameda County Coroner and advise that office as to whether the remains are likely to be prehistoric or historic period in date. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and a qualified archaeologist shall notify the Office of the Alameda County Coroner and advise that office as to whether the remains are likely to be prehistoric or historic period in date. If determined to be prehistoric, the Coroner's Office will notify the Native American Heritage Commission of the find, which, in turn, will then appoint a "Most Likely Descendant" (MLD). The MLD in consultation with the archaeological consultant and the project sponsor, will advise and help formulate an appropriate plan for treatment of the remains, which might include recordation, removal, and scientific study of the remains and any associated artifacts. After completion of analysis and preparation of the report of findings, the remains and associated grave goods shall be returned to the MLD for reburial.
- 18. Mitigation Measure CR–4 (Cultural Resources): If any paleontological resources are encountered during site grading or other construction activities, the applicant and/or property owner shall ensure that all ground disturbance are halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology (UCMP).
- 19. Mitigation Measure HM–1 (Hazards and Hazardous Materials): Prior to disposal or relocation, soils dredged from the retention basin shall be sampled by a certified Environmental Professional, as defined in 40 CFR 312.10, and submitted to laboratory analysis for hazardous materials by a State-certified laboratory and disposed of according to State regulations. Prior to disposal or relocation, soils dredged from the retention basin shall be sampled by a certified Environmental Professional, as defined in 40 CFR 312.10, and submitted to laboratory analysis for hazardous materials by a State-certified laboratory. If contaminant levels do not exceed established limits for nonhazardous waste, the soil may be disposed of at a Class II or III solid waste landfill. If the soil is classified as a hazardous waste, it shall be handled and hauled in accordance with State and federal regulations for hazardous waste and disposed of at a licensed Class I hazardous waste disposal facility.

Each time the retention basin is dredged, U.S. Pipe shall provide a copy of the laboratory results from the soil sampling to the Union City Economic and Community Development Department, along with a copy of the waste manifest if the soil is deemed hazardous, so that the City can confirm appropriate disposal of the collected sediment.

- 20. Mitigation Measure WQ-1 (Hydrology and Water Quality): Prior to issuance of a grading permit the applicant and/or property owner shall obtain National Pollutant Discharge Elimination System (NPDES) construction coverage as required by Construction General Permit (CGP) No. CAS000002, as modified by State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ. Prior to issuance of a grading permit the project sponsor shall obtain National Pollutant Discharge Elimination System (NPDES) construction coverage as required by Construction General Permit (CGP) No. CAS000002, as modified by State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ. Pursuant to the Order, the project applicant shall electronically file the Permit Registration Documents (PRDs), which include a Notice of Intent (NOI), a risk assessment, site map, signed certification, Stormwater Pollution Prevention Plan (SWPPP), and other site-specific PRDs that may be required. At a minimum the SWPPP shall incorporate the standards provided in the Association of Bay Area Governments' Manual of Standards for Erosion and Sedimentation Control Measures (2005), the California Stormwater Quality Association's California Stormwater Best Management Practices Handbook (2009), the prescriptive standards included in the CGP, or as required by the Clean Water Program Alameda County, whichever are applicable and more stringent. Implementation of the plan will help stabilize graded areas and reduce erosion and sedimentation. The SWPPP shall identify Best Management Practices (BMPs) that shall be adhered to during construction activities. Erosion-minimizing efforts such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds shall be installed before extensive clearing and grading begins. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities.
- 21. Mitigation Measure WQ–2 (Hydrology and Water Quality): The applicant and/or property owner shall ensure that all cut-and-fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15 and April 15 unless erosion control measures, approved by Public Works, are in place. All cut-and-fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15th and April 15th unless approved erosion control measures are in place.

Public Works

- 22. The applicant shall apply for an Encroachment Permit, pay a fee and post a bond for all work in the public right-of-way, including trenching, roadwork, concrete, striping and paving, etc. The applicant and/or property owner shall be responsible for any required repairs associated with the development, including streets and paving, trenching, curbs and gutters, sidewalks, damaged striping, street lights, or installation of same where not existing, as determined by the City Engineer.
- 23. Plans submitted for grading permit issuance shall include a structural section for the proposed access road, which is adequate to accommodate vehicular loads.

- 24. The applicant and/or property owner shall install all new utility lines underground. No new overhead services to the property or to the proposed development will be permitted.
- 25. The applicant and/or property owner shall install all public utilities in the Public Utility Easement (PUE) or in the Public right-of-way. No public utilities shall be installed on private property outside the PUE.
- 26. The applicant and/or property owner shall provide drainage facilities to carry storm water runoff in the area to be developed, and for contributory drainage from adjoining properties. The applicant and/or property owner shall submit a drainage plan, including hydrologic and hydraulic calculations to the City Engineer for review and approval, as required.
- 27. The applicant and/or property owner shall submit a grading plan to the Public Works Department and obtain a Grading Permit prior to proceeding with any demolition and grading operations. The grading plan shall include erosion control measures installed during construction, including the protection of the downstream inlet on Whipple Road.
- 28. The applicant and/or property owner shall pay all Public Works Department fees such as Plan Check & Inspection fees, Grading Permit Fee (and associated bonds) and Encroachment Permit fee. Except for the Encroachment Permit fee, all other fees shall be paid prior to the issuance of the Grading Permit.
- 29. The applicant and/or property owner shall provide a detailed breakdown of the engineer's estimate for all on-site work including grading, detention pond, storm drainage facilities, Stormwater treatment facilities, access road, fencing, sidewalk, curb & Gutter, lighting and landscaping.
- 30. The applicant and/or property owner shall preserve all existing trees on the site until a tree removal permit, consistent with the Site Development Review approval, is issued by the City Arborist. The City Arborist will assess the condition and size of any trees proposed to be removed and determine the number of replacement trees to be planted. If replacement trees cannot be accommodated on-site, an in-lieu fee will be paid prior to tree removal permit issuance.
- 31. Prior to issuance of grading permit, the applicant and/or property owner shall provide correspondence from the Alameda County Flood Control District regarding any requirements applicable to the project.
- 32. The applicant and/or property shall stabilize all graded areas by hydro seeding or other acceptable means to ensure the disturbed or graded areas do not erode or generate dust.
- 33. The applicant and/or property owner shall submit a comprehensive traffic control plan to minimize impact to traffic on Whipple Road from construction related traffic entering or exiting the site. This may include traffic arrow boards and/or traffic control personnel. City may require contracting with a dedicated traffic control firm to perform this function. Traffic control plan shall show the route the construction traffic, including hauling trucks, will take from Whipple Road to the construction area and vice versa. The traffic control

- plan shall also note that hours of work that impact traffic on Whipple Road, such as those associated with hauling dirt or movement of large construction vehicles, shall be limited to the hours of 9:00 a.m. to 3:30 p.m.
- 34. The applicant and/or property owner shall ensure that on-site and off-site construction activity complies with Section 9.40.053 of the Union City Municipal Code, and is limited to the following hours:

Monday through Friday - 8:00 a.m. to 8:00 p.m. Saturday - 9:00 a.m. to 8:00 p.m. Sundays & Holidays - 10:00 a.m. to 6:00 p.m.

- 35. The applicant shall submit a completed 'Applicability of C.3 & C.6 Stormwater Requirements' form for review and approval by City Staff prior to the issuance of the grading permit.
- 36. The applicant and/or property owner shall install a new storm drain inlet or field inlet in the public right of way just before where the storm drain is proposed to tie into the existing manhole on Whipple Road. The applicant shall also install a full trash capture device (TCD), as approved by the City Engineer, at this new structure or in any existing storm drain inlets located along the perimeter of the development in order to prevent trash from entering the public storm drainage system. Details shall be shown on plans submitted for grading permit issuance.
- 36. The proposed berm shall be sited outside of the future right-of-way line for Whipple Road. The curb line of the future widening is expected to line up with the existing curb line to the west in Hayward. A minimum of 10 ft. from the future face-of-curb should be allowed to install sidewalk and landscaping. In addition, a minimum 5 ft. buffer area between the berm and Whipple Road right-of-way should be allowed to enable the future widening without impacting the berm during grading and construction.
- 37. The applicant and/or property owner shall ensure that on-site storm drain inlets shall be labeled "No Dumping Drains to Bay" using a stencil approved by the Public Works Department. Detail shall be shown on plans submitted for grading permit issuance.
- 38. The applicant and/or property owner, prior to issuance of grading permit, shall submit a plan showing the proposed measures to minimize impacts to water quality in conformance with the most current requirements of the Alameda Countywide Clean Water Program as detailed in the California Regional Water Quality Control Board's (RWQCB) Municipal Regional Stormwater Permit (MRP 2), Order R2-2015-0049, NPDES Permit No. CAS612008, dated November 19, 2015. Project plans and specifications for Storm Water controls shall be prepared and stamped by a California licensed Professional Engineer who is also a Qualified Stormwater Designer (QSD). The applicant shall ensure that the project complies with the most current requirements of the Alameda County Clean Water Program.
- 39. The applicant and/or property owner shall ensure that the design of detention basin and stormwater facilities include the treatment control design guidance for vector control

- (Alameda Countywide Clean water Program's Vector Control Plan). Details shall be shown on plans submitted for grading permit issuance.
- 40. The applicant and/or property owner shall initiate an ongoing program of litter control and general clean up in the parking lots and along the property frontage, including the dirt strip, grass strip and the landscaped area adjacent to the parking lot fence.
- 41. The applicant and/or property owner shall ensure that there is no standing water at the entrance to the U.S. Pipe site, especially at the western end of the driveway during the wet season. The area may need to be regraded and repaved to allow positive drainage. Details shall be shown on plans submitted for grading permit issuance.
- 42. Stormwater "During Construction" Best Management Practices: The following best management practices relating to construction site controls shall be implemented during construction activities. These best management practices shall be shown as notes on the approved grading and building permit plan sets:
 - a. The applicant and/or property owner shall ensure compliance with the all of the following best management practices by making sure that all contractors, subcontractors and suppliers are aware of all storm water pollution prevention measures and their implementation requirements.
 - b. The applicant and/or property owner shall ensure that concrete/gunite supply trucks or concrete/plaster and finishing operations discharge washout water into a designated cleanout area, designed to prevent pollutants from entering the storm water and/or sanitary sewer system.
 - c. The applicant and/or property owner shall be ensure that discharge restrictions shall also apply to the operation of general construction machinery including masonry cutting equipment, and the washing of tools, brushes, containers, etc. These operations shall not be performed in the street, gutter, or where pollutants can enter the storm water system. Failure to comply with the approved construction requirements will result in the issuance of correction notices, citations, or project stop work orders.
 - d. The applicant and/or property owner shall minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. All cut and fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall commence unless approved erosion control measures are in place.
 - e. The applicant and/or property owner shall install filter materials (sand bags, filter fabric, straw wattle, etc.) at the storm drain inlet nearest the downstream side of the project site prior to:
 - 1) Start of the rainy season (October 1st);
 - 2) Site dewatering activities;
 - 3) Street washing activities; and
 - 4) Saw cutting asphalt or concrete.

Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Filtered particles shall be disposed of in an appropriate manner based upon constituents.

- f. The applicant and/or property owner shall gather all construction debris on a regular basis and place in a dumpster or other container, which is emptied or removed at a minimum on a weekly basis. When appropriate, tarps shall be used on the ground to collect falling debris, paint over-spray, etc. that could contribute to storm water pollution.
- g. The applicant and/or property owner shall ensure that trash enclosures and/or recycling containers, paved outdoor storage, staging, or lay down areas shall be designed and constructed to prevent pollutants from entering storm drain system.
- h. The applicant and/or property owner shall ensure the availability of 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 of becoming a pollutant and/or being discharged to the storm drain system.
- i. The applicant and/or property owner shall ensure that dirt, gravel, debris and green waste shall be removed from the sidewalk, street pavement, and storm drains adjoining the project site. These areas shall be broom swept on a daily basis. Caked on mud or dirt shall be scraped before sweeping. During wet weather, the applicant should avoid excavation and other activities that lead to pollutants entering storm water such as driving vehicles on unpaved areas, etc.
- j. The applicant and/or property owner shall ensure that outdoor washing or pressure washing shall be managed to prevent pollutants from getting into storm water and/or into the storm drain system.
- k. The applicant and/or property owner shall ensure that On-site storm drain inlets shall be labeled "No Dumping - Drains to Bay" using a stencil approved by the Public Works Department.

Alameda County Water District

43. Prior to the issuance of grading permits, the applicant and/or property owner shall apply for and receive all required permits from Alameda County Water District prior to destruction of the monitoring well and any applicable permits for the retention basin.

V. RECOMMENDATION

The Development Review Committee recommends that the Planning Commission recommend adoption of the ISMND and approval of Site Development Review, SD-15-004, to the City Council subject to the stated conditions, making the following specific findings in support of this recommendation of approval:

- That the Initial Study and Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis, that the document has been completed in compliance with the requirements of the California Environmental Quality Act and, on the basis of the whole record, there is no substantial evidence that the project will have a significant effect on the environment; and
- 2. Approval of this application is consistent with the General Plan designation of MG (General Industrial), which allows for heavier industrial uses on large land acreage such that the impacts associated with unsightliness, noise, odor and traffic, and the hazards associated with certain industrial uses, will not impact residential, commercial or other less intense zoning districts. The stormwater retention basin is consistent with the General Plan's emphasis on limiting negative impacts associated with industrial uses as it will limit stormwater runoff from an industrial facility. There are no specific plans applicable to the project; and
- 3. Approval of this application is consistent with the purpose of Title 18, which seeks to promote the public health, safety, morals, comfort, convenience and the general welfare of the people. The proposed stormwater retention basin, as conditioned, is consistent with the applicable requirements for the General Industrial (MG) Zoning District, including setbacks and landscaping standards; and
- 4. Approval of this application is consistent with the purpose of site development review as outlined in Section 18.76.010, which seeks to promote orderly, attractive and harmonious development and the stability of land values. The project, as conditioned, would include landscaping treatment along the Whipple Road frontage to screen the basin.

It is further recommended that the Planning Commission adopt a Resolution confirming this action.

Prepared by

Binh Nguyen, Contract Planner

Attachments

Attachment 1 Attachment 2 Planning Commission Staff Report Dated July 6, 2017 Desk Item Dated July 6, 2017

Attachment 1



Agenda Item

DATE: 07/06/2017

TO: PLANNING COMMISSION

FROM: JOAN MALLOY, ECONOMIC AND COMMUNITY DEVELOPMENT

DIRECTOR

SUBJECT: SITE DEVELOPMENT REVIEW (SD-15-004)

APPLICANT: SCS Engineers

LEGAL OWNER: U.S. Pipe Holdings Corporation

REQUEST: Site Development Review for a 2.55 acre stormwater retention basin,

new access road, and new landscaping berm.

LOCATION: 1295 Whipple Road (APN: 475-50-18)

SIZE OF PARCEL: 56 acres

GENERAL PLAN

LAND USE: MG (General Industrial)

ZONING: MG (General Industrial)

SURROUNDING LAND USES:

Table 1					
LOCATION	GENERAL PLAN DESIGNATION	ZONING DISTRICT	LAND USE		
	MI	I	Various industrial and distribution		
North	(Mixed Industrial)	(Industrial)	uses		
	City of Hayward	City of Hayward	(City of Hayward)		
South	ML (Light Industrial)	ML (Light Industrial)	Various industrial uses		
	MI		Union Pacific Railroad and BART		
East	(Mixed Industrial)	(Industrial)	maintenance yards and buildings		
	City of Hayward	City of Hayward	(City of Hayward)		
West	MI	I	Various industrial and distribution		
	(Mixed Industrial)	(Industrial)	uses		
	City of Hayward	City of Hayward	(City of Hayward)		

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study and related Mitigated Negative Declaration (ISMND) have been prepared for the proposed project. The environmental analysis determined that, with the incorporation of mitigation measures, the project will not have a significant effect on the environment (Exhibit B).

LOCATION MAPS:

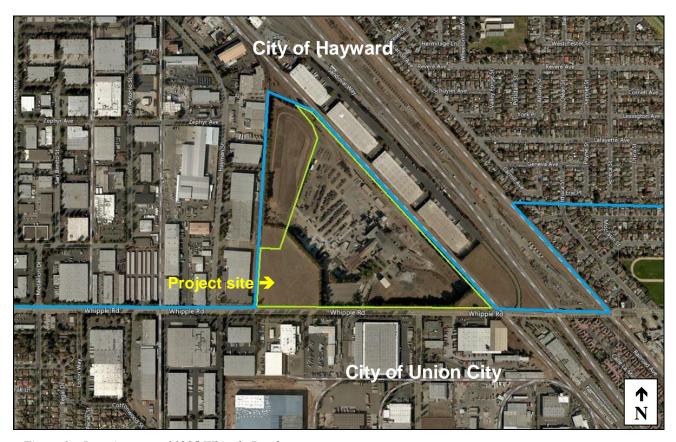


Figure 1 – Location map of 1295 Whipple Road

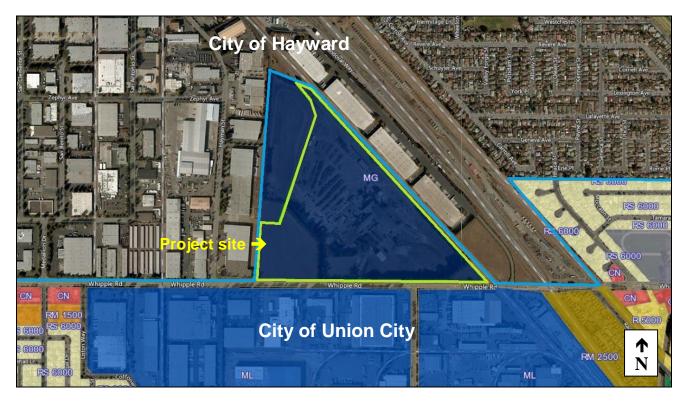


Figure 2 – Zoning map of 1295 Whipple Road and surrounding area (Hayward zoning is I, Industrial, to the north, east and west of the project site)

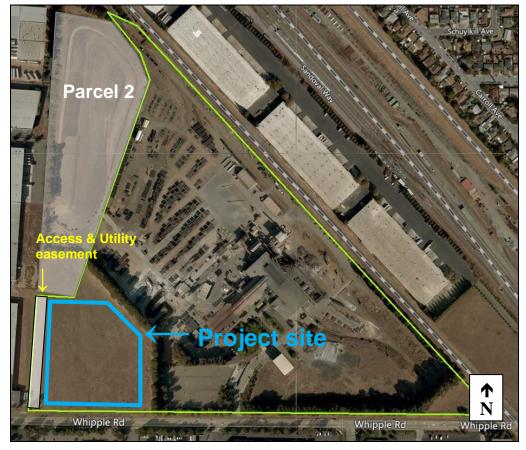


Figure 3 –Aerial close up of 1295 Whipple Road.

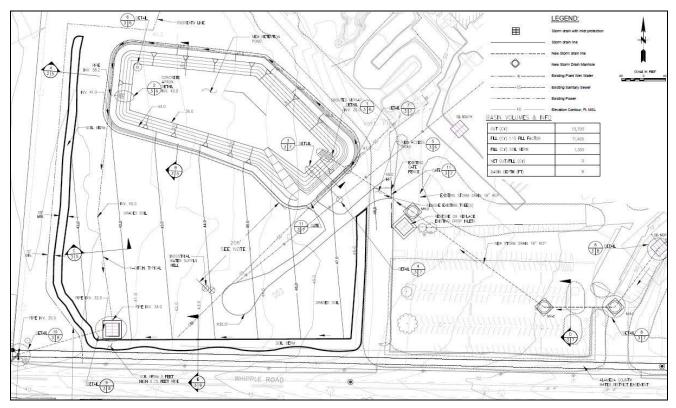


Figure 4 – Site details (also Exhibit A, page 3)

I. PROJECT BACKGROUND

The applicant, SCS Engineers, on behalf of U.S. Pipe Holdings Corporation, is requesting approval of a Site Development Review application (SD-15-004), to construct a stormwater retention basin. A copy of the plans are attached to this staff report (Exhibit A) as well as photos of the project site and surrounding area (Attachment 1).

A. U.S. Pipe and Foundry

U.S. Pipe and Foundry (U.S. Pipe) operates a ductile iron pipe manufacturing plant on the 56-acre site located at 1295 Whipple Road. The facility has been in operation since 1951 and it is one of the oldest operating industrial businesses in the City. Until 1975, the facility was used to manufacture cast iron pipe. U.S. Pipe then converted to the manufacture of ductile iron pipe (a type of cast iron with added magnesium), which has continued to the present. The finished pipe product is used predominantly for the distribution of potable water.

B. Project Site

The project site is located north of Whipple Road near Central Avenue, between Hayman Street (in Hayward) to the west and BART tracks (also in Hayward) to the east. In 2015, the property owner, U.S. Pipe and Foundry, LLC, received approval to subdivide the 69-acre parcel (TPM-15-001, Tentative Parcel Map No. 10110) into two parcels: a 56-acre eastern parcel and (2) the 13.35-acre western parcel that accommodates U.S. Pipe's waste containment area. While there are now two parcels, U.S. Pipe (or its affiliate) continue to be

responsible for the waste containment property (Parcel 2). The U.S. Pipe site is bounded by Hayward on the north, east, and west. The site is located in the only MG (General Industrial) Zoning District within the City.

The primary facilities on the site consist of an office building, casting plant, cupola foundry, baghouse (air filtration equipment), cement lining process building, and a 110-foot tall round water tank supported on a steel tower. The proposed stormwater retention basin is located in a triangular-shaped vacant portion of the site that was formerly used for growing gladiolus flowers. The retention basin is proposed approximately 275 feet from Whipple Road and is separated from the existing facility by a row of eucalyptus trees to the east (Figures 3 and 4).

C. Consent Decree

The proposed stormwater retention basin is required under the terms of a settlement agreement issued by the United States District Court in December 2013 for "Baykeeper (Plaintiff) vs. United States Pipe and Foundry Company, LLC (Defendant)", a complaint filed by Baykeeper in April 2012. The consent decree is a compromise between the parties, without assignment or admission of guilt, to avoid further litigation regarding Baykeeper's complaint that U.S. Pipe violated federal stormwater discharge regulations. The retention basin is an infrastructure improvement to limit potentially contaminated stormwater runoff from the U.S. Pipe site. The City has no role in the consent decree or ensuring compliance with the settlement agreement. The retention basin was evaluated in compliance with applicable City and outside agency requirements.

The overall objective of the project is to reduce or prevent pollutants associated with the industrial activity at the U.S. Pipe site from discharging to waters of the United States. As such, SCS Engineers has designed the size and depth of the proposed basin to provide storage capacity for the 95th percentile event plus an average year precipitation, as well as water for on-site manufacturing processes. SCS Engineers estimates that it would take 3.3 to 3.6 days for the water level to be lowered by evaporation, infiltration and water use to have enough room for the next storm event. The retention basin does not have a liner, due to the groundwater depth being greater than ten feet (21 to 31 feet below ground surface) in this area of the site.

U.S. Pipe also is to provide maintenance specifications for the basin, which shall include the scraping and disposal of the top five centimeters of soil and sediment from the base of the basin, every five years, to avoid a build-up of soil contaminants and that the soils shall be tested prior to disposal to determine if the soil shall be disposed of as a hazardous material.

II. PROJECT ANALYSIS

A. Proposal and Entitlement

The applicant, SCS Engineers, on behalf of U.S. Pipe Holdings Corporation, is requesting approval of a Site Development Review application (SD-15-004), to excavate 2.55 acres of land and to construct an 8-foot deep stormwater retention basin. The excavated dirt would be spread across the vacant portions of the site and would be used to construct a three-foot

high and 25-foot wide landscaped berm along much of the perimeter of the vacant portions of the site. Exhibit A includes the plans for the basin and the berm and Figures 4 and 5 show the general location of the basin and the berm. There are two wells within the project site area. One well is used for monitoring and is proposed for destruction (at the request of Alameda County Water District) to accommodate the new retention basin. The other well that provides water to the facility, and is located in the vacant portion of the site near Whipple Road, will remain.

The proposed retention basin is intended to prevent stormwater discharge from the site. Stormwater collected in the basin would be removed via two main mechanisms including evaporation and reuse as cooling tank process water at the U.S. Pipe plant. Due to the clay soils in the area and related lack of permeability, percolation of soil to groundwater is limited. The retention basin will be surrounded by an eight (8) feet tall chain linked security fence, this type of fencing is proposed because the fencing would be less visible and would be screened from Whipple Road.

The top of the retention basin will include a maintenance road that will connect to a proposed roadway (describe roadway) that extends from the existing U.S Pipe facility. This roadway will also provide access to the existing well that will remain to allow for future maintenance.

The project will require a grading permit from the Union City Public Works Department and a permit from the Alameda County Water District for the abandonment and destruction of one well.

B. Retention Basin Design

SCS Engineers is proposing to locate the stormwater basin in the vacant portion of the site, to the west of the existing on-site tree line (see Figure 4 on page 4 of the staff report), because this location would:

- 1. Allow gravity flow to the retention basin from existing stormwater manholes serving the north and south outfall drainage basins of the U.S. Pipe facility;
- 2. Place the basin outside of the developable area of Parcel 2, the property to the west (see Figure 3 on page 3 of the staff report); and
- 3. Place the basin clear of existing infrastructure, including water supply, sanitary sewer and the industrial water supply well.

The area where the basin is proposed is approximately 4.5 to 6.0 feet lower than other areas of the U.S. Pipe site, which could accommodate stormwater to a retention basin via gravity. If the retention basin were located in another area of the U.S. Pipe, mechanical pumps with a calculated capacity of at least 2,000 gallons per minute would be required to move the stormwater to a basin during peak flows. Mechanical systems could be subject to equipment failure and maintenance problems. Stormwater systems are typically designed to be gravity fed, and mechanical pump systems only are used if there is no other engineering alternative.

The basin measures approximately 276,000 to 314,000 cubic feet (6.3 to 7.2 acre-feet, or approximately 20.5 million to 23.5 million gallons) would allow storage for an average year of precipitation, accounting for evaporation and infiltration, and would provide water on site for U.S. Pipe's manufacturing processes. Accordingly, a detention basin with 6.3 acre-feet of capacity is proposed.

In addition, location of the detention basin is large enough to accommodate the size and depth of the proposed basin as determined by SCS Engineer's Hydro CAD calculations and in consultation with other regulatory agencies. The design also includes capacity to accept runoff from other areas of the U.S. Pipe site.

C. Landscaping and Screening

A soil berm measuring approximately three feet high and 25 feet in width is proposed along Whipple Road, using the excavated soil from the basin (Figure 5). This berm will be located along the southerly boundary, near Whipple Road; along the westerly property line, towards Hayward; and along the easterly side of the project site, near the row of mature eucalyptus trees. Staff has proposed Condition 5f to eliminate the berm along the easterly edge of the parcel (if it is not landscaped) as the existing eucalyptus trees already provide a visual screen.

The proposed berm will be landscaped to provide screening of the new basin. Forty-four (44) new deodar cedar trees (24-in box trees) will be planted along the Whipple road frontage on top of the berm. The trees will be planted with a variety of shrubs (variegated silverberry, shiny xylosma, and oleander) and rosemary as the ground cover. In addition, Condition 8a, requires the area in front of the berm along Whipple road be hydroseeded with native wild flowers and grass. Along the remaining westerly property line, Oleanders are proposed, which are a low-maintenance large flowering shrub.

The project has been conditioned to require submittal of a final landscape plan that will be evaluated in conformance with Chapter 18.112, *Water Efficient Landscape Ordinance*, and the Landscape Standards Policy Statement.

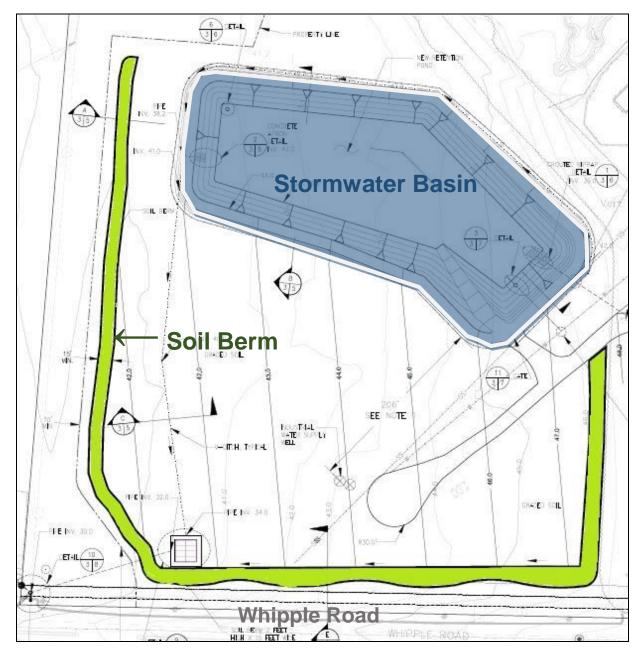


Figure 5 – Soil berm

D. Zoning Ordinance Consistency

The project site has a zoning designation of MG, General Industrial, and it is the only MG zoned property within in the City. The Zoning Ordinance, sections 18.40.110 through 18.40.160, sets forth the purpose and development standards of the MG district. The purpose is to provide space for a broad range of heavier industrial uses to meet the goals and objectives of the General Plan. The district is applied where large land acreages are available and where the impacts associated with unsightliness, noise, odor and traffic, and the hazards associated with certain industrial uses, would not have an impact on residential, commercial or other less intense zoning districts, or on such uses as schools and transportation facilities. The project is not proposing the establishment of any new uses at this time. The U.S. Pipe facility is a permitted metal fabrication use in the MG zoning district

as "Structural steel iron and pipe including bars, girders, rails and wire rope." The proposed retention basin is considered part of the facility's on-site infrastructure.

Table 2, below, provides a summary of the project's compliance with applicable development standards of the MG zoning district.

TABLE 2					
MG, General Industrial, Zoning District Development Standards (Section 18.40.160 of the Zoning Ordinance)					
Development Standard	Standard	Proposed Project	Compliance?		
Front setback	10 feet minimum, 50 feet minimum if across the street from a residential district.	Approximately 250 feet from Whipple Road, Industrial districts surround the site	Yes		
Side and rear setbacks	None, 10 feet minimum if adjoining a street, 50 feet minimum if adjoining other than an industrial district	N/A, Industrial districts surround the site	Yes		
Landscaping	New landscaping and modifications to existing landscaping shall comply with the provisions listed in Chapter 18.112, Water Efficient Landscape Ordinance, and the Landscape Standards Policy Statement.	A preliminary analysis has been completed that shows compliance with applicable landscape standards.	Yes		

E. Environmental Analysis

The proposed project is subject to environmental review under the California Environmental Quality Act (CEQA). In accordance with CEQA and its implementing Guidelines, the City has completed a public draft of the Initial Study/Mitigated Negative Declaration (ISMND) prepared by Douglas Herring & Associates. The Initial Study did not identify any significant and unavoidable impacts as a result of the proposed project and therefore does not require the preparation of an Environmental Impact Report (EIR).

The draft ISMND identifies six environmental resource areas that would potentially be affected by the proposed project. These resource areas include: Air Quality, Biological Resources, Cultural Resources, Geology/Soils, and Hydrology/Water Quality. Mitigation measures were identified that would reduce any potential impacts to a less-than-significant level.

The majority of the mitigations are standard mitigations applied to new construction projects, such as Mitigation Measure AQ-1, which requires conformance with the Bay Area Air Quality Management District (BAAQMD) Best Management Practices (BMPs). Other standard mitigations include requirements for: protection of cultural resources in the event

any are found (include CR1-CR4); conformance to the recommendations of the geotechnical investigation (GS-1); implementation of an Erosion Control Plan and compliance with best practices for stormwater management (WQ-1, WQ-2, and WQ-3). See below for a detailed overview of the proposed mitigation measures.

Air Quality

Air quality emissions associated with the proposed project would result from short-term construction activities. Construction of the project has the potential to emit minimal air contaminants from running equipment and associated vehicles at the site. Construction activities (e.g. of heavy-duty construction equipment, transport of materials, and workers commuting to and from the project site) may result in air quality emissions generated by the use. In order to ensure that potential impacts due to emission of air quality pollutants are minimized, Mitigation Measure AQ-1 shall be implemented to reduce dust during the construction process to bring potential impacts to less than significant.

Biological Resources

The grassland on the site could potentially be utilized by burrowing owls, which are considered a special-status wildlife species. A survey of the site by a wildlife biologist on September 17, 2015 did not identify burrowing owl or any other sensitive species on the site, however, due to the presence of potential habitat, this species could move onto the site by the time construction of the retention basis commences. In addition the eucalyptus trees adjacent to the proposed basin's northern and eastern borders could host nesting raptors or other protected birds that could be disturbed during site grading and project construction. Therefore, Mitigation Measures BR-1 through BR-3 would reduce the impacts to less than significant. These mitigations require the site to be surveyed by a wildlife biologist prior to the issuance of grading permits.

Cultural Resources

Although there are no structures on the project site, and there is no known history of development on the site, there is a potential that buried archaeological or paleontological artifacts could be found in the vicinity of the project site as more than a dozen archaeological sites have been recorded within the city. Mitigation Measures CR-1 through CR-4 establish a process to protect any archaeological and paleontological resources that are found, reducing the potential impact to cultural resources to a less than significant level.

Geology and Soils

Site grading and other soil disturbance at the site would create the potential for erosion, which could increase sedimentation in stormwater discharged from the site. Surface runoff from the site is discharged into a storm drain running under Whipple Road that subsequently drains into Old Alameda Creek, which discharges into San Francisco Bay. Any eroded soil or other pollutants discharged from the site could therefore adversely affect water quality in Old Alameda Creek and San Francisco Bay, which would be considered a potentially significant impact. The impact would be reduced to a less-than-significant level through implementation of the Erosion Control Plan required by Mitigation Measure WQ–1 and additional erosion controls required by Mitigation Measure WQ–2.

Hazard and Hazardous Materials

It is expected that approximately 1 centimeter of soil and sediment would accumulate in the bottom of the retention basin. Roughly every five years the top 5 centimeters of soil would be scraped and removed from the base of the basin to avoid a buildup of soil contaminants. The collected sediment may contain contaminant levels that render it hazardous, and not appropriate for disposal in a standard solid waste landfill. If not properly handled and disposed of, contaminated sediment could expose workers to hazardous materials and/or could release hazardous materials into the environment. This would be a potentially significant impact. Mitigation Measure MH-1 would ensure that soils removed from the base are tested and disposed of property and thus bring the potential impact to a level of less than significant.

Hydrology and Water Quality

The construction of the stormwater retention basin would ensure that discharge from the property would not violate water quality standards or waste discharge requirements. However, construction activities of the basin may cause soil erosion and there could be potential leaks from construction equipment. These factors can cause surface water quality to degrade during construction, but the effects can be mitigated with Measures WQ–1 (incorporating stormwater best practices) and WQ-2 (slope stabilization), to bring the potential impacts to a level of less than significant.

F. Noticing

The Notice of Intent to Adopt the MND was sent to the State Clearinghouse for review; the comment period for State agencies was May 3, 2017.

A Planning Commission hearing notice was sent out on June 26, 2017. Included in this notice was the Notice of Intent to Adopt the MND. The 30-day public comment period for the MND began on June 26, 2017 and will end on July 25, 2017 (tentative City Council hearing date). The public will be able to provide comments to the City on the MND prior to the City's adoption of the MND or approval of the project. It is the responsibility of the City Council to take into account all public comments on the MND and related CEQA documents prior to adopting the MND or approving the project.

As of June 29, 2017, staff has not received any comments from the public or other agencies regarding the project or the MND.

G. Conclusion

The City's internal Development Review Committee reviewed the proposal and recommends that the Planning Commission recommend approval to the City Council of SD-15-004. The proposed stormwater retention basin is consistent with applicable General Plan and Zoning standards.

III. REQUIRED FINDINGS

Section 18.76.060 of the Zoning Ordinance requires that the Planning Commission make a recommendation to the City Council based on the following findings in granting Site Development Review approval. Below each finding is a discussion of how the project meets the required finding.

1. Approval of this application is consistent with the General Plan and any applicable specific plans;

The project site has a General Plan designation of MG (General Industrial), which allows for heavier industrial uses on large land acreage such that the impacts associated with unsightliness, noise, odor and traffic, and the hazards associated with certain industrial uses, will not impact on residential, commercial or other less intense zoning districts. The proposed retention basin will help to limit stormwater flow from an industrial use. The project is consistent with the General Plan's emphasis on limiting negative impacts associated with industrial uses. There are no specific plans applicable to the project.

2. Approval of this application is consistent with the purpose of Title 18 and the requirements of the MG Zoning District; and

The project, as conditioned, is consistent with the purpose of Title 18, which seeks to promote the public health, safety, morals, comfort, convenience and the general welfare of the people. The proposed stormwater basin, as conditioned, is consistent with the applicable requirements for the MG Zoning District.

3. Approval of this application is consistent with the purpose of Site Development review as outlined in Section 18.76.010.

The project, as conditioned, is consistent with the purpose of Site Development Review, which seeks to promote orderly, attractive and harmonious development and the stability of land values and investments and the general welfare, by preventing the establishment of uses or the erection or maintenance of structures having unsightly, undesirable or obnoxious qualities promote orderly, attractive and harmonious development and the stability of land values. The stormwater retention basin, would be consistent with the purpose of Site Development Review as it would include landscaping treatment along the Whipple Road frontage to screen the basin.

Based on the above discussion and analysis, the Development Review Committee believes that the specific findings can be made in support of the subject application.

IV. CONDITIONS OF APPROVAL

Planning Department

- 1. All actual site improvements shall be made with strict adherence to plans marked Exhibit A, except as they may be modified by other conditions of approval.
- 2. This application shall expire one year from the date of City Council approval unless building permits have been issued and construction diligently pursued.
- 3. The applicant and/or property owner shall attach an annotated copy of the approved City Council Resolution with the conditions of approval to each set of detailed construction plans, civil and working drawings submitted for plan review prior to issuance of a grading permit. Notations to the plans shall be made to clearly indicate how the project complies, or will comply, with the conditions of approval. Construction plans shall not be accepted without the annotated final conditions of approval included with each set of plans.
- 4. Prior to the issuance of a grading permit for the retention basin, the applicant and/or property owner shall be responsible for the payment of all City fees as set forth in the Master Fee Schedule in effect at the time such fees are due and payable.
- 5. Plans submitted for grading permit issuance shall reflect the following:
 - a. The maximum berm slope shall be 3:1.
 - b. Along Whipple Road, the minimum width of the berm at the top shall be eight (8) feet.
 - c. Along Whipple Road, the minimum width of the berm at the bottom shall be 25 feet.
 - d. Along Whipple Road, the minimum height of the berm shall be thee (3) feet as measured from the edge of roadway.
 - e. Along the westerly and easterly boundaries of the site, the height and width of the berm may be reduced or increased, subject to review and approval by the Public Works Department and the Economic and Community Development Department.
 - f. Along the easterly boundaries of the site, the berm must be eliminated if it is not landscaped.
 - g. Along Whipple Road, a minimum three (3) feet buffer area between the toe of the berm and the Alameda County Water District easement shall be provided.
 - h. The berm along Whipple Road shall be aligned with the existing parking located to the east of the site, subject to any modifications required by other conditions of approval.
- 6. Prior to the issuance of permits, the exact location and extent of the berm shall be staked for review and approval by the Public Works Department and the Economic and Community Development Department.

- 7. The applicant and/or property owner shall be responsible for ensuring that all contractors and subcontractors have obtained a valid City of Union City business license for the duration of the project.
- 8. Prior to the issuance of the grading permit, the applicant and/or property owner shall submit a final landscape package, which is consistent with the preliminary landscape package except as may be modified by the following requirements or by other conditions of approval. Landscape package shall also be consistent with Chapter 18.112, Water Efficient Landscape, of the Municipal Code and the Landscape Standards Policy Statement. Final landscape plan will be subject to review and approval by the City's consulting Landscape Architect. Additional fees for consultant's review and inspection are required to be paid with the grading permit fees. A final inspection of the installed landscaping and irrigation shall be completed prior to release of any bonds associated with site work. The applicant/property owner shall be responsible for maintaining all irrigation and landscaping and shall replace any dead or dying vegetation for the life of the project.
 - The area in front of the berm shall be hydroseeded with native wild flowers and grasses.
 - b. The berm soil shall be amended as recommended by the landscape architect to ensure successful growth of the trees, shrubs and groundcover.
- 9. A certificate of deposit shall be submitted in the amount of 50% of the estimated installation cost of the landscaping, up to \$10,000.00, in order to insure installation of the planting shown on the approved landscape plan. The property owner shall enter into a private landscape maintenance contract for the maintenance of the required landscaping for a minimum period of two years after installation. The required certificate of deposit shall be submitted to the Economic and Community Development Department prior to the issuance of the grading permit. The project landscaping shall be completed, pursuant to the above-stated requirements, prior to the release of the bonds associated with the site work.

Mitigation Measures

- 10. Mitigation Measure AQ-1 (Air Quality): The applicant and/or property owner shall require the construction contractor to comply with the following control measures:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-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.

- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- 11. Mitigation Measure BR–1 (Biological Resources): Prior to issuance of a grading permit, the applicant and/or property owner shall hire a qualified biologist to conduct an initial protocol-level survey during the peak of the breeding season (mid-April to mid-July) to determine whether the burrowing owl breeds on the site. A preconstruction survey shall also be conducted no more than 30 days prior to any ground disturbing activities. If owls are encountered during either survey, a Burrowing Owl Mitigation Plan shall be prepared, approved by the Union City Community Development Department and the California Department of Fish and Wildlife (CDFW), and implemented; this plan must be approved by the City prior to issuance of a grading permit.
- 12. Mitigation Measure BR–2 (Biological Resources): Prior to issuance of a grading permit, the applicant and/or property owner shall hire a qualified biologist to conduct a reconnaissance-level biological resources analysis of the project site, which shall include a site survey and query of the California Natural Diversity Data Base (CNDDB) maintained by the California Department of Fish and Wildlife (CDFW).
- 13. Mitigation Measure BR–3 (Biological Resources): If any site grading or project construction will occur during the general bird nesting season (February 1 through August 31), the applicant and/or property owner shall hire a qualified raptor biologist to conduct a bird nesting survey prior to any grading or construction activity. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of grading/construction activities. If conducted during the late part of the breeding season (May to August), the survey shall be performed no more than 30 days prior to initiation of these activities. Actions described in the MND shall be taken if active nests are found onsite.
- 14. Mitigation Measure CR–1 (Cultural Resources): The applicant and/or property owner shall arrange a pre-construction meeting with City Staff and the Project Construction Superintendent, Project Inspector, and Building Inspector to discuss the potential for encountering cultural resources during construction and the applicant's responsibilities

- per CEQA should resources be encountered. This advisory shall also be printed on the Plans and Specification Drawings for this project.
- 15. Mitigation Measure CR–2 (Cultural Resources): If any cultural artifacts are encountered during site grading or other construction activities, the applicant and/or property owner shall ensure that all ground disturbance within 100 feet of the find are halted until the City of Union City is notified, and a qualified archaeologist can identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s).
- 16. Mitigation Measure CR–3 (Cultural Resources): In the event that any human remains are encountered during site disturbance, the applicant and/or property owner shall ensure that all ground-disturbing work cease immediately and a qualified archaeologist shall notify the Office of the Alameda County Coroner and advise that office as to whether the remains are likely to be prehistoric or historic period in date.
- 17. Mitigation Measure CR–4 (Cultural Resources): If any paleontological resources are encountered during site grading or other construction activities, the applicant and/or property owner shall ensure that all ground disturbance are halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s).
- 18. Mitigation Measure HM–1 (Hazards and Hazardous Materials): Prior to disposal or relocation, soils dredged from the retention basin shall be sampled by a certified Environmental Professional, as defined in 40 CFR 312.10, and submitted to laboratory analysis for hazardous materials by a State-certified laboratory and disposed of according to State regulations.
- 19. Mitigation Measure WQ-1 (Hydrology and Water Quality): Prior to issuance of a grading permit the applicant and/or property owner shall obtain National Pollutant Discharge Elimination System (NPDES) construction coverage as required by Construction General Permit (CGP) No. CAS000002, as modified by State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
- 20. Mitigation Measure WQ–2 (Hydrology and Water Quality): The applicant and/or property owner shall ensure that all cut-and-fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15 and April 15 unless erosion control measures, approved by Public Works, are in place.

Public Works

21. The applicant shall apply for an Encroachment Permit, pay a fee and post a bond for all work in the public right-of-way, including trenching, roadwork, concrete, striping and paving, etc. The applicant and/or property owner shall be responsible for any required repairs associated with the development, including streets and paving, trenching, curbs and gutters, sidewalks, damaged striping, street lights, or installation of same where not existing, as determined by the City Engineer.

- 22. Plans submitted for grading permit issuance shall include a structural section for the proposed access road, which is adequate to accommodate vehicular loads.
- 23. The applicant and/or property owner shall install all new utility lines underground. No new overhead services to the property or to the proposed development will be permitted.
- 24. The applicant and/or property owner shall install all public utilities in the Public Utility Easement (PUE) or in the Public right-of-way. No public utilities shall be installed on private property outside the PUE.
- 25. The applicant and/or property owner shall provide drainage facilities to carry storm water runoff in the area to be developed, and for contributory drainage from adjoining properties. The applicant and/or property owner shall submit a drainage plan, including hydrologic and hydraulic calculations to the City Engineer for review and approval, as required.
- 26. The applicant and/or property owner shall submit a grading plan to the Public Works Department and obtain a Grading Permit prior to proceeding with any demolition and grading operations. The grading plan shall include erosion control measures installed during construction, including the protection of the downstream inlet on Whipple Road.
- 27. The applicant and/or property owner shall pay all Public Works Department fees such as Plan Check & Inspection fees, Grading Permit Fee (and associated bonds) and Encroachment Permit fee. Except for the Encroachment Permit fee, all other fees shall be paid prior to the issuance of the Grading Permit.
- 28. The applicant and/or property owner shall provide a detailed breakdown of the engineer's estimate for all on-site work including grading, detention pond, storm drainage facilities, Stormwater treatment facilities, access road, fencing, sidewalk, curb & Gutter, lighting and landscaping.
- 29. The applicant and/or property owner shall preserve all existing trees on the site until a tree removal permit, consistent with the Site Development Review approval, is issued by the City Arborist. The City Arborist will assess the condition and size of any trees proposed to be removed and determine the number of replacement trees to be planted. If replacement trees cannot be accommodated on-site, an in-lieu fee will be paid prior to tree removal permit issuance.
- 30. Prior to issuance of grading permit, the applicant and/or property owner shall provide correspondence from the Alameda County Flood Control District regarding any requirements applicable to the project.
- 31. The applicant and/or property shall stabilize all graded areas by hydro seeding or other acceptable means to ensure the disturbed or graded areas do not erode or generate dust.
- 32. The applicant and/or property owner shall submit a comprehensive traffic control plan to minimize impact to traffic on Whipple Road from construction related traffic entering or exiting the site. This may include traffic arrow boards and/or traffic control personnel.

City may require contracting with a dedicated traffic control firm to perform this function. Traffic control plan shall show the route the construction traffic, including hauling trucks, will take from Whipple Road to the construction area and vice versa. The traffic control plan shall also note that hours of work that impact traffic on Whipple Road, such as those associated with hauling dirt or movement of large construction vehicles, shall be limited to the hours of 9:00 a.m. to 3:30 p.m.

33. The applicant and/or property owner shall ensure that on-site and off-site construction activity complies with Section 9.40.053 of the Union City Municipal Code, and is limited to the following hours:

Monday through Friday - 8:00 a.m. to 8:00 p.m. Saturday - 9:00 a.m. to 8:00 p.m. Sundays & Holidays - 10:00 a.m. to 6:00 p.m.

- 34. The applicant shall submit a completed 'Applicability of C.3 & C.6 Stormwater Requirements' form for review and approval by City Staff prior to the issuance of the grading permit.
- 35. The applicant and/or property owner shall install a new storm drain inlet or field inlet in the public right of way just before where the storm drain is proposed to tie into the existing manhole on Whipple Road. The applicant shall also install a full trash capture device (TCD), as approved by the City Engineer, at this new structure or in any existing storm drain inlets located along the perimeter of the development in order to prevent trash from entering the public storm drainage system. Details shall be shown on plans submitted for grading permit issuance.
- 36. The proposed berm shall be sited outside of the future right-of-way line for Whipple Road. The curb line of the future widening is expected to line up with the existing curb line to the west in Hayward. A minimum of 10 ft. from the future face-of-curb should be allowed to install sidewalk and landscaping. In addition, a minimum 5 ft. buffer area between the berm and Whipple Road right-of-way should be allowed to enable the future widening without impacting the berm during grading and construction.
- 37. The applicant and/or property owner shall ensure that on-site storm drain inlets shall be labeled "No Dumping Drains to Bay" using a stencil approved by the Public Works Department. Detail shall be shown on plans submitted for grading permit issuance.
- 38. The applicant and/or property owner, prior to issuance of grading permit, shall submit a plan showing the proposed measures to minimize impacts to water quality in conformance with the most current requirements of the Alameda Countywide Clean Water Program as detailed in the California Regional Water Quality Control Board's (RWQCB) Municipal Regional Stormwater Permit (MRP 2), Order R2-2015-0049, NPDES Permit No. CAS612008, dated November 19, 2015. Project plans and specifications for Storm Water controls shall be prepared and stamped by a California licensed Professional Engineer who is also a Qualified Stormwater Designer (QSD). The applicant shall ensure that the project complies with the most current requirements of the Alameda County Clean Water Program.

- 39. The applicant and/or property owner shall ensure that the design of detention basin and stormwater facilities include the treatment control design guidance for vector control (Alameda Countywide Clean water Program's Vector Control Plan). Details shall be shown on plans submitted for grading permit issuance.
- 40. The applicant and/or property owner shall initiate an ongoing program of litter control and general clean up in the parking lots and along the property frontage, including the dirt strip, grass strip and the landscaped area adjacent to the parking lot fence.
- 41. The applicant and/or property owner shall ensure that there is no standing water at the entrance to the U.S. Pipe site, especially at the western end of the driveway during the wet season. The area may need to be regraded and repaved to allow positive drainage. Details shall be shown on plans submitted for grading permit issuance.
- 42. Stormwater "During Construction" Best Management Practices
- 43. The following best management practices relating to construction site controls shall be implemented during construction activities. These best management practices shall be shown as notes on the approved grading and building permit plan sets:
 - a. The applicant and/or property owner shall ensure compliance with the all of the following best management practices by making sure that all contractors, subcontractors and suppliers are aware of all storm water pollution prevention measures and their implementation requirements.
 - b. The applicant and/or property owner shall ensure that concrete/gunite supply trucks or concrete/plaster and finishing operations discharge washout water into a designated cleanout area, designed to prevent pollutants from entering the storm water and/or sanitary sewer system.
 - c. The applicant and/or property owner shall be ensure that discharge restrictions shall also apply to the operation of general construction machinery including masonry cutting equipment, and the washing of tools, brushes, containers, etc. These operations shall not be performed in the street, gutter, or where pollutants can enter the storm water system. Failure to comply with the approved construction requirements will result in the issuance of correction notices, citations, or project stop work orders.
 - d. The applicant and/or property owner shall minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. All cut and fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall commence unless approved erosion control measures are in place.
 - e. The applicant and/or property owner shall install filter materials (sand bags, filter fabric, straw wattle, etc.) at the storm drain inlet nearest the downstream side of the project site prior to:
 - 1) Start of the rainy season (October 1st);

- 2) Site dewatering activities;
- 3) Street washing activities; and
- 4) Saw cutting asphalt or concrete.

Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Filtered particles shall be disposed of in an appropriate manner based upon constituents.

- f. The applicant and/or property owner shall gather all construction debris on a regular basis and place in a dumpster or other container, which is emptied or removed at a minimum on a weekly basis. When appropriate, tarps shall be used on the ground to collect falling debris, paint over-spray, etc. that could contribute to storm water pollution.
- g. The applicant and/or property owner shall ensure that trash enclosures and/or recycling containers, paved outdoor storage, staging, or lay down areas shall be designed and constructed to prevent pollutants from entering storm drain system.
- h. The applicant and/or property owner shall ensure the availability of 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 of becoming a pollutant and/or being discharged to the storm drain system.
- i. The applicant and/or property owner shall ensure that dirt, gravel, debris and green waste shall be removed from the sidewalk, street pavement, and storm drains adjoining the project site. These areas shall be broom swept on a daily basis. Caked on mud or dirt shall be scraped before sweeping. During wet weather, the applicant should avoid excavation and other activities that lead to pollutants entering storm water such as driving vehicles on unpaved areas, etc.
- j. The applicant and/or property owner shall ensure that outdoor washing or pressure washing shall be managed to prevent pollutants from getting into storm water and/or into the storm drain system.
- k. The applicant and/or property owner shall ensure that On-site storm drain inlets shall be labeled "No Dumping Drains to Bay" using a stencil approved by the Public Works Department.

Alameda County Water District

44. Prior to the issuance of grading permits, the applicant and/or property owner shall apply for and receive all required permits from Alameda County Water District prior to destruction of the monitoring well and any applicable permits for the retention basin.

V. RECOMMENDATION

The Development Review Committee recommends that the Planning Commission recommend adoption of the MND and approval of Site Development Review, SD-15-004, to the City Council subject to the stated conditions, making the following specific findings in support of this recommendation of approval:

- That the Initial Study/Mitigated Negative Declaration (ISMND) reflects the lead agency's independent judgment and analysis, that the document has been completed in compliance with the requirements of the California Environmental Quality Act and, on the basis of the whole record, there is no substantial evidence that the project will have a significant effect on the environment; and
- 2. Approval of this application is consistent with the General Plan designation of MG (General Industrial), which allows for heavier industrial uses on large land acreage such that the impacts associated with unsightliness, noise, odor and traffic, and the hazards associated with certain industrial uses, will not impact residential, commercial or other less intense zoning districts. The stormwater retention basin is consistent with the General Plan's emphasis on limiting negative impacts associated with industrial uses as it will limit stormwater runoff from an industrial facility. There are no specific plans applicable to the project; and
- Approval of this application is consistent with the purpose of Title 18, which seeks to
 promote the public health, safety, morals, comfort, convenience and the general welfare
 of the people. The proposed stormwater retention basin, as conditioned, is consistent
 with the applicable requirements for the MG Zoning District, including setbacks and
 landscaping standards; and
- 4. Approval of this application is consistent with the purpose of site development review as outlined in Section 18.76.010, which seeks to promote orderly, attractive and harmonious development and the stability of land values. The project, as conditioned, would include landscaping treatment along the Whipple Road frontage to screen the basin.

It is further recommended that the Planning Commission adopt a Resolution confirming this action.

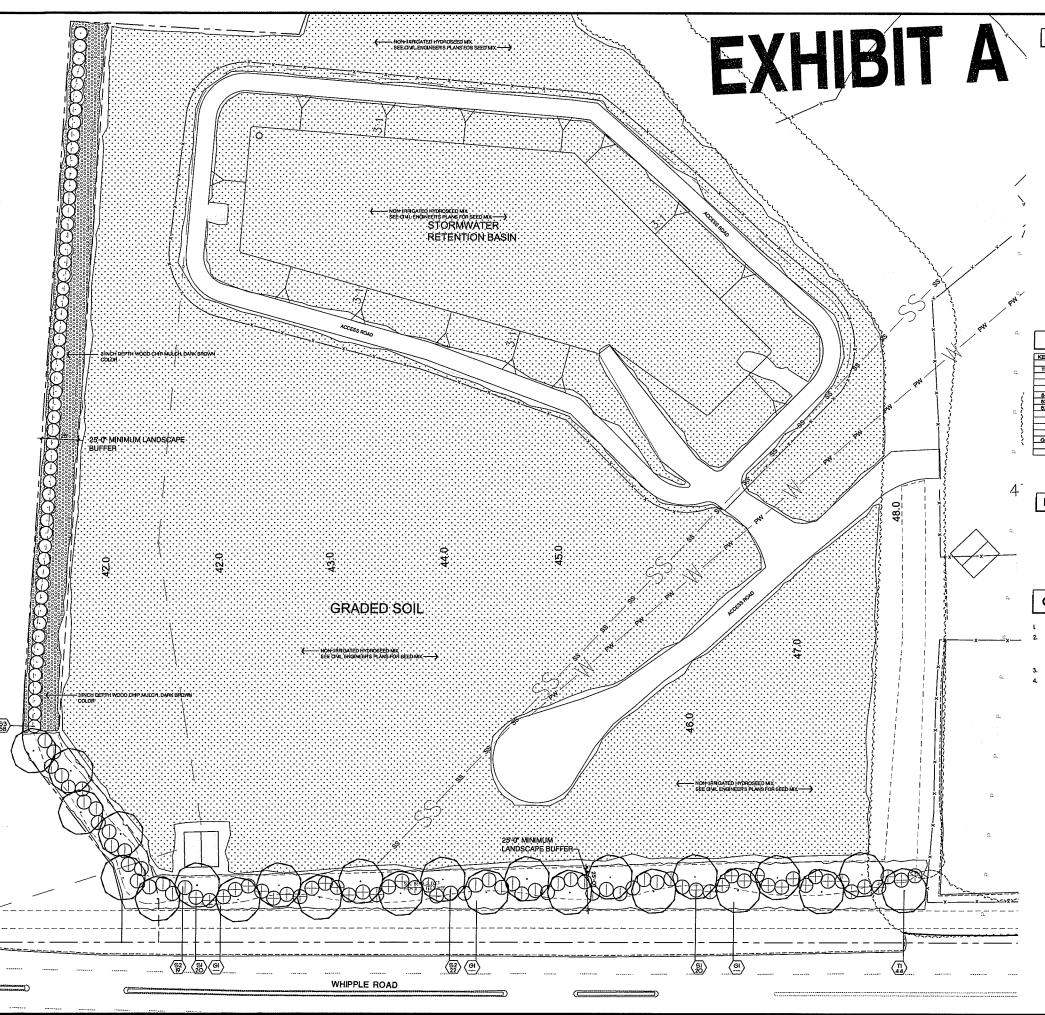
Prepared by

Binh Nguyen, Contract Planner

Attachments

Exhibit A
Exhibit B
Attachment 1

Project Plans, Date Stamped June 21, 2017 Initial Study/Mitigated Negative Declaration Photographs of Project Site



PLANT NOTES:

- I THE CONTRACTOR SHALL YEARY PLANT QUANTITIES FROM THE PLANTING PLAN QUANTITIES SHOWN IN THE LEGEND ARE FOR CONVENENCE ONLY.
- 2. NOTFY THE LANDSCAPE ARCHITECT IMMEDIATELY IN THE EVENT OF ANY DISCREPANCES BETWEEN ACTUAL SITE CONDITIONS AND THE PLANTING PLAN.
- 3. PLANT GROUNDCOVER IN SHRUB AREAS AS NOTED, USE TRIANGULAR SPACING
- 4. SEE DETAL AND SPECIFICATION SHEETS FOR ADDITIONAL INFORMATION.
- THERE WILL BE NO MATERIALS OR PLANT MATERIALS SUBSTITUTIONS WITHOUT APPROVAL OF THE OWNER OR THE LANDSCAPE ARCHITECT.
- ALL SLOPES PLANTED WITH LAWN NOT TO EXCEED A 34 SLOPE. ALL SLOPES PLANTED WITH GROUND COVER NOT TO EXCEED A 24 SLOPE. (ADD JUTE NETTING TO GLOPES AS A DO COREATED).
- 7. PROVIDE POSITIVE DRAINAGE AWAY FROM ALL BUILDINGS (25 MIN)
- 8. In the event of any discrepances between this plan and actual site conditions, the landscape architect is to be notified immediately.
- 9. LANDSCAPE CONTRACTOR IS TO FINE GRADE ALL LANDSCAPE AREAS.
- D. ALL SITE UTLITES ARE TO BE PROTECTED DURNG CONSTRUCTION. IN THE EVENT OF CONFLICT BETWEEN THE PLANS AND UTLITES THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT. ANY DAMAGE TO UTLITES, STRUCTURES, OR OTHER FEATURES TO BEMAN, AND CAUSED BY THE LANDSCAPE CONTRACTOR SHALL BE DEPLACED OR DEPLACED BY THE CONTRACTION AT 10 PERSONSET ON THE CAMPAR.
- 1. THE WORK IN THESE DRAWINGS AND SPECIFICATIONS MY RUN CONCURRENTLY WITH WORK BY OTHERS. THE LANDSCAPE CONTRACTOR SHALL COORDINATE THE WORK WITH OTHER CONTRACTORS.
- PRIOR TO ANY DIGGING OR TRENCHING, CALL <u>UNDERGROUND SERVICE ALERT</u>
 -1800/227/2600
- PROTECT EXISTING STORM DRAIN NLETS DRAIN NLETS, WITH FLITER FABRIC, FOR THE DURATION OF THE PROJECT.
- IA. A MINIMUM OF 3" LAYER OF MULCH IS REQUIRED ON ALL EXPOSED PLANTING SURFACES.

KEY	BOTANICAL NAME	CONTION NAME	QTY.	BIZE	REMARKS	THIC
	TREES					
Ħ	CEDRUS DEODARA	DEODAR CEDAR		24"BOX	NATURAL	LOW
			1			1
	SHIRLEDA.		ــــــــــــــــــــــــــــــــــــــ	L	L	т
61	ELAEAGNUS P. MACULATA'	VARIEGATED SILVERBERRY	T	5 GAL	9'-0' OC.	TLOU
52	XYLOSMA CONGESTUM	SHINY XYLOSMA		5 GAL	9'-Ø' O.C.	LOW
83	NERUM O. WHITE'	OLEANDER		5 GAL	9'-0' O.C.	LOW
						-
			1			
	GROUND COVERS	CARPET ROSEMARY				

PLANT SYMBOLS

NOICATES PLANT KEY

GENERAL NOTES

- MULCH ALL SHRUB AND GROUND COVER AREAS WITH 3 INCH LAYER OF MULCH
- AMEND SQL WITH COMPOST BEFORE PLANT INSTALLATION. COMPOST IS SPECIFED AS THE SQL.
 AMEDINENT, AT THE DATES INDICATED BY A SQL. AMALYSIS TO BRING THE SQL. ORGANIC MATTER CONTENT
 TO A MARMAN OF 315 BY FOR WIGHER OF IN ICAL OF COMPOST. OPTION PEROLEM PROVIDED TO TO SQL. 10
 MEET GROAMS MATTER CONTENT OF A MARMAN SSI BY DRY MEET. OPTION IS REPORT
 THAT CONTENTS DUSTING TOPSOL MEETS DROAMS MATTER MEET. OPTION OF 315 BY DRY WIGHER OF GREATER.
- DIVERT 50% OF LANDSCAPE CONSTRUCTION AND DEMOLITION WASTE B VOLUME OR WEIGHT.
- 4. SPACE PLANTS TO ALLOW NATURAL SIZE AND SHAPE WITHOUT SHEARING.

RECEIVED

JUN 2 1 2017

UNION CITY ECONOMIC & COMMUNITY DEVELOPMENT





477 SOUTH TAAFFE STREET SUNNYVALE, CAUFORNIA 94086

United States Pipe and Foundry Company

1295 Whipple Road Union City, CA

	<u> </u>
05/03/17	CITY COMMENTS - 1ST
05/31/17	CITY CONNENTS - 2nd



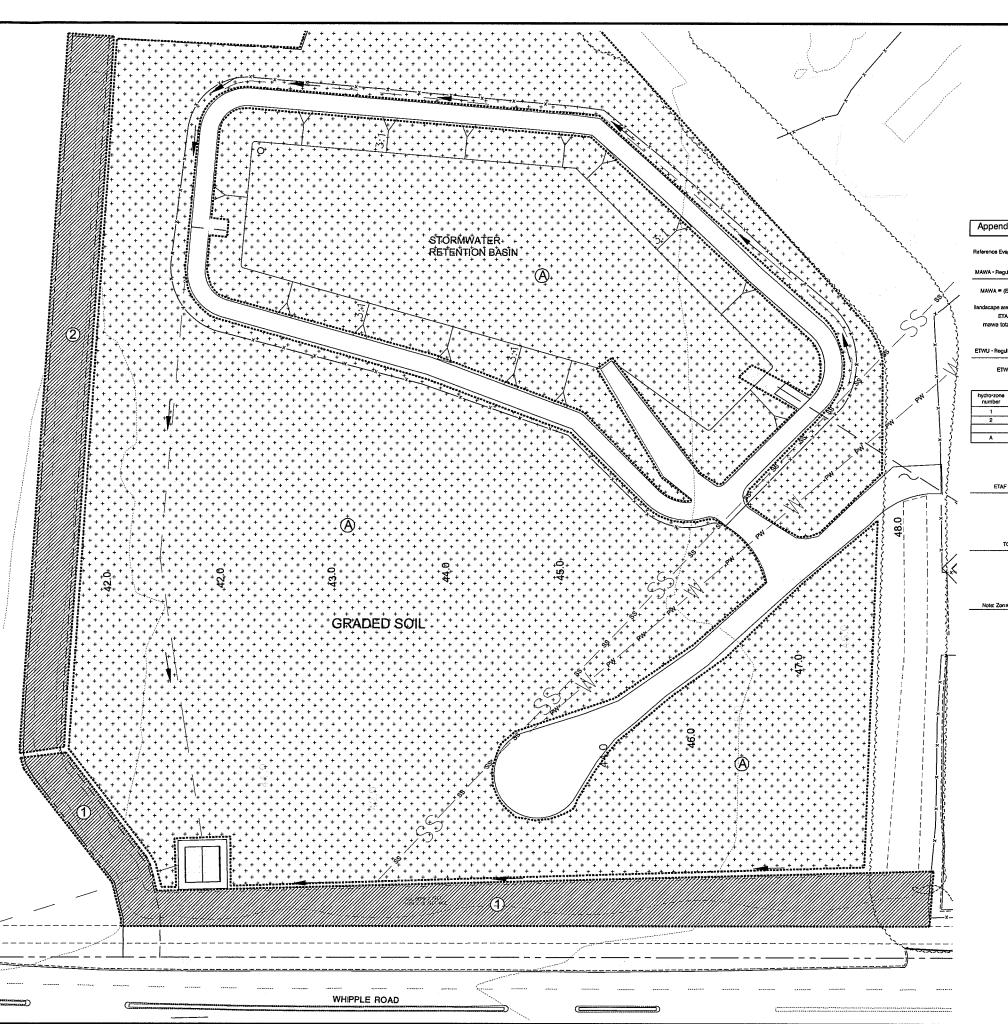
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Landscape Planting Plan

L1.0

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IRRIGATION HYDRO-ZONE LEGEND

PLANTS ARE GROUP TO HAVE MATCHING WATER REQUIREMENTS AND MICRO-CLIMATE CHARACTERISTICS.



LOW WATER REQUIREMENT (DROUGHT TOLERANT PLANTING)



NO WATER RECUIREMENT (HYDRO-SEED MIX AREA) LANDSCAPE AREA NOT INCLUDED IN HYDROZONE CALCULATIONS.



REED ASSOCIATES 477 SOUTH TAAFFE STREET SUNNYVALE, CALIFORNIA 94086 408.481-9920/498.481-9022 FAX web: www.rda.net / emdi: pai@rda.net

Appendix B - Water Efficient Landscape Worksheet

Reference Evapotranspiration (ETo) 43.5

MAWA = (ETO) x (0.62) x ((0.45 x LA) + (0.3 x SLA))

ETAF .45 average ETAF to sawa total 371,195 gallons per year cape areas must be 0.55 residential areas, and 0.45 for non-residential areas.

ETWU = (ETo) x (0.62) x (ETAF x LA)

hydro-zone number	plant water use	plant factor (PF)	Inigation method	Irrigation efficiency	ETAF (PF,IE)	hydro-zone area	ETAF x Area	ETWU
1	low	0.2	₫fp	0.81	0.247	18,620	4,597.5	123,995
2	low	0.2	dip	0.81	0.247	11,965	2,954.3	79,678
A	hydro seed	0.0		1.00	0.000			

total with zone A	30,585	7551.85	203,67
total without zone A	30,585	7551.85	203,67

ETAF diculations

total ETAF x area 7551.85
total area 30,585 at
average ETAF 0.247 Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and
0.45 or below for non-residential areas.

MAWA total 371,195 gallons per year ETWU total 203,673 gallons per year

LANDSCAPE ARCHITECT STATEMENT

L I AGREE TO COMPLY WITH THE REQUIREMENTS OF CHAPTER 18.112 AND SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE.



United States Pipe and Foundry Company

1295 Whipple Road Union City, CA

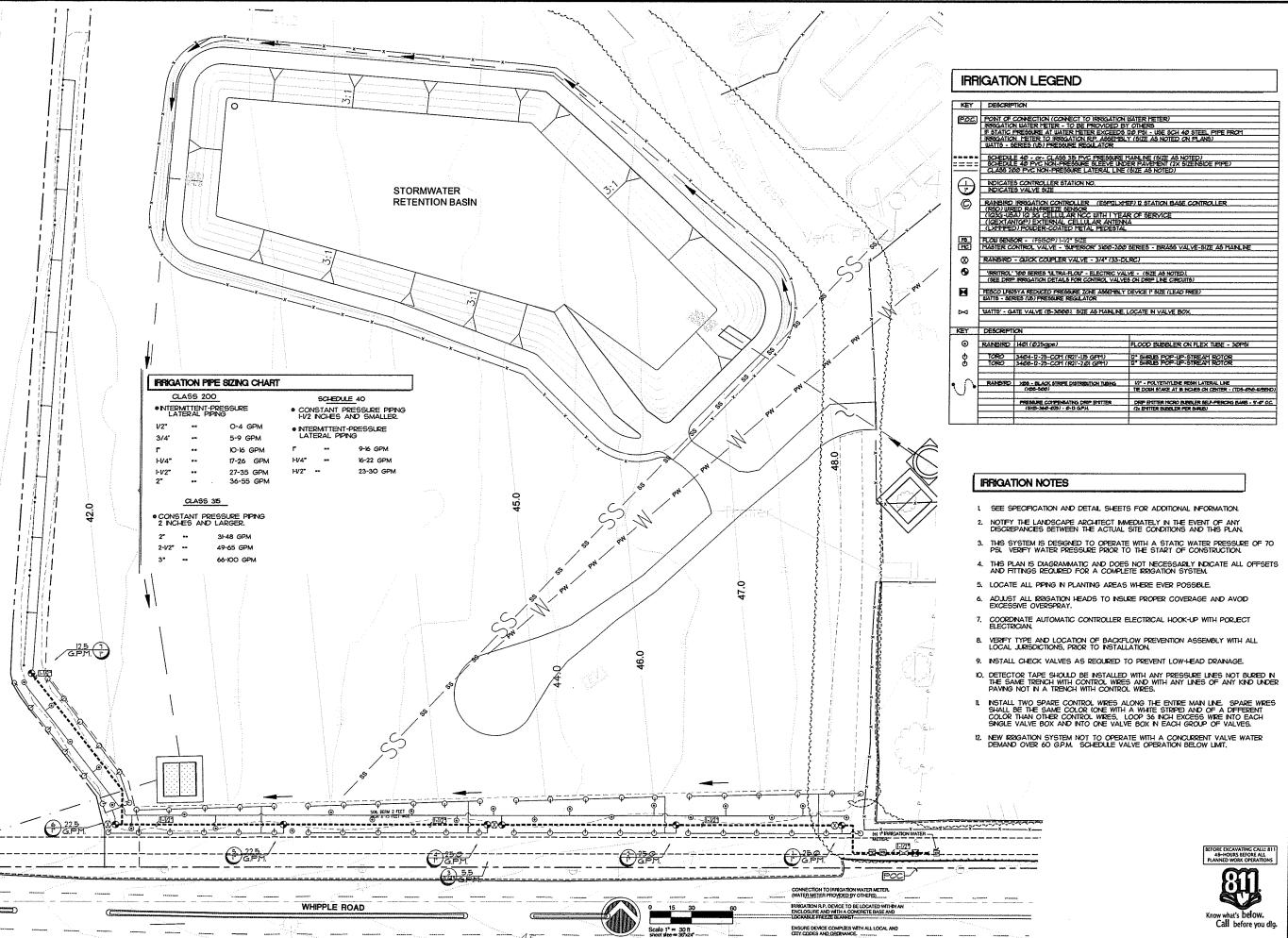
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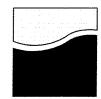


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Landscape Hydrozone Plan

Know what's below. Call before you dig.





REED ASSOCIATES 477 SOUTH TAAFFE STREET SURNIYVALE, CALIFORNIA 94086 408.481-9020 / 408.481-9022 FAX wets www.rds.not / emili poul@rds.not

United States Pipe and Foundry Company

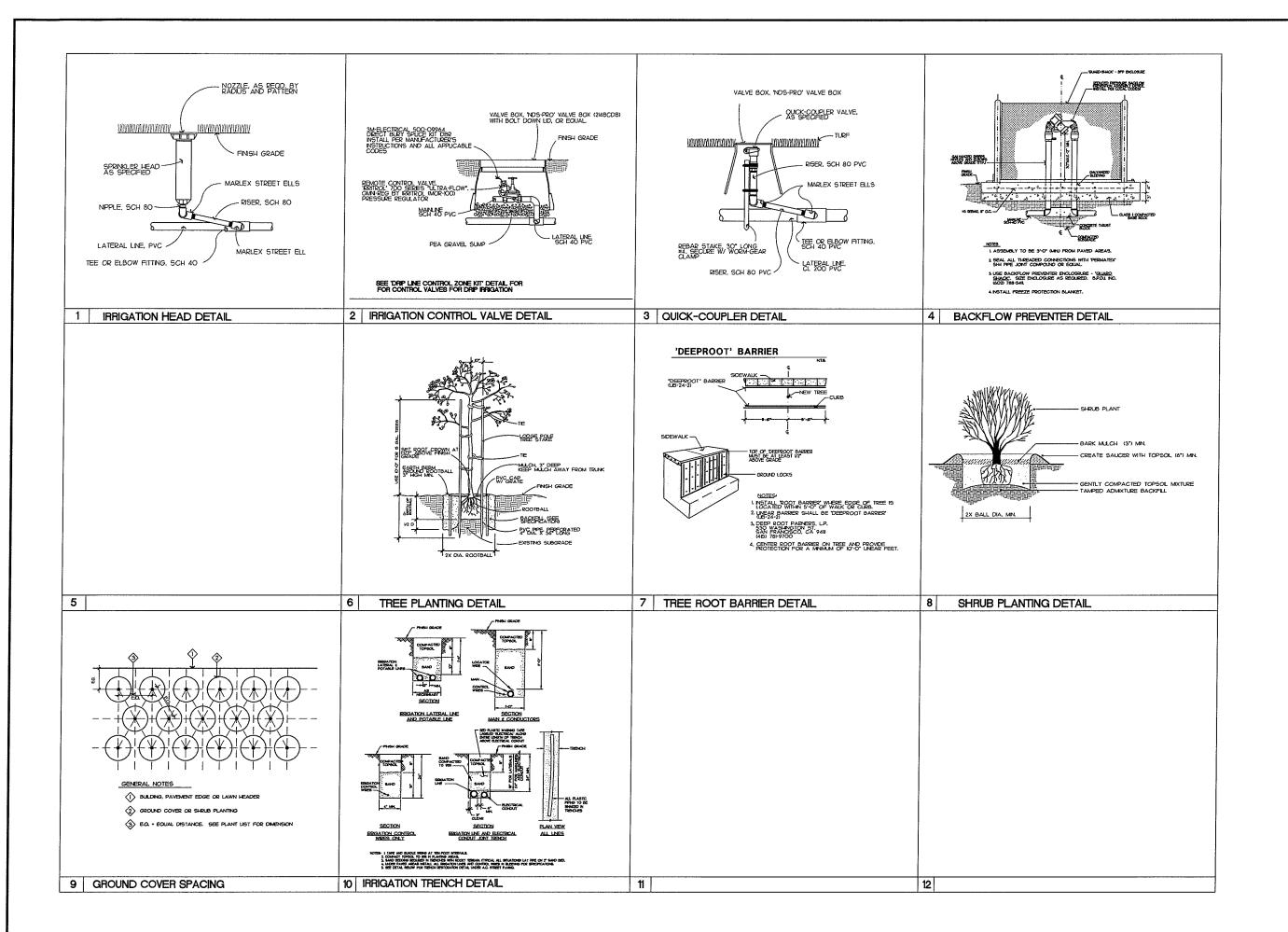
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Landscape Irrigation Plan





HEED ASSOCIATES LANDSCAPE ARCHTECTURE 477 SOUTH TAAFFE STREET SUNNYVALE, CALIFORNIA 94086 408.481-9020 / 408.481-8022 FAX

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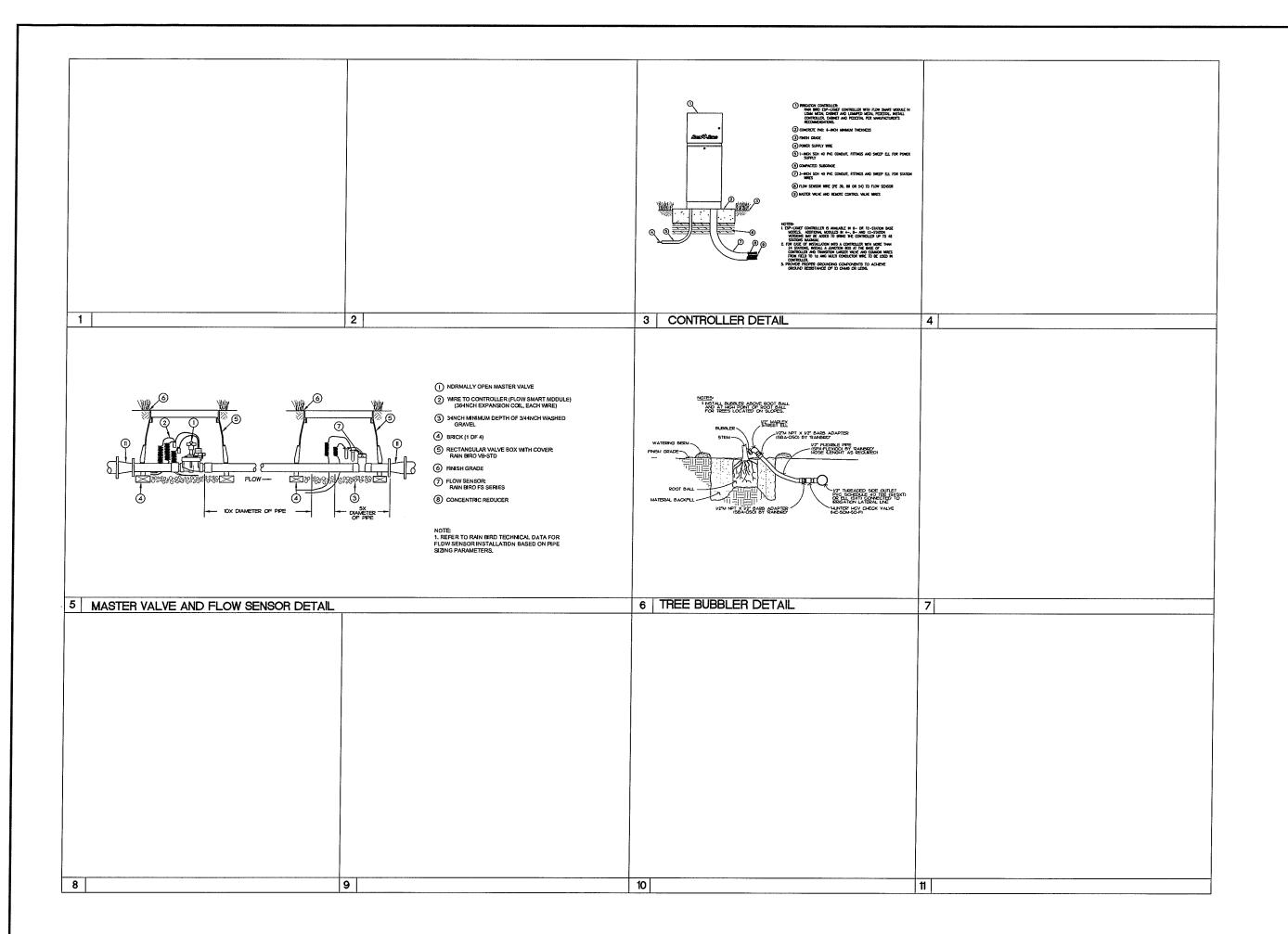
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Landscape Construction Details

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United States Pipe and Foundry Company

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Landscape Construction Details

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B. ASSUME RESPONSIBILITY FOR CHANGES CHUSED BY ACTUAL SITE CONDITIONS.
C. TRENCHING & BACKFILLING B. INSTALLATION B. INDICATE IN RECORD DRAWINGS ALL CHANGES MADE TO IRRICATION SYSTEM DESIGN.
1.3 EXTRA MATERIALS LANDSCAPE SPECIFICATIONS IRRIGATION SPRINKLER SYSTEM AND LANDSCAPE PLANTING 1.0 GENERAL 1. INSTALL PVC PIPE ALLOWING A SMALL AMOUNT OF EXCESS LENGTH IN THE LINE TO COMPENSATE FOR CONTRACTION OR EXPANSION OF THE PIPE. 4. COVERAGES RECORD DRAWINGS OR A PERSON OF 30 DAYS AFTER EXECUTION OF COMPACT, LANDSCAPE ARCHITECT WILL CONSIDER FORMER REQUESTS FROM COMPACTOR FOR SUBSTITUTION OF PRODUCTS IN PLACE OF THOSE SPECIFIED ONLY UNDER THESE CONDITIONS. Furnish materals in quantities, size, and manufacture indicated in drawings and specifications. PROR TO CONSTRUCTION, VEREY THAT CONTRACT DOCUMENTS REFLECT LATEST REVISIONS, INCLUDING PLAN CHECK REQUIREMENTS. . YMAYE NCIS.
2. SERVICE WEDICHES.
3. QUICK COUPLER VALVE KEYS.
4. HOSE SWINELS COMPATIBLE WITH QUICK COUPLER VALVES.
5. KEYS TO OPEN AUTOMATIC CONTROL CABINET. furnish owner with 2 each of the following materials for each type of valve and sprinkler nead installed in the ststem: THE WORK INCLUDES LABOR, MATERIALS, AND EQUIPMENT REQUIRED TO COMPLETE WORK INDICATED IN DRAWINGS AND DESCRIBED IN SPECIFICATIONS. PERTORAL JOHNNO BY COMPETENT TRADESLEM SPECIALLY TRANSD IN THE TYPE OF WORK RECURED, USING TOOLS AND COMPARENT RECOMMENDED BY THE MANUFACTURETES OF THE PIPE, FITTINGS, OR EQUIPMENT. HANDLE AND ASSAUBLE PIPE, FITTHASS, AND ACCESSORES BY SAILED TRADESMEN USING APPROVED METHODS AND TOOLS. DEERCISE CARE TO PREVENT DAMAGE TO MATERIALS OR EXPONENCE: PLACE INTIAL BACKFILL ON ALL LINES OF A FINE GRANULAR MATERIAL. FOREIGN MATTER LARGER THAN 1/2 INCH IN SIZE WILL NOT BE PERMITTED. furnish owner with a set of record drawnos (reproducible vellims) of irroation Sprinkler system at conclusion of the installation. SUBMIT A SEPARATE REQUEST FOR EACH SUBSTITUTION. PROVIDE COMPLETE DATA SUBSTITUTION, INCLUDING PRODUCT DATA SUBSTITUTION, INCLUDING PRODUCT DEPARTMENT AND ADDRESS, MANUFACTURER'S LITERATURE, AND SUBSTITUTION. DURENSONS INDEXTED IN DAMNINGS ARE APPROXIMATE. PROVIDE OTISETS, SITTINGS, SLEARS, ETC., REQUIRED TO COMPLETE THE PROJECT, PEPFORM SIMILAR OPERATIONS FOR COST TO OWNER. BEFORE PROCEEDING WITH THE WORK, VERIFY DIMEISONS AND QUANTILES, UNLESS AND ACTUAL CONTINUES OF BETWEEN REPAYMONS, SPECIFICATIONS, AND ACTUAL COMMINISE WHICH IN AEES OF DISTREPANCY ONLY ATTER RECENSION INSTRUMENTS FROM LANGUAGE WHICH HE AEES OF DISTREPANCY ONLY ATTER RECENSION INSTRUMENTS FROM LANGUAGE AND RETIRED. OBTAIN AND PAY FOR PERMITS AND INSPECTIONS REQUIRED FOR THE WORK. CONSTRUCT REGATION SYSTEM USING MATERIAL AND METHODS CONFORMING TO APPLICABLE PROVISIONS OF UNFORM PLUMBENG CODE, PROLISHED BY MESTERN PLUMBING OFFICIALS ASSOCIATION, MATRIONAL ELECTRICAL CODE, AND OTHER CODES PROPERLY COPERANCE THIS ELECTRICAL CODE OF THE WORK. CONFORM TO ADJACENT GRADES WITHOUT DIPS, SUNKEN AREAS, NUMPS, OR OTHER IRREGULARITIES. DIG TRENCHES STRUCKT AND SUPPORT PIPE CONTINUOUSLY ON BOTTOM OF DITCH.

A. LAY PIPE TO AN EYEN GRADE. FOLLOW LAYOUT FOR TREMCHING EXCAVATION INDICATED IN DRAWNOS AND AS NOTED. IT SETTLEMENT OCCUPS AND ADJUSTMENTS IN PIPE, VALVES, SPRINKLER HEADS, LAWN OR PLANTING, OR OTHER CONSTRUCTION ARE NECESSARY, MAKE REQUIRED ADJUSTMENTS WITHOUT ADDITIONAL COST TO OWNER. COMPACT BACKFILL FOR TRENCHING TO A DRY DENSITY EQUAL TO ADJACENT UNDISTURBED SOIL IN PLANTING AREAS AND TO 90% IN PAVED AREAS. REMOVE FROM THE SITE EXCESS AND WASTE MATERIAL RESULTING FROM TRENCHING OPERATIONS. excavation includes removal of water and materials, or obstructions of nature that would interfere with the work. CONNECT SPRINKLER IRRIGATION SYSTEM TO POINT OF CONNECTION (P.O.C.) INDICATED IN DRAWINGS. C. PROVIDE MINIMUM GOVER OF 24 INCHES OVER PIPE UNDER VEHICULAR WAYS.
D. PROVIDE MINIMUM COVER OF 18 INCHES FOR CONTROL WIRING. A. PROVIDE MINIMUM COVER OF 18 INCHES FOR PRESSURE SUPPLY LINES.

IN DEVININGS.

IN DEVININGS. PRIOR TO INSTALLATION, LAYOUT AND STAKE PRESSURE SUPPLY LINES, LATERAL LINES, AND LOCATION OF SPRINKLER NEADS. OBTAIN APPROVAL LAYOUT FROM LANDSCAPE
AGENTIECT. upacturer's waranties will not releve sub-contractor of his liability under the rante. Only supplement the currantee. E CONTRACT DOCUMENTS AGE NOT INTENDED TO CONFLICT WITH REQUIREMENTS OF RETHING OFFICIAL SECTION, OFFIC MAKE CONNECTIONS AT APPROXIMATE LOCATIONS SHOWN IN DRAWINGS. OBTAIN VELLUMS FROM LANDSCAPE ARCHITECT AT COST OF REPRODUCTION PLUS 25 PERCENT. PERFORM WORK IN ACCORDANCE WITH BEST STANDARDS OF FRACTICE RELATING TO VARIOUS TRADES, AND UNDER COMMUNIOUS SUPERMISTION OF A COMPONENT FOREMAN CAPAGLE OF INTERPRETING DRAWINGS AND SPECIFICATIONS. Verify locations of easing utilities whether or not shown in drawings. Assume responsibility for their protection. ANNUAL PROCEDURES AND METHODS ADOPTED BY CONTRACTOR SHALL BE IN STRICT ACCORDANCE WITH RECOMMENDATIONS OF MANUFACTURER OF JOINTING MATERIAL USED. KEEP INTERIOR OF PIPES, FITTINGS, AND ACCESSORIES CLEAN OF ALL TIMES, CLOSE OPENINGS IN PIPING RUNS AT THE ENO OF WORK EACH DAY TO PREVENT ENTRY OF FOREIGN MATERIALS. ACCOMPLISH EXCESS LENGTH BY "SWAXNO" THE LINE IN THE TRENCH DURING TIME OF INSTALLATION. WHEN IT IS CLEARLY SEEN, IN THE JUDCHENT OF OWNER, THAT A SUBSTITUTION WILL BE TO OWNER'S BEST INTERESTS IN TERMS OF TIME, COST, OR OTHER CONSIDERATIONS. TAKE EVERY PRECAUTION TO SECURE A PERMANENT, WATER—TIGHT JOINT BETWEEN EACH LENGTH OF PIPE. PROVIDE 3 INCH SAND BACKFILL ALL SIDES OF PAC PIPE, WHERE SOILS CONTAIN GRANTER THAN SOOK ROOKS OR OTHER MATERIAL 1/2 INCH OR LARGER IN OMMETER WITHIN NATIVE BACKFILL MATERIAL. IF EQUIPMENT IS INCORRECTLY LOCATED WITHOUT APPROVAL, RELOCATE PER DIRECTIONS OF LANDSCAPE ARCHITECT WITHOUT ADDITIONAL COST TO OWNER. MEN SPECIFIED PRODUCTS ARE NOT AVAILABLE THROUGH NO FAULT OF SUB-CONTRACTOR BENOING OF GALVANIZED STEEL PIPE WILL NOT BE PERMITTED. <u>3</u>22 P 21 **FIELD QUALITY CONTROL ELECTRICAL WORK** CONTROL VALVES D. AFTER CUTTING, REAM OUT ENDS TO THE FULL INSIDE DAMETER OF THE PIPE.

E. IN CHANCING PIPE DEPTHS, USE 458 ELBOWS.

SPRINKLER HEADS GALVANIZED PIPE AND FITTINGS PVC PLASTIC PIPE AND FITTINGS 1. CULTIVATE PLANTED AREAS TO A LIGHT AND FRUBLE CONSISTENCY. UNIFORMLY TILL THE IRRIGATION SPRINKLER MATERIALS LANDSCAPE MAINTENANCE AND GUARANTEE LANOSCAPE PLANTING PROCEDURES 2. LOCATE SHRUB HEADS MINIMUM 12 INCHES FROM BACK OF CURBS AND EDGE OF WALKWAYS WHEN SHRUB HEAD IS MOUNTED ABOVE GRADE ON A RISER. CHARANTEE THAT PLANTS AND PLANTING AREAS ARE IN HEALTHY, THRINING CONDITION FOR AN ADDITIONAL 60 DAYS AFTER HINTIAL ACCEPTANCE OF PROJECT BY LANDSCAPE ARCHITECT PROVIDE MAINTEMANCE FOR PLANTING AND IRRIGATION FOR 60 CALENDAR DAYS AFTER STAGE ACCEPTANCE. IN THE ENDIT OF FALLING BY COMPACTOR TO HAVE REPAIRS OR REPLACEMENTS WILL BE TISN DAYS AFTER RECEPT OF METERS MOTE, REPAIRS OR REPLACEMENTS WILL BE HAVE BY OTHERS AT THE EXPENSE OF SUB-CONTRACTOR. MAYE REPAIRS OR REPLACEMENTS, INCLUDING COMPLETE RESTORATION OF DAMAGED PLATING, PARMIG, OR OTHER MPROMERTS OF ARK KIND, WITHIN A REASONABLE TIME AS DETEMANED BY OWNER, AFTER RECEIPT OF WRITEN MOTICS. JUHNISH OMNER WITH CLAWANTEE THAT IRROCATION SPRINGLER SYSTEM IS FREE FROM DEFECTS IN METERS AND POSCAMUSSIEN, AND THE WORK NAS BEEN COLUMNAS AND SPECIFICATIONS, ORDINARY WEAR AND TEAR, UNUSUAL ABUSE. ON REGIETE ACCEPTED. PROVIDE CURANTE FOR REPAIR OR REPAIR OR DESCRIS IN WATERLA OR WORKMANGER SITTURE OR WATERLED TREVENER, AND TO EARLE OR RESEAU. RESULTING FROM THE REPAIRS OR REPLACEMENTS OF DETECTS WITHOUT ADDITIONAL COST TO GWARD. NO COMPACTION WILL BE ALLOWED, EXCEPT FOR NORMAL GRADING AND SHAPING OPERATIONS. CONSTRUCT MOUNDS WITH ENOUGH EXCESS MATERIAL TO ALLOW FOR FUTURE SETTLEMENT. PRESERVE EXISTING TIREES IN AN UNDISTURBED CONDITION. ROUGH GRADE EARTHEN MOUNDS TO CONTOURS INDICATED ALLOW OR CAUSE WORK TO BE COVERED UP OR EXCLOSED ONLY AFTER IT HAS BEEN INSPECTED, TESTED, AND APPROVED BY LANDSCAPE ARCHITECT. UPON COMPLETION OF GRADING OPERATIONS, SPREAD EXCESS MATERIAL IN AREAS DIRECTED BY LANDSCAPE ARCHITECT. A. FINAL LOCATION OF MOUNDS SHALL NOT CONFLICT WITH EXSTING UTILITIES, UTILITY BOXES, VALVE BOXES, ETC. REPEAT TESTS UNTIL SATISFACTORY. A DYCET FLUSHIG WATER TO PREVENT PONDING OR SOIL EROSON.
TEST PIPING UNDER FULL PRESSURE, WITH RISERS CAPPED FOR A PEROOD DF TWO
HOURS. flush ppes by removing heads and operating the system at full pressure until all rust, scale, sand, etc., is removed. SET WAYES IN VERTICAL POSITION, HOUSED IN AMETEK OR EQUAL VALVE BOX WITH REMOVABLE COVER, PLUSH WITH FINISHED GRADE, WEDREVER POSSIBLE, INSTALL IN A SHALE AREA. INSPECT PIPE FOR LEAKS. B. TO DETERMINE THAT THE INSTALLATION WILL PROVIDE DESIGN COVERNGE. Assume responsibility for the coordination of all electrical service connections to the controller. PERFORM ELECTRICAL WORK IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE. THE STATE OF CALFORNIA ELECTRICAL SAFETY ORDERS, OTHER APPLICABLE STATE AND LOCAL CODES AND RECULATIONS. install electric, normally closed angle control valves as indicated in drawings and as specified by manufacturer. WHERE INDICATED IN DRAWINGS, USE ASA SCHEDULE 40 MILD STEEL SCHEWED PIPE, CALVANZED, WITH MEDIUM CALVANZED SCHEWED BEJOED MALLEAGLE IRON FITTINGS. SOLVENT, TYPE APPROVED BY MANUFACTURER OF PIPE AND FITTINGS. USE SCHEDULE 80 PVC THREFOED NIPPLES IN RISER ASSEMBLIES. Final acceptance may be gravied at this time as determined by landscape architect. INSTALL TURP HEADS, WHERE ADACENT TO TIKED OBJECTS SUCH AS HEADERBUARDS CURBS, OR HOWING STRIPS, SO POWERED EIGING TOOLS CAN PASS BETWEEN TURF HEAD AND FIXED OBJECT WITHOUT DIFFICULTY. C. CUT PIPE CUT STRAIGHT AND TRUE. USE ONLY PAC PLASTIC PIPE FREE FROM BUSTERS, INTERNAL STRUMTONS, DENTS, WERNALES, COACKS, HOLES, FOREIGN MATERIALS, SMOOTH MITERIOR WALL WITH A CLASS-LIKE APPEARANCE. PRIOR TO END OF MAINTENANCE PERIOD, APPLY FERTILIZED D' (15-2-6) AT THE RATE OF 4 POUNDS PER 1,000 SQUARE FEET UNIFORMLY OVER ALL PLANTING AREAS. MAKEDINTELY REPLACE DAMAGED, UNHEALTHY, OR DEAD TREES, SHRUBS, AND GROUND COVERS WITH SIZE AND KIND INDICATED IN DRAWNICS. raam, Period for irrigation sprinkler system, 1 year from date of acceptance owner. LATERAL (NON-PRESSURE) LINE PIPING, TYPE 1120-1220 SCHEDULE 40, CLASS 200, NSF APPROVED, LASCO, JOHNS MANVILLE, OR APPROVED EQUAL. MAIN UNE (PRESSURE) PIPING, TYPE 1120-1220 SCHEDULE 40, NSF APPROVED, LASCO, JOHNS MANVILLE, OR APPROVED EQUAL. UPON COMPLETION OF INITIAL 80 DAY MAINTENANCE PERIOD, NOTIFY LANDSCAPE ARCHITECT 48 HOURS PRIOR TO DATE OF INITIAL INSPECTION. MORK MCLUDES, BUT IS NOT LIMITED TO, WINEDMG, MEDING, MORING, FERFILIZAK CULTIMATING, COPPING, CUTTING, AND PROMERING RECESSION TO KEEP PLANTS IN A HEALTHY GROMMG COMMING, AND TO KEEP PLANTED AREAS NEAT AND ATTRACTIVE IN APPEARACE THROUGHOUT MAINTENANCE PERSOD. L CORRECT ANY LEAKAGE DISCOVERED DURING TESTS. SWULD AIM WORK RE CLOSED OR COMERD IN BEFORE INSPECTION AND ITEMS ARE SAIRBALFORM YOUNGET IN WORK AIM, AFTER IT HAS RESH AND ARE SAIRBALFORM YOUNGET HER WORK AIM, AFTER IT HAS RESH RESECTION. DAMES ALL REPAIRS WITH AMITEMALS AS MAY RESECTION TO SAIRBALF AND PROPER COMBINEN WITHOUT ADMINISTANCE COST TO OWNER. TO DETERMINE THAT THEY FUNCTION ACCORDING TO MANUFACTURER'S DATA, AND LATERAL PVC PIPE FITTINGS, TYPE 1-11 SCHEDULE 40, NSF APPROVED, LASCO, SLOWIS, OR APPROVED EQUAL GALVANIZED COUPLINGS MAY BE MERCHANT COUPLING. COMPINUOUSLY AND PERMANENTY MARK EACH PIPE WITH MANUFACTURER'S NAME (AND DE PRIE MATERIAL, SIZE SCHEDULE OR TYPE, AND MANUFACTURER'S CHALLY COMTROL IDENTIFICATION. MAIN LINE PVC PIPE FITTINGS, TYPE 1-11 SCHEDULE 40, NSF APPROYED 0 A SOIL C. PLANTING TREES, SHRUBS, & VINES F. VALVE BOXES PLANTING GROUND COVERS 4. AVOID ADDITIONAL COMPACTION OF THE SQUIS AFTER TREATMENT. OO NOT PERMIT VEHICULAR OR EQUIPMENT TRAFFIC OVER AREAS. 3. REMOVE ROCKS, SOIL LUMPS, AND DELETERIOUS MATERIALS LARGER THAN 1 HICH, RAKE AND COMPACT AREAS WITH A 200 POUND ROLLER. 2. REMOVE RIDGES AND DEPRESSIONS. AREAS SHALL BE SMOOTH, CONTINUOUS, FIRM PLANES THAT ENSURE PROPER SURFACE DRAINAGE. ORGANIC FERTILIZERS AND SOIL AMENDMENTS CONTROL WHEL

ONTROL WHEL

1. DIRECT BLAY READTE CONTROL WRESS, U.L. APPROVED THE U.F. MANUAL OF

1. VIGA NOWN WATH INSULATION, CONSULT WAVE MANUACTURER'S CURRENT WIRE SCHNO
CHAPT FOR BECOMED WIRE SCIES. 1. AFTER ALL SOIL AMENDMENT AND ORGANIC FERTILIZERS HAVE BEEN APPLIED AND CULTIVATED INTO SOIL, FINE GRADE ALL AREAS. BACKFLOW PREVENTION SPRINKLER HEADS, REMOTE CONTROL VALVES, AUTOMATIC CONTROLLER, QUICK COUPLER 1. CONTROL WAVE BOXES, AMETEX NO. 10-70-00 WITH GREEN COVER UD NO. 10-173-004, OR EQUAL PROVIDE EXTENSIONS IF REQUIRED. LANOSCAPE PLANTING MATERIALS OO NOT LOCATE IN LAWY AREAS.
 SCREEN LIMIT WITH PLANT IMPERIAL SHOWN ON PLANTING PLAN IN LOCATION OF BACKTOM PREVENTER OR ELSEWHERE ON SITE WITH DIRECTED BY LANDSCAPE MOTHER. 2. NATIVE SOIL MATERIAL EXCAVATED FROM PLANTING HOLES, FREE FROM ROCK OVER 1/2 INCH IN DIMIETER. EXETHIC SURFACE SOIL, UNLESS OTHERWISE INDICATED IN DRAWINGS, FREE FROM SUBSOIL, RETUSE, ROOTS, HEAVY OR STIFF CLAY, ROCKS, STICKS, BRUSH OR OTHER DELETEROUS MATERIALS. 2. LOCATE REMOTE CONTROL VALYES AND QUICK COUPLERS A MAXIMUM OF 12 INCHES FROM CURB, WALK, OR HEADERBOARD. COMMON RETURN WRE = WHITE, PILDT WRE = RED, ORANGE, OR BLUCK.
 MAKE SPLICES WITH "SCOTCH LOK" ND. 3877 CONNECTOR SEALING PACKS, OR APPROVED EQUAL. A. THE MOST CONDITION SHALL EXTEND TO THE FULL DEPTH OF CULTIVATION. SPACE GROUND COVER PLANTS AS INDICATED IN DRAWNINGS AND IN THE PLANT LIST. B. REMOVE TURF IN A 24 INCH DUMETER RING AROUND EACH TREE BASE IN TURF AREAS. BACKFILL PITS WITH "PREPARED SOIL" TO THE BOTTOM OF THE ROOT BALL. THEN SET THE PLANT IN MAY UPPROFIT POSITION IN CENTER OF HOLE. BACKFILL SPACE AROUND IT WITH PLANTING ME. NO GROUND COVER SHALL BE PLANTED LESS THAN ONE-HALF OF THE SPECIFIED SPACING FROM ANY CURB OR WALKWAY. PLANT IN EVENLY SPACED ROWS WITH STAGGERED TRANGULAR SPACING AND AROUND SHRUBS AND TREES TO WITHIN ONE FOOT. PLANTING SHALL TAKE PLACE IN THE EXISTING PREPARED MOIST AND FRUBLE SOIL NEVER DRY OR WET AND SOGGY. PREPARE A SOIL RING AT LEAST 3 INCHES HICH AND AS WIDE AS ROOT BALL AROUND EACH PLANT (NOT IN A TURF AREA) TO RETAIN WATER. B. THE CROWN OF THE PLANT SHALL BE 1-1/2 INCHES ABOVE (MINIMUM) FINISHED GRADE. CULTIVATE EXSTING PLANTING LAELS WITH HAND TOOLS.

PREPALED SOIL MIX FOR BACKFILL IN PITS FOR TREES, VINES, AND SHRUBS, CONSISTING OF THE FOLLOWING. B. SOIL AT SIDES AND BOTTOMS SHALL BE LOOSENED BY SCARIFYING TO ENSURE ROOT PENETRATION. AVOID SMOOTH CIRCULAR SIDES. CONDUCT SOIL PREPARATION AND PLANTING OPERATIONS ONLY UNDER FAVORABLE WEATHER CONDITIONS. SOIL SHALL NOT BE WORKED WHEN EXCESSIVELY DRY OR WET COMMERCIAL GROUP, ORGANIC FERTILIZES AND SON, AMERICALETTS, UNIFICIAL IN COMPOSITION, DRY AND FREE-TUMBING DEMERGED TO SITE IN ORGANIL MOPÉNED CONTANEIS, EACH BEARNG THE MANUFACTURIER'S GLARAMTEED AMALYSIS. A LEVEL SIZE OF PITS SHALL BE 2 TIMES DAMETER OF ROOT BALL, AND ONE-HALF AGAIN AS DEEP AS THE DEPTH OF ROOT BALL. 1/3 7D. - RECYCLED COMPOST MATERIAL (SOIL AMENDMENT)
2/3 7D. - WITNE SOIL
TEM. - IRON SULPHATE MATERIAL WHICH BECOMES CAKED OR OTHERWISE DAMAGED, MAXING IT UNSUITABLE FOR USE, WILL BE REJECTED. E. SOIL AMENDMENT: BUPORT TOPSOIL, TO MEET ADRIAND MITTER CONTENT OF A MIN. OF 3.53.8 BY OPP MEDIA!

"POPTON 1" - REQUIRE MUPORT TOPSOIL TO MEET ORGANIC MATTER CONTENT OF A MIN. OF 3.53.8 BY OWN MEDIA!

"POPTON 2" - SUBMIT SOILS REPORT THAT DEPTITIES COSTRING TOPSOIL MEETS OF CONTENT OF 3.58.8 BY NEW MEDIA! OF BEAUTIES OF CONTENT OF 3.58.8 BY NEW MEDIA! OF BEAUTIES OF THAT OF 3.58.8 BY NEW MEDIA! OF BEAUTIES OF THE MEDIAL OF SUBMIT SOILS MEDIAL SOILS PROJECT OF THE MEDIAL OF SUBMIT SOILS MEDIAL SOILS PROJECT OF THE MEDIAL OF SUBMIT SOILS MEDIAL SOILS PROJECT OF THE MEDIAL SOILS PROJE AVOID USING PVC PIPING IN BACKFLOW PREVENTER ASSEMBLIES. ND ORGANIC FERTILIZER 'C' AS FOLLOWS (GRO-POWER TABS OR EQUAL) "OLLOWING MATERIAL, PER 1,000 SQUARE FEET, INTO THE TOP 6 INCHES OF SOIL, USING INTEREST OR SMILLAR MACHINE, THEN THOROUGHLY WATER. B. FERTILIZER 'B': BACKELOW PREMEMERS AS INDICATED IN ORAMINGS OR AS APPROVED BY LOCAL CONDENING BODY. A SUBMIT SOIL SAMPLES AND ANALYSIS OF IMPORTED SOIL TO LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO DELIVERY TO PROJECT SITE. LANDSCAPE ARCHITECT RESERVES THE RIGHT TO STOP WORK TAKING PLACE DURANG A FERRON WHICH CONNOTIONS ARE CONSIDERED DETRIBLEMAL TO SOIL STRUCTURE OR PLANT GROWNER. WATER THOROUGHLY TO ELIMINATE AIR POCKETS. FERTILIZER 'D': FERTILIZER 'A: MAEN THE BACKFILL AROUND THE PLANT IS APPROXIMATELY TWO—THIRDS TOWNELTED, THOROUGHLY WATER. BACKFILL COUPLETE TO THE GRADE OF THE STANKLAND AREA. FERTILIZER 'C': SHOULD LANDSCAPE, ARCHITECT REJECT ANY PORTION OF DELIVERED SOIL, FOR ANY REASON, SELECT SOIL MATERIAL FROM A DIFFERENT SOURCE AND RESUBBLIT TO LANDSCAPE ARCHITECT FOR APPROVAL WITHOUT ADDITIONAL COST TO OMNER. 1-TAB 2-TABS 4-TABS 6-B TABS FOR BOXED WATERW RECYCLED COMPOST MATERIAL (SOIL DRGANIC FEXTILIZER 'A' SOIL SULPHER ORGANI GROWIC FETTILIZES TO BE, JPPLIED TO LAWN AREAS PROPA TO SEEDING OR COMPANY SMALL BE GROWNLAND/PELETIZED TIME HAWAG NG-PC-LTD (MTH) IX IRON), LEC GROWNLAND/PLETIZED THE HAWAG ORGANIC IN EACH PLANT PT SMALL BE A PLANT MA WITH FORMULA NZD-P10-KS, SUCH AS GRO-POWERS. ORGANIC FERTUZER FOR GENERAL SOIL FERTILITY IMPROVEMENT IN ALL TURF AND PUMTING AREAS SHALL BE GRANULATED/PELLETIZED TYPE HAVING A N6-P20-K20 FORMULA. NIC FERTILIZER TO BE APPLIED TO LAWN AREKS AFTER TURF IS ESTABLISHED AND AROUND INSTALLED CONTAINER PLILITED SOFTIANER PLILITED THE OUTRING THE MAINTENANCE PERSON SHALL BE PELLETED THE COMBINATION CHEMICAL DRIGANIC FORMULA N15-PZ-K6. ρ A REPEAT EVERY 30 DAYS THROUGH MAINTENANCE.
F. WEED CONTROL, PEST CONTROL, & MULCHING A. PREPARATION 2.3 D. PLANT MATERIAL F. IRON SULFATE: C. WOOD CHIP MULCH 5. SPREAD BARK CHIP MULCH EVENLY OVER DEVELOPED AREAS, TO A MINIMUM DEPTH PRELIMINARY INSPECTION AND STAGE FINAL INSPECTION OF THE WORK WILL BE MADE BY LANDSCAPE ARCHITECT IN THE PRESENCE OF THE SUB-COMPACTOR WHEN WORK IS COMPLETED, MOTIONION SMALL BE MADE BY THE CONTRACTOR 48 HOURS IN ADVANCE OF SUCH INSPECTION. 7. FERTILIZING DURING MANTEMANCE. APPLY FERTILIZER "D", 30 CALENDAR DAYS AFTER PLANTING, AT THE RATE OF 5 POLINDS PER 1,000 SQUARE FEET. UPON COMPLETION OF WORK, REMOVE EXCESS SUB-CONTRACTOR'S CONSTRUCTION AND INSTAL 4. STACE ACCEPTANCE WILL BE GIVEN ONLY WHEN ALL WORK IS CORRECT AND COMPLETE.
5. THE STACE ACCEPTANCE BY LANGSCAPE ARCHITECT OF LANGSCAPE PROJECT WILL
5. STACE ACCEPTANCE BY LANGSCAPE ARCHITECT OF LANGSCAPE PROJECT WILL UPON COMPLETION OF PLANTING WORK, IS READY FOR INSPECTION. LSTED INSPECTIONS WILL BE MADE BY LANDSCAPE ARCHITECT OR AN AUTHORIZED REPRESENTATIVE. PERFORM INSPECTIONS OF CONSTRUCTION FOR THE FOLLOWING PARTS OF THE WORK:

1. INSPECTION UPON COMPLETION OF PREJURINARY FINISH GRADING AND IRRIGATION SPRINKLER SYSTEM. IPON INSPECTION, IF LANDSCAPE ARCHITECT FINDS ENTIRE PROJECT COMPLETE AND IN COMPLANCE WITH DRAWINGS AND SPECIFICATIONS, STAGE ACCEPTANCE WILL BE GRAVEED. irrication sprinkler system SOURCE QUALITY CONTROL 6. SEEDING: APPLY FERTILIZER '8' TO FINISH GRADED SURFACES AT THE RATE OF 4 POUNDS PER 1,000 SQUARE FEET. CONSIDER IT PART OF CONTRACTOR'S WORK TO CONTROL ON-SITE OR NEARBY PESTS THAT ARE DISTURBING THE CONDITION OF LANGSCAPE LAPROYELEUTS.

COMPROJ, OF PESTS INCLUDES, BUT IS NOT LIMITED TO RODENTS, PARBITS, INSECTS, DEER, ETC. If aspects of project are incomplete or improperty installed, contractor will be motified and have 5 working days in which to correct or complete the work. REPAIR DAMASE THAT OCCURS TO THE ORIGINAL CONDITION OF IMPROVEMENTS. INCLUDING REPLACEMENT OF PLANT MATERIAL WHEN REQUIRED, WITHOUT ADDITIONAL COST TO OWNERS. NETO CONTROL MITTEM, SIMIL BE A PRE-PLERICENT HERBECOE, TREFLIRICUM! (TREFLAM)
OF ROMEN AND ALL DE LONG AND APPROVISE DEVIAL, APPLED ON PLANTED
AND TOWN AND THE DECOLORS HAVE CONTROL ON PROPERTY OF PROPERTY IN THE CONTROL ON COORDINATE INSTALLATION OF SPRINKLE INTERFERENCE WITH, OR DIFFICULTY IN EXISTING OR PROPOSED UTILITIES, AND CONTIOURS AND ESTABLISHED GRADES REQUEST INSPECTION BY LANDSCAPE ARCHITECT AT LEAST 48 HOURS IN ADVANGE OF TIME INSPECTION IS REQUIRED. FINAL INSPECTION AT CONCLUSION OF PERIOD. E. LIGHTY RAKE INTO 10P 1/B INCH OF SOIL.

F. DO NOT MOW LIMIT, THEF IS Z-1/2 INCHES HIGH, AND FOR INTIAL MOWING DO
F. DO THOM LOWER THAN 1-1/2 INCHES. REMOVE ALL CLEPINGS. INITIAL INSPECTION UPON COMPLETION OF PLANTING AND TREE STAKING, PRIOR TO COMMENCEMENT OF MAINTENANCE PERIOD. LAYOUT INSPECTION OF SPOTTED PLANTS USE ONLY PLANT MATERIALS THAT ARE AND CULTIVARS SPECIFIED AND THAT OF COVERNING THE SALE, TRANSPORTATION THE HEIGHT AND SPREAD OF PLANT MATERIALS SHALL BE MEASURED WITH BRANCHES IN THEIR NORMAL POSITION. MEASURE SIZES OF PLANTS ON THE PLANT LIST. THOSE SPECIFIED TO BE MULTI-TRUNK SHALL HAVE AT LEAST THREE MAIN LEADERS FROM THE BASE. PLAMTS SHALL BE SYMMETRICAL, THPICAL FOR WRIETY AND SPECIES, SOMEO, HEALTHY VICKORUS, FREE FROM PLAMT DISEASES, INSECT PESTS (OR OTHER ECOS, WITH HEALTHY, MARMAL ROOT SYSTEMS, WELL FILLING THEIR CONTINUERS, BUT NOT TO THE POWN OF BEING ROOT BOUND. ALL PANTS SMALL BE TRUE TO MAE. THE ONE OF EACH BUNDLE OR LOT WITH THE NAME AND SZEE OF THE PLANT IN ACCORDANCE WITH SURNAMEDS OF PRACTICE RECOMMENDED BY AMERICAN ASSOCIATION OF NURSERVALEN. CONFORM PLANT MATERIAL, INDICATED STANDARD PLANT NAMES", SECOND E FOLLOW THE ESTABLISHED CUSTOMS OF CONSISTING OF RECYCLED, NON-DYED TO 3/4" DAMETER. SHREDDED BARK PLANTS THAT HAVE ENCIRCLING ROOTS, SLASHED ON A MINDAUM OF 3 SIDES TO PROVIDE ONLY PLANTS WITH STRAIGHT, IN DRAWINGS. ALL PLANT MATERIALS SHALL MEET THE SPECIFICATIONS OF FEDERAL STATE, AND COUNTY LAWS, REQUIRING INSPECTION FOR PLANT DISEASES AND INSECT INFESTATIONS. 0. SOW SEED BY EXPERIENCED PERSONNEL AT A TIME WHEN LITTLE OR NO WIND IS BLOWING. A. USE ONLY SEED THAT IS WEED FREE, FRESH, RECLEMED, GRADE A, NEW CROP CONSISTING OF THE PERCENTAGE OF MIX AS DESCRIBED IN DRAWNINGS. SOODING: RAKE AREAS TO FINISH G ADJACENT PAVING TO ACCOMMODATE A. IN THE EYENT OF SUCH COMPA RECULTIVATE COMPACTED AREAS. 5 AND 15 CALLON CON CONTAINER STOCK SHALL HAVE BEEN GOOMN IN THAT CONTAINER NOT JETS THAN SKI (S) MONTHS, BUT SHALL NOT HAVE BEEN OVERGROWN IN THE CONTAINERS SO AS TO HAVE BECOME ROOT BOUND. 15 CALLON CAN CONTAINER STOCK 1 INCH CALIPER TRUNK SOW SEED IN 2 DIRECTIONS AT A TOTAL COMBINED RATE OF 1D POUNDS PER 1,000 SQUARE FEET. LABEL SEED IN ACCORDANCE WITH THE U.S. DEPARTMENT OF AGRICULTURE TRUES AND REQUIATIONS UNDER THE FEBRUAL SEED ACT PRESENT IN EFFECT AND SMALL BE OFLINERED TO PROJECT SITE IN BACS BEARING DEALER'S LABEL AND SMALL BE OFLINERED TO PROJECT SITE IN BACS BEARING DEALER'S LABEL AND GUALANTEED MANYSIS. Stacer end joints, tichtly jointed with ho visible spaces, uchtly water and roll entire areas. Then heavily water to assure water penetration of at least a depth of 8 inches. SPREAD 2D POUNDS PER 1,000 SURFACES PRIOR TO SODDING. SQUARE FEET OF FERTILIZER '8' ON SOIL THEN NEATLY INSTALL SOO SLABS. RADE ELEVATION TO 1 INCH LOWER THAN SOD THICKNESS. R MATERIALS, INCLUDING PIPE, TO EDIMENTE PLANTING SHRUBS TREES, GROUND COVER, OTHER CONSTRUCTION, RESTORE TO ORIGINAL CHANGED DURING COURSE OF THE WORK, IN DRAMINGS BY THE LISTED NAMES, TO DITION, EXCEPT FOR NAMES NOT INCLUDED, IF THE NURSERY TRADE. HALL RECEIVE A TOP DRESSING OF MULCH WOOD CHIPS OR FIR CHIPS, MEDIAN GRIND 3/B TO INACCEPTABLE. NOTIFY LANDSCAPE ARCHITECT THAT PROJECT THON, CONTRACTOR WILL BE REQUIRED TO COMMERCIAL BRAND, HOT ROOT BOUND, SHALL HAVE ROOTBALLS LIGHTLY STOP EXCIRCLING ROOT GROWTH. FIRST CLASS REPRESENTATIVE OF THE SPECIES SHEDRIN TO ALL STATE AND LOCAL LAWS AND INSPECTION OF PLANT MATERIALS. Materials, Rubbish, Debris, and Lation equipment from the premises. ENTIRE PLANTED AREA, EXCEPT TURF OF 3. CCEPTANCE DITIONAL 60 DAY LANDSCAPE MAINTENANCE HAVE A PLANTED NEIGHT OF 8 FEET WITH œ

Jnited States Pipe REED ASSOCIATES
LANDSCAPE ARCHTECTURE
47 SOUTH TAMFE STREET
SUNRYMALE CAULORNA 94086
408.481-9829 / 408.481-9822 RX
welt wordfand / endt pal@dand

and Foundry Company 1295 Whipple Road Union City, CA

CITY COMMENTS - 1ST

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Landscape

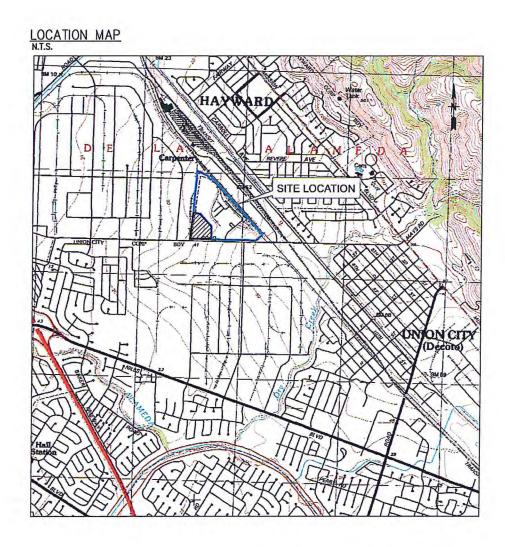
Specifications

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EXHIBITA

STORMWATER IMPROVEMENTS PLAN

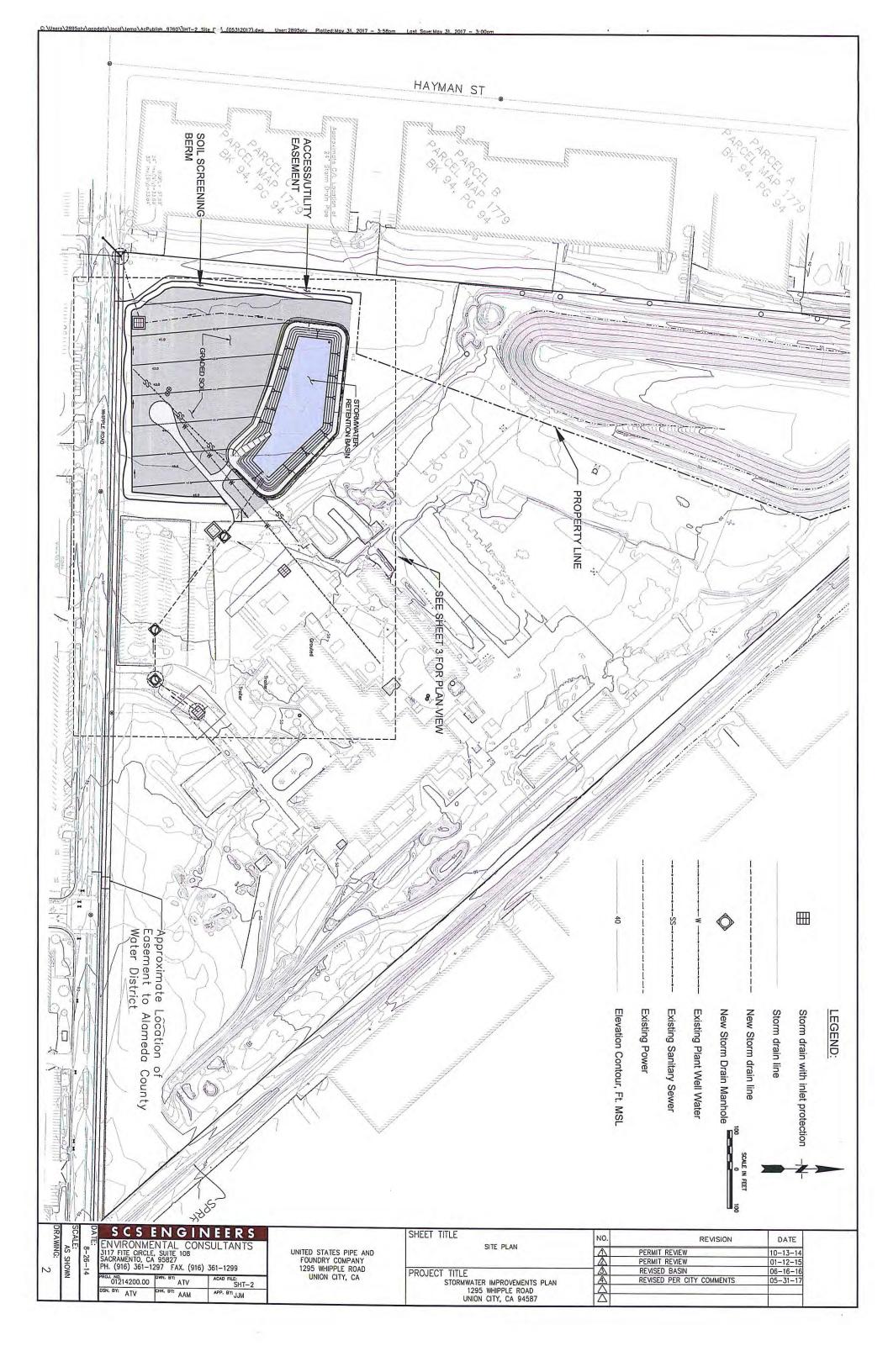
PREPARED FOR
US PIPE & FOUNDRY COMPANY FACILITY
NORTH AND SOUTH OUTFALL DRAINAGE AREAS
1295 WHIPPLE ROAD
UNION CITY, CA 94587

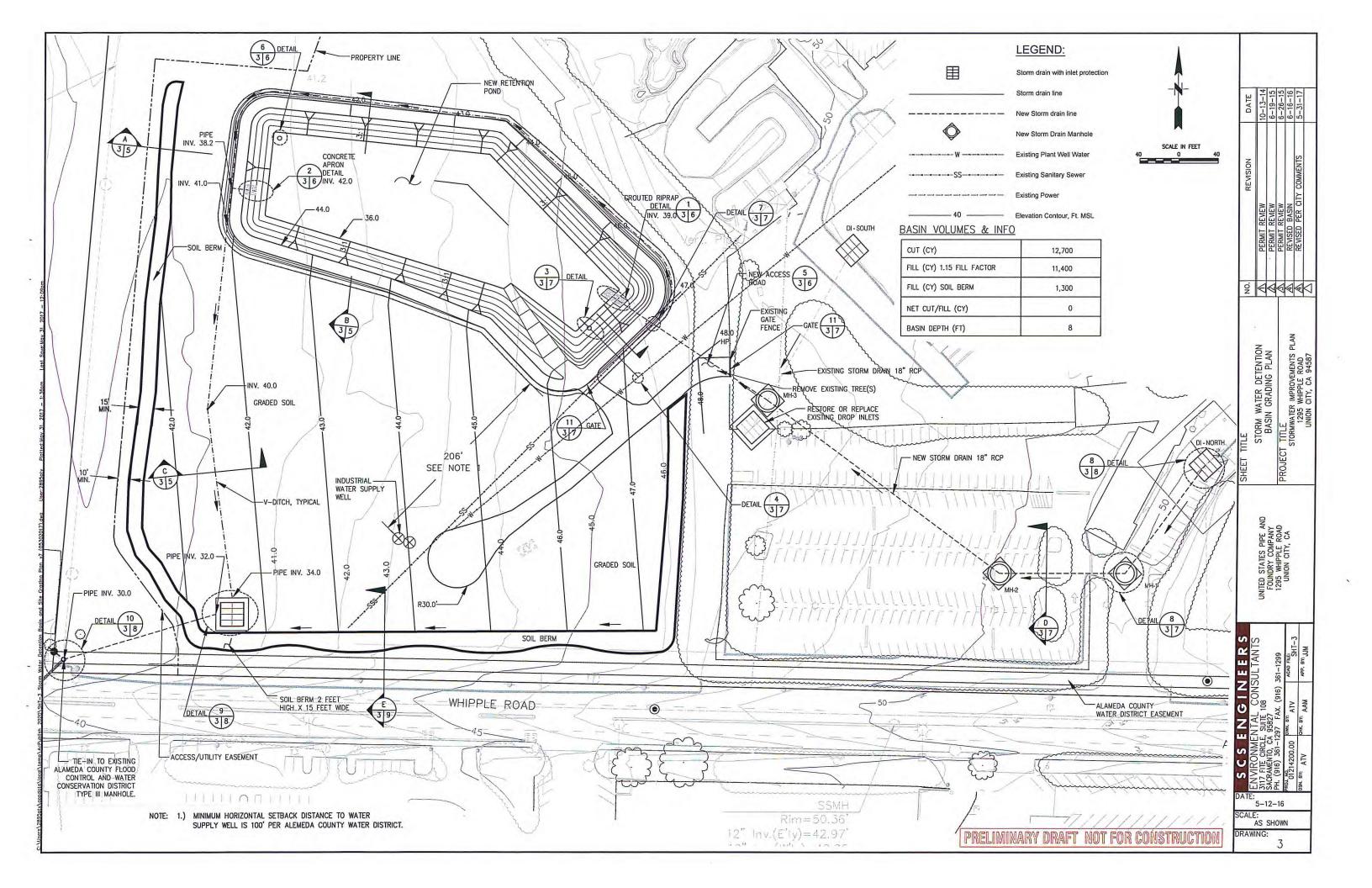


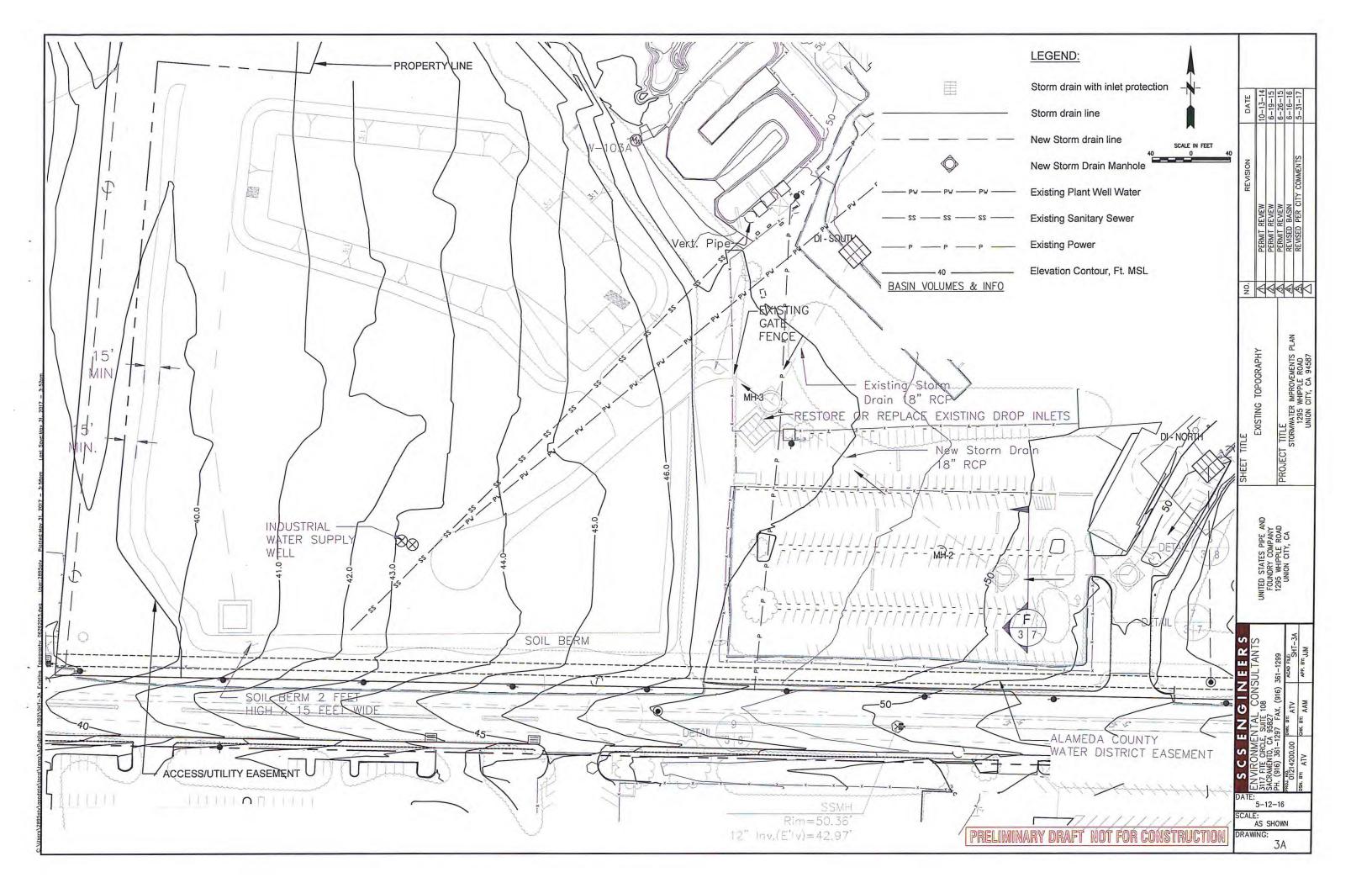
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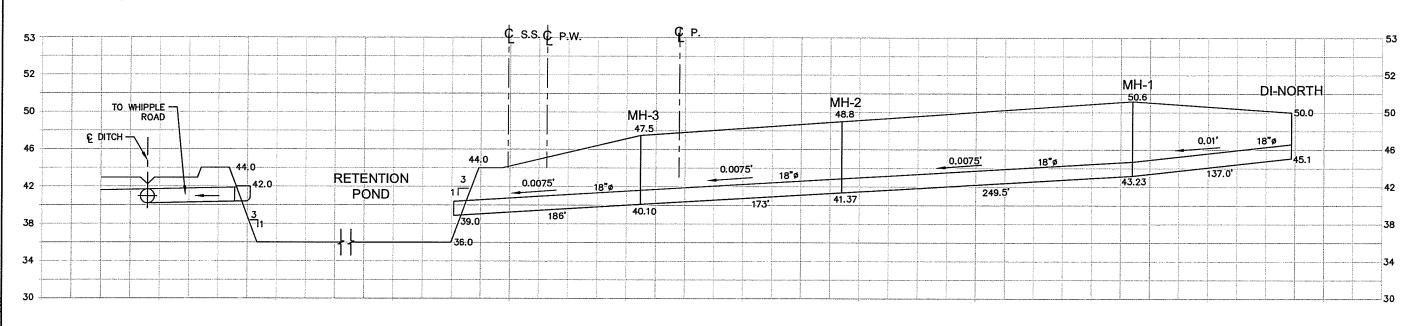
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UNION CITY ECONOMIC S COMMUNITY DEVELOPMENT

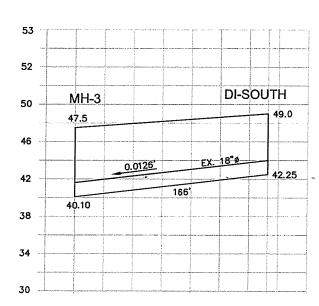








PROFILE
SCALE: HORIZ: 1"-40'
VERT: 1"-5'



PROFILE SCALE: HORIZ: 1"-40' VERT: 1"-5'

LEGEND:

DI-S	Existing Drop Inlet South
DI-N	Existing Drop Inlet North
Р	POWER
PW	PLANT WATER
SS	SANITARY SEWER

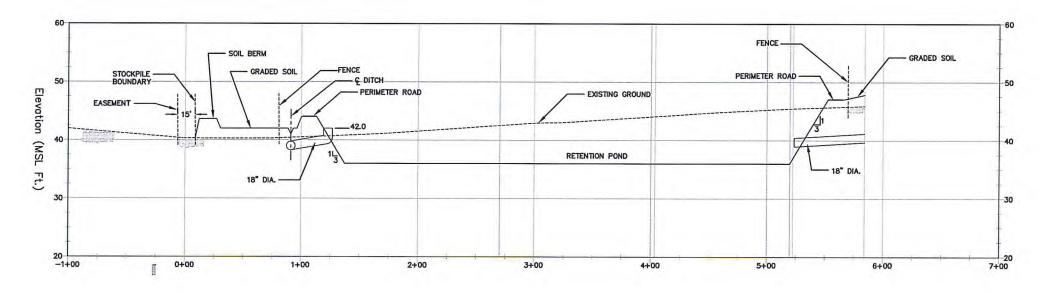
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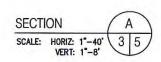
CONTRACTOR TO VERIFY PIPE INVERT ELEVATIONS OF MANHOLES AND ADJUST IN FIELD AS NEEDED.

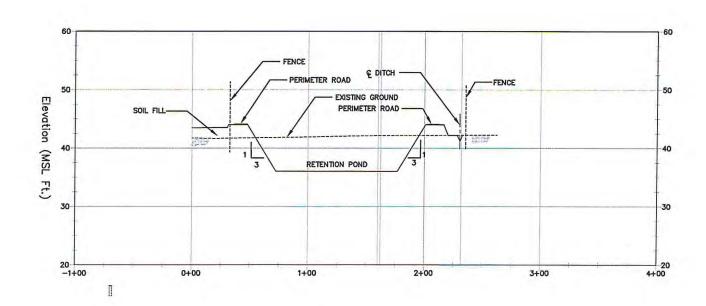
	DATE	10-13-14	6-19-15	6-26-15	6-16-16		
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	SHEET TITLE	STORM DRAIN PROFILES		PROJECT TITLE	STORWWATER IMPROVEMENTS PLAN	1295 WHIPPLE ROAD	UNION CITY, CA 94587
	UNITED STATES PIPE AND FOUNDRY COMPANY 1295 WHIPPLE ROAD UNION CITY, CA						
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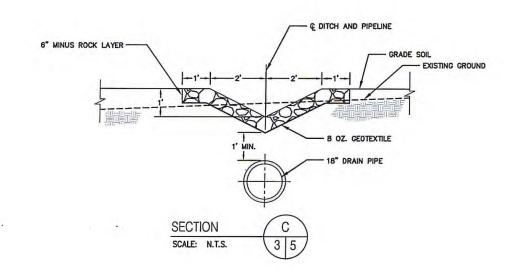


FINAL DESIGN TO INCLUDE LANDSCAPE PLAN IN ACCORDANCE WITH CITY OF UNION CITY CODE CHAPTER 18.112 (WATER EFFICIENT LANDSCAPE) AND CITY LANDSCAPE STANDARDS POLICY STATEMENT.









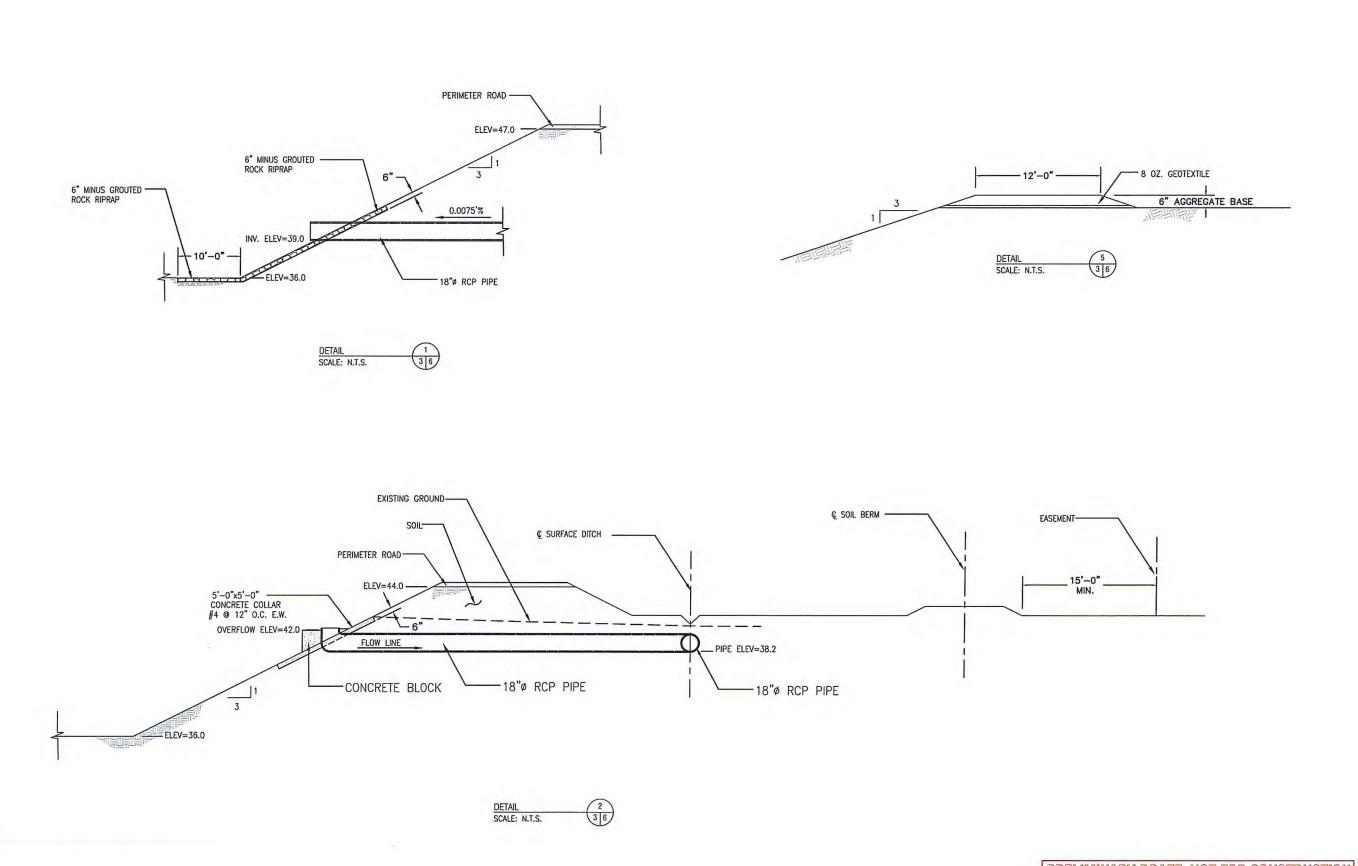
SECTION

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VERT: 1"-8"

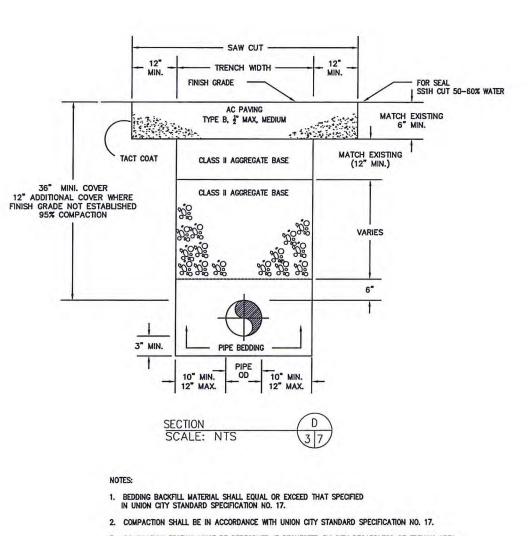
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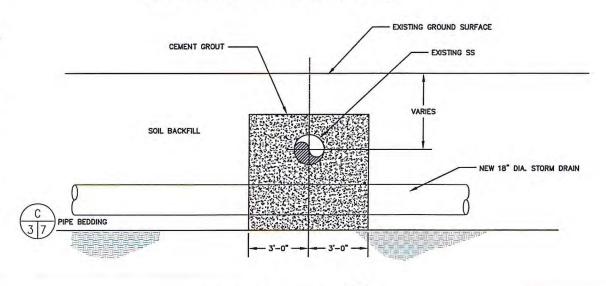
SECTIONS AND DETAILS 8-26-14 SCALE: AS SHOWN PRELIMINARY DRAFT NOT FOR CONSTRUCTION DRAWING: 6

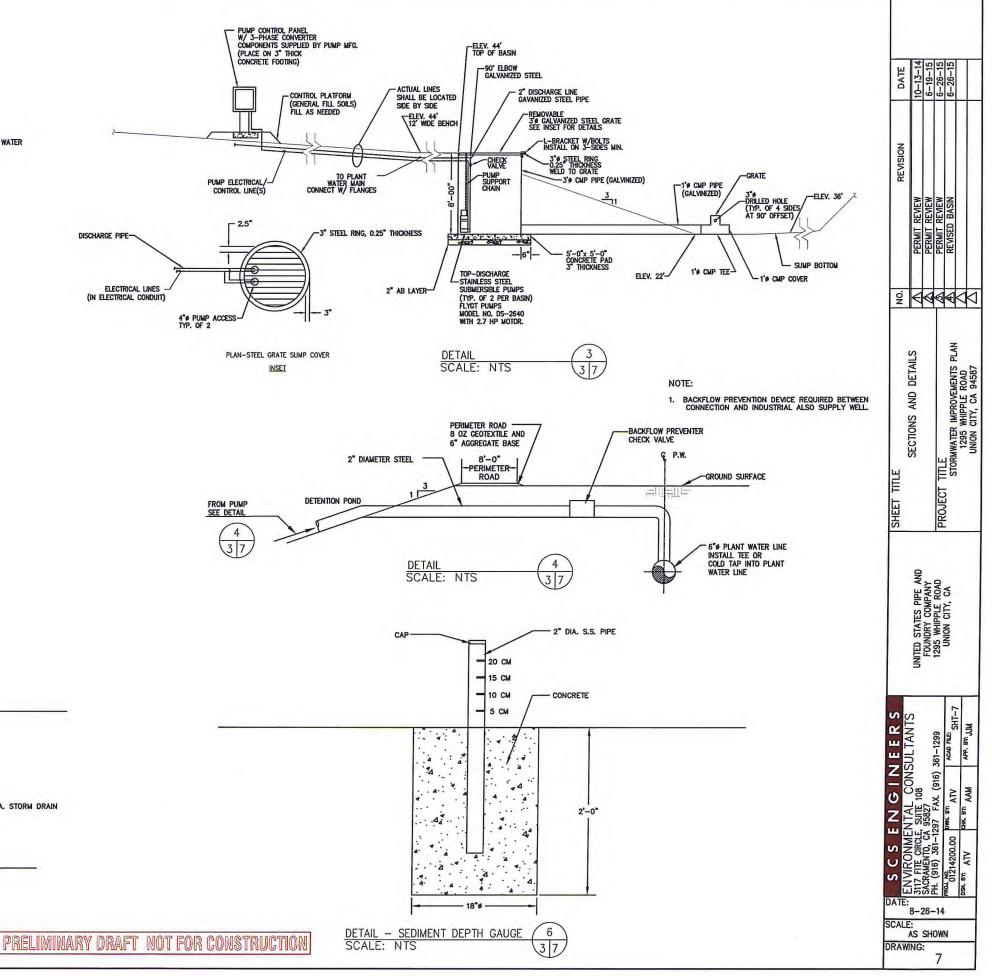
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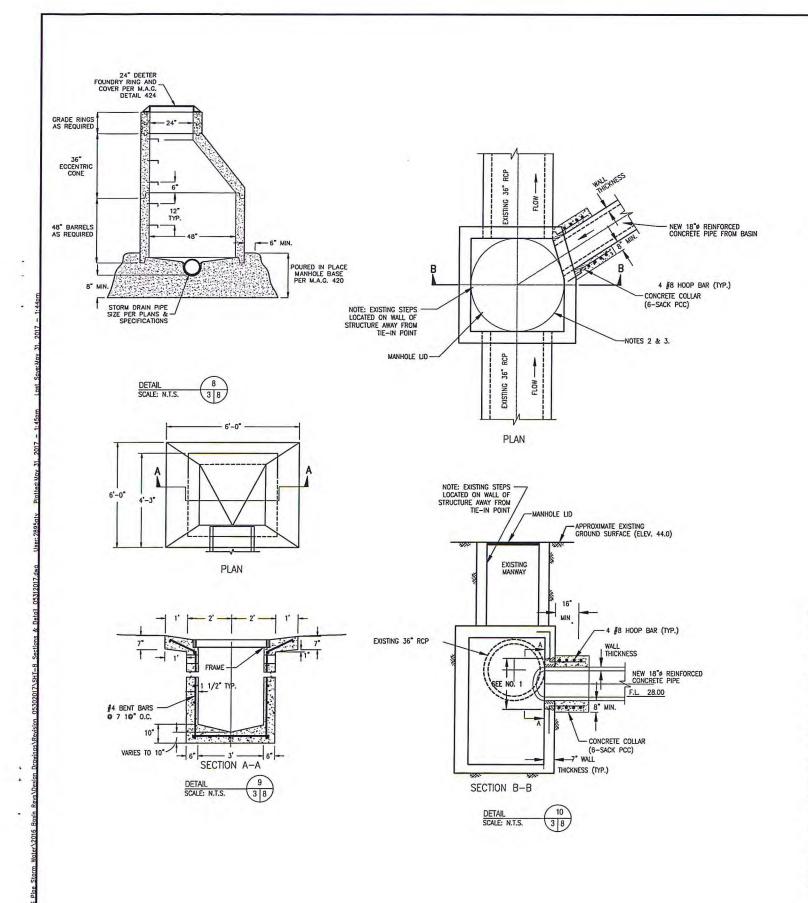


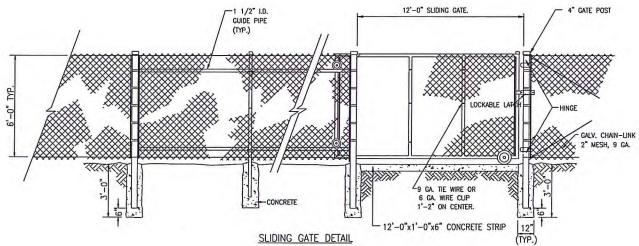
- 3. COMPACTION TESTING MUST BE PERFORMED IF REQUESTED BY CITY REGARDLESS OF TRENCH AREA.
- TRENCHING AREA WITH MORE THAN 50 SQ. FT. REQUIRES A COMPACTION TEST CERTIFICATION SUBMITTED FOR CITY APPROVAL.
- 5. SANITARY SEWER CROSSING PER ALEMEDA CO. PUBLIC WORKS SD-511.

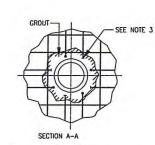
DETAIL - S.S. CROSSING SCALE: NTS











NOTES:

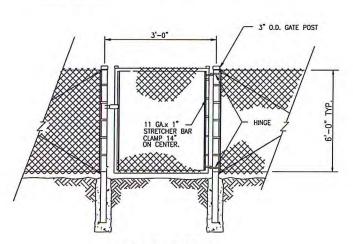
1. THE MINIMUM DIAMETER OF THE OPENING IN THE EXISTING WALL SHALL BE DEFINED BY THE FORMULA D = PIPE 0.D. $+6d+3^\circ$ where d= The diameter of the existing wall reinforcing bars.

BARS.

2. THE AREA OF THE PLANNED OPENING SHALL BE DRILLED AND CAREFULLY BROKEN OUT IN ORDER TO DETERMINE THE LOCATION OF THE EXISTING HORIZONTAL AND VERTICAL REINFORCEMENT. THE CONCRETE SHALL BE REMOVED IN SUCH A MANNER SO AS TO PRECLUDE SHATTERING OR SPALLING OF THE ADJACENT WALL AND DAMAGE TO THE EXPOSED BARS. A MINIMUM OF 4 BARS SHALL BE SINGLE CUT —— AS SHOWN IN SECTION A—— AND BENT OUT INTO THE AREA OF THE COLLAR, USING A MINIMUM BEND RADIUS OF 3d AND A MINIMUM COVER OF 1 \$\frac{1}{2}\$. THE SPACING BETWEEN THE UPSTANDING LEGS OF THE BENT BARS SHALL BE APPROXIMATELY EQUAL. APPROXIMATELY EQUAL.

A. ALL CRACKS IN THE OPENING SHALL BE GROUTED, USING A PORTLAND CEMENT PASTE PER SECTION 51-1.13 OF CALITRANS STANDARD. SPECIFICATIONS, AND THE SURFACE CLEANED, PRIOR TO THE PLACEMENT OF THE PIPE IN THE OPENING, THE PIPE SHALL BE PRE-CUT SO AS TO BE FLUSH WITH THE INSIDE SURFACE OF THE STRUCTURE (MANHOLE). AFTER POSTIONING OF THE PIPE TO THE REQUIRED FLOW LINE ELEVATION, THE PIPE STAND LEGEDITED IN DATES TO THE PIPE TO THE REQUIRED FLOW LINE ELEVATION, THE PIPE STAND LEGEDITED IN DATES TO THE PIPE TO THE REQUIRED FLOW LINE ELEVATION, THE PIPE STAND LEGEDITED IN DATES TO THE PIPE OF THE P THE REQUIRED FLOW LINE ELEVATION, THE PIPE SHALL BE GROUTED IN PLACE USING COARSE PEA GRAVEL GROUT. THE GROUT SHALL BE CURED FOR AT LEAST 3 DAYS, KEEPING THE SURFACES CONTINUOUSLY DAMP, PRIOR TO POURING THE PCC COLLAR AROUND THE PIPE. THE INTERIOR WALL SURFACE AROUND THE OPENING SHALL BE FINISHED, USING MORTAR PER SECTION 51-1.135 OF THE CALTRANS STANDARD SPECIFICATIONS AS REQUIRED.

4. CITY OF UNION CITY STANDARD DETAILS ARE DRAWING NO. STD.-603 AND DRAWING NO. STD.-401 ARE INCORPORATED INTO THESE



SINGLE SWING GATE

DETAIL-TYPICAK 6' CHAIN LINK FENCE SCALE: N.T.S.

SECTIONS AN	PROJECT TITLE STORMWATER I 1295 W
UNITED STATES PIPE AND FOUNDRY COMPANY	1295 WHIPPLE ROAD UNION CITY, CA

GINEERS L CONSULTANTS E 108

Z

SCALE:

8-26-14

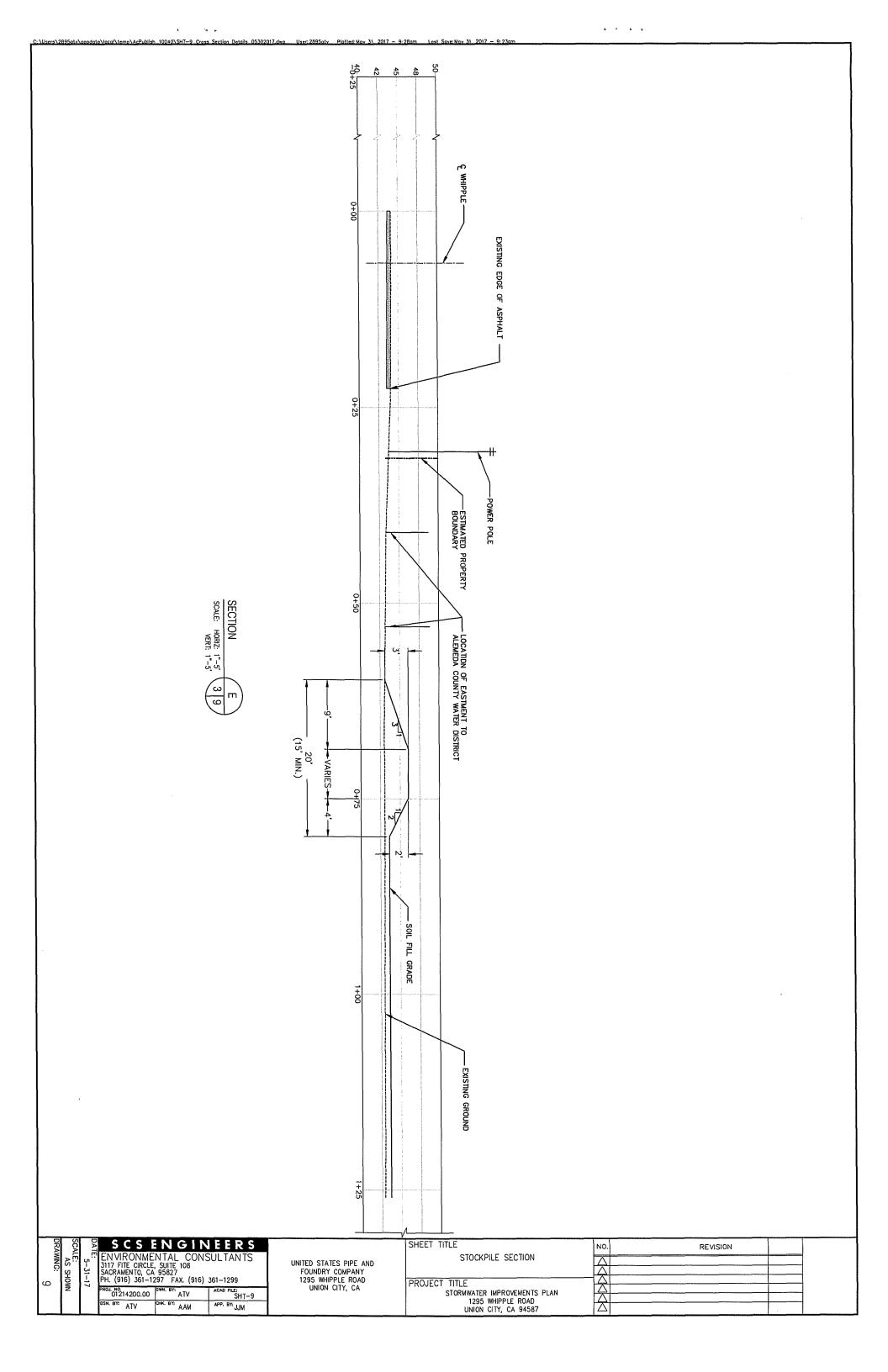
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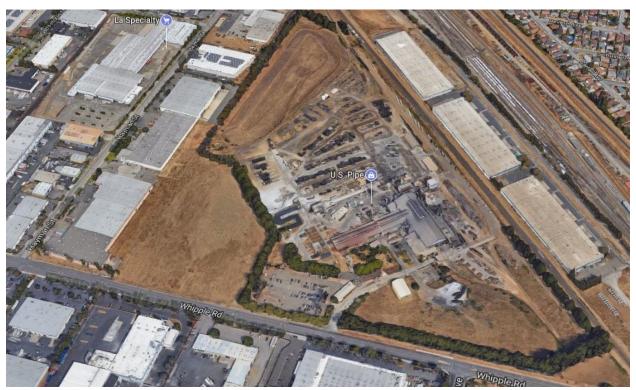
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DETAILS

AND



Attachment 1 – Site Photos



US Pipe Site



Project Site



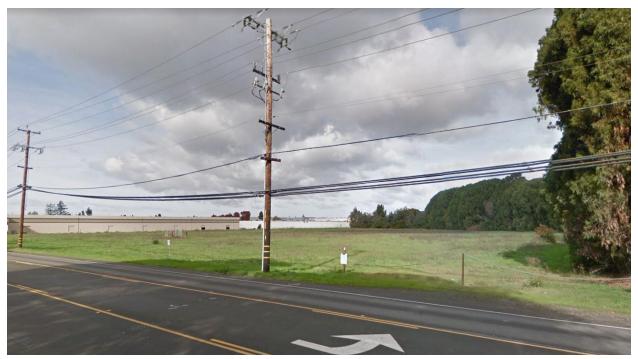
Main US Pipe Entrance (Project site is approximately 500 feet to the west/left)



Project Site (from Whipple Road)



Industrial Water Supply Well



Project Site (from southeast corner of Whipple Road)



Project Site (from southwest corner of Whipple Road)

CITY OF UNION CITY, CALIFORNIA

U.S. Pipe and Foundry Retention Basin Project

INITIAL STUDY &
MITIGATED NEGATIVE DECLARATION

MARCH 2017



U.S. Pipe and Foundry Retention Basin Project

Initial Study/Mitigated Negative Declaration

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California Environmental Quality Act (CEQA) Environmental Checklist Form

1. Project Title: U.S. Pipe and Foundry Retention Basin Project

2. Lead Agency Name and Address:

City of Union City Economic & Community Development Department 34009 Alvarado–Niles Road Union City, CA 94587–4497

3. Contact Person and Phone Number:

Timothy Maier, Associate Planner (510) 675–5382 TimM@unioncity.org

4. Project Location:

1295 Whipple Road, Union City, California (Alameda County) Assessor Parcel Number (APN): 475-50-08

The project site is located on the north side of Whipple Road, between Hayman Street on the west (in the City of Hayward) and the BART tracks on the east (also in the City of Hayward). The site is approximately 4,500 feet west of State Highway 238 (Mission Boulevard) and about 1.2 miles east of Interstate 880. The triangular site is flanked on the east and west by the adjacent City of Hayward border.

5. Project Sponsor's Name and Address:

United States Pipe and Foundry Company, LLC 1295 Whipple Road Union City, CA 94587

Contact: Dioni Araza, (510) 441-5865

6. General Plan Designation:

MG (General Industrial)

7. Zoning:

MG (General Industrial)

U.S. Pipe and Foundry Retention Basin Project Project Description

Overview

The project applicant, the United States Pipe and Foundry Company, LLC (U.S. Pipe), is proposing to develop a stormwater retention basin on its industrial property at 1295 Whipple Road, where U.S. Pipe operates an iron smelting facility and ductile iron pipe manufacturing plant. The purpose of the proposed retention basin is to capture and retain stormwater runoff from the plant property so as to reduce or prevent the discharge of pollutants via stormwater into downstream regulated Waters of the United States. The location of the site is shown on Figure 1. An aerial overview of the site is shown on Figure 2.

Although minor alterations of land such as the proposed project are typically exempt from the California Environmental Quality Act (CEQA) requirements, Section 15300.2(e) of the CEQA Guidelines states that a project shall not be categorically exempt from CEQA review if the project is located on a site that is included on any hazardous waste list compiled pursuant to Section 65962.5 of the Government Code. The U.S. Pipe property is listed on multiple California agency databases for hazardous materials release sites, hazardous materials use and storage sites, or hazardous waste disposal sites compiled pursuant to Government Code 65962.5 and, therefore, the proposed project requires environmental review pursuant to CEQA. This Initial Study documents the City of Union City's compliance with CEQA with respect to the proposed retention basin project.

Project Background

The project resulted from the terms of a settlement agreement (consent decree) issued by the United States District Court in December 2013 for *Baykeeper vs. United States Pipe and Foundry Company, LLC*, a complaint filed by Baykeeper in April 2012. Baykeeper is an independent water quality watchdog organization dedicated to protecting San Francisco Bay from pollution impacts. The consent decree is a compromise between the parties, without assignment or admission of guilt, to avoid further litigation regarding Baykeeper's complaint that U.S. Pipe violated federal stormwater discharge regulations.

Pursuant to the federal Clean Water Act of 1972, the U.S. Environmental Protection Agency (USEPA) established the National Pollutant Discharge Elimination System (NPDES) permit program, which prohibits the discharge of any pollutant from a point source into navigable waters without authorization by an NPDES permit. Point sources are typically defined as waste emanating from a single, identifiable location such as a pipe. The U.S. Pipe is a permitee under NPDES Industrial General Permit (IGP) No. CAS000001 issued by the State Water Resources Control Board (SWRCB) by Water Quality Order No. 92-12-DWQ adopted in 1991 and amended in 1997 by Water Quality Order No. 97-03-DWQ. (Subsequent to the consent decree, the SWRCB adopted an amendment to the Industrial General Permit in April 2014 by Water Quality Order No. 2014-0057-DWQ, which became effective on July 1, 2015. U.S. Pipe is currently complying with the terms of the amended IGP.) The Baykeeper complaint alleged that U.S. Pipe repeatedly discharged polluted stormwater in violation of the IGP and the Clean Water Act.

The proposed retention basin is an infrastructure improvement intended to prevent further stormwater discharge from the U.S. Pipe site. Stormwater collected in the basin would be removed via three mechanisms: 1) percolation to groundwater, providing natural filtration of pollutants; 2) evaporation; and 3) reuse as process water at the U.S. Pipe plant.

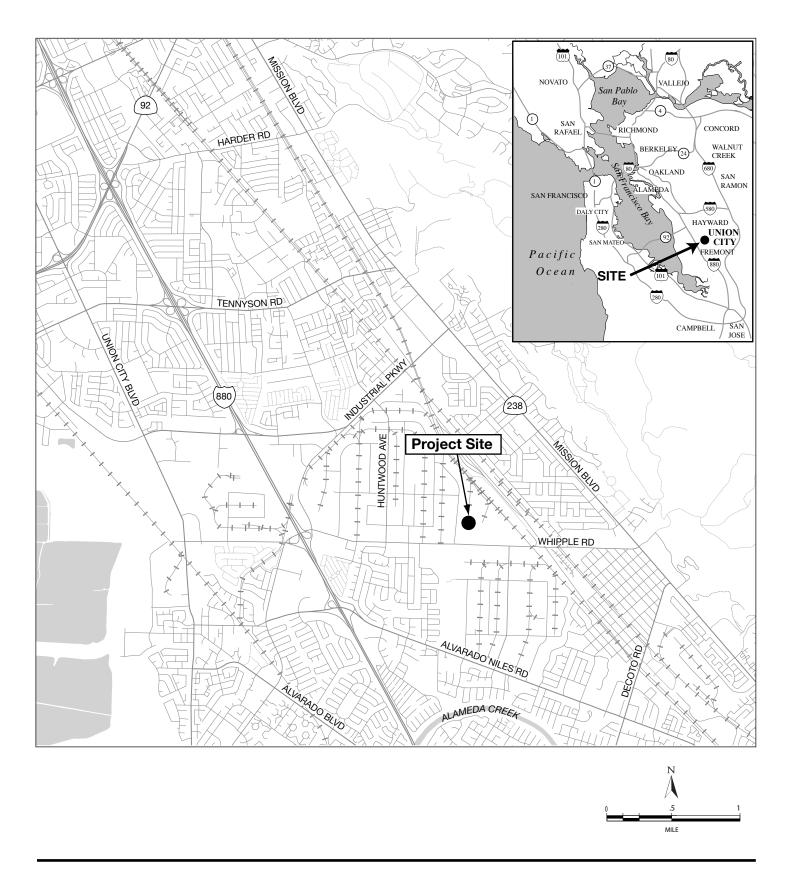


Figure 1



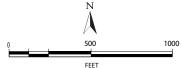


Figure 2Aerial Overview of Project Site

The overall objective of the project is to reduce or prevent pollutants associated with the industrial activity at the U.S. Pipe site from discharging to waters of the United States.

As such, the size and depth of the proposed basin has been designed to provide storage capacity for the 95th-percentile 24-hour storm event plus an average year precipitation, as well as water for on-site manufacturing processes. SCS Engineers, the design engineer for the project, concluded that a retention basin sized for approximately 276,000 to 314,000 cubic feet (6.3 to 7.2 acre-feet, or approximately 20.5 million to 23.5 million gallons) would allow storage for an average year of precipitation, accounting for evaporation and infiltration, and would provide water on site for U.S. Pipe's manufacturing processes. Accordingly, a detention basin with 6.3 acre-feet of capacity is proposed.

SCS Engineers estimates that it would take 3.3 to 3.6 days for the water level to be lowered by evaporation, infiltration, and on-site water use to have enough room for the next storm event. The proposed retention basin would not have a liner, due to the groundwater depth being greater than 10 feet below the ground surface (bgs); groundwater in the vicinity of the proposed basin is 21 to 31 feet bgs.

Pursuant to the consent decree, U.S. Pipe must also provide maintenance specifications for the basin, which shall include the scraping and disposal of the top 5 centimeters of soil and sediment from the base of the basin, every five years, to avoid a build up of soil contaminants. The soils must be tested prior to disposal to determine if the soil shall be disposed of as a hazardous material.

Existing Conditions

The proposed stormwater retention basin would be added to an existing stormwater collection system on the U.S. Pipe property that consists of the following three primary components, depicted on Figure 3:

- 1) the North Outfall Drainage Basin, comprising approximately 18 acres, which receives stormwater flow from eight storm drains located next to the machine shop, offices, loading area, storeroom, raw material storage, and the main manufacturing building;
- 2) the <u>South Outfall Drainage Basin</u>, comprising approximately 8.8 acres, which receives stormwater flow from 12 storm drains located next to the baghouse, shipping yard, main manufacturing building, core room, cement lining building, "Wayne's Building," and waste oil, empty drum liquid waste, and solid waste drum areas; and
- 3) the approximately 11.8-acre <u>closed solid waste landfill</u>, which has a single storm outlet at its southern end.

In addition, stormwater from approximately 16.6 acres of land located to the east of the closed landfill, which includes the shipping yard, vehicle maintenance building, and rail loading docks, is directed to the vacant field in the southwest corner of the U.S. Pipe property, where the proposed retention basin would be located. The vacant field, employee parking lot, and a surface impoundment used for pretreatment of wastewater generated at the plant comprise the remainder of the approximately 70-acre U.S. Pipe property.

The North Outfall Drainage Basin discharges into a 15-inch diameter stub pipeline that connects to a 30-inch diameter storm drainage main line that runs under Whipple Road and ultimately discharges to San Francisco Bay via Old Alameda Creek. The South Outfall Drainage Basin discharges into a 12-inch diameter stub pipeline that also discharges to the 30-inch main in Whipple Road.

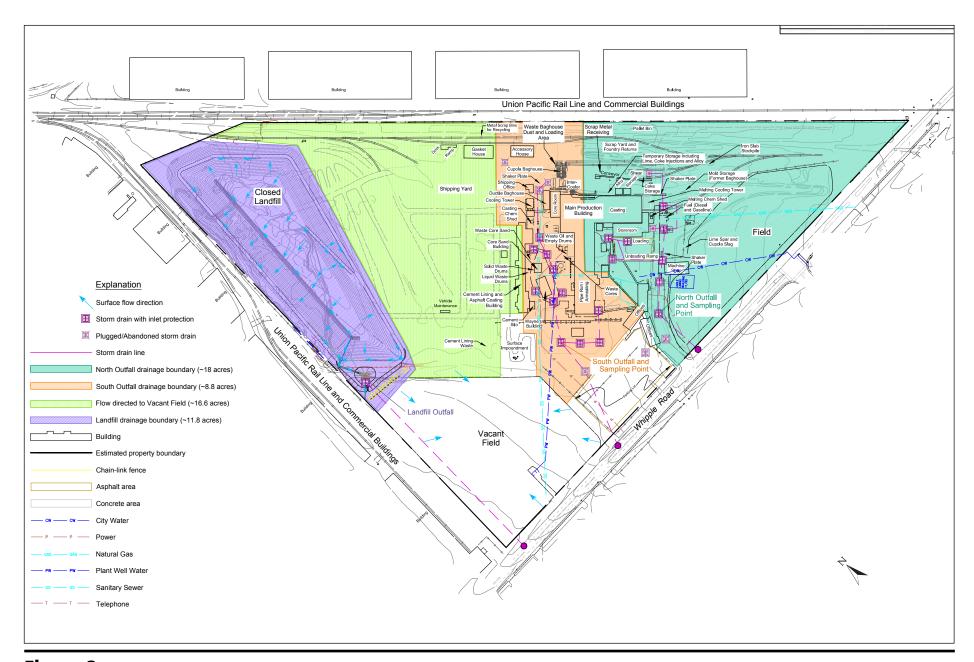


Figure 3

Proposed Retention Basin Design

The kidney-shaped basin, shown on Figures 4 and 5, would measure approximately 280 feet along the northern edge, then would angle to the southeast for approximately 240 feet. The overall length would be approximately 470 feet and the width would vary from approximately 180 feet to 210 feet. The pond would be constructed with maximum side slopes of 3:1 (horizontal to vertical) and would have a maximum depth of 8 feet. The basin would be surrounded by a raised perimeter access road with an aggregate base surfaced with gravel. A ramp with a 5-percent slope would lead from the perimeter road into the southeastern corner of the pond to provide access for maintenance purposes. As shown on Figure 5, the gated access road would extend to an existing access road on the plant property, about 140 feet to the east. The graveled access road would also extend in a southwesterly direction for about 240 feet to provide maintenance access to an industrial water supply well located in the southern portion of the vacant field where the retention basin would be developed. The retention basin would be set back 206 feet from the water supply well, satisfying the 100-foot minimum setback required by the Alameda County Water District. The project scope also includes destruction of a well whose specific location within the vicinity of the project site has not been determined. A vertical sediment gauge anchored in concrete would be installed in the retention basin to allow for monitoring of the depth of sediment accumulating in the pond. Other components would include the following:

- Submersible pump, vault, and grate opening;
- Submersible pump intake grate covering;
- Pump controls and valving; and
- Pump discharge piping, connectors, and valves for evidence of leakage.

The entire pond would be enclosed by an 8-foot-high chain link security fence. A locked sliding gate at the ramp entrance and a locked swing gate adjacent to the outfall would provide access to U.S. Pipe personnel for maintenance activities.

A new 18-inch diameter reinforced concrete storm drain would be installed to intercept storm flow from the existing North and South outfalls described above, as shown on Figure 5. Three new storm drain manholes would be installed east of the retention basin for collection of stormwater from the North and South drainage basins. Collected stormwater would discharge into the eastern corner of the retention basin via an outfall pipe underlain by grouted rock riprap that would dissipate energy and minimize erosion from the flowing water. A new storm drain drop inlet basin would also be installed in the southwest corner of the property to collect sheet flow from the surrounding field. This drain would tie in to the existing storm drainage line running alongside Whipple Road.

A rock-lined V-ditch underlain by an 18-inch diameter reinforced concrete pipe would encircle the outer perimeter of the retention basin and extend from the southwestern corner of the retention basin to the existing storm drain under Whipple Road to provide overflow protection. The inlet at the retention basin at the west end of the basin would be surrounded by a square concrete collar measuring 5 feet by 5 feet, intended to stabilize the pipe and provide protection against erosion. (This is identified as a Concrete Apron on Figure 5.)

Construction of the pond would require excavation of approximately 12,700 cubic yards (CY) of soil that would be used to create the berm surrounding the basin as well as a new engineered berm extending along the western, southern, and eastern edges of the vacant field. This berm would be 15 feet wide and 3 feet high and would accommodate new landscaping that would

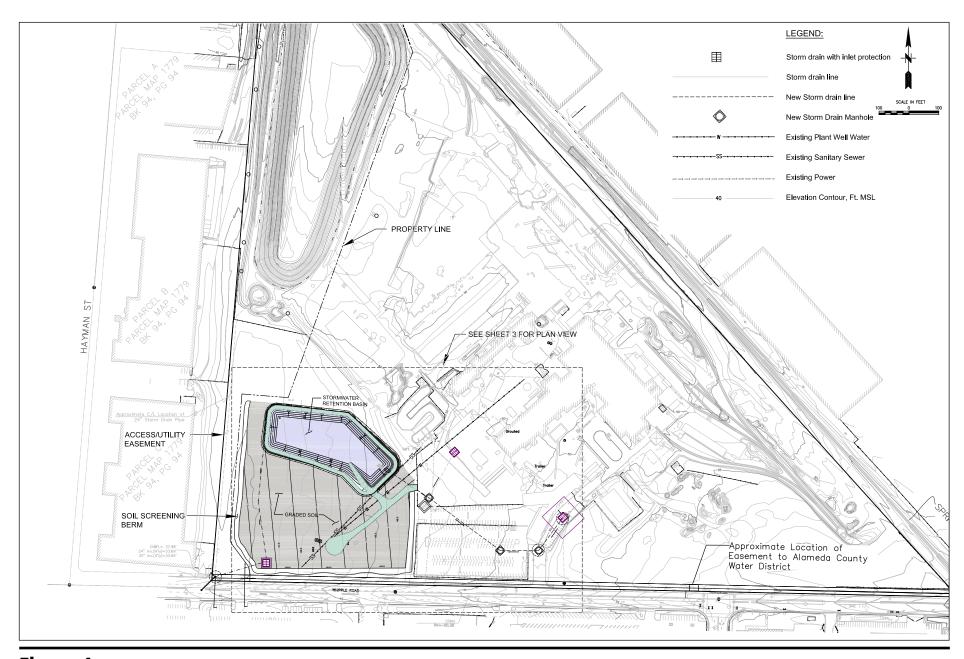


Figure 4

Site Plan

Source: SCS Engineers

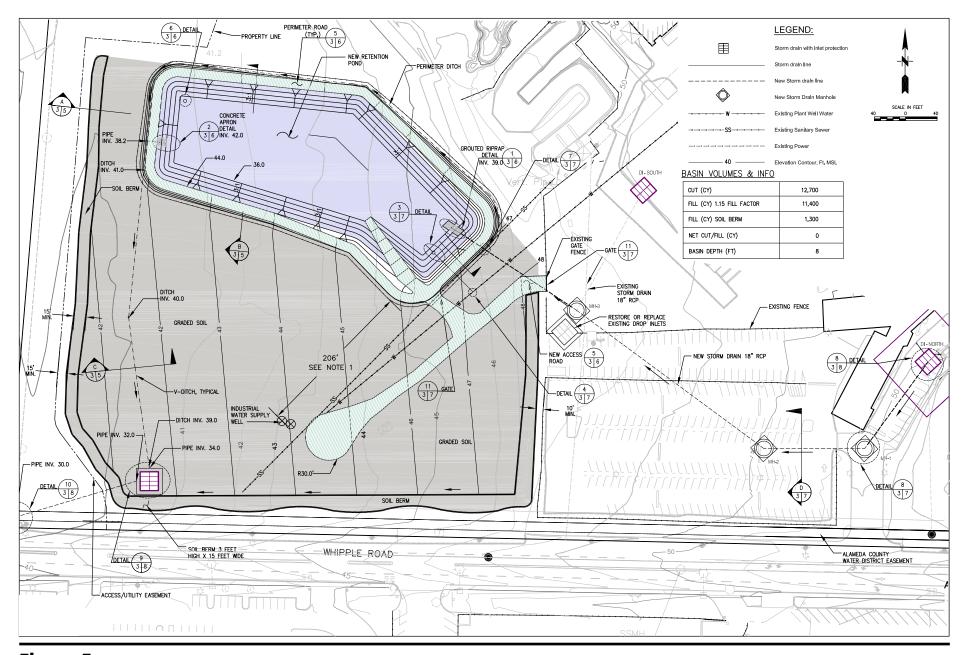


Figure 5

Grading Plan
Source: SCS Engineers

screen the basin. Along with construction of the access road, creation of the berms would result in balanced grading on the site, with no excess fill.

Maintenance Activities

According to correspondence submitted by SCS Engineers, routine inspections of the facility by qualified personnel would be made on a monthly basis during the wet season and on a quarterly basis during the dry season. The inspections would document the condition of slopes and vegetation, liquid levels in the basin, and the condition of basin inlet and overflow/outlet piping. Repairs or replacement of system components would be made as necessary. Any accumulated trash or debris would be removed, particularly any obstructions to basin outlet piping, sump pump, and inlet grates. If necessary, any mosquito abatement would be performed by a licensed professional in accordance with Alameda County Mosquito Abatement District recommendations.

Vegetation growth on the floor and side slopes of the basin would be cut back prior to fire season by mowing or mechanical string trimmer. Vegetation growth would be managed by integrated pest management (IPM) methods, and the use of pesticides and quick-release fertilizers would be minimized. Removed vegetation would be hauled to an offsite composting facility.

Per submitted correspondence from SCS Engineers, the top 5 centimeters of soil and sediment would be scraped and removed from the base of the basin every five years to avoid a buildup of soil contaminants. If the sediment gauge indicated that sediment was accumulating faster than a centimeter per year, more frequent dredging would be performed. The dredged soils would be laboratory tested prior to disposal to determine if the soil must be disposed of as a hazardous material or can be transported to a standard solid waste landfill. Non-hazardous soil would be hauled to Vasco Road Landfill in eastern Alameda County; hazardous soil would be hauled to the Clean Harbors Buttonwillow hazardous waste disposal facility in Kern County.

Environmental and Safety Controls

U.S. Pipe has a company-wide Health and Safety Plan (HASP) that applies to all work performed on the property, including the proposed project. In addition, a project-specific HASP will be prepared and implemented during project construction; it will apply to all contractors and employees working at the site and will cover all aspects of project implementation, from initial clearing and grubbing of the site, to grading and excavation, and through final construction. The HASP identifies potential air quality and health risks for workers and stipulates appropriate training, required personal protection equipment, and monitoring during construction to evaluate exposure to airborne contaminants. The HASP will be reviewed and approved by a Certified Industrial Hygienist prior to project implementation.

The applicant has also prepared a draft Stormwater Pollution Prevention Plan (SWPPP) that will require approval by the City of Union City Department of Public Works. The SWPPP identifies required controls to be implemented during construction that will reduce stormwater runoff and associated erosion and sedimentation impacts.

Planning Approvals

<u>Site Development Review</u>: The project would require Site Development Review approval by the City Council, pursuant to Section 18.76.045 of the Union City Municipal Code. The City Council will need to make findings that the proposed project is in compliance with the General Plan, the Zoning Ordinance, and the zoning regulations for the MG (General Industrial) zoning district in which the project is located.

Other Approvals

<u>Union City Public Works Department</u>: The project will require a grading permit from the Union City Public Works Department.

<u>Alameda County Water District (ACWD)</u>: ACWD will require a permit for the abandonment and destruction of Well 4S/2W-11A004.

Site Description and Surrounding Land Uses:

The project site comprises the southwestern corner of the larger 70-acre U.S. Pipe property located at 1295 Whipple Road, shown on Figure 2. Although much of the U.S. Pipe property is developed with industrial buildings, equipment, storage areas, and impervious surfaces, the proposed retention basin would be constructed in a vacant field formerly used for agricultural production of gladiolas. Photos of existing conditions at the project site are shown on Figure 6. As shown in the photos, the pipe plant facilities are largely obscured from view from Whipple Road by large, mature trees.

The former gladiolus field occupies roughly 11 acres of relatively level land that slopes gently upward in an easterly direction. The field is periodically mowed for weed control. The existing elevation of the retention pond site ranges from about 40.5 feet above mean sea level (msl) on the western edge to about 46.5 feet msl in the eastern end of the site. The row of trees extends along the eastern and northeastern sides of the former gladiolus field. Whipple Road runs in an east-west direction approximately 300 feet from the southern end of the proposed basin location. The closed former landfill on the larger U.S. Pipe property is located about 400 feet north of the proposed retention basin.

Two water supply wells enclosed by chain-link fencing are located 206 feet southwest of the proposed basin; they are designated 4S/2W-11A003 and 4S/2W-11A004 by the Alameda County Water District (ACWD). The former well provides the industrial water supply for the U.S. Pipe plant operations, which utilize 80,000 gallons per day for cooling applications. The well is rated for a flow of 850 gallons per minute. Well 4S/2W-11A004 is not currently operational and the ACWD will require it to be abandoned in accordance with a well destruction permit prior to issuance of permits for the project. The location of this well has not been confirmed by the ACWD.

The project site is generally located in an area of light and heavy industrial development that is predominantly covered with warehouse and industrial buildings and impervious surfaces. The remainder of the large U.S. Pipe property abuts the northern and eastern edges of the proposed retention basin and two large warehouse buildings abut the western edge of the former gladiolus field in which the basin would be located. A variety of industrial and light industrial uses occupy the areas to the south and west of the U.S. Pipe site. The nearest residential uses are located about 2,000 feet to the southwest and 2,800 feet to the east of the project site.



a) Project site taken from Whipple Road facing north. Well structure surrounded by chain-link fence in foreground .



b) Well structure surrounded by chain-link fence in middle distance.

Figure 6

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agricultural Resources	X	Air Quality
X	Biological Resources	X	Cultural Resources		Geology/Soils
	Greenhouse Gas Emissions	X	Hazards & Haz. Materials	X	Hydrology/Water Quality
	Land Use/Planning		Mineral Resources		Noise
	Population/Housing		Public Services		Recreation
	Transportation/Traffic		Utilities/Service Systems		
X	Mandatory Findings of Signi	ifican	ce		

DETERMINATION:

On th	e basis of the initial evaluation:		
	I find that the proposed project COULD I environment, and a NEGATIVE DECLARATIO	NOT have a significant effect on the N will be prepared.	
X	I find that although the proposed project of environment, there will not be a significant eff project have been made by or agreed to by NEGATIVE DECLARATION will be prepared.	fect in this case because revisions in the	
	I find that the proposed project MAY have a si an ENVIRONMENTAL IMPACT REPORT is re	gnificant effect on the environment, and quired.	
	I find that the proposed project MAY have "potentially significant unless mitigated" impareffect 1) has been adequately analyzed in an elegal standards, and 2) has been addressed by analysis as described on the attached sheets. An is required, but it must analyze only the effects of the standards of the standards of the standards of the standards.	act on the environment, but at least one earlier document pursuant to applicable mitigation measures based on the earlier a ENVIRONMENTAL IMPACT REPORT	
☐ I find that although the proposed project could have a significant effect environment, because all potentially significant effects (a) have been adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to a standards, and (b) have been avoided or mitigated pursuant to that earlie NEGATIVE DECLARATION, including revisions or mitigation measures imposed upon the proposed project, nothing further is required.			
Signa	ture	Date	
Drint	ed name	For	
1 111116	eu name	1.01	

EVALUATION OF ENVIRONMENTAL IMPACTS:

I. AESTHETICS — Would the project:

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substan	tial adverse effect on a scenic vista?			X	

Explanation: Although the project site consists of an open field vegetated with non-native invasive weeds and grasses with an immediate backdrop to the east and north of mature eucalyptus trees, the site does not encompass a particularly scenic vista. The project vicinity is predominantly built out with industrial and light industrial uses. The vacant fields on the U.S. Pipe property are among the few parcels in the area that are not developed with buildings. Two very large warehouse-type buildings (approximately 550 feet and 700 feet long, respectively) are located immediately to the west of the U.S. Pipe property and provide the visual backdrop to drivers passing the project site in the westerly direction on Whipple Road, which forms the southern boundary to the property. The view for eastbound drivers consists of the open field flanked by the row of eucalyptus trees, with a constrained north-facing view of distant hillsides that are a backdrop to the City of Hayward, as shown on Figure 6.

Due to the industrial character of the neighborhood and lack of sidewalks along the US Pipe frontage, pedestrian traffic along this stretch of Whipple Road is very light. Consequently, the majority of visual receptors in the immediate vicinity consist of passing motorists. To experience more than a second or two of the view across the field that includes the proposed retention basin site, drivers would need to turn their heads to the north, which at normal driving speed would only increase the duration of the view to roughly 10 seconds. This would be an unsafe duration of time for a driver to take his or her eyes off the road, and is not something most prudent drivers would do. Thus, while the distant hillsides comprise a small portion of the viewshed from the site's Whipple Road frontage, few viewers experience this view for more than a few seconds. Given the industrial development that frames the view, this does not represent a valuable scenic vista.

As previously discussed, the project site does not provide or encompass an especially scenic vista. In addition, the proposed retention basin would not interfere with the views that are currently available across the project site. Implementation of the project would have a minor effect on the existing visual character of the project site itself (discussed in Section I(c), below), but it would have essentially no effect on the view of the distant hillside, which comprises a small portion of the total viewshed from the public vantage point of Whipple Road. Therefore, the project would not have a substantial adverse effect on a scenic vista.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>b</i>)	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X

<u>Explanation</u>: There are no designated scenic highways within proximity to the project site. Furthermore, the project would not require any tree removal or affect any scenic resources.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?			X	

<u>Explanation</u>: The project site consists entirely of a vacant, level field that is covered in ruderal grasses and weeds. The inherent visual character of the site is not great, and it is further reduced by the presence of heavy industrial operations nearby on the rest of the U.S. Pipe property and by the immediately adjacent warehouses to the west and south of the property.

The proposed project would modify the site to develop a large retention basin with gently sloped sides, surrounded by a 2-foot-high berm that would include a 12-foot-wide unpaved perimeter access road. A ramp with a 5-percent slope would lead from the perimeter road into the western side of the pond to provide access for maintenance purposes. The entire pond would be enclosed by an 8-foot-high security fence. The basin, which would be up to 8 feet deep, would naturally revegetate with ruderal grasses and weeds, similar to the surrounding field.

Because the retention basin would be below the surrounding ground surface, the most noticeable visual change to the site as viewed from Whipple Road would be the 2-foot-high earthen berm and 8-foot-high chain-link fence surrounding the basin on all sides. In addition, a 3-foot-high earthen berm would be constructed alongside Whipple Road that would further modify the visual appearance of the site. The City will require the berm to be landscaped with trees and other vegetation, such that very little of the retention basin is expected to be visible to off-site viewers. The additional landscaping would improve the appearance of the existing vacant field vegetated with ruderal grasses and weeds. To the extent the fenced basin could be visible to off-site viewers, it would not substantially degrade the visual character of the site, which is located on a highly industrial property surrounded by warehouses and other light industrial properties. Some or a majority of viewers could find the addition of a landscaped berm to the vacant field to be an aesthetic improvement over existing conditions.

Initial Study U.S. PIPE AND FOUNDRY RETENTION BASIN PROJECT

¹ California Department of Transportation, List of Officially Designated State Scenic Highways, accessed February 4, 2016 at: http://www.dot.ca.gov/hq/LandArch/16 livability/scenic highways/scenic hwy.htm.

A fenced retention basin would not be out of character for the area, but rather would be consistent with surrounding development. Due to the industrial/light industrial character of the neighborhood, the visual sensitivity of the site is fairly low. In this context, the proposed changes would not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore, the project's impacts on the visual quality of the site would be considered less than significant.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

<u>Explanation</u>: The proposed project would not result in the introduction of any new lighting or glare. No nighttime lighting is proposed for the project and no new structures with reflective surfaces would be created. While collected stormwater would have some potential for glare, with the basin below ground and surrounded by an earthen berm, there would be no potential for glare from the water surface to adversely affect offsite properties. In addition, there would likely be little to no water retained in the pond during much of the year.

<u>II. AGRICULTURAL RESOURCES</u> — In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forestry Legacy Assessment Project, and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				×

<u>Explanation</u>: The project site and all surrounding lands are designated "Urban and Built–Up Land" by the Department of Conservation (DOC), a department of the California Resources

Agency.² The DOC's Farmland Mapping and Monitoring Program (FMMP) updates the maps every two years; the most recent map was prepared in 2012 and published in 2014.

The vacant field on the U.S. Pipe property is part of an industrial site that has been in operation since 1951. Based on historical maps dating to 1899 and historical aerial photographs of the site dating to 1939, the site was apparently used for cultivation of hay or grain in the early- and mid-1940s. However, after the 1950s there was no sign of agricultural use on the property. There is therefore no potential to convert Farmland of Statewide Importance to a non-agricultural use.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X

<u>Explanation</u>: The project site is not zoned for agricultural use and is not under a Williamson Act contract.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X

<u>Explanation</u>: The project site is not zoned as forest land or timberland and the area of proposed development contains no trees. The proposed project would therefore have no impact on forest or timber land.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d)	Result in the loss of forest land or conversion of forest land to a non-forest use?				X

<u>Explanation</u>: There is no forest land on the project site as defined in Public Resources Code Section 12220(g).

Initial Study U.S. PIPE AND FOUNDRY RETENTION BASIN PROJECT

² California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, "Alameda County Important Farmland 2012" (map), April 2014.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environm which, due to their location or nature, could result conversion of Farmland to non-agricultural use conversion of forest land to non-forest use?	lt in 🗖			X

<u>Explanation</u>: The project site does not contain farmland or forest land, and implementation of the proposed project would therefore have no potential to convert such lands to other uses.

III. AIR QUALITY — Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X

Introduction to the Air Quality/GHG Analysis

The air quality analysis presented throughout Section III is based on the air quality impact assessment guidelines adopted by the Bay Area Air Quality Management District (BAAQMD) in June 2010 and updated in May 2011.³ In March 2012 an Alameda County Superior Court judge suspended the revised thresholds of significance for air quality and greenhouse gas impacts promulgated in the BAAQMD's June 2010 CEQA guidelines until such time as the agency conducts CEQA review of the thresholds. The District has appealed this ruling, with the outcome yet to be determined.

The State *CEQA Guidelines* explicitly allow and encourage a lead agency to determine its own thresholds of significance for evaluating the significance of environmental effects.⁴ In doing so, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence. Although a lead agency is required to adopt thresholds of significance intended for general use by ordinance, resolution, rule, or regulation, with a public review process, in the current instance, the City of Union City is utilizing the thresholds recommended in the BAAQMD's June 2010 CEQA guidelines for the proposed U.S. Pipe project, but does not intend to apply them generally to environmental review projects in the City. It is expected that, as the primary regulatory agency in the Bay Area with jurisdiction over air quality, the BAAQMD will again be in a position to recommend

³ Bay Area Air Quality Management District (BAAQMD), California Environmental Quality Act Air Quality Guidelines, May 2011.

⁴ California Resources Agency, Office of Planning and Research, CEQA Guidelines, Section 15064.7.

thresholds of significance for air quality and greenhouse gases in the near future. When this occurs, the City will resume deferring to the District's recommended thresholds of significance for CEQA review, as has previously been case with most cities and counties in the nine-county Bay Area over which BAAQMD has jurisdiction.

There is substantial evidence supporting the City's decision to rely on BAAQMD's June 2010 CEQA guidelines and thresholds for evaluating the air quality and greenhouse gas (GHG) impacts of the proposed project. The BAAQMD spent more than a year and a half developing the June 2010 thresholds of significance, and conducted workshops and public meetings throughout the process to solicit input and feedback from the public. Draft documents were available for review on the BAAQMD website throughout the process. A variety of different options were evaluated during the process. The District drew on its own air quality expertise, as well as that of the California Air Resources Board, numerous other air pollution control districts throughout the State, and outside consultants. Other air districts consulted during the process included the Monterey Bay Unified Air Pollution Control District, Santa Barbara County Air Pollution Control District, Mojave Desert Air Quality Management District, South Coast Air Quality Management District, and the Ventura County Air Pollution Control District.

The thresholds of significance are tied to compliance with the California ambient air quality standards (CAAQS) and the national ambient air quality standards (NAAQS), which were developed pursuant to the State Clean Air Act and federal Clean Air Act, respectively. Thresholds for toxic air contaminants are based on health risk, and GHG thresholds are based on achieving GHG reductions mandated by Assembly Bill 32 and former Governor Arnold Schwarzenegger's Executive Order S-3-05. The adopted thresholds were supported by the California Attorney General and major environmental groups. They were based on scientific methods, including computer modeling, and utilized emissions data, ambient air pollution data, population data and growth projections, and health risk data, among other sources. While the BAAQMD may have been remiss in adopting the thresholds without conducting CEQA review, there was substantial research, public input, and a solid basis for determining and adopting the standards. It should also be noted that in setting aside the BAAQMD's June 2010 thresholds, the Superior Court did not rule or comment on the validity of the thresholds themselves. Absent guidance from the State Office of Planning and Research or the California Air Resources Board regarding this issue, the City of Union City has determined that the BAAQMD relied on substantial evidence in adopting the June 2010 thresholds of significance for criteria air pollutants, GHGs, and toxic air contaminants, which forms the basis for the City's use of those thresholds in the analysis presented in Section III, Air Quality, and in Section VII, Greenhouse Gases.

Compliance with Air Quality Plan

BAAQMD is the air quality agency with jurisdiction over the Bay Area. It is responsible for monitoring regional air quality, developing regional clean air plans, and responding to citizen air quality complaints. BAAQMD is also the agency with permit authority over most types of stationary sources in the San Francisco Bay Area, including the U.S. Pipe plant in Union City.

The project site lies within the San Francisco Bay Area Air Basin (SFBAAB), one of the cleanest air basins in the State. The nine counties surrounding San Francisco Bay (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties) form a regional air basin, sharing common geographical features and weather patterns, and therefore similar air pollution burdens, which cannot be addressed by counties acting on their own.

As required by the federal Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) identified criteria pollutants and established the NAAQS to protect the public health and welfare. There are NAAQS for ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), respirable particulate matter equal to or less than 10 microns (PM₁₀), fine particulate matter equal to or less than 2.5 microns (PM_{2.5}), and lead (Pb). These pollutants are known as "criteria" air pollutants because standards have been established to meet specific public health and welfare criteria.

The NAAQS are defined as the maximum acceptable concentration that may be reached, but not exceeded more than once per year. California has adopted more stringent ambient air quality standards for most of the criteria air pollutants (CAAQS, or State standards). The pollutants of greatest concern in the area are ozone and PM₁₀. The Bay Area is currently designated as a nonattainment area for the State and federal ozone standards, the State respirable particulate matter (PM₁₀) standard, and the State and federal fine particulate matter (PM_{2.5}) standards. The Bay Area 2005 Ozone Strategy and the Bay Area 2010 Clean Air Plan adopted by BAAQMD identify a variety of strategies, programs, regulations, and control measures intended to reduce emissions of air pollutants including ozone and ozone precursors so as to bring the Bay Area into attainment with the CAAQS and NAAQS. Most of the regulations and control measures require implementation by BAAQMD or the Metropolitan Transportation Commission and/or coordination with transit agencies or other public agencies.

If project review is conducted in accordance with the BAAQMD CEQA Guidelines, a project is typically assumed by the Air District to comply with the Clean Air Plan and with the Ozone Strategy, the applicable air quality plans.⁵ Since the project is not anticipated to result in any unavoidable significant air quality impacts, and the air quality analysis presented in this Initial Study was conducted in accordance with the BAAQMD CEQA Guidelines, the proposed project would not conflict with the Clean Air Plan or Ozone Strategy.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>b</i>)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		

Explanation:

Explanation: The project would be located in a region that experiences occasional violations of ozone, PM_{10} , and $PM_{2.5}$ standards. Construction and operation of new development therefore has the potential to contribute to these violations. These potential impacts are addressed separately below.

Operational Impacts

BAAQMD's CEQA Air Quality Guidelines establish new thresholds of significance for operational emissions of 54 lb./day for ROG, PM_{2.5}, and NO_x, and 82 lb./day for PM₁₀. By

Alison Kirk, Senior Environmental Planner, Bay Area Air Quality Management District, personal communication, March 12, 2012.

comparison, the previous operational thresholds adopted by BAAQMD in 1996 were 80 lb./day for reactive organic gases (ROG), PM_{10} , and NO_x . There was no previous threshold for $PM_{2.5}$.

There is extremely limited potential for operational air emissions from the project. Criteria pollutant emissions would occur from the exhaust of vehicles used for maintenance of the retention basin. Maintenance activities would include a pick-up truck or utility truck driving along the perimeter berm to conduct periodic inspections and the use of a scraper or backhoe to remove accumulated sediment from the basin, which is expected to only occur once every five years. Routine maintenance inspections would occur monthly during the rainy season and on a quarterly basis during the rest of the year. No other operational emissions are anticipated.

Although BAAQMD's CEQA Guidelines contain operational screening criteria for a variety of project types, they all consist of different kinds of land use development projects that entail the construction of buildings. For example, the screening threshold for a light industrial warehouse is 64,000 square feet, and the threshold for general heavy industry is 1,899,000 square feet. For comparison purposes, a supermarket has a screening threshold of 8,000 square feet and a restaurant has a threshold of 9,000 square feet. This means that projects below these size thresholds have been determined by BAAQMD to have criteria air pollutant emissions that are well below the thresholds of significance listed above.

While there is no category for a stormwater retention basin, it is apparent that the proposed project does not have the potential to generate substantial pollutant emissions. The infrequent and temporary operation of maintenance vehicles would generate a minute fraction of the emissions that would be generated by a supermarket, for example, where hundreds of vehicle trips are generated each day of the year. And the day to day function of the retention basin would have zero emissions. Therefore, operation of the proposed project would have a *less-than-significant impact* on air quality.

Construction Impacts

Construction operations for any sizeable project have the potential to result in short-term but significant adverse air quality impacts. BAAQMD's CEQA Air Quality Guidelines establish new thresholds of significance for construction emissions of 54 pounds per day (lb./day) for ROG, PM_{2.5}, and NO_x, and 82 lb./day for PM₁₀. These are the same thresholds applicable to operational emissions. The PM thresholds apply to exhaust emissions only, not ground disturbance. As with operational emissions, discussed above, the Air Quality Guidelines contain screening criteria for construction projects, but the categories are all land use development projects. However, they are generally based on the potential area of land disturbance; it is during site grading and paving activities that the majority of construction emissions are generated. For most of the land use types for which BAAQMD has established screening criteria, the threshold for potential impacts is 277,000 square feet. With a proposed disturbance area of approximately 65,000 square feet, the project would be well below the construction site size for which BAAQMD recommends performing a quantified analysis of potential construction emissions. Projects that fall below the construction screening thresholds are considered by BAAQMD to have less-than-significant construction-phase air pollutant emissions, provided the following additional conditions are met:

- All Basic Construction Mitigation Measures would be included in the project design and implemented during construction; and
- Construction-related activities would not include any of the following:
 - a. Demolition;
 - b. Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously);

- c. Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site) (not applicable to high density infill development);
- d. Extensive site preparation (i.e., greater than default assumptions used by the Urban Land Use Emissions Model [URBEMIS] for grading, cut/fill, or earth movement); or
- e. Extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.

While the proposed construction would require the excavation of more than 10,000 cubic yards of soil (approximately 15,450 cubic yards would be excavated), the soil would not be hauled from the site for export to a disposal facility; rather, it would be stockpiled on site and reused as fill material in low-lying areas on the U.S. Pipe property. Consequently, this exception to projects under the screening threshold would not apply, nor would any of the other exclusionary conditions listed above would apply to the project.

Although the proposed project is not expected to generate substantial construction-phase emissions, absent implementation of the BAAQMD's Basic Construction Mitigation Measures, the project's effects of construction-generated criteria pollutants would be a *potentially significant impact*, based on the criteria discussed above. Implementation of the controls listed in Mitigation Measure AQ–1, which incorporates the Basic Construction Mitigation Measures, would reduce the project's construction-related air quality impacts to a less-than-significant level.

Mitigation Measure AQ-1:

The project applicant shall require the construction contractor to reduce the severity of project construction period dust impacts by complying with the following control measures:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-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 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of

⁶ Dioni Araza, U.S. Pipe & Foundry Company, personal communication, February 16, 2015.

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 the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	

Explanation: As noted in BAAQMD's CEQA Air Quality Guidelines, air pollution is, by its very nature, largely a cumulative impact. No single project is sufficient in size to, by itself, 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 the project-specific thresholds of significance for criteria air pollutants discussed in Section III(b), above, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. According to the Air Quality Guidelines, if a project's contribution to the cumulative impact would be considerable, then the project's impact on air quality would be considered significant. The Air Quality Guidelines state that if a project would exceed the identified significance thresholds, its emissions would be cumulatively considerable. Conversely, if a project is determined to have less-than-significant project-level emissions, then it would also have a less-than-significant cumulative air quality impact.

As discussed in the preceding subsection, the project would not exceed the significance thresholds and therefore would not have a significant adverse impact on air quality. Therefore, the project's cumulative impact on air quality would be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations?			X	

Explanation: Health risk from exposure to air pollutants is evaluated based on the potential for exposure to PM_{2.5} and toxic air contaminants (TACs), the two emission types that pose the most significant threat to human health. According to BAAQMD, more than 80 percent of the inhalation cancer risk from TACs in the Bay Area is from diesel engine emissions.⁷ TACs are a set of airborne pollutants that may pose a present or potential hazard to human health, and are separated into carcinogens and non-carcinogens. State and local regulatory programs are intended to limit exposure to TACs and the associated health risk. Both TACs and PM_{2.5} are emitted by trucks, cars, construction equipment, and other mobile sources. They are also emitted by stationary sources that require permitting by the BAAQMD, which requires source controls.

Project impacts related to increased health risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. The BAAQMD recommends using a 1,000-foot radius around a project site for purposes of identifying community health risk from siting a new sensitive receptor or a new source of TACs. A lead agency should enlarge the radius if an unusually large source or sources of hazardous emissions that might affect a project lies outside the 1,000-foot radius.

Because the proposed project would not introduce a new sensitive receptor to the project site, a query of BAAQMD databases for stationary and major roadway/freeway sources of TACs was not performed for this analysis. The only people who would be present at the site would be construction workers during construction of the retention basin and ancillary features, and U.S. Pipe employees during the infrequent inspections and maintenance of the basin. The only potential for exposing people to TACs would be during the short-term construction period, via exposure to diesel particulate matter.

Short-term exposure to TACs from construction activity is generally not considered a significant health risk by the BAAQMD. The BAAQMD Air Quality Guidelines note that the current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 40, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities. Only when diesel emissions from construction equipment would occur in close proximity to sensitive receptors over a prolonged period of time does the District recommend further evaluation or consultation with the District. Since construction of the project would be very short-term (expected to be completed in approximately three months) and there are no sensitive receptors in the project vicinity, the proposed project would not expose sensitive receptors to substantial concentrations of pollutants. The project would have a *less-than-significant impact* on human health due to exposure to air pollutants.

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U.S. PIPE AND FOUNDRY RETENTION BASIN PROJECT

⁷ Bay Area Air Quality Management District (BAAQMD), California Environmental Quality Act Air Quality Guidelines, page 5-3, May 2011.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?			X	

<u>Explanation</u>: Emissions of diesel exhaust by equipment during project construction would contain odors that most people find objectionable. However, there are no nearby residences or other potential receptors in proximity to the project site. Odors from construction equipment typically disperse quickly into the local atmosphere, and are not generally considered a significant source of objectionable odors. With no receptors in close proximity, odors from short-term construction emissions would not be significant.

Following completion of construction, operation of the retention basin would not be expected to generate objectionable odors. Stormwater collected in the basin would be diverted for use at the U.S. Pipe plant and would gradually drain from the basin through percolation, aided by evaporation. Based on the water balance analysis performed by SCS Engineers as a basis for design of the basin, the basin is expected to typically be dry from June through November in years with average rainfall. Thus, the water would not become stagnant and a potential source of odors. Therefore, odor impacts from the proposed project would be less than significant.

IV. BIOLOGICAL RESOURCES — Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X		

Explanation: The entire area of potential development is a flat field vegetated with ruderal vegetation in the form of grasses and weeds. The field has been periodically mowed and/or chopped up by a disk harrow (a farm implement with rows of steel disks, pulled by a tractor) to control growth of the grasses and weeds and reduce vegetative potential fire fuel. A dense row of red gum and blue gum eucalyptus trees extends along the northern and eastern edges of the larger field in which the proposed retention basin would be located. Implementation of the proposed project would not require the removal of these trees. Based on historic aerial photographs, the project site appeared to be cultivated with hay or grain from about 1939 until the 1960s, but it has not been cultivated in recent years.

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⁸ SCS Engineers, Storm Water Retention Basin, U.S. Pipe & Foundry Facility, 1295 Whipple Road, Union City, California 94587 [memorandum to Alameda County Water District], File No. 01214200.01, March 8, 2016.

Although the grassland on the site could potentially be utilized by the burrowing owl (*Athene cunicularia*), which is considered a special-status wildlife species, a survey of the site by a wildlife biologist on September 17, 2015 did not identify burrowing owl or any other sensitive species on the site. Due to recent disking, only a single gopher burrow was identified adjacent to the chain-link perimeter fence on the northeastern side of the project site. There are several piles of concrete rubble that could potentially house a ground squirrel (*Spermophilus beecheyi*) colony, which can provide habitat for burrowing owl, but none were observed during the biological survey. All stakes, poles, mounds, and other potential perch sites were checked by the biologist for signs of burrowing owl, and no positive indicators were observed.

While no burrowing owls were identified on or near the site during the September 2015 survey, due to the presence of potential habitat, this species could move onto the site by the time construction of the retention basis commences. The burrowing owl is considered by the U.S. Fish and Wildlife Service (USFWS) as a Candidate species. These are plant or animal species that may warrant future official listing as Threatened or Endangered, but for which conclusive data to give them this protection is currently lacking. As a Candidate species, burrowing owls receive no legal protection under the Endangered Species Act (ESA). However, this species does receive some legal protection from the U.S. through the Migratory Bird Treaty Act, which forbids the destruction of the birds and active nests. In California, the burrowing owl is considered a "species of special concern."

Burrowing owls are ground-dwelling members of the owl family; they are small brown to tan colored birds with bold spots and barring. Burrowing owls generally require open annual grassland habitats with low vegetative cover for nesting, but can be found on abandoned lots, roads, airports, and other urban areas. Burrowing owls generally use abandoned California ground squirrel holes for their nesting burrows, but are also known to use pipes or other debris for nesting purposes. The breeding season for burrowing owls occurs from March through August. Burrowing owls often nest in loose colonies about 100 yards apart. They lay three to twelve eggs from mid–May to early June. The female incubates the clutch for about 28 days, while the male provides her with food. The young owls begin appearing at the burrow's entrance two weeks after hatching and leave the nest to hunt for insects on their own after about 45 days. The chicks can fly well at six weeks old.

While the burrowing owl could forage on the project site, it is unlikely to nest due to regular mowing activity. Nonetheless, its presence cannot definitively be ruled out. Therefore, it is assumed for purposes of this analysis that implementation of the proposed project could potentially cause a *significant adverse impact* on the burrowing owl. Implementation of Mitigation Measure BR–1 would reduce the impact to a less-than-significant level.

Mitigation Measure BR-1:

Prior to issuance of a grading permit, a qualified biologist shall conduct an initial protocol-level survey during the peak of the breeding season (mid-April to mid-July) to determine whether the burrowing owl breeds on the site. A preconstruction survey shall also be conducted no more than 30 days prior to any ground-disturbing activities. If owls are encountered during either survey, a Burrowing Owl Mitigation Plan shall be prepared, approved by the Union City Community Development Department and the California Department of Fish and Wildlife (CDFW), and implemented; this plan must be approved by the City prior to issuance of a grading permit. The mitigation plan may include

⁹ Olberding Environmental, Inc., U.S. Pipe Plant – Biological Constraints Assessment, September 18, 2015.

passive relocation during the non-breeding season (September 1st to January 31st). No burrowing owls shall be evicted from burrows during the nesting season (February 1st through August 31st) unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). During the nesting season, a 250-foot buffer, within which no new activity will be permissible, shall be maintained between project activities and occupied burrows.

Implementation of Mitigation Measure BR–1 will also comply with General Plan Policy NHR-A.1.13, which reads: "The City shall continue to require a burrowing owl study on all development projects that incorporate vacant, unpaved parcels, or parcels adjacent to possible owl habitat." The project would also be subject to General Plan Policy NHR-A.1.3, which reads: "On sites that have the potential to contain critical or sensitive habitats, or special-species, or are within 100 feet of such areas, the City shall require the project applicant to survey the site by a qualified biologist at the proper time of year. A report of the findings of this survey shall be submitted to the city as part of the application process. Appropriate mitigation measures will be incorporated into the project as necessary to protect the resources." To ensure compliance with this policy, the applicant shall implement the following mitigation measure:

Mitigation Measure BR-2:

Prior to issuance of a grading permit, a qualified biologist shall conduct a reconnaissance-level biological resources analysis of the project site, which shall include a site survey and query of the California Natural Diversity Data Base (CNDDB) maintained by the California Department of Fish and Wildlife (CDFW). The biologist shall identify any protected or special-status species plant or animal that may be present on the site and shall identify any potential impacts that could occur to such species from implementation of the proposed project. The biological resources analysis report shall identify appropriate mitigation measures sufficient to reduce any potential impacts to less-than-significant levels. The City of Union City shall ensure proper implementation of the mitigation measures by the project applicant prior to issuance of a grading permit.

Although they are outside the proposed development area, the nearby eucalyptus trees adjacent to the proposed basin's northern and eastern borders could host nesting raptors or other protected birds that could be disturbed during site grading and project construction. This would be a *potentially significant impact* which would be reduced to less than significant with implementation of the following mitigation measure:

Mitigation Measure BR-3:

If any site grading or project construction will occur during the general bird nesting season (February 1 through August 31), a bird nesting survey shall be conducted by a qualified raptor biologist prior to any grading or construction activity. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of grading/construction activities, due to the higher probability that new nest construction could be initiated during this time. If conducted during the late part of the breeding

¹⁰ City of Union City, 2002 General Plan Policy Document, Natural and Historical Resources Element, February 2002.

season (May to August), when the potential for new nest creation is much lower, the survey shall be performed no more than 30 days prior to initiation of these activities. If active nests are identified, a 250-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Wildlife) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged. A biological monitor shall be present during earthmoving activity near the buffer zone to make sure that grading does not enter the buffer area.

Although potential nesting trees are less than 250 feet from the planned area of disturbance, CDFW may approve of setbacks as short as 50 feet, depending on the nesting species. A biologist will be able to determine through field observations an appropriate buffer that will allow project work to occur without disrupting the nesting action of the particular nesting bird species, taking into consideration the stage of nesting, egg, young, or fledgling bird.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>b</i>)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X

<u>Explanation</u>: There is no riparian habitat or other sensitive habitat on or adjacent to the project site. There is no potential for such habitats to be adversely affected by the project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X

<u>Explanation</u>: As discussed in Section III(a), above, the site was surveyed in September 2015 by a biologist who determined that there are no wetland indicators on the site and no other waters subject to regulation by the U.S. Army Corps of Engineers or Regional Water Quality Control Board under Section 404 of the Clean Water Act. The proposed project would have no effect on wetlands.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with any established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	

<u>Explanation</u>: Although the vacant field that includes the project site could potentially be used by wildlife as travel corridors, such use is unlikely because the project property is surrounded by extensive industrial and residential development, with no natural corridors to connect to the site. Although the project is not expected to adversely affect migratory wildlife corridors, this would be confirmed by the biological assessment required by Mitigation Measure BR–2.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X

<u>Explanation</u>: Implementation of the proposed project would not require the removal of any trees, so there would be no potential for the project to conflict with the City's Tree Preservation Ordinance. There are no other local policies or ordinances protecting biological resources that would apply to the project or with which the project could conflict.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				X

<u>Explanation</u>: There is no adopted Habitat Conservation Plan or other conservation plan applicable to the project site.

V. CULTURAL RESOURCES — Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			X	

There is very low potential for the project to adversely affect historic resources. There are no structures on the project site, and there is no known history of development on the site.

In order to be considered a significant historical resource as defined in Section 15064.5 of the *CEQA Guidelines*, a building must be at least 50 years old. In addition, Section 15064.5 defines an historical resource as, "... a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources," properties included in a local register of historical resources, or properties deemed significant pursuant to criteria set forth in *Public Resources Code* Section 5024.1(g). According to *CEQA Guidelines* Section 15064.5(a)(3), a lead agency can determine that a resource is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the determination is supported by substantial evidence in light of the whole record.

Architectural Resources Group (ARG) prepared a citywide Cultural Resources Inventory for the City of Union City in February 1999. The inventory identified properties eligible or potentially eligible for inclusion in the City's Landmark and Historic Preservation Overlay Zone, California Register of Historical Resources, and National Register of Historical Places. The U.S. Pipe property was not included in this local register of historical resources.¹¹

In addition, a search of the California Historical Resources Information System (CHRIS) records (discussed in more detail in the following section) determined that the State Office of Historic Preservation Historic Property Directory (OHP HPD) (which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places) lists three recorded buildings or structures adjacent to the proposed project area: United States Pipe and Foundry Company (FCC051208H), United Pipe Foundry Water Tank (FCC100922A), and 31640 Hayman Street (HUD111108A). All of these resources are designated with status code 6Y, meaning they have been determined ineligible for the National Register of Historic Places by consensus through Section 106 and were not evaluated for listing on the California Register of Historical Resources or a local listing

Mitigation is identified in the following section for accidental discovery of prehistoric archaeological resources during project construction. In the unlikely event that historic-era cultural resources lie buried within the project site, they would be evaluated per the requirements of Mitigation Measure CR–2, which would ensure that potential impacts to historic resources would be less than significant.

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¹¹ Avalon Schultz, Associate Planner, City of Union City, Economic & Community Development Department, personal communication, April 5, 2011.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X		

Explanation: The Union City area was occupied by Native Americans as far back as 3,000 to 4,000 years ago. Recorded archaeological sites in Union City and the surrounding region indicate that at the time of initial Euroamerican incursion into the project area (circa 1770), the region was occupied by Native Americans who spoke Chochenyo. These people were a subset of the Penutian–speaking Bay Miwok (referred to as "Costanoans" by the Spanish) residing in northern California at the time the Spanish arrived in the region. The Miwok territory encompassed much of the San Francisco Bay area and extended eastward to the Central Valley.

With the arrival of the Spanish at the turn of the nineteenth century, the Native Americans in the area were either forced from the area or conscripted to work on one of the large "rancherias" established in the region, where many Chochenyo died from overwork and introduced European diseases. By the beginning of the California Gold Rush in 1848, the Costanoan culture, including the Chochenyo subset, no longer survived in the region. Artifacts from the prehistoric occupation of the Bay Area by the Costanoans remain buried throughout the region, particularly in areas proximate to water sources and at locations otherwise suitable for human subsistence habitation. More than a dozen Native American archaeological sites have been recorded within the City of Union City.

To determine the likelihood of buried archaeological artifacts to be present in the area of the proposed project, an archival records search was conducted by the Northwest Information Center (NWIC) at Sonoma State University, which is part of the California Historical Resources Information System (CHRIS). The NWIC determined that no cultural resource studies encompassing the project area have been recorded with CHRIS. Nonetheless, due to the site's location less than 1 mile from Alameda Creek and within a Holocene alluvial fan deposit—environmental settings that have previously been associated with Native American sites—the NWIC concluded that there is a moderate potential for Native American archaeological resources to be present at the site.

If significant prehistoric cultural artifacts are buried within the footprint of the proposed retention basin, they could be damaged or destroyed during site grading or subsurface disturbance necessary for construction of the building foundation. This would constitute a *potentially significant, adverse impact*. Implementation of the following mitigation measures would reduce this potential impact to a less–than–significant level.

Mitigation Measure CR-1:

City Staff shall advise the Project Construction Superintendent, Project Inspector, and Building Inspector at a pre-construction conference of the potential for encountering cultural resources during construction and the applicant's responsibilities per

¹² City of Union City, Acacia Creek Independent Living Apartments at Masonic Home Initial Study and Mitigated Negative Declaration, May 2007.

¹³ In anthropological literature, the Costanoans are often referred to as the Ohlone.

¹⁴ Scott McGaughey, Researcher, Northwest Information Center, Sonoma State University, Record Search Results for the Proposed US Pipe Stormwater Retention Basin Project [letter report], NWIC File No. 15-0342, September 24, 2015.

CEQA should resources be encountered. This advisory shall also be printed on the Plans and Specification Drawings for this project.

Mitigation Measure CR-2:

If any cultural artifacts are encountered during site grading or other construction activities, all ground disturbance within 100 feet of the find shall be halted until the City of Union City is notified, and a qualified archaeologist can identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). The results of any additional archaeological effort required through the implementation of Mitigation Measures CR-2 or CR-3 shall be presented in a professional-quality report, to be submitted to the project sponsor, the City of Union City Economic and Community Development Department, and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)-(f) of the CEQA Guidelines and Public Resources Code Section 21083.2.

Mitigation Measure CR-3:

In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and a qualified archaeologist shall notify the Office of the Alameda County Coroner and advise that office as to whether the remains are likely to be prehistoric or historic period in date. If determined to be prehistoric, the Coroner's Office will notify the Native American Heritage Commission of the find, which, in turn, will then appoint a "Most Likely Descendant" (MLD). The MLD in consultation with the archaeological consultant and the project sponsor, will advise and help formulate an appropriate plan for treatment of the remains, which might include recordation, removal, and scientific study of the remains and any associated artifacts. After completion of analysis and preparation of the report of findings, the remains and associated grave goods shall be returned to the MLD for reburial.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

<u>Explanation</u>: The project site is underlain by latest Pleistocene to Holocene alluvial fan soil deposits. ¹⁵ Pleistocene alluvium is ranked as highly sensitive for significant paleontological

¹⁵ U.S. Geological Survey, Preliminary Maps of Quaternary Deposits and Liquefaction Susceptibility, Nine-County San Francisco Bay Region, California [map], 2000.

resources (the Pleistocene is the first epoch of the Quaternary period). There is therefore some potential for encountering paleontological resources on the site during project construction. Any destruction of unique paleontological resources during earthmoving activities would be a *potentially significant impact*. Implementation of the following measure would reduce this potential impact to a less–than–significant level:

Mitigation Measure CR-4:

If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology (UCMP).

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries?		X		

Explanation: See Section V(b).

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¹⁶ Kenneth L. Finger Ph.D., Consulting Paleontologist, Letter report to Michelle Touton, Archeo–Tec Re: Paleontological Records Search: Masonic Homes Flatlands Project, Union City, Alameda County, November 21, 2009.

VI. GEOLOGY AND SOILS — Would the project:

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X

This section is based on a soil and geotechnical investigation of the site performed by SCS Engineers, with other sources noted, as applicable.¹⁷

<u>Explanation</u>: The nearest active earthquake fault is the Hayward fault, located about 1.2 miles northeast of the project site.¹⁸ Other active faults in the region include the Calaveras fault, located approximately 8 miles to the east, and the San Andreas fault, located about 17 miles to the west. Because there are no faults or associated Alquist-Priolo zones on or near the project site, there is no potential for surface rupture at the site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) Strong seismic ground shaking?			X	

<u>Explanation</u>: Similar to most urban locations throughout the Bay Area, the project site is potentially subject to strong seismic ground shaking during an earthquake on one of the major active earthquake faults that transect the region. As noted above, the Hayward fault is located about 1.2 miles northeast of the project site. A 6.1 Richter magnitude (RM) earthquake with the epicenter located approximately 15 miles to the south occurred on this fault in 1858 and a 6.8 RM earthquake with the epicenter located approximately 10 miles to the north occurred along

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¹⁷ SCS Engineers, Soils and Geotechnical Investigation Report, US Pipe and Foundry Company, LLC Facility, 1.22-Acre Developable Area, 1295 Whipple Road, Union City, California, May 9, 2014.

¹⁸ BSK Associates, Geotechnical Investigation Report, Proposed Nitrogen Storage Tank, 1295 Whipple Road, Union City, California, BSK Job No. G06-390-10P, January 16, 2007.

the fault in 1868.¹⁹ The southern branch of this fault experienced a 7.0 magnitude earthquake in 1868 that resulted in ground rupture.

In addition to Calaveras and San Andreas faults mentioned above, the Monte Vista-Shannon and Greenville faults, located approximately 18 and 19 miles northeast of the site, respectively, are two other major active faults in the area.

Major earthquakes have occurred on the Hayward, Calaveras, and San Andreas faults during the past 200 years, and numerous minor earthquakes occur along these faults every year. At least five known earthquakes of Richter magnitude 6.5—four of them greater than RM 7.0—have occurred within the San Francisco Bay Area within the last 150 years. According to a 2007 analysis by the Working Group on California Earthquake Probabilities, an expert panel cochaired by U.S. Geological Society seismologists, there is a 63 percent probability that an earthquake of magnitude 6.7 or greater will occur in the San Francisco Bay Area in the next 25 years and a 31 percent probability that such an earthquake will occur along the Hayward fault. It is therefore likely that a major earthquake will be experienced at the project site during the life of the project, and such an earthquake would produce strong seismic ground shaking.

In August 2014, SCS Engineers conducted a field investigation of the project site and surrounding field to determine the physical characteristics of the underlying soils. They advanced three borings in and near the proposed basin area to a depth of 15 feet below ground surface (bgs) and performed laboratory analysis of collected soil samples. The laboratory results indicated that the soils at the site have a permeability of less than 2.7×10^{-7} centimeters per second (cm/sec) and a density of 111.6 pounds per cubic foot at 15.1 percent moisture content. This low permeability rate will allow for some percolation to groundwater, but will have a nominal contribution to basin losses. SCS concluded that the soils at the site are suitable to support the proposed 3: 1 (horizontal: vertical) slopes and excavation depths up to 15 feet (approximately double the proposed depth of 8 feet).

No new building structures would be constructed as part of the project. Even in the event of strong seismic shaking during an earthquake, the proposed retention basin would not expose site workers to a risk of injury or death; nor would there be a potential for substantial property loss. Therefore, potential effects from seismic shaking would have a *less-than-significant impact*.

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¹⁹ ENGEO Incorporated, Regional Faulting and Seismicity, Masonic Homes Apartment Development, Union City, California [map], July 2005.

²⁰ 2007 Working Group on California Earthquake Probabilities, U.S. Geological Survey, California Geological Survey, The Uniform California Earthquake Rupture Forecast, Version 2 (UCERF 2), USGS Open File Report 2007-1437, CGS Special Report 203, 2008.

²¹ SCS Engineers, *Preliminary Basis of Design: Storm Water Retention Basin, US Pipe Facility, Union City, CA*, August 29, 2014.

				Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iii) Seismic-related liquefaction?	ground	failure,	including			X	

<u>Explanation</u>: Liquefaction occurs when clean, loose, saturated, uniformly graded, fine-grained soils are exposed to strong seismic ground shaking. The soils temporarily lose strength and cohesion, resulting in a loss of ground stability that can cause building foundations to fail. A U.S. Geological Survey (USGS) map of liquefaction susceptibility in the San Francisco Bay Area indicates that the liquefaction potential at the project site is low.²² In addition, the site is not located within an area of liquefaction potential based on historical occurrence of liquefaction or on local geotechnical conditions indicating a potential for liquefaction, as shown on a California Geological Survey (CGS) map of seismic hazards.²³

Based on the subsurface testing performed at the site by SCS Engineers (see Section VI(a)(ii)), the soils underlying the proposed retention basis consist of clayey silt and silty clay, which are not soils that are susceptible to liquefaction. In addition, the depth to groundwater inferred from historic water levels measured at a monitoring well in the vacant field ranges from 21 feet to 31 feet bgs. This depth to groundwater further reduces the potential for liquefaction at the site. In a geotechnical investigation performed by SCS for a project located on the U.S. Pipe property approximately 350 feet northwest of the proposed retention basin, SCS concluded that the potential for liquefaction at the site was low.²⁴ The potential for lateral spreading is also presumed to be low, since it is typically associated with liquefaction. Given the apparent lack of loose, granular soils at the site, the potential for earthquake-induced settlement is also probably low.

Because the proposed project would not develop buildings or other structures that could be damaged as a result of seismic ground failure, and the potential for such failure at the site is low, the project would have a *less-than-significant impact* due to seismic-related ground failure.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iv) Landslides?				X

<u>Explanation</u>: The project site is level and is surrounded by relatively level land with no significant slopes. There is therefore no potential for landslide at the project site.

²² U.S. Geological Survey, Preliminary Maps of Quaternary Deposits and Liquefaction Susceptibility, Nine–County San Francisco Bay Region [map], California: A Digital Database, USGA Open–File Report 00–444, 2000.

²³ California Geological Survey, State of California Seismic Hazard Zones, Newark Quadrangle [map], July 2, 2003.

²⁴ SCS Engineers, Soils and Geotechnical Investigation Report, US Pipe and Foundry Company, LLC Facility, 1.22-Acre Developable Area, 1295 Whipple Road, Union City, California, May 9, 2014.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?		X		

<u>Explanation</u>: Any construction project that exposes surface soils creates a potential for erosion from wind and stormwater runoff. The potential for erosion increases on large, steep, or windy sites; it also increases significantly during rainstorms. Although the proposed project would occur on a level site, it would disturb nearly 2 acres of land, and a temporary soil stockpile would cover an area of roughly the same size, presenting additional potential for soil erosion. The area of disturbance would exceed the 1-acre threshold above which the San Francisco Bay Regional Water Quality Control Board (RWQCB) requires implementation of erosion control measures as part of coverage under a Construction General Permit (CGP). The CGP is administered by the RWQCB on behalf of the State Water Resources Control Board (SWRCB).

Site grading and other soil disturbance at the site would create the potential for erosion, which could increase sedimentation in stormwater discharged from the site. Surface runoff from the site is discharged into a storm drain running under Whipple Road that subsequently drains into Old Alameda Creek, which discharges into San Francisco Bay. Any eroded soil or other pollutants discharged from the site could therefore adversely affect water quality in Old Alameda Creek and San Francisco Bay, which would be considered a *potentially significant impact*. The impact would be reduced to a less-than-significant level through implementation of the Erosion Control Plan required by Mitigation Measure WQ–1 and additional erosion controls required by Mitigation Measure WQ–2 (see Section IX).

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?			X	

<u>Explanation</u>: As discussed above in Sections VI(a)(iii) and VI(a)(iv), there is no potential for landslide at the project site, and the potential for lateral spreading and liquefaction is presumed to be low. In the unlikely event of the loss of soil stability, the ground failure would not expose people to injury or death and would not expose buildings to structural failure. This would therefore be a *less-than-significant impact*.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	

<u>Explanation</u>: Expansive soils can undergo significant volume change with changes in moisture content. They shrink and harden when dried and expand and soften when wetted. Based on previous subsurface testing of soils from one boring located within the footprint of the proposed retention basin and one located just outside the footprint, the soils underlying the site consist of silty clay and clayey silt that have a moderate to high expansion potential.²⁵ The potential expansion of soils would be addressed through compliance with applicable building codes, and would not result in failure of the retention basin. This would therefore be a *less-than-significant impact*.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>e</i>)	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?				X

<u>Explanation</u>: The project site is served by a municipal sewer system, and the proposed project would not require the use of a septic or alternative wastewater disposal system.

VII. GREENHOUSE GAS EMISSIONS — Would the project:

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	

<u>Explanation</u>: GHGs refer to gases that trap heat in the atmosphere and contribute to global warming. The primary GHGs are carbon dioxide (CO_2) , methane (CH_4) , nitrous oxide (NO_2) ,

²⁵ SCS Engineers, *Preliminary Basis of Design: Storm Water Retention Basin, US Pipe Facility, Union City, CA*, August 29, 2014.

sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H_2O). The majority of GHG emissions in the Bay Area come from transportation (39.7 percent), followed by industrial/commercial sources (35.7 percent) and electricity generation (14.0 percent). Construction equipment and other off-road equipment contribute 1.5 percent of the total GHG emissions.²⁶

As discussed in Section III(b), there is extremely limited potential for operational air emissions from the project, including emissions of GHGs. Although the BAAQMD screening criteria discussed in Section III(b) do include operational thresholds for GHGs, retention basins are not included in the land use types listed by BAAQMD. However, the periodic inspections and maintenance of the retention basin would involve negligible operation of vehicles and, therefore, negligible emissions of GHGs.

With respect to construction emissions, the BAAQMD's CEQA Air Quality Guidelines discussed in Section III do not contain construction screening criteria for GHG emissions. As with operational emissions, the screening criteria for construction projects are keyed to different categories of land use development projects. However, they are generally based on the potential area of land disturbance; it is during site grading and paving activities that the majority of construction emissions are generated. For most of the land use types for which BAAQMD has established screening criteria, the threshold for potential impacts is 277,000 square feet. Construction of the proposed retention basin would disturb an area of approximately 1.5 acres (65,340 square feet), and would not include paving, which is assumed in the BAAQMD screening thresholds. Thus, the project would be well below the construction site size for which BAAQMD recommends performing a quantified analysis of potential construction emissions of GHGs. Projects that fall below the construction screening thresholds are considered by BAAQMD to have less-than-significant construction-phase GHG emissions.

Based on the above considerations, the project would have a *less-than-significant impact* from construction and operational emissions of GHGs.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>b</i>)	Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

<u>Explanation</u>: In 2010 the City of Union City adopted the *Union City Climate Action Plan* (CAP) for the purpose of reducing the emissions of greenhouse gases, thereby reducing the City's contribution to global warming. The CAP establishes GHG reduction targets and identifies a variety of strategies for achieving these reductions. A community-wide GHG reduction target of 20 percent below 2005 baseline emission levels by 2020 was established in the CAP. The reduction measures adopted in the CAP fall into one of six Action Areas that include:

• Transportation

Buildings and Energy

[·] Land Use

²⁶ Bay Area Air Quality Management District, *Bay Area Emissions Inventory, Summary Report: Greenhouse Gases, Base Year 2011*, Table F: 2011 Bay Area GHG Emissions by Sector, updated January 2015.

- Water Conservation
- Waste Reduction
- Green Infrastructure

Most of the CAP reduction measures require implementation by the City, though several have the potential to require participation by applicants for new development, including:

- **E-4.1** Continue implementing the Green Building Ordinance.
- **WR-1.1** Increase Waste Diversion Target to 90 percent.
- **WC-1.1** Water Efficient Landscape Ordinance.
- **WC-1.2** Indoor and Outdoor Non-potable Water Systems Program.

Measure E-4.1 would not apply to the proposed project because it would not include construction of a new building. Measure WR-1.1 calls for increasing the City's waste diversion goal from 75 percent to 90 percent by 2020. Other than incidental trash or debris that collects in the proposed retention basin, inlet grates, or other system components, and the sediment removed from the basin roughly every five years, the only waste that would be generated by the project would be green waste from vegetation growth cleared from the basin floor and side slopes prior to fire season each year. This waste would be collected for composting at an offsite facility. Thus, the project would be consistent with Measure WR-1.1.

Measure WC-1.1 identifies the requirements of the City's Landscape Ordinance, and calls for adding a 50-percent water reduction target for new landscape projects.

The project includes installation of a landscaped berm along the southerly and westerly property boundaries, which will comply with the State Model Water Efficient Landscape Ordinance listed in the California Code of Regulations Title 23, Division 2, Chapter 2.7 ("State WELO"). The State WELO requires the installation of water-efficient landscapes to reduce statewide water use. Measure WC-1.2, which calls for development of indoor and outdoor non-potable water systems, would not apply to the project.

Based on a review of the City's adopted CAP reduction measures, the project would not conflict with the *Union City Climate Action Plan*, which is an approved GHG Reduction Strategy.

VIII. HAZARDS AND HAZARDOUS MATERIALS — Would the project:

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
environmen	ignificant hazard to the public or the through the routine transport, use, or azardous materials?				X

<u>Explanation</u>: The proposed project would not entail the routine transport, use, storage, or disposal of hazardous materials. There is no potential for an adverse impact related to hazardous materials use or disposal.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?		X		

Explanation: A Phase I Environmental Site Assessment (ESA) was recently prepared by ENGEO, Inc. for a separate project on the U.S. Pipe property, which was proposed for the northwest corner of the large vacant field in which the currently proposed retention basin would be located.²⁷ (The field is referenced in various documents as a former gladiolus field. For ease of reference, that convention is repeated in this Initial Study.) The prior project consisted of subdivision of the U.S. Pipe property into two parcels, with a potential future warehouse or industrial use on a 1.22-acre parcel in the northwest corner of the former gladiolus field that would be created by the subdivision. The western end of the proposed retention basin is located within a portion of the prior potential warehouse site and, due to the search radii for known hazardous materials sites employed in the investigation, the findings of the prior ESA are relevant to the entirety of the proposed project site, and are summarized herein. The Phase I ESA was performed by ENGEO Incorporated to identify recognized environmental conditions on the site, including the presence or likely presence of any hazardous substances that could create a significant hazard to the public or the environment, whether through an existing release, past release, or threat of a release into structures, into the ground, or into surface or groundwater.

The project site is currently part of an approximately 70-acre site that has been developed with an iron smelting facility operated by U.S. Pipe and Foundry Company since 1951. About 500 feet to the northwest of the proposed retention basin is a closed and capped landfill that was used by U.S. Pipe until approximately 1985 for disposal of solid and hazardous waste, including cupola baghouse dust, asphalt paint, foundry sand, pipe scale, scrap metals, cement lining waste, used refractories, sediment from the surface impoundment on the site, waste slags, and miscellaneous demolition debris. U.S. Pipe continued to dispose of non-hazardous waste at the landfill until December 2000. Both the landfill and the surface impoundment (settling pond) located in the center of the U.S. Pipe property were previously the focus of groundwater remediation activities overseen by the California Regional Water Quality Control Board (RWQCB), Alameda County Water District (ACWD), and Alameda County Environmental Health Department (ACEHD).

There is no history of industrial or other development on the project site, based on a review of historic U.S. Geological Survey (USGS) topographical maps from 1899 to 1997 and historic aerial photographs from 1946 to 2012. These historical records indicate that the property was used in the 1930s and 1940s for agricultural crop production, likely hay or grain. At that time, the site was part of a larger homestead that occupied the area where the U.S. Pipe manufacturing facility now resides.

The aerial photographs reveal that the row of eucalyptus trees extending adjacent to the northeast boundary of the retention basin site were planted between 1979 and 1988. By 1993,

²⁷ ENGEO Incorporated, *Phase I Environmental Site Assessment*, 1295 Whipple Road, 1.22-Acre Portion, Union City, California, Project No. 9533.000.000, March 13, 2013.

young saplings were visible that would become the row of mature eucalyptus trees that now runs adjacent to the eastern boundary of the proposed retention basin site. The trees had attained maturity by the time of the aerial photograph taken in 2000, when there were signs of some soil disturbance on the project site, but no development. The aerial photo from 2002 shows a small structure within the footprint of the proposed retention basin that U.S. Pipe identifies as most likely the temporary office trailer of SCS Engineers when they oversaw the landfill closure activities in 2002; by 2005 this structure was no longer present.

The prior Phase I ESA identified an area in the 9.6-acre former gladiolus field where non-agricultural spreading of soil or other material was visible that included part of the proposed retention basin. This area appeared in a 1965 photo; it appeared to be leveled in the next sequential aerial photo dated 1974. New non-agriculture related soil disturbance within the project site and surrounding area appears in the next photograph, dated 1982. In 1993, the site was covered with windrows (long parallel lines of heaped soil) that ENGEO concluded could be from either disking/planting or placement of soil. In the 1990s, the site and the greater field surrounding the site were reportedly used for growing gladiolus flowers. The Phase I ESA reported that there were no signs of ground disturbance within the project area in the 1998 photograph, but such evidence was visible in photos dating from 2005 and 2006. Aerial photos reviewed for this Initial Study revealed soil disturbance in the area of the proposed retention basin in photos dated 2000 and 2002. Subsequent photos from 2005 and 2009 showed variations in soil color that corresponded to the previous disturbance, but no signs of recent surface disturbance.

ENGEO determined that the disturbed area of the former gladiolus field was part of a borrow area that was used to construct the cap for the landfill in the northwest corner of the larger U.S. Pipe property. In 2003, 9,000 cubic yards of imported soil was placed within the proposed retention basin footprint to fill the borrow area. The source of the import fill was the Highway 84 road widening project near the Dumbarton Bridge and a stockpile on the adjacent property to the west of the U.S. Pipe property.

Prior to its placement as fill, the import soil was profiled using seven soil samples submitted for laboratory testing, which was not in accordance with the number of samples recommended by the Department of Toxic Substances Control (DTSC) for that volume of import soil. Due to the consequent lack of certainty about the characteristics of the imported soil, as well as the fact that the former gladiolus field was historically used for agricultural purposes, ENGEO recommended preparation of a Phase II ESA that would include soil sampling to evaluate the unidentified material that was observed on the 1965 aerial photograph. ENGEO also recommended testing for volatile organic compounds (VOCs), which had not been previously performed, and collection of soil gas samples to be tested for methane since methane was previously detected in the nearby landfill in 2001. Accordingly, a Phase II ESA was performed by ENGEO in April 2014 that included this testing. In addition, ENGEO completed a second Phase II ESA for the proposed retention basin site in October 2015. The results of both ESAs are discussed below (see Phase II Environmental Site Assessments).

As part of the prior Phase I ESA, ENGEO reviewed more than 90 publicly available local, State, and federal environmental databases to identify hazardous waste and hazardous materials release sites in the project vicinity. The U.S. Pipe manufacturing facility at 1295 Whipple Road, which includes the proposed project site, is listed on multiple California agency databases for hazardous materials release sites, hazardous materials use and storage sites, or hazardous waste disposal sites, which are listed below. The U.S. Pipe property is listed on these databases due to the nature and quantity of hazardous materials stored and used on the site and because releases of hazardous materials, including volatile organic compounds, hydraulic oil, petroleum hydrocarbons, diesel, polycyclic aromatic hydrocarbons (PAHs), heavy metals, and manganese

have been detected in the soil and/or groundwater at the site. In addition, the former landfill is classified as a Class I (i.e., hazardous) facility by the RWQCB, and the RWQCB previously issued a cleanup and abatement order to U.S. Pipe due to groundwater contamination. In accordance with landfill closure monitoring requirements, there has been ongoing monitoring of groundwater at the site since the 1980s as well as routine monitoring requirements related to past releases of petroleum products or hazardous waste on the site.

The Phase I ESA determined that the U.S. Pipe property is listed on the following databases:

- ERNS Emergency Response Notification System. ERNS records and stores information on reported releases of oil and hazardous substances.
- FTTS-FIFRA/TSCA Tracking System FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act). FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA, TSCA, and EPCRA (Emergency Planning and Community Right-to-Know Act).
- HIST FTTS-FIFRA/TSCA Tracking System Administrative Case Listing. A complete administrative case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten U.S. Environmental Protection Agency (US EPA) regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some US EPA regions are now closing out records. Because of that, and the fact that some US EPA regions are not providing US EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.
- FINDS Facility Index System/Facility Registry System. FINDS contains both facility information and "pointers" to other sources that provide more detail. The following FINDS databases are included in the search results: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).
- SWF/LF (SWIS) Solid Waste Information System Active, Closed and Inactive Landfills. SWF/LF records typically contain an inventory of solid waste disposal facilities or landfills. These may be active or inactive facilities or open dumps that failed to meet RCRA Section 4004 criteria for solid waste landfills or disposal sites.
- CA WDS Waste Discharge System. This database lists sites that have been issued waste discharge requirements by the California Regional Water Quality Control Board (RWQCB).
- HIST UST Hazardous Substance Storage Container Database. The Hazardous Substance Storage Container Database is an historical listing of underground storage tank (UST) sites.
- CORTESE "Cortese" Hazardous Waste & Substances Sites List. The sites on this list are designated as Leaking Underground Storage Tanks (LUST) by the State Water Resource Control Board, as Solid Waste Facilities/Landfill Sites (SWF/LS) by CalRecycle (formerly the California Integrated Waste Management Board), or as known and potential hazardous substance release sites (Cal-Sites) by the Department of Toxic

- Substances Control (DTSC). This listing is no longer updated by the California Environmental Protection Agency (CAL EPA).
- SWEEPS UST Statewide Environmental Evaluation and Planning System. This underground storage tank listing was updated and maintained by a company contracted by the SWRCB in the early 1980's. The listing is no longer updated or maintained. The local agency is the contact for more information on a site on the SWEEPS list.
- LDS Land Disposal Sites Listing. The Land Disposal program regulates waste discharge to land for treatment, storage and disposal in waste management units.
- CHMIRS California Hazardous Material Incident Report System. CHMIRS contains information on reported hazardous material incidents (accidental releases or spills).
- ENVIROSTOR EnviroStor Database. The Department of Toxic Substances Control's (DTSC's) Site Mitigation and Brownfields Reuse Program's database identifies sites that have known contamination, or sites for which there may be reasons to investigate further. The database includes the following site types: Federal Superfund sites (National Priorities List (NPL)); State Response, including Military Facilities and State Superfund; Voluntary Cleanup; and School sites. EnviroStor provides similar information to the information that was available in CalSites, and provides additional site information, including, but not limited to, identification of formerly-contaminated properties that have been released for reuse, properties where environmental deed restrictions have been recorded to prevent inappropriate land uses, and risk characterization information that is used to assess potential impacts to public health and the environment at contaminated sites.
- **RESPONSE.** This database identifies confirmed release sites where DTSC is involved in remediation, either in a lead or oversight capacity. These confirmed release sites are generally high priority and high potential risk.
- NPDES National Pollutant Discharge Elimination System (NPDES) Permits Listing. A listing of NPDES permits, including stormwater.
- FINANCIAL ASSURANCE Financial Assurance Information Listing. A listing of financial assurance information for solid waste facilities. Financial assurance is intended to ensure that resources are available to pay for the cost of closure, post-closure care, and corrective measures if the owner or operator of a regulated facility is unable or unwilling to pay.
- CA BOND EXP. PLAN Bond Expenditure Plan. Department of Health Services developed a site-specific expenditure plan as the basis for an appropriation of Hazardous Substance Cleanup Bond Act funds. It is not updated.
- **EMI Emissions Inventory Data.** Toxics and criteria pollutant emissions data collected by the ARB and local air pollution agencies.
- UST Active Underground Storage Tank (UST) Facilities. Active UST facilities gathered from the local regulatory agencies.
- RCRA-LQG Large Quantity Generators. RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites that generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Large quantity generators (LQGs) generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month.

- TRIS Toxic Chemical Release Inventory System. TRIS identifies facilities that release toxic chemicals to the air, water, and land in reportable quantities under Superfund Amendments and Reauthorization Act (SARA) Title III Section 313.
- HAZNET Facility and Manifest Data. The data on this list is extracted from the copies of hazardous waste manifests received each year by DTSC. The annual volume of manifests is typically 700,000 to 1,000,000 annually, representing approximately 350,000 to 500,000 shipments. Data are from the manifests submitted without correction, and therefore many contain some invalid values for data elements such as generator ID, Treatment, Storage, Disposal (TSD) Facility ID, waste category, and disposal method.
- SLIC Statewide Spills, Leaks, Investigations, and Cleanups (SLIC) Cases. The Spills, Leaks, Investigations, and Cleanups (SLIC) listings includes unauthorized discharges from spills and leaks, other than from underground storage tanks or other regulated sites.
- HIST UST Historical UST Registered Database.

ENGEO reviewed the site information in all of the databases listed above and found no documentation of hazardous materials violations or discharges in the former gladiolus field in which the project site is located, and determined that no Recognized Environmental Conditions (RECs) were present on the property and no historical RECs were identified for the site. However, given the nature of the industrial manufacturing activities on the larger U.S. Pipe property, ENGEO concluded that there was the potential for industrial waste to have been disposed of in the past within the former gladiolus field, and recommended performance of a Phase II ESA to determine whether there could be soil contaminated with hazardous materials in the project vicinity. Accordingly, ENGEO subsequently conducted two Phase II ESAs in the former gladiolus field: an October 2015 study of the proposed retention basin site and a prior April 2014 study for the separate project located about 350 feet to the northwest. The results of those studies are discussed below.

There are many other sites listed on the databases that are within the specified search distance radius from the project site, which ranges from one-quarter mile to one mile, depending on the database. ENGEO concluded that none of the listed facilities, including the larger U.S. Pipe property, had the potential to adversely affect the former gladiolus field, either due to distance or because the facilities were downgradient of the project, the site had been remediated, the case was closed, or for other reasons. While it can reasonably be assumed that ENGEO's conclusion can be extrapolated to the proposed retention basin site, which lies between the pipe plant and the previous project 350 feet to the northwest, the results of the Phase II ESA prepared for the proposed retention basin confirmed that there are no RECs on the retention basin site, as discussed in more detail below.

Phase II Environmental Site Assessments

In accordance with ENGEO's recommendations, a Phase II Environmental Site Assessment was performed in October 2015 to evaluate potential soil and soil gas impacts.²⁸ ENGEO excavated eight exploratory trenches within the retention basin footprint proposed at that time. Since that time, the location of the basin was shifted in response to concerns from the Alameda County Water District (ACWD) regarding the water wells located in the southern portion of the former gladiolus field. ENGEO reviewed the revised project plans in July 2016 and determined that 7 of the 8 previous soil sampling locations are located within the footprint of the currently proposed

²⁸ ENGEO, Phase II Environmental Site Assessment, Stormwater Retention Basin Project, US Pipe Property, 1295 Whipple Road, Union City, California, Project No. 9533.000.000, October 30, 2015.

basin. ENGEO concluded that the Phase II ESA data is representative of the new footprint, and no additional sampling was warranted.²⁹

The locations of the trenches, which were advanced to a depth of 8 feet below ground surface (bgs) by backhoe, are shown on Figure HAZ–1. Soil samples were collected from each trench at depths of 0 to 0.5 feet bgs, 2 to 2.5 feet bgs, and 4 to 8 feet bgs.

A total of six composite soil samples collected from each test pit were submitted for analytical testing by a State-certified laboratory for the following hazardous constituents:

- CAM 17 metals, total manganese, and total iron by EPA Test Method 6020
- Total cyanide by EPA Test Method 335.2
- Total petroleum hydrocarbons as gasoline (TPH-g), diesel (TPH-d), and motor oil (TPH-mo) by EPA Test Method 8260B
- Volatile organic compounds (VOCs) by EPA Test Method 8260B
- Silica gel cleanup by EPA Test Method 3630
- Semi volatile organic compounds (SVOCs) by EPA Test Method 8270
- Organochlorine pesticides by EPA Test Method 8081
- Asbestos by CARB 435-1000 point count

The laboratory testing results indicate that the site soil is not significantly impacted. Dieldrin was detected in one sample (TP1-4 0-0.5') at a concentration of 3.6 parts per billion (ppb), exceeding the San Francisco Bay Regional Water Quality Control Board's (RWQCB's) Table A Environmental Screening Level (ESL) of 2.3 ppb. However, the ESLs listed in Table A are based on the use of groundwater as a potential source of drinking water, which is not a potential use of the groundwater at the project site. Furthermore, CalEPA's human health risk threshold for dieldrin on sites where residential use is proposed is 34 ppb. Because the soil sample from TP1-4 was far below the threshold for residential use, and there would be no occupancy of the project site, ENGEO concluded that the dieldrin concentration measured in TP1-4 did not pose an environmental threat.

Low concentrations of total petroleum hydrocarbons as motor oil were detected in all six samples, at levels less than the Table A ESL. VOCs, SVOCS, asbestos, and cyanide were not detected above laboratory reporting limits. Only trace concentrations of organochlorine pesticides were detected in two of the exploratory trenches at depths of 0 and 2 feet. The detected concentrations of metals are consistent with naturally occurring background levels. Based on these results, no remediation or additional testing is warranted.

The Alameda County Water District (ACWD) reviewed the Phase II ESA data and concurred with ENGEO's conclusion that the site soil is not significantly impacted. If the basin excavation soil were to be exported to another site, additional sampling and profiling could be necessary to satisfy Department of Toxic Substances Control import fill guidelines. However, U.S. Pipe has indicated that all excess soil not used for construction of the proposed enclosure berm will be reused as fill material on the U.S. Pipe property.³⁰

The Phase II ESA also summarized the results of a prior Phase II ESA conducted by Lowney Associates in 2003 that included part of the retention basin site. That study included soil borings

²⁹ Shawn Munger, CHG, PG, REA II, EM, ENGEO, Inc., personal communication, July 27, 2016.

³⁰ Dioni Araza, U.S. Pipe and Foundry Company, personal communication, February 16, 2016.

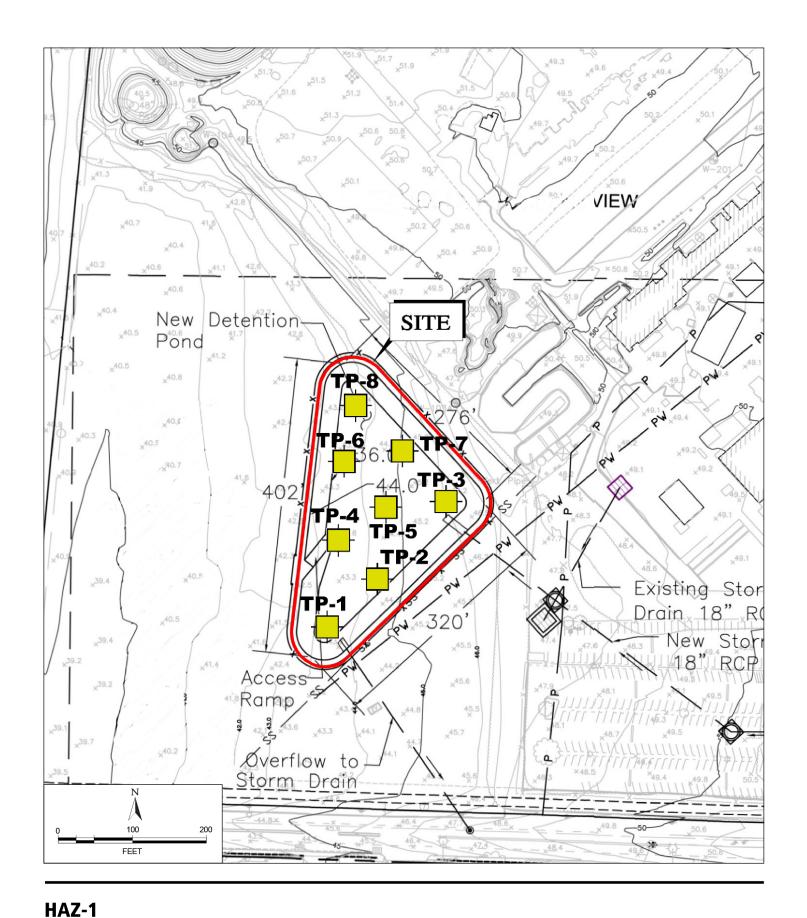
advanced to a depth of 3 feet in 13 different locations. Laboratory testing results exhibited background concentrations of metals and one sample exhibited a trace concentration of dichloro-diphenyl-trichloroethane (DDT) that was less than the residential screening level in place at that time. Therefore, no environmental concerns were identified in that evaluation that could adversely affect the proposed project.

As previously noted, ENGEO also prepared a separate Phase II ESA in April 2014 for a separate project on the U.S. Pipe property that conducted subsurface testing in a portion of the former gladiolus field. Although none of the sampling locations were within or immediately adjacent to the footprint of the proposed retention basin, they were in the same field, and were within 500 feet of the basin site. None of the collected soil samples from this investigation had levels of total petroleum hydrocarbons (TPH); benzene, toluene, ethyl benzene, xylenes (BTEX); or semi volatile organic compounds (SVOCs) above the applicable Environmental Screening Levels (ESLs) established by the RWQCB, and in most cases these pollutants were not detected.

With one exception, detected concentrations of numerous metals—including iron, manganese, barium, chromium, cobalt, copper, lead, nickel, vanadium, zinc, and arsenic—were all below the applicable California Human Health Screening Levels (CHHSLs), ESLs, and/or Regional Screening Levels (RSLs) established by Region 9 of the U.S. Environmental Protection Agency (USEPA). The exception was arsenic, which was identified at concentrations ranging from 3.9 milligrams per kilogram (mg/kg) to 7.0 mg/kg, exceeding the RWQCB's ESL for Commercial/Industrial land use of 0.39 mg/kg and the California Office of Environmental Health Hazard Assessment's (OEHHA) CHHSL of 0.07 mg/kg. However, the detected arsenic concentrations are below the typical background concentration for the region, and the Phase II ESA did not identify the arsenic as a potential environmental concern. Additionally, two surface soil samples exhibited detectable concentrations of soluble iron (0.80 milligrams per liter (mg/L) and 1.2 mg/L respectively) and soluble arsenic (0.013 mg/L and 0.010 mg/L respectively). However, these concentrations are below the Soluble Threshold Limit Concentration (STLC), and are therefore non-hazardous.

Based on the analysis and results of the previous Phase II ESAs evaluating the project vicinity and the subsurface investigation of the proposed retention basin site, there is no existing significant hazard to the public or the environment from the potential release of hazardous materials into the environment. However, because the proposed retention basin would store stormwater runoff from the large U.S. Pipe property, there is the potential for the sediment that would accumulate over time in the bottom of the basin to be contaminated with pollutants entrained in the stormwater. The property is the site of significant heavy industrial activity that includes manufacturing and coating of iron pipe, transporting raw and finished materials on-and off-site, storage of raw materials, scrap metal, and waste, and other industrial activities. Rainwater falling directly on industrial materials has the potential to entrain pollutants, including heavy metals. Airborne pollutants may settle on rooftops and other horizontal surfaces that can also be collected by stormwater.

As noted in the project description, it is expected that approximately 1 centimeter of soil and sediment would accumulate in the bottom of the retention basin. Roughly every five years the top 5 centimeters of soil would be scraped and removed from the base of the basin to avoid a buildup of soil contaminants. If the sediment gauge indicated that sediment was accumulating faster than a centimeter per year, more frequent dredging would be performed. The collected sediment may contain contaminant levels that render it hazardous, and not appropriate for disposal in a standard solid waste landfill. If not properly handled and disposed of, contaminated sediment could expose workers to hazardous materials and/or could release hazardous materials into the environment. This would be a *potentially significant impact*. The following mitigation would reduce the impact to a level of less than significant. Although soil



Soil Test Pit Sample Locations

testing and proper disposal are part of the proposed project, Mitigation Measure HM–1 would provide the City with a means of ensuring that dredged soils are properly disposed of.

Mitigation Measure HM-1:

Prior to disposal or relocation, soils dredged from the retention basin shall be sampled by a certified Environmental Professional, as defined in 40 CFR 312.10, and submitted to laboratory analysis for hazardous materials by a State-certified laboratory. If contaminant levels do not exceed established limits for non-hazardous waste, the soil may be disposed of at a Class II or III solid waste landfill. If the soil is classified as a hazardous waste, it shall be handled and hauled in accordance with State and federal regulations for hazardous waste and disposed of at a licensed Class I hazardous waste disposal facility.

Each time the retention basin is dredged, U.S. Pipe shall provide a copy of the laboratory results from the soil sampling to the Union City Economic and Community Development Department, along with a copy of the waste manifest if the soil is deemed hazardous, so that the City can confirm appropriate disposal of the collected sediment.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X

Explanation: Aside from operation of diesel- and gasoline-powered vehicles and equipment during project construction and subsequent periodic maintenance and inspection of the basin (these emissions are addressed in Sections III(b) and III(d)), no hazardous emissions would be generated by the proposed project and no hazardous materials would be handled. Furthermore, there are no schools within ¼-mile of the project site; the nearest school is the Hillcrest Elementary School, located at 31410 Wheelon Avenue in Hayward, approximately 1,500 feet (0.31 mile) northeast of the U.S. Pipe property, and about 2,900 feet (0.55 mile) northeast of the proposed industrial building.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, would it create a significant hazard to the public or the environment?			X	X

Explanation: As discussed in more detail in Section VIII(b), above, the U.S. Pipe manufacturing facility at 1295 Whipple Road, whose property currently includes the proposed project site, is listed on multiple California agency databases for hazardous materials release sites, hazardous materials use and storage sites, or hazardous waste disposal. The U.S. Pipe property is listed on these databases due to the nature and quantity of hazardous materials stored and used on the site and because releases of hazardous materials, including volatile organic compounds, hydraulic oil, petroleum hydrocarbons, diesel, polycyclic aromatic hydrocarbons (PAHs), heavy metals, and manganese have been detected in the soil and/or groundwater at the site. In addition, the former landfill is classified as a Class I (i.e., hazardous) facility by the RWQCB, and the RWQCB previously issued a cleanup and abatement order to U.S. Pipe due to groundwater contamination. In accordance with landfill closure monitoring requirements, there has been ongoing monitoring of groundwater at the site since the 1980s as well as routine monitoring requirements related to past releases of petroleum products or hazardous waste on the site.

The Cortese Hazardous Waste and Substances Sites List (or simply, the "Cortese list") is comprised of the sites designated by the State Water Resource Control Board (LUST), the Integrated Waste Board (SWF/LF), and the Department of Toxic Substances Control (Cal-Sites). Of these databases, two (LUST and SWF/LF) are currently maintained, while the Cal-Sites database is no longer updated. The Cortese list information is provided by Cal/EPA, Office of Emergency Information. The three components of the Cortese list are as follows:

- 1) The Cal-Sites database contains potential or confirmed hazardous substance release properties. In 1996, the California Environmental Protection Agency (CAL EPA) reevaluated and significantly reduced the number of sites in the Cal-Sites database. No longer updated by CAL EPA, the Cal-Sites database has been replaced by EnviroStor. The U.S. Pipe property is listed on the EnviroStor database.
- 2) Solid Waste Information System Active, Closed and Inactive Landfills (SWF/LF, or sometimes called SWIS). Records in the database typically contain an inventory of solid waste disposal Facilities or landfills. These may be active or inactive facilities or open dumps that failed to meet RCRA Section 4004 criteria for solid waste landfills or disposal sites. The source of this database is the California Department of Resources Recycling and Recovery (CalRecycle).
- 3) LUST Region 2: Fuel Leak List Leaking Underground Storage Tank locations in Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma counties. This database is generated by the California RWQCB, Region 2.

Based on these definitions, U.S. Pipe and Foundry Company's plant at 1295 Whipple Road in Union City is listed on the Cortese list for all three reasons (Cal-Sites pre-1996 for potential or

confirmed hazardous substances releases, landfill, and leaking underground storage tanks) due to the following site conditions:

- baghouse dust heavy metals (e.g., lead), cupola slag, hydraulic oil and PCBs;
- active, closed and inactive landfill (Note: Depending on the period in question the landfill was active, or closed.);
- leaking underground storage tanks.

However, none of the above conditions exists in the location of the proposed retention basin.

Because releases of hazardous materials to the environment at the U.S. Pipe facility have been previously documented, as discussed in Section VIII(b), a Phase II ESA was performed in October 2015 in the area of the proposed retention basin and the subsurface testing results indicated that there are no hazardous materials present in the soil above regulatory screening levels. The project therefore would not create a significant hazard to the public or the environment.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project 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 for people residing or working in the project area?				X

<u>Explanation</u>: There are no airports within 2 miles of the project site; the closest airport is the Hayward Air Terminal, located approximately 4.8 miles northwest of the site.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X

<u>Explanation</u>: There are no private airstrips within 2 miles of the project site.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				\boxtimes

<u>Explanation</u>: The proposed retention basin would not be located within or in proximity to a potential emergency evacuation route; it would be situated in an isolated field, with no development in close proximity. The project would no have the potential to interfere with implementation of the City's disaster management operations plan or emergency response procedures adopted by any local service providers.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
h)	Expose people or structures to significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

<u>Explanation</u>: The project is located in a fully built-out area with extensive industrial and light industrial development. There are no wildlands in the project area, and therefore there is no potential for the proposed project to result in the exposure of people or structures to wildland fires.

IX. HYDROLOGY AND WATER QUALITY — Would the project:

					Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Violate any water quality discharge requirements?	standards	or	waste		X		

<u>Explanation</u>: The basin has been designed to accommodate the runoff produced by a 95th-percentile 24-hour storm event plus an average year precipitation, allowing for the water level to be lowered by evaporation, infiltration, and on-site water use, which would provide capacity for a subsequent storm event.

The National Pollutant Discharge Elimination System (NPDES) permit program established under the federal Clean Water Act (CWA) prohibits the discharge of any pollutant from a point

source into navigable waters without authorization by an NPDES permit. Point sources are typically defined as waste emanating from a single, identifiable location such as a pipe. U.S. Pipe is a permitee under NPDES Industrial General Permit (IGP) No. CAS0000001 issued by the State Water Resources Control Board (SWRCB) by Water Quality Order No. 92-12-DWQ, adopted in 1991 and amended in 1997 by Water Quality Order No. 97-03-DWQ. The SWRCB adopted an amendment to the Industrial General Permit in April 2014 by Water Quality Order No. 2014-0057-DWQ, which became effective on July 1, 2015. U.S. Pipe is currently complying with the terms of the amended IGP.

The IGP requires all permittees to: 1) develop and implement a storm water pollution prevention plan (SWPPP); 2) control pollutant discharges using best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) to prevent or reduce pollutants; 3) implement BAT and BCT through the development and application of Best Management Practices (BMPs), which must be included and updated in the SWPPP; and, 4) when necessary, implement additional BMPs to prevent or reduce any pollutants that are causing or contributing to any exceedance of water quality standards. While U.S. Pipe already has a SWPPP prepared in accordance with the IGP, the consent decree requires the company to update the SWPPP, including its stormwater maps, after installation of the retention basin to reflect the requirements of the consent decree and the use of the retention basin. U.S. Pipe must maintain all structural and non-structural BMPs is good operating condition and promptly repair any damaged or degraded structural BMPs.

Construction and operation of the stormwater retention basin would ensure that discharge from the property would not violate water quality standards or waste discharge requirements. Pollutants entrained in storm runoff from the U.S. Pipe property would be filtered through percolation to groundwater. Water retained in the basin would be employed on the property for process water in the pipe production plant. The project would not cause an increase in the volume of stormwater generated at the site and would not include any operational changes at the plant with the potential to alter stormwater quality. The project would create a negligible amount of new impervious surfaces for a submersible pump vault, pump controls and valving, intake grate opening, concrete apron on the outlet pipe, and other miscellaneous components. These features would have no appreciable effect on stormwater. The project would have no adverse operational effect on stormwater quality; it would have a beneficial effect.

Construction Impacts

Construction activities could potentially affect water quality as a result of erosion of sediment. In addition, leaks from construction equipment; accidental spills of fuel, oil, or hazardous liquids used for equipment maintenance; and accidental spills of construction materials are all potential sources of pollutants that could degrade water quality during construction. Stormwater runoff from the site is ultimately discharged, without treatment, to San Francisco Bay, which is on the list of impaired water bodies compiled by the San Francisco Bay Regional Water Quality Control Board (RWQCB) pursuant to the federal Clean Water Act. Because the State is required to develop action plans and establish Total Maximum Daily Loads (TMDLs) to improve water quality within these water bodies, uncontrolled discharge of pollutants into them is considered particularly detrimental.

Construction projects that disturb 1 acre of land or more are required to obtain coverage under Construction General Permit (CGP) Order 2009-0009-DWQ, a separate NPDES permit administered by the RWQCB. The project would disturb an area of approximately 11 acres through grading, excavation, soil stockpiling, and construction of earthen berms, and would thus require coverage under the CGP. Order 2009-0009-DWQ requires project sponsors to implement construction Best Management Practices (BMPs) at the project site and comply with numeric action levels (NALs) in order to achieve minimum federal water quality standards. The

CGP requires control of non-stormwater discharges as well as stormwater discharges. Measures to control non-stormwater discharges such as spills, leakage, and dumping must be addressed through structural as well as non-structural BMPs.

Construction stormwater BMPs are intended to minimize the migration of sediments off-site. They can include covering soil stockpiles, sweeping soil from streets or other paved areas, performing site-disturbing activities in dry periods, and planting vegetation or landscaping quickly after disturbance to stabilize soils. Other typical stormwater BMPs include erosionreduction controls such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds.

To obtain coverage, the applicant must electronically file a number of permit-related compliance documents (Permit Registration Documents (PRDs)), including a Notice of Intent (NOI), a risk assessment, site map, signed certification, Stormwater Pollution Prevention Plan (SWPPP), Notice of Termination (NOT), NAL exceedance reports, and other site-specific PRDs that may be required. The PRDs must be prepared by a Qualified SWPPP Practitioner (QSP) or Qualified SWPPP Developer (QSD) and filed by a Legally Responsible Person (LRP) on the RWQCB's Stormwater Multi-Application Report Tracking System (SMARTS). Once filed, these documents become immediately available to the public for review and comment.

Although project construction effects on surface water quality could result in a *potentially* significant impact on water quality, implementation of Mitigation Measures WQ-1 and WQ-2 would ensure that construction impacts on water quality remain less than significant.

Mitigation Measure WQ-1: Prior to issuance of a grading permit the project sponsor shall obtain National Pollutant Discharge Elimination System (NPDES) construction coverage as required by Construction General Permit (CGP) No. CAS000002, as modified by State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ. Pursuant to the Order, the project applicant shall electronically file the Permit Registration Documents (PRDs), which include a Notice of Intent (NOI), a risk assessment, site map, signed certification, Stormwater Pollution Prevention Plan (SWPPP), and other site-specific PRDs that may be required. At a minimum the SWPPP shall incorporate the standards provided in the Association of Bay Area Governments' Manual of Standards for Erosion and Sedimentation Control Measures (2005), the California Stormwater Quality Association's California Stormwater Best Management Practices Handbook (2009), the prescriptive standards included in the CGP, or as required by the Clean Water Program Alameda County, whichever are applicable and more stringent. Implementation of the plan will help stabilize graded areas and reduce erosion and sedimentation. The SWPPP shall identify Best Management Practices (BMPs) that shall be adhered to during construction activities. Erosion-minimizing efforts such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds shall be installed before extensive clearing and grading begins. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities.

Mitigation Measure WQ–2: All cut-and-fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15th and April 15th unless approved erosion control measures are in place.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?				X

Explanation: Approximately 31.3 percent of domestic water used in Union City is derived from groundwater.³¹ The source for the groundwater is primarily Alameda Creek, which includes the drainage from Livermore Valley. The Niles Cone Basin groundwater aquifer underlies the project site, as well as the larger Tri–cities area (Union City, Fremont, and Hayward). The Niles Cone Basin is an alluvial aquifer system of unconsolidated gravel, silt, and clay that is separated into different levels by the Hayward Fault. The Alameda County Water District (ACWD) imports State Water Project water to supplement natural local recharge of the groundwater basin in order to raise water levels and thereby offset the intrusion of saline water from San Francisco Bay. Natural recharge of the basin occurs through the stream beds of Alameda Creek and its tributaries. The District also utilizes percolation ponds located about 2.5 miles southeast of the site to enhance this recharge.

The ACWD has an ongoing program to manage and maintain the health and long–term viability of the groundwater basin. Pumping of the basin for domestic water is balanced by recharge, aquifer reclamation (for water quality management), and groundwater protection, with the result that groundwater elevations in the basin have remained fairly constant over the past 30 years. There is no evidence of overdrafting of the groundwater basin.³²

While some groundwater recharge occurs on the pipe plant property site through rainfall infiltration, the project site is not an important source of groundwater recharge. ACWD's primary groundwater recharge facilities consist of the streambed of Alameda Creek and the Quarry Lakes located in the City of Fremont.

The proposed project would create an insignificant amount of new impervious surfaces to anchor grates, controls, and other system components, but with respect to groundwater recharge, these components would have an infinitesimally small effect. While the engineered soils for the earthen berm/maintenance road and retention basin slopes and bottom would incrementally reduce the permeability of these soils, the soils underlying the site are already relatively impervious naturally, with a permeability of less than 2.7×10^{-7} centimeters per

³¹ Alameda County Water District, *Urban Water Management Plan* 2010–2015, adopted June 9, 2011.

³² Ibid.

second (cm/sec).³³ Consequently, the reduction in groundwater recharge caused by the project would be insignificant and would have no effect on the production rate of existing groundwater wells.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	

Explanation: The potential for increased erosion during project construction is addressed in Section IX(a). The proposed project would not substantially alter the existing drainage pattern on the site, which is drained by sheet flow runoff and percolation into the underlying soils. Once the retention basin is completed, rain falling on the U.S. Pipe property would be retained in the basin, where there would continue to be a very slow rate of percolation down into the groundwater basin. No large areas of impervious surfaces would be created that could increase the rate and volume of runoff from the site. Furthermore, the retention basin site is not currently a significant factor in the drainage pattern on the U.S. Pipe property. With a level surface of ruderal vegetation, there is minimal drainage from the site, and any drainage that occurs flows onto the surrounding field. The proposed project would have a negligible effect on this drainage pattern, and there would be no potential to result in substantial erosion on or off site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially alter the existing the site or area, including throthe course of a stream or ri increase the rate or amount of manner which would result in site?	gh the alteration of r, or substantially surface runoff in a			X

<u>Explanation</u>: As discussed in Section IX(c), above, the project would have almost no effect on the existing drainage pattern on the site, and there would be no potential for the project to increase the risk of flooding.

³³ SCS Engineers, *Preliminary Basis of Design: Storm Water Retention Basin, U.S. Pipe Facility, Union City, CA*, File No. 01214200.00, August 29, 2014.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create or contribute runoff water that we the capacity of existing or planned drainage systems or provide substantial sources of polluted runoff?	stormwater			X	
Explanation: See Sections IX(a) and IX(d).					
		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water qu	ıality?			X	
Explanation: See Sections IX(a) and IX(c). the project.	No other im	pacts to w	ater quality	were ider	ntified for
		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood ha mapped on a federal Flood Hazard Bound Insurance Rate Map or other flood hazard map?	ary or Flood				X
Explanation: The project site does not lie Zone X, Other Areas, which is assigned t year flood), areas of 1-percent annual characteristics.	to areas of 0	.2-percent	annual cha	nce flood	(i.e., 500-

less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1-percent annual chance flood. In any event, no new housing would be created by the project.

³⁴ Federal Emergency Management Agency, Flood Insurance Rate Map, Community Panel Number 060014 0431 G, August 3, 2009.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X

Explanation: See Section IX(g), above.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i)	Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	

Explanation: Portions of Union City lie within the dam failure inundation zones for Calaveras, Del Valle, and Ward Creek reservoirs, with the former two posing the greatest threat to the City.³⁵ Were a failure of the Calaveras or Del Valle dams to occur, the flood waters would come west out of Niles Canyon, about 4.5 miles southeast of the project, and continue westward along the Alameda Creek flood zone.³⁶ The project site is therefore located well outside the dam failure inundation zones for Calaveras and Del Valle reservoirs. In any event, the State Division of Dam Safety performs routine inspections of dam safety, and failure of one of the dams is highly unlikely.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j)	Inundation by seiche, tsunami, or mudflow?				X

<u>Explanation</u>: The project site is located approximately 6 miles from San Francisco Bay, the closest major water body, and at an elevation of about 50 feet above sea level. It is an enclosed estuary, with inflow constrained by topography to the Golden Gate, which is located more than 27 miles northwest of the project site. There is therefore no potential at the site for inundation by tsunami. Similarly, the project would not be subject to seiches (standing waves resulting from oscillations in enclosed bodies of water). The project site is located in a relatively level area, with the nearest substantial slopes located approximately 1 mile to the east. There is therefore no potential for mudslides in the project vicinity.

³⁵ City of Union City, 2002 General Plan Policy Document, Health and Safety Element, page HS-15, February 2002.

³⁶ Alameda County Planning Department, East County Area Plan, Volume 2: Background Reports—Setting, Trends, and Issues, Figure 48: Dam Inundation Zones: Bethany, Patterson & Del Valle Reservoirs and Figure 49: Dam Inundation Zones: San Antonio & Calaveras Reservoirs, (draft) February 1993.

X. LAND USE AND PLANNING — Would the project:

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Physically divide an established community?				X

<u>Explanation</u>: The proposed project would create a stormwater retention basin on an existing industrial site that has been operated as a manufacturing facility by U.S. Pipe for more than 50 years. The project would not divide an established community or interfere in any way with access to an established community.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purposed of avoiding or mitigating an environmental effect?				X

Explanation:

General Plan

The Land Use Diagram of the City's General Plan, adopted in February 2002 and revised in November 2007, designates the U.S. Pipe property as General Industrial (MG). The MG land use category is intended to provide for a broad range of heavier industrial uses, which are assumed to have moderate nuisance characteristics, such as unsightliness, noise, odor, traffic, and hazards. Due to these types of associated impacts, the MG designation is generally assigned to larger parcels of land providing sufficient buffering from residential and other, more sensitive land uses. The General Plan deems manufacturing or distribution of hazardous materials an "undesirable" use on General Industrial parcels. Performance standards are applied to ensure that potential adverse effects are contained on the site, and a high standard of property maintenance is required. The land use category has a minimum parcel size of 1 acre and a maximum floor area ratio (FAR) of 0.75.

The existing U.S. Pipe plant is consistent with the allowed uses in the MG land use category, and the proposed retention basin would be an accessory feature incidental to this primary use. It is therefore inherently consistent with the General Plan land use designation for the site, and would not require conditional use authorization.

The City of Union City General Plan was reviewed to identify policies applicable to the proposed project and identify any potential conflicts with applicable policies. The project site is not located within any of the areas addressed by area-specific General Plan policies. No conflicts with General Plan policies were identified, and the project would be generally consistent with relevant policies, including Land Use Policy LU-A.1.6, which requires development project design to reflect and consider natural features, noise exposure of residents, visibility of structures, circulation, access, and the relationship of the project surrounding uses. The project would retain the existing trees on the site that form a visual backdrop to the vacant field in which the retention basin would be located. The basin would be set back about 175 feet from Whipple Road and surrounded by a landscaped berm, minimizing its visibility from public vantage points. As discussed in detail in Section VIII, Hazards and Hazardous Materials, the subsurface soils at the site have been sampled and tested to ensure there are no environmental hazards at the site.

Zoning Ordinance

The U.S. Pipe property is zoned MG (General Industrial). The intended purpose of this zoning district is the same as that described above for the General Industrial land use category, and the language in the Zoning Ordinance defining the purpose of the district mirrors the language used in the General Plan for the MG land use category. Principal permitted uses in the MG district include, but are not limited to, manufacturing of: food and kindred products; textile mill products; apparel and other products made from fabrics or leather; lumber and wood products; furniture and fixtures; paper products; stone, clay, and glass products; fabricated metal products; and electrical and electronics equipment. Fabricated metal products manufacturing, which encompasses the iron pipe production at the U.S. Pipe plant, is also a principal permitted use in the MG district.

Section 18.40.140 of the Zoning Ordinance states that accessory structures and uses incidental to permitted uses in the MG zone are permitted when located on the same lot. As noted above, the proposed retention basin would be an accessory feature incidental to the permitted U.S. Pipe plant, and would therefore constitute a permitted use at the site.

Based on the analysis summarized above, the proposed project would not conflict with the General Plan, zoning regulations, or any other local plans or policies adopted for the purposes of avoiding or mitigating an environmental effect.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

<u>Explanation</u>: There is no adopted habitat conservation plan or natural community conservation plan applicable to the project site.

XI. MINERAL RESOURCES — Would the project:

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X

<u>Explanation</u>: Although regionally significant mineral deposits are located in the coastal range of hills extending along the eastern edges of the cities of Hayward, Union City, and Fremont, such deposits have not been identified on the project site. The U.S. Pipe property and surrounding areas are classified Mineral Resource Zone (MRZ) category MRZ–1 by the California Department of Conservation's Division of Mines and Geology (DMG).³⁷ The MRZ–1 designation is assigned to areas where there is adequate information available to indicate that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence. The nearest mapped MRZ where significant mineral deposits are known or believed to be present is about 2 miles southeast of the project site. The proposed project would therefore have no potential to adversely affect the availability of known mineral resources.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				X

<u>Explanation</u>: The City of Union City General Plan acknowledges the State's designation of mineral resources within the City's Hillside area, located east of Mission Boulevard (about 1 mile east of the project), and *Hillside Area Plan* Policy 13 prohibits the mining of aggregate resources within the Hillside area. In any event, the proposed project is not located in the hillside area and would not encroach into the area designated by the State as containing regionally significant mineral deposits. The General Plan does not identify any mineral resources in proximity to the project site. The proposed project would therefore have no potential to adversely affect the availability of mineral resources.

³⁷ California Department of Conservation, Division of Mines and Geology, Revised Mineral Land Classification Map, South San Francisco Bay Production—Consumption Region, Newark Quadrangle (Plate 2 of 29), 1996.

XII. NOISE - *Would the project result in:*

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X

<u>Explanation</u>: Operation of the project would generate a negligible amount of noise that would have no potential to exceed noise standards set forth in the Union City General Plan, which establishes a community noise equivalent level (CNEL) of 70 A-weighted decibels (dBA) as "Normally Acceptable" for industrial and manufacturing land uses. Operational noise would be generated intermittently by two submerged sump pumps used to convey collected stormwater to the nearby pipe production plant for reuse as process water. The pumps would be located 8 feet below the ground surface. Operated by 2.7-horsepower motors, operational noise from the pumps would be inaudible at the property frontage on Whipple Avenue.

The only other operational noise that would be created by the project would be noise associated with very infrequent maintenance activities. Due to the temporary and intermittent character of such noise, this is considered a temporary noise similar to construction noise, which is addressed below in Section XII(d). The proposed project would have no operational noise impact.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X

<u>Explanation</u>: Operation of the proposed retention basin would entail the intermittent operation of two submerged sump pumps powered by small electric motors. There is no potential for these pumps to cause tangible vibration on or off the project site. Minor, temporary vibration would be generated by earth-moving equipment during construction of the retention basin, but this would not be perceptible at the property line along Whipple Road, approximately 150 feet away.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
l	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X

Explanation: See Section XII(a).

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

Explanation: Construction of the proposed retention basin would create high noise levels in the immediate vicinity for a temporary, short-term period, expected to last about three months. Noise would be generated by operation of heavy equipment used for clearing and grading the site, excavating the basin, and constructing engineered slopes and a surrounding berm. Dump trucks, graders, scrapers, backhoes, excavators, and other conventional construction equipment expected to be used for project construction typically generate noise levels of about 87 to 92 dBA at a distance of 50 feet from the equipment. Over level ground without intervening structures, noise typically attenuates at a rate of 3 dBA for each doubling of distance. Therefore, along Whipple Road, located about 150 feet south of the proposed basin, noise levels of 83 to 88 decibels could be experienced on an intermittent basis. While noise levels this high can be disturbing, the only receptors at this location would be motorists briefly driving past the site and the infrequent pedestrian walking along Whipple Road across the street from the project site.

Receptors who could be exposed for more prolonged periods of construction noise would be the workers at the warehouse uses located opposite the site, on the south side of Whipple Road. The nearest building façades are more than 300 feet away, where noise levels from construction could range around 80 to 85 dBA, but interior noise levels would likely be at least 15 dBA lower. However, the light industrial land uses closest to the project site would not be considered noise-sensitive receptors.

The nearest noise-sensitive receptors (i.e., residential homes) are located more than 2,000 feet to the east, separated by large, intervening buildings that would intercept fugitive construction noise. When combined with existing background noise, noise from project construction would likely be imperceptible at the nearest residential receptors, and it would certainly be within acceptable limits.

Temporary noise from construction projects is not typically considered a significant environmental impact under CEQA, particularly if sensitive receptors—such as residences, schools, hospitals, and retirement homes—would not be affected. Construction noise impacts

are typically considered to be mitigated to acceptable levels when project construction conforms to local limits to allowable construction hours.

In Union City, Municipal Code Chapter 9.40 limits construction activities to the hours of 8:00 a.m. to 8:00 p.m. Monday through Friday, 9:00 a.m. to 8:00 p.m. on Saturdays, and 10:00 a.m. to 6:00 p.m. on Sundays and holidays. The proposed project would be required to limit construction hours to those allowed by the Municipal Code. Therefore, the project would have a *less-than-significant impact* related to short-term construction noise.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>e</i>)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

<u>Explanation</u>: The project site is not located in an area addressed by an airport land use plan and there are no airports within 2 miles of the project site; the closest airport is the Hayward Executive Airport, located about 4.8 miles northwest of the site.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				\boxtimes

<u>Explanation</u>: The project site is not located in the vicinity of a private airstrip.

XIII. **POPULATION AND HOUSING** — Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial 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)?				X

<u>Explanation</u>: The proposed project would not create new jobs, and would therefore have no potential to induce even minor population growth.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

<u>Explanation</u>: Development of the project would not require the demolition of any existing housing or otherwise have any effect on housing.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Explanation: See Section XII(b), above.

XIV. PUBLIC SERVICES - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?				X

<u>Explanation</u>: The proposed project would not result in increased demand for fire protection services, and therefore would have no effect on response times, staffing ratios, or fire station facilities. During project construction, which would last for approximately three months, there would be some small potential for a construction worker to be injured, possibly requiring emergency medical response, which is provided in Union City by the Alameda County Fire Department (ACFD). The ACFD responds to over 38,000 calls for service each year, so a single call for emergency response would not adversely affect the Department.³⁸

Following completion of construction, there would be periodic inspections of the pond, outfall, and sediment gauge, and periodic maintenance in the form of vegetation control and dredging

³⁸ Alameda County Fire Department, Response and Activity Statistics, 2013-2014 Fiscal Year, accessed February 9, 2016 at: http://www.acgov.org/fire/about/statistics.htm.

of the pond approximately once every five years. These activities would be performed by existing U.S. Pipe personnel, and would not have the potential to result in a substantial increase in calls for fire protection services.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Police protection?				X
Explanation: Police protection services in Union Cit Department (UCPD), which operates out of a single Alvarado-Niles Road) from which it serves the entiret project would not cause an increase in the City's populor activities that would be likely to attract criminal affect the UCPD's ability to provide police protection services.	main stati by of the Ci lation and activity. It	on, located ty of Union would not	at City Ha City. The create new	all (34009 proposed facilities
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Schools?				X
Explanation: The proposed project would not cause therefore would have no effect on schools.	an increas		y's popula	ation and
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Parks?				X
Explanation: The proposed project would not cause therefore would have no effect on parks.	an increas	e in the Cit	y's popula	ation and
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Other public facilities?			П	\boxtimes

<u>Explanation</u>: The proposed project would not cause an increase in the City's population and therefore would have no effect on demand for other public facilities, such as libraries.

XV. RECREATION -

	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 would occur or be accelerated?				X

 $\underline{Explanation} \hbox{: The proposed project would not cause an increase in the City's population and therefore would have no effect on parks or other recreational facilities.}$

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No 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?				X

 $\underline{\underline{\text{Explanation}}}$: The proposed project would not include construction or expansion of any recreational facilities.

XVI. TRANSPORTATION/TRAFFIC — Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X

<u>Explanation</u>: The proposed project would have a negligible and imperceptible effect on traffic, and would therefore have no potential to conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system.

Operation of the project would generate almost no traffic trips. Inspections and regular maintenance would be performed by existing U.S. Pipe employees already working on the site. Once a year, vegetation would be removed from the detention basin and the green waste would be hauled to an offsite composting facility. This would likely entail a single two-way truck trip, or at most two round trips. In addition, approximately once every five years accumulated sediment would be removed from the bottom of the basin and hauled offsite for disposal. It is anticipated that approximately 5 tons of sediment would be removed, which could easily be hauled by a single dump truck. No other operational trips would be generated by the project.

Construction of the project would generate a very small amount of traffic for the expected threemonth construction period. Unlike most typical construction projects, there would be no need for ongoing delivery of building and paving materials, and no import or export of soil would be required. Earthmoving and other construction equipment would be delivered to the site at the outset of construction and would remain on site until it was no longer needed. Thus, there would be perhaps a half dozen trips to deliver equipment at the beginning of construction and a similar number of trips at the conclusion of construction to return the equipment.

The number of construction workers has not yet been determined, but it is assumed that the project would not employ more than ten construction workers at any given time. If each worker drove separately to the site, there could be up to 40 daily vehicle trips generated by the workers during the three-month construction period, conservatively assuming each worker drove separately offsite for lunch. At most half of these trips would occur during peak commute periods, though the afternoon work-to-home trips could occur prior to the PM peak hour. With average daily traffic (ADT) on the order of 15,000 vehicles on Whipple Road³⁹ and a PM peak-hour volume of 1,080 vehicles in 2000 on Whipple Road in the vicinity of the project, projected

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³⁹ City of Union City, 2002 General Plan Policy Document, Transportation Element, February 2002.

to increase to 1,135 vehicles by 2020,⁴⁰ the addition of 10 trips would represent approximately 0.06 percent of ADT and less than 1 percent of existing PM peak-hour traffic. This short-term incremental increase in traffic volumes would not cause an increase in delay or deterioration in the operational efficiency of roadway intersections in Union City. Therefore, the project's construction-related traffic would not have the potential to conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>b</i>)	Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X

Explanation: The Alameda County Congestion Management Agency only requires evaluation of potential traffic impacts on the Alameda County Congestion Management Program (CMP) roadway network if a project would generate at least 100 PM peak-hour traffic trips. As noted in Section XVI(a), above, the project would generate at most ten peak-hour traffic trips, and would not adversely affect existing traffic conditions. The project would therefore would have no potential to conflict with the CMP.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
either	t in a change in air traffic patterns, including an increase in traffic levels or a change in on that results in substantial safety risks?				X

<u>Explanation</u>: The project would have no effect on air traffic patterns or air traffic levels. The nearest airport, Hayward Executive Airport, is approximately 4.8 miles northwest of the site.

⁴⁰ City of Union City, Draft Environmental Impact Report, City of Union City General Plan, Figure 5-2 and Table 5-3, September 2001.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X

<u>Explanation</u>: The proposed project would not create any modifications to existing roadways or the entrance to the U.S. Pipe property, nor would it create new internal circulation patterns on the site. Therefore, the project would not create any traffic hazards.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e)	Result in inadequate emergency access?				X

<u>Explanation</u>: Emergency access to the U.S. Pipe property would continue to be from the existing site entrance on Whipple Road, which is located about 450 feet east of the proposed retention basin. The project would not modify internal circulation on the site. Therefore, the project would have no effect on emergency access.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f)	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety to such facilities?				X

<u>Explanation</u>: Implementation of the proposed project would not result in the generation of new employees or new residents of the City, and would not generate new traffic, other than the negligible traffic associated with maintenance of the retention basin, discussed in Section XVI(a), above. There is therefore no potential for the project to conflict with adopted plans, policies, or programs pertaining to public transit, bicycle, or pedestrian facilities, or to reduce the performance of such facilities.

XVII. UTILITIES AND SERVICE SYSTEMS — Would the project:

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X

<u>Explanation</u>: The proposed project would not generate wastewater or have any effect on wastewater treatment facilities.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>b</i>)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

<u>Explanation</u>: The proposed project would not generate wastewater or have any effect on wastewater treatment facilities. It would not result in an increase in water consumption on the U.S. Pipe property, and would therefore have no effect on water treatment facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

Explanation: The purpose of the proposed retention basin is to capture and retain stormwater runoff from the U.S. Pipe property so as to reduce or prevent the discharge of pollutants via stormwater into downstream receiving waters. It has been designed to retain the volume from the 95th-percentile 24-hour storm event plus an average year precipitation, as well as water for on-site manufacturing processes. The retained water would be eliminated from the basin through infiltration to groundwater, evaporation, and/or reuse as process water at the U.S. Pipe manufacturing plant. Thus, while the project would tie in to and become part of the existing stormwater drainage facilities on the U.S. Pipe property, it would result in a reduction of stormwater discharge to offsite facilities. The project therefore would not require construction of new offsite stormwater drainage facilities or expansion of existing facilities.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X

<u>Explanation</u>: The proposed project would not result in an increase in water consumption on the U.S. Pipe property, and would therefore have no effect on water supplies.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X

Explanation: See Section XVII(b), above.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	

Explanation: Solid waste generated at the U.S. Pipe property is collected by a private contractor and hauled in dump trucks to Vasco Road Landfill in Livermore, about 19 miles northeast of the project site. The plant generates approximately 14,000 tons of solid waste per year, with about 11,000 tons disposed of at the landfill and 3,000 tons reused or recycled on site. According to the Solid Waste Information System (SWIS) maintained by CalRecycle (formerly the California Integrated Waste Management Board), Vasco Road Landfill has a permitted throughput of 2,518 tons per day and has remaining capacity of 7,959,079 cubic yards.

Construction of the proposed retention basin would not adversely affect solid waste disposal capacity. It would require excavation of the site, with some of the removed soil reused for construction of the earthen berm that would enclose the basin. Although there would be an excess of 15,210 cubic yards (CY) of soil, it would not be hauled for offsite disposal at a solid

 $^{^{\}rm 41}$ Dioni Araza, U.S. Pipe & Foundry Company, personal communications, February 15 and 16, 2016.

⁴² CalRecycle, Solid Waste Information System, Facility/Site Summary Details: Vasco Road Sanitary Landfill (01-AA-0010), accessed February 23, 2016 at: http://www.calrecycle.ca.gov/SWFacilities/Directory/01-AA-0010/Detail/.

waste landfill. Rather, it would be temporarily stockpiled on site just to the west of the retention basin, in the location shown on Figure 4. U.S. Pipe plans to reuse the soil onsite for construction of the berms and as fill material for previous excavations and low spots on the site property.⁴³ Thus, construction of the retention basin would not result in an increase in waste material disposed of at a landfill.

Once construction is complete, ongoing maintenance of the retention basin would intermittently generate additional waste. Vegetation growth would be cleared from the basin floor and side slopes prior to fire season each year, with the cleared vegetation collected for composting at an offsite facility. Any trash or debris that collects in the basin, inlet grates, water pump sump, or outlet piping would be regularly removed and collected for disposal. This minor incidental waste would have no effect on waste disposal capacity.

Approximately every five years the basin would be dredged of accumulated sediment. It is anticipated that approximately 5 tons of sediment would be removed on these five-year intervals. The dredged soils would be laboratory tested prior to disposal to determine if the soil must be disposed of as a hazardous material or can go to a standard solid waste landfill. If the soil exhibits hazardous waste characteristics, it would be hauled by a licensed hazardous waste hauler to Clean Harbors Buttonwillow, a 320-acre hazardous waste landfill in Kern County, about 200 miles southeast of Union City. CalRecycle's SWIS indicates that the facility has a permitted throughput of 10,500 tons per day. If all of the dredged spoils were disposed of at Vasco Road Landfill, the incremental waste would represent less than 0.2 percent of daily permitted throughput, but it would occur on just one day, roughly every five years. If the spoils were taken to Buttonwillow, it would represent less than 0.05 percent of daily permitted throughput, again, for one day only. There is no potential for this quantity of waste to exceed permitted waste disposal capacity or require expansion of capacity. Therefore, the project would have a *less-than-significant impact* on solid waste disposal capacity.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Comply with federal, state, and loc regulations related to solid waste?	statutes and			X

<u>Explanation</u>: The proposed project would be required to comply with all laws and regulations pertaining to solid waste. As discussed in Section XVII(f), above, maintenance of the proposed retention basin would generate a small amount of green waste once a year that would be composted. This would be consistent with the *Union City Climate Action Plan*, which calls for 90-percent waste reduction and diversion from landfill disposal by 2020 (Waste Reduction Measure WR-1.1). The waste soil that would be generated approximately once every five years when collected sediment is removed from the basin would be characterized and disposed of in accordance with applicable State regulations.

⁴³ Dioni Araza, op. cit.

⁴⁴ Ibid.

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

Explanation: There is no potential for the project 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, or reduce the number or restrict the range of a rare or endangered plant or animal. There is a remote possibility for encountering buried historic/prehistoric cultural resources on the site, but mitigation measures have been identified to minimize potential impacts in the event such resources are encountered during project construction. Mitigation has been identified to prevent this and ensure that this potential impact would remain less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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.)				X

<u>Explanation</u>: No significant cumulative impacts were identified for the proposed project.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?		X		

<u>Explanation</u>: Mitigation has been identified to reduce potential impacts from the generation of dust during project construction, which could potentially have adverse effects on human receptors. No other potentially significant impacts on human beings were identified.

REPORT PREPARATION

This Initial Study and Mitigated Negative Declaration was prepared under the direction of Douglas Herring & Associates (DHA), with support from the Union City Economic & Community Development Department.

Project Manager: Doug Herring, AICP, Principal

Douglas Herring & Associates

1331 Linda Vista Drive El Cerrito, CA 94530

City of Union City: Timothy Maier, Associate Planner

34009 Álvarado-Niles Road Union City, CA 94587

Hazards: Morgan Johnson, REA, QSD

ENGEO, Inc. 2213 Plaza Drive Rocklin, CA 95765

MITIGATION MEASURES

Air Quality

Mitigation Measure AQ-1:

The project applicant shall require the construction contractor to reduce the severity of project construction period dust impacts by complying with the following control measures:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-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 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics 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 the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Biological Resources

Mitigation Measure BR-1:

Prior to issuance of a grading permit, a qualified biologist shall conduct an initial protocol-level survey during the peak of the breeding season (mid-April to mid-July) to determine whether the burrowing owl breeds on the site. A preconstruction survey shall also be conducted no more than 30 days prior to any ground-

disturbing activities. If owls are encountered during either survey, a Burrowing Owl Mitigation Plan shall be prepared, approved by the Union City Community Development Department and the California Department of Fish and Wildlife (CDFW), and implemented; this plan must be approved by the City prior to issuance of a grading permit. The mitigation plan may include passive relocation during the non-breeding season (September 1st to January 31st). No burrowing owls shall be evicted from burrows during the nesting season (February 1st through August 31st) unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). During the nesting season, a 250-foot buffer, within which no new activity will be permissible, shall be maintained between project activities and occupied burrows.

Mitigation Measure BR-2:

Prior to issuance of a grading permit, a qualified biologist shall conduct a reconnaissance-level biological resources analysis of the project site, which shall include a site survey and query of the California Natural Diversity Data Base (CNDDB) maintained by the California Department of Fish and Wildlife (CDFW). The biologist shall identify any protected or special-status species plant or animal that may be present on the site and shall identify any potential impacts that could occur to such species from implementation of the proposed project. The biological resources analysis report shall identify appropriate mitigation measures sufficient to reduce any potential impacts to less-than-significant levels. The City of Union City shall ensure proper implementation of the mitigation measures by the project applicant prior to issuance of a grading permit.

Mitigation Measure BR-3:

If any site grading or project construction will occur during the general bird nesting season (February 1 through August 31), a bird nesting survey shall be conducted by a qualified raptor biologist prior to any grading or construction activity. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of grading/construction activities, due to the higher probability that new nest construction could be initiated during this time. If conducted during the late part of the breeding season (May to August), when the potential for new nest creation is much lower, the survey shall be performed no more than 30 days prior to initiation of these activities. If active nests are identified, a 250-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Wildlife) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged. A biological monitor shall be present during earthmoving activity near the buffer zone to make sure that grading does not enter the buffer area.

Cultural Resources

Mitigation Measure CR-1:

City Staff shall advise the Project Construction Superintendent, Project Inspector, and Building Inspector at a pre-construction conference of the potential for encountering cultural resources during construction and the applicant's responsibilities per CEQA should resources be encountered. This advisory shall also be printed on the Plans and Specification Drawings for this project.

Mitigation Measure CR-2:

If any cultural artifacts are encountered during site grading or other construction activities, all ground disturbance within 100 feet of the find shall be halted until the City of Union City is notified, and a qualified archaeologist can identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). The results of any additional archaeological effort required through the implementation of Mitigation Measures CR-2 or CR-3 shall be presented in a professional-quality report, to be submitted to the project sponsor, the Union City Community Economic and Development Department, and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)-(f) of the CEQA Guidelines and Public Resources Code Section 21083.2.

Mitigation Measure CR-3:

In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and a qualified archaeologist shall notify the Office of the Alameda County Coroner and advise that office as to whether the remains are likely to be prehistoric or historic period in date. If determined to be prehistoric, the Coroner's Office will notify the Native American Heritage Commission of the find, which, in turn, will then appoint a "Most Likely Descendant" (MLD). The MLD in consultation with the archaeological consultant and the project sponsor, will advise and help formulate an appropriate plan for treatment of the remains, which might include recordation, removal, and scientific study of the remains and any associated artifacts. After completion of analysis and preparation of the report of findings, the remains and associated grave goods shall be returned to the MLD for reburial.

Mitigation Measure CR-4:

If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology (UCMP).

Hazards and Hazardous Materials

Mitigation Measure HM-1:

Prior to disposal or relocation, soils dredged from the retention basin shall be sampled by a certified Environmental Professional, as defined in 40 CFR 312.10, and submitted to laboratory analysis for hazardous materials by a State-certified laboratory. If contaminant levels do not exceed established limits for non-hazardous waste, the soil may be disposed of at a Class II or III solid waste landfill. If the soil is classified as a hazardous waste, it shall be handled and hauled in accordance with State and federal regulations for hazardous waste and disposed of at a licensed Class I hazardous waste disposal facility.

Each time the retention basin is dredged, U.S. Pipe shall provide a copy of the laboratory results from the soil sampling to the Union City Economic and Community Development Department, along with a copy of the waste manifest if the soil is deemed hazardous, so that the City can confirm appropriate disposal of the collected sediment.

Hydrology and Water Quality

Mitigation Measure WQ-1:

Prior to issuance of a grading permit the project sponsor shall obtain National Pollutant Discharge Elimination System (NPDES) construction coverage as required by Construction General Permit (CGP) No. CAS000002, as modified by State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ. Pursuant to the Order, the project applicant shall electronically file the Permit Registration Documents (PRDs), which include a Notice of Intent (NOI), a risk assessment, site map, signed certification, Stormwater Pollution Prevention Plan (SWPPP), and other site-specific PRDs that may be required. At a minimum the SWPPP shall incorporate the standards provided in the Association of Bay Area Governments' Manual of Standards for Erosion and Sedimentation Control Measures (2005),the California Stormwater Quality Association's California Stormwater Best Management Practices Handbook (2009), the prescriptive standards included in the CGP, or as required by the Clean Water Program Alameda County, whichever are applicable and more stringent. Implementation of the plan will help stabilize graded areas and reduce erosion and sedimentation. The SWPPP shall identify Best Management Practices (BMPs) that shall be adhered to during construction activities. Erosion-minimizing efforts such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds shall be installed before extensive clearing and grading begins. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities.

Mitigation Measure WQ–2: All cut-and-fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15th and April 15th unless approved erosion control measures are in place.

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Agenda Item

DATE: 07/06/2017

TO: PLANNING COMMISSION

FROM: JOAN MALLOY, ECONOMIC AND COMMUNITY DEVELOPMENT

SUBJECT: COMMISSIONER QUESTIONS AND STAFF RESPONSES

REGARDING SD-15-004 (1295 WHIPPLE ROAD)

Staff received an inquiry from Commissioner Lew regarding the stormwater retention basin. Following are the questions received and staff's responses.

1. Pg. 11, 1st para. under "Hazard and Hazardous Materials", last sentence – the phrase "disposed of property" should be "disposed of properly."

Noted, this will be corrected in the City Council staff report.

2. Pg. 19, Condition of Approval #42 is not a complete sentence and does not appear to require any action by the applicant or property owner. Does the text herein relate to Condition #43? If so, I recommend an appropriate correction.

This is a formatting error, and Condition 42 and 43 are related. The two conditions are combined in the revised Conditions of Approval (page 9 in Attachment 1).

3. Exhibit A drawings refer to the new structure as a retention basin and a retention pond. Are both terms synonymous? A pond infers a body of standing water. Will the basin or pond contain standing water?

This project uses the terms pond and basin interchangeably, the proposed basin/pond is intended for the short-term storage of stormwater. There will be periods when it will contain standing water (e.g. after a heavy storm), however, incorporated into the design of the basin is a system for the water to be recycled for industrial uses and the remaining water will dissipate through evaporation. In addition, Condition 39, requires the grading plans to incorporate treatments for vector control.

4. Exhibit A, the landscape drawings indicate the basin will be hydro-seeded. Please clarify the contents of the basin.

The basin only intended to hold stormwater runoff from the US Pipe site. The purpose of hydroseeding the basin is to stabilize the soil after the initial grading. The project is not required to landscape the basin, but existing Fire regulation requires that the vegetation in and around the berm be maintained during the dry season.

5. IS/MND, pg. 10 contains a section on maintenance activities for the basin. However, the conditions of approval do not address maintenance in the manner described in the IS/MND. Was this an oversight?

This was not an oversight. There is a signed consent decree (settlement agreement) between U.S. Pipe and Baykeeper. The City is not a party to the consent decree. The consent decree includes several commitments and points of agreement, including, but not limited to: the installation of a stormwater basin; the framework for the federal stormwater permit, which includes a stormwater pollution prevention plan and a requirement to incorporate best management practices into the plan; maintenance specifications to scrape the sediment from the basin every five years and properly dispose of the soil; and to reimburse Baykeeper for costs and fees associated with monitoring U.S. Pipe's compliance with the consent decree.

SCS Engineers provided information to the environmental consultant regarding the maintenance of the basin. These standards are not City requirements, but are part of the application that is implementing the consent decree. Baykeeper is identified to be the party that will monitor U.S. Pipe consistent with the consent decree.

The City will have a limited role in the ongoing monitoring of the basin. U.S. Pipe is required to submit to the City copies laboratory results and waste manifest to demonstrate that the scrapped soil from the basin is disposed of in the proper manner. This is identified in HM-1 (Condition 18).

6. The following mitigation measures from the IS/MND were partially (not fully) stated in the conditions of approval: BR-1, BR-2, CR-2, CR-3, CR-4, HM-1, and WQ-1. Please explain the omissions.

The omissions occurred because staff paraphrased the Mitigation Measures. The Mitigation Measures in the Conditions of Approval will be revised to mirror the language of the IS/MND to avoid any confusion. Staff will include in the desk item revised conditions of approval with the mitigation measures that are identical to the IS/MND (revised Mitigation Measures are on page 2-6).

7. IS/MND, Mitigation Measure HM-1 on page 50 – does this measure apply to soil that is relocated within the same parcel? Please explain why or why not.

Mitigation Measure HM-1 only applies to the sediment buildup that is scraped from the basin and removed as part of the maintenance activity as this layer of soil may contain hazardous material. This layer of soil must be disposed of properly and cannot be relocated onsite.

8. IS/MND report, pages 23, 47 and 74 – it appears the IS/MND omitted certain mitigation measures based solely on a "personal communication" dated February 16, 2015 (please see applicable footnotes) regarding US Pipe's intent to stockpile and reuse all excavated soil onsite. However, there is no condition of approval that addresses this issue. Please explain.

The analysis and Mitigation Measures in the IS/MND are based on information provided by the applicant. Development is required to take place consistent with plans, which currently shows no offsite soil disposal for the construction of the basin. Should the project be modified to accommodate off-site disposal, the existing approvals would need to be modified, including the IS/MND.

9. IS/MND, page 51, item d) is shown as having both a "less than significant impact" and "no impact." Please explain.

This will be corrected to indicate "less than significant impact" in the final IS/MND.

NOTICING - There was a noticing error and the project had to be re-noticed. Staff recommends that the Commission continue the hearing to a date certain, and make a final determination at that hearing (the next scheduled hearing is <u>July 20,2017</u>).

Attachments

Attachment 1 – Revised Conditions of Approval

IV. (REVISED) CONDITIONS OF APPROVAL

Planning Department

- 1. All actual site improvements shall be made with strict adherence to plans marked Exhibit A, except as they may be modified by other conditions of approval.
- 2. This application shall expire one year from the date of City Council approval unless building permits have been issued and construction diligently pursued.
- 3. The applicant and/or property owner shall attach an annotated copy of the approved City Council Resolution with the conditions of approval to each set of detailed construction plans, civil and working drawings submitted for plan review prior to issuance of a grading permit. Notations to the plans shall be made to clearly indicate how the project complies, or will comply, with the conditions of approval. Construction plans shall not be accepted without the annotated final conditions of approval included with each set of plans.
- 4. Prior to the issuance of a grading permit for the retention basin, the applicant and/or property owner shall be responsible for the payment of all City fees as set forth in the Master Fee Schedule in effect at the time such fees are due and payable.
- 5. Plans submitted for grading permit issuance shall reflect the following:
 - a. The maximum berm slope shall be 3:1.
 - b. Along Whipple Road, the minimum width of the berm at the top shall be eight (8) feet.
 - c. Along Whipple Road, the minimum width of the berm at the bottom shall be 25 feet.
 - d. Along Whipple Road, the minimum height of the berm shall be thee (3) feet as measured from the edge of roadway.
 - e. Along the westerly and easterly boundaries of the site, the height and width of the berm may be reduced or increased, subject to review and approval by the Public Works Department and the Economic and Community Development Department.
 - f. Along the easterly boundaries of the site, the berm must be eliminated if it is not landscaped.
 - g. Along Whipple Road, a minimum three (3) feet buffer area between the toe of the berm and the Alameda County Water District easement shall be provided.

- h. The berm along Whipple Road shall be aligned with the existing parking located to the east of the site, subject to any modifications required by other conditions of approval.
- Prior to the issuance of permits, the exact location and extent of the berm shall be staked for review and approval by the Public Works Department and the Economic and Community Development Department.
- 7. The applicant and/or property owner shall be responsible for ensuring that all contractors and subcontractors have obtained a valid City of Union City business license for the duration of the project.
- 8. Prior to the issuance of the grading permit, the applicant and/or property owner shall submit a final landscape package, which is consistent with the preliminary landscape package except as may be modified by the following requirements or by other conditions of approval. Landscape package shall also be consistent with Chapter 18.112, Water Efficient Landscape, of the Municipal Code and the Landscape Standards Policy Statement. Final landscape plan will be subject to review and approval by the City's consulting Landscape Architect. Additional fees for consultant's review and inspection are required to be paid with the grading permit fees. A final inspection of the installed landscaping and irrigation shall be completed prior to release of any bonds associated with site work. The applicant/property owner shall be responsible for maintaining all irrigation and landscaping and shall replace any dead or dying vegetation for the life of the project.
 - a. The area in front of the berm shall be hydroseeded with native wild flowers and grasses.
 - b. The berm soil shall be amended as recommended by the landscape architect to ensure successful growth of the trees, shrubs and groundcover.
- 9. A certificate of deposit shall be submitted in the amount of 50% of the estimated installation cost of the landscaping, up to \$10,000.00, in order to insure installation of the planting shown on the approved landscape plan. The property owner shall enter into a private landscape maintenance contract for the maintenance of the required landscaping for a minimum period of two years after installation. The required certificate of deposit shall be submitted to the Economic and Community Development Department prior to the issuance of the grading permit. The project landscaping shall be completed, pursuant to the above-stated requirements, prior to the release of the bonds associated with the site work.

Mitigation Measures

10. Mitigation Measure AQ-1 (Air Quality): The project applicant shall require the construction contractor to reduce the severity of project construction period dust impacts by complying with the following control measures:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt track-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.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. 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.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- 11. Mitigation Measure BR–1 (Biological Resources): Prior to issuance of a grading permit, a qualified biologist shall conduct an initial protocol-level survey during the peak of the breeding season (mid-April to mid-July) to determine whether the burrowing owl breeds on the site. A preconstruction survey shall also be conducted no more than 30 days prior to any ground-disturbing activities. If owls are encountered during either survey, a Burrowing Owl Mitigation Plan shall be prepared, approved by the Union City Community Development Department and the California Department of Fish and Wildlife (CDFW), and implemented; this plan must be approved by the City prior to issuance of a grading permit. The mitigation plan may include passive relocation during the non-breeding season (September 1st to January 31st). No burrowing owls shall be evicted from burrows during the nesting season (February 1st through August 31st) unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). During the

nesting season, a 250-foot buffer, within which no new activity will be permissible, shall be maintained between project activities and occupied burrows.

- 12. Mitigation Measure BR–2 (Biological Resources): Prior to issuance of a grading permit, a qualified biologist shall conduct a reconnaissance-level biological resources analysis of the project site, which shall include a site survey and query of the California Natural Diversity Data Base (CNDDB) maintained by the California Department of Fish and Wildlife (CDFW). The biologist shall identify any protected or special-status species plant or animal that may be present on the site and shall identify any potential impacts that could occur to such species from implementation of the proposed project. The biological resources analysis report shall identify appropriate mitigation measures sufficient to reduce any potential impacts to less-than-significant levels. The City of Union City shall ensure proper implementation of the mitigation measures by the project applicant prior to issuance of a grading permit.
- 13. Mitigation Measure BR–3 (Biological Resources): If any site grading or project construction will occur during the general bird nesting season (February 1 through August 31), a bird nesting survey shall be conducted by a qualified raptor biologist prior to any grading or construction activity. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of grading/construction activities, due to the higher probability that new nest construction could be initiated during this time. If conducted during the late part of the breeding season (May to August), when the potential for new nest creation is much lower, the survey shall be performed no more than 30 days prior to initiation of these activities. If active nests are identified, a 250-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Wildlife) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged. A biological monitor shall be present during earthmoving activity near the buffer zone to make sure that grading does not enter the buffer area.
- 14. Mitigation Measure CR–1 (Cultural Resources): City Staff shall advise the Project Construction Superintendent, Project Inspector, and Building Inspector at a preconstruction conference of the potential for encountering cultural resources during construction and the applicant's responsibilities per CEQA should resources be encountered. This advisory shall also be printed on the Plans and Specification Drawings for this project.
- 15. Mitigation Measure CR–2 (Cultural Resources): If any cultural artifacts are encountered during site grading or other construction activities, all ground disturbance within 100 feet of the find shall be halted until the City of Union City is notified, and a qualified archaeologist can identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). The results of any additional archaeological effort required through the implementation of Mitigation Measures

CR–2 or CR–3 shall be presented in a professional-quality report, to be submitted to the project sponsor, the Union City Community Economic and Development Department, and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)-(f) of the CEQA Guidelines and Public Resources Code Section 21083.2.

- 16. Mitigation Measure CR–3 (Cultural Resources): In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and a qualified archaeologist shall notify the Office of the Alameda County Coroner and advise that office as to whether the remains are likely to be prehistoric or historic period in date. If determined to be prehistoric, the Coroner's Office will notify the Native American Heritage Commission of the find, which, in turn, will then appoint a "Most Likely Descendant" (MLD). The MLD in consultation with the archaeological consultant and the project sponsor, will advise and help formulate an appropriate plan for treatment of the remains, which might include recordation, removal, and scientific study of the remains and any associated artifacts. After completion of analysis and preparation of the report of findings, the remains and associated grave goods shall be returned to the MLD for reburial.
- 17. Mitigation Measure CR–4 (Cultural Resources): If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology (UCMP).
- 18. Mitigation Measure HM-1 (Hazards and Hazardous Materials): Prior to disposal or relocation, soils dredged from the retention basin shall be sampled by a certified Environmental Professional, as defined in 40 CFR 312.10, and submitted to laboratory analysis for hazardous materials by a State-certified laboratory. If contaminant levels do not exceed established limits for nonhazardous waste, the soil may be disposed of at a Class II or III solid waste landfill. If the soil is classified as a hazardous waste, it shall be handled and hauled in accordance with State and federal regulations for hazardous waste and disposed of at a licensed Class I hazardous waste disposal facility.

Each time the retention basin is dredged, U.S. Pipe shall provide a copy of the laboratory results from the soil sampling to the Union City Economic and Community Development Department, along with a copy of the waste manifest if the soil is deemed hazardous, so that the City can confirm appropriate disposal of the collected sediment.

- 19. Mitigation Measure WQ-1 (Hydrology and Water Quality): Prior to issuance of a grading permit the project sponsor shall obtain National Pollutant Discharge Elimination System (NPDES) construction coverage as required by Construction General Permit (CGP) No. CAS000002, as modified by State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ. Pursuant to the Order, the project applicant shall electronically file the Permit Registration Documents (PRDs), which include a Notice of Intent (NOI), a risk assessment, site map, signed certification, Stormwater Pollution Prevention Plan (SWPPP), and other site-specific PRDs that may be required. At a minimum the SWPPP shall incorporate the standards provided in the Association of Bay Area Governments' Manual of Standards for Erosion and Sedimentation Control Measures (2005), the California Stormwater Quality Association's California Stormwater Best Management Practices Handbook (2009), the prescriptive standards included in the CGP, or as required by the Clean Water Program Alameda County, whichever are applicable and more stringent. Implementation of the plan will help stabilize graded areas and reduce erosion and sedimentation. The SWPPP shall identify Best Management Practices (BMPs) that shall be adhered to during construction activities. Erosion-minimizing efforts such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds shall be installed before extensive clearing and grading begins. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities.
- 20. Mitigation Measure WQ–2 (Hydrology and Water Quality): All cut-and-fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15th and April 15th unless approved erosion control measures are in place.

Public Works

- 21. The applicant shall apply for an Encroachment Permit, pay a fee and post a bond for all work in the public right-of-way, including trenching, roadwork, concrete, striping and paving, etc. The applicant and/or property owner shall be responsible for any required repairs associated with the development, including streets and paving, trenching, curbs and gutters, sidewalks, damaged striping, street lights, or installation of same where not existing, as determined by the City Engineer.
- 22. Plans submitted for grading permit issuance shall include a structural section for the proposed access road, which is adequate to accommodate vehicular loads.
- 23. The applicant and/or property owner shall install all new utility lines underground. No new overhead services to the property or to the proposed development will be permitted.

- 24. The applicant and/or property owner shall install all public utilities in the Public Utility Easement (PUE) or in the Public right-of-way. No public utilities shall be installed on private property outside the PUE.
- 25. The applicant and/or property owner shall provide drainage facilities to carry storm water runoff in the area to be developed, and for contributory drainage from adjoining properties. The applicant and/or property owner shall submit a drainage plan, including hydrologic and hydraulic calculations to the City Engineer for review and approval, as required.
- 26. The applicant and/or property owner shall submit a grading plan to the Public Works Department and obtain a Grading Permit prior to proceeding with any demolition and grading operations. The grading plan shall include erosion control measures installed during construction, including the protection of the downstream inlet on Whipple Road.
- 27. The applicant and/or property owner shall pay all Public Works Department fees such as Plan Check & Inspection fees, Grading Permit Fee (and associated bonds) and Encroachment Permit fee. Except for the Encroachment Permit fee, all other fees shall be paid prior to the issuance of the Grading Permit.
- 28. The applicant and/or property owner shall provide a detailed breakdown of the engineer's estimate for all on-site work including grading, detention pond, storm drainage facilities, Stormwater treatment facilities, access road, fencing, sidewalk, curb & Gutter, lighting and landscaping.
- 29. The applicant and/or property owner shall preserve all existing trees on the site until a tree removal permit, consistent with the Site Development Review approval, is issued by the City Arborist. The City Arborist will assess the condition and size of any trees proposed to be removed and determine the number of replacement trees to be planted. If replacement trees cannot be accommodated on-site, an in-lieu fee will be paid prior to tree removal permit issuance.
- 30. Prior to issuance of grading permit, the applicant and/or property owner shall provide correspondence from the Alameda County Flood Control District regarding any requirements applicable to the project.
- 31. The applicant and/or property shall stabilize all graded areas by hydro seeding or other acceptable means to ensure the disturbed or graded areas do not erode or generate dust.
- 32. The applicant and/or property owner shall submit a comprehensive traffic control plan to minimize impact to traffic on Whipple Road from construction related traffic entering or exiting the site. This may include traffic arrow boards and/or traffic control personnel. City may require contracting with a dedicated traffic control firm to perform this function. Traffic control plan shall show the route the construction traffic,

including hauling trucks, will take from Whipple Road to the construction area and vice versa. The traffic control plan shall also note that hours of work that impact traffic on Whipple Road, such as those associated with hauling dirt or movement of large construction vehicles, shall be limited to the hours of 9:00 a.m. to 3:30 p.m.

33. The applicant and/or property owner shall ensure that on-site and off-site construction activity complies with Section 9.40.053 of the Union City Municipal Code, and is limited to the following hours:

Monday through Friday - 8:00 a.m. to 8:00 p.m. Saturday - 9:00 a.m. to 8:00 p.m. Sundays & Holidays - 10:00 a.m. to 6:00 p.m.

- 34. The applicant shall submit a completed 'Applicability of C.3 & C.6 Stormwater Requirements' form for review and approval by City Staff prior to the issuance of the grading permit.
- 35. The applicant and/or property owner shall install a new storm drain inlet or field inlet in the public right of way just before where the storm drain is proposed to tie into the existing manhole on Whipple Road. The applicant shall also install a full trash capture device (TCD), as approved by the City Engineer, at this new structure or in any existing storm drain inlets located along the perimeter of the development in order to prevent trash from entering the public storm drainage system. Details shall be shown on plans submitted for grading permit issuance.
- 36. The proposed berm shall be sited outside of the future right-of-way line for Whipple Road. The curb line of the future widening is expected to line up with the existing curb line to the west in Hayward. A minimum of 10 ft. from the future face-of-curb should be allowed to install sidewalk and landscaping. In addition, a minimum 5 ft. buffer area between the berm and Whipple Road right-of-way should be allowed to enable the future widening without impacting the berm during grading and construction.
- 37. The applicant and/or property owner shall ensure that on-site storm drain inlets shall be labeled "No Dumping Drains to Bay" using a stencil approved by the Public Works Department. Detail shall be shown on plans submitted for grading permit issuance.
- 38. The applicant and/or property owner, prior to issuance of grading permit, shall submit a plan showing the proposed measures to minimize impacts to water quality in conformance with the most current requirements of the Alameda Countywide Clean Water Program as detailed in the California Regional Water Quality Control Board's (RWQCB) Municipal Regional Stormwater Permit (MRP 2), Order R2-2015-0049, NPDES Permit No. CAS612008, dated November 19, 2015. Project plans and specifications for Storm Water controls shall be prepared and stamped by a California licensed Professional Engineer who is also a Qualified Stormwater

- Designer (QSD). The applicant shall ensure that the project complies with the most current requirements of the Alameda County Clean Water Program.
- 39. The applicant and/or property owner shall ensure that the design of detention basin and stormwater facilities include the treatment control design guidance for vector control (Alameda Countywide Clean water Program's Vector Control Plan). Details shall be shown on plans submitted for grading permit issuance.
- 40. The applicant and/or property owner shall initiate an ongoing program of litter control and general clean up in the parking lots and along the property frontage, including the dirt strip, grass strip and the landscaped area adjacent to the parking lot fence.
- 41. The applicant and/or property owner shall ensure that there is no standing water at the entrance to the U.S. Pipe site, especially at the western end of the driveway during the wet season. The area may need to be regraded and repaved to allow positive drainage. Details shall be shown on plans submitted for grading permit issuance.
- 42. Stormwater "During Construction" Best Management Practices The following best management practices relating to construction site controls shall be implemented during construction activities. These best management practices shall be shown as notes on the approved grading and building permit plan sets:
 - a. The applicant and/or property owner shall ensure compliance with the all of the following best management practices by making sure that all contractors, subcontractors and suppliers are aware of all storm water pollution prevention measures and their implementation requirements.
 - b. The applicant and/or property owner shall ensure that concrete/gunite supply trucks or concrete/plaster and finishing operations discharge washout water into a designated cleanout area, designed to prevent pollutants from entering the storm water and/or sanitary sewer system.
 - c. The applicant and/or property owner shall be ensure that discharge restrictions shall also apply to the operation of general construction machinery including masonry cutting equipment, and the washing of tools, brushes, containers, etc. These operations shall not be performed in the street, gutter, or where pollutants can enter the storm water system. Failure to comply with the approved construction requirements will result in the issuance of correction notices, citations, or project stop work orders.
 - d. The applicant and/or property owner shall minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. All cut and fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall commence unless approved erosion control measures are in place.

- e. The applicant and/or property owner shall install filter materials (sand bags, filter fabric, straw wattle, etc.) at the storm drain inlet nearest the downstream side of the project site prior to:
 - 1) Start of the rainy season (October 1st);
 - 2) Site dewatering activities;
 - 3) Street washing activities; and
 - 4) Saw cutting asphalt or concrete.

Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Filtered particles shall be disposed of in an appropriate manner based upon constituents.

- f. The applicant and/or property owner shall gather all construction debris on a regular basis and place in a dumpster or other container, which is emptied or removed at a minimum on a weekly basis. When appropriate, tarps shall be used on the ground to collect falling debris, paint over-spray, etc. that could contribute to storm water pollution.
- g. The applicant and/or property owner shall ensure that trash enclosures and/or recycling containers, paved outdoor storage, staging, or lay down areas shall be designed and constructed to prevent pollutants from entering storm drain system.
- h. The applicant and/or property owner shall ensure the availability of 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 of becoming a pollutant and/or being discharged to the storm drain system.
- i. The applicant and/or property owner shall ensure that dirt, gravel, debris and green waste shall be removed from the sidewalk, street pavement, and storm drains adjoining the project site. These areas shall be broom swept on a daily basis. Caked on mud or dirt shall be scraped before sweeping. During wet weather, the applicant should avoid excavation and other activities that lead to pollutants entering storm water such as driving vehicles on unpaved areas, etc.
- j. The applicant and/or property owner shall ensure that outdoor washing or pressure washing shall be managed to prevent pollutants from getting into storm water and/or into the storm drain system.
- k. The applicant and/or property owner shall ensure that On-site storm drain inlets shall be labeled "No Dumping Drains to Bay" using a stencil approved by the Public Works Department.

Alameda County Water District

43. Prior to the issuance of grading permits, the applicant and/or property owner shall apply for and receive all required permits from Alameda County Water District prior to destruction of the monitoring well and any applicable permits for the retention basin.

REVISED NOTICE

Notice of Intent to adopt a Mitigated Negative Declaration and Notice of Public Hearing

RE: Site Development Review Approval (SD-15-004)

DEAR PROPERTY OWNER OR OCCUPANT:

Please be advised that the City of Union City has received a Site Development Review application for a 2.55-acre stormwater retention basin located within the vacant portion of the site along the westerly Whipple Road frontage and a new landscaping berm along the Whipple Road frontage and along a portion of the westerly property line. The property is located at 1295 Whipple Road (APN: 475-50-18). The site is located in the General Manufacturing (MG) zoning district.

NOTICE IS GIVEN THAT this request will be heard at a public hearing by the Planning Commission on *Thursday, July 20, 2017 at 7:00 p.m.* in the City Hall Council Chambers, located at 34009 Alvarado-Niles Road, Union City, California. A public hearing before the City Council is tentatively scheduled for August 8, 2017.

NOTICE IS ALSO GIVEN that a draft Mitigated Negative Declaration (MND) was prepared for the project, which determined that the project would not result in any significant environmental impacts with the incorporation of mitigation measures. The review period to submit written comments regarding the MND begins on July 6, 2017 and ends on August 5, 2017 at 5:00 pm. Comments can also be provided at the Planning Commission or City Council public hearings. A copy of the proposed Mitigated Negative Declaration is available for review through the City of Union City Planning Division, located at 34009 Alvarado-Niles Road, Union City or on the City's website at http://www.ci.union-city.ca.us/departments/economic-community-development/ecd-archives.

The Planning Commission meeting packet, which includes the meeting agenda and staff report for this project, can be accessed on-line on the City's Agendas and Minutes webpage which is located at http://www.ci.union-city.ca.us/government/city-council-agenda-packets. Meeting packets are generally available on-line the Friday before the meeting.

If you challenge the above described project in court, you may be limited to raising only those issues you or someone else raised at the Planning Commission public hearing for this project or the City Council public hearing, or in written correspondence delivered to the Planning Commission or to the City Council at, or prior to, the public hearing.

If you have any questions regarding this application, please contact Binh Nguyen, Project Planner, at (510) 675-5382 or via email at BinhN@UnionCity.org.

JOAN MALLOY, Economic and Community Development Director



Agenda Item

ATTACHMENTS:

	Description	Type
D	Staff Report - Woodstock Development	Staff Report
D	Exhibit A - Project Plans	Exhibit
D	Attachment 1 - CEQA Resolution	Resolution
D	Exhibit A - Initial Study/Mitigated Negative Declaration	Attachment
D	Attachment 2 - General Plan Resolution	Resolution
D	Attachment 3 - Text Amendment Resolution	Resolution



DATE: JULY 20, 2017

TO: PLANNING COMMISSION

FROM: JOAN MALLOY, ECONOMIC AND COMMUNITY DEVELOPMENT

DIRECTOR

SUBJECT: GENERAL PLAN AMENDMENT, AG-17-002

ZONING TEXT AMENDMENT, AT-17-001 SITE DEVELOPMENT REVIEW, SD-17-002

USE PERMIT, UP-17-004 PARCEL MAP, TPM-17-001

<u>APPLICANT</u>: WOODSTOCK DEVELOPMENT

LEGAL OWNER: CITY OF UNION CITY

REQUEST: General Plan Amendment Text Amendment, Zoning Text Amendment,

Site Development Review, Use Permit and Vesting Tentative Parcel Map approval to facilitate the demolition of two existing office buildings and construction of a 31,381 sq. ft. mixed-use office building and

associated site improvements.

LOCATION: 1320 and 1328 Decoto Road

(Assessor's Parcel Number: 87-19-18 and 87-19-19)

SIZE OF PARCEL: 64,192 sf (1.47 acres)

GENERAL PLAN

LAND USE: Station Mixed-Use Commercial District (CSMU)

ZONING: Station Mixed-Use Commercial District (CSMU)

SURROUNDING LAND USES:

Location	General Plan Designation	Zoning Classification	Land Use
North	Station Mixed-Use Commercial District (CSMU)	Station Mixed-Use Commercial District (CSMU)	BART tracks / parking lot
South	Station Mixed-Use Commercial District (CSMU)	Station Mixed-Use Commercial District (CSMU)	Professional office
East	Station Mixed-Use Commercial District (CSMU)	Station Mixed-Use Commercial District (CSMU)	BART parking lot
West	Civic Facility (CF) / Open Space (OS)	Civic Facilities (CF) / Open Space (OS)	Charles F Kennedy Park

ZONING MAP:



LOCATIONAL MAP:



AERIAL VIEW:



I. PROJECT PROPOSAL / BACKGROUND

The applicant, Woodstock Development Inc., requests a General Plan Amendment (AG-17-002), Zoning Text Amendment (AT-17-001) and Site Development (SD-17-002), Use Permit (UP-17-004), and Vesting Tentative Parcel Map (TPM-17-001) approvals to 1) reduce the minimum FAR requirement from 1.0 to .5 and clarify the list of permitted and conditional uses for the Station Mixed Use Commercial (CSMU) General Plan and Zoning designations, 2) construct a new 31,381 sq. ft. mixed- use office building and associated site improvements, and 3) facilitate dedication of right-of-way along Station Way and clean-up actions associated with existing property lines and easements.. Exhibit A contains detailed project plans. The project site is located on two separate parcels at 1320 and 1328 Decoto Road (APNs 87-19-18 and 87-19-19).

The applicant proposes a new two-story office building measuring 31,381 sq. ft. in size. The building is proposed at the corner of Decoto Road and Station Way, with a proportionally longer façade of the building extending southward along Station Way. The site contains two existing office buildings that will be demolished as part of the project.

The project includes multiple site modifications including removal of the existing berm and replacement of the existing landscaping along Decoto Road with a mixture of trees, shrubs and groundcover. Installation of wider sidewalks with street trees along Decoto Road are also proposed. Along Station Way, a separated sidewalk is proposed that will allow for retention of the existing trees at the street edge. An additional planting strip is proposed adjacent to the building along Station Way. Wide pedestrian pathways provide entrance to the site from Decoto Road and Station Way with bicycle parking located conveniently at these entrances. The existing trash enclosure will be demolished and replaced with a new enclosure that is located in the same general location, which meets current requirements. The driveway accessing the site from Decoto Road would be widened, as would drive aisles onsite, to achieve consistency with City standards. Further, the parking lot would be reconfigured.

The project is located at the southeastern corner of Decoto Road and Station Way (APNs 87-19-18 and 87-19-19). As noted, the site contains two existing office buildings, measuring 9,280 sq. ft. each, which are proposed for demolition as part of the project. BART tracks and a subsequent public parking lot are located to the north of the site, while a BART parking lot is located to the east of the site. Open space and parks are located across Decoto Road to the west and existing office buildings are located to the south of the proposed project. The existing interior of the site consists of a parking lot with landscaped median islands and a trash enclosure.

The project site is part of the Union Square Professional Center, which also includes the building located at 4 Union Square. The Union Square Professional Center consists of three parcels that are shown on Sheet A1.0 of the attached planset. Easements have been recorded to allow for cross-access and shared parking among the different parcels so the site functions as if it is one parcel.

The property is currently owned by the City of Union City and will be sold to Woodstock Development at fair market value pending satisfaction of several milestones including obtaining required discretionary approvals and building permits. Woodstock Development has also entered into an option agreement for development of several other blocks in the Station District with office and commercial uses totaling 1.2 million sq. ft.

II. Project Analysis

Applications have been submitted to facilitate redevelopment of the project site and construction of a two-story, mixed-use office building and associated improvements, which are discussed below in more detail.

General Plan Amendment (AG-17-002)

The applicant is requesting a general plan amendment to reduce the buildable area requirement for the site. The General Plan Land Use Element requires buildings with the Station Mixed Use Commercial (CSMU) land use designation to have a floor arear ratio (FAR) of 1.0-4.0, with an average FAR of 2.0. The proposed amendment would allow for a reduction in minimum FAR from 1.0 to 0.5 on previously developed sites that do not meet the minimum 1.0 FAR and where the previously developed sites are proposed for redevelopment at a higher FAR than the previous development. The proposed general plan amendment text is shown in Exhibit A to Attachment 2 of the Resolution to Recommend Approval of the General Plan Amendment.

The proposed amendment wording is limited in its applicability as it only applies to previously developed sites. The majority of developed parcels with a CSMU land designation were constructed fairly recently (within the last 10 years) with higher intensity uses, and most likely, would not redevelop in the foreseeable future. The proposed amendment would facilitate development of new office uses in the Station District, which is consistent with the long-term vision for the area. It also is supported by General Plan Policy LU-B.1.4, which seeks to lower building intensity at the edges of the Station District.

Zoning Text Amendment (AT-17-001)

The zoning text amendment application includes two proposed amendments. The first of these would modify Section 18.38.080 of the Union City Zoning Ordinance to change the FAR requirement in the CSMU Zoning District in a manner similar to the proposed general plan amendment. See analysis above. The second amendment proposes to update the CSMU zoning district list of permitted and conditionally permitted uses (i.e. Sections 18.38.020 and 18.38.030 of the Zoning Ordinance) to clarify that the term "mixed-use" means both residential and commercial mixed-use developments. The proposed zoning amendment text is shown in Exhibit A to Attachment 3 of the Resolution to Recommend Approval of a Zoning Text Amendment.

This is not a substantive change but more of a clarification. The proposed amendment reflects the vision for the Station District enumerated in the purpose and General Plan

Policy LU-B.1.3, which state that the area should be developed with a mix of uses including office with ground floor commercial uses and the associated land use diagrams that anticipated both residential and office mixed-use developments within the Station District area.

Site Development Review (SD-17-002)

Site Development Review is required to review the location and design of the proposed building and modifications to the site and to ensure consistency with applicable Zoning and General Plan requirements.

General Plan Compliance

The proposed project complies with the General Plan Land Use Designation of Station Mixed Use Commercial (CSMU). Per the General Plan, the purpose of the CSMU land use designation is for uses "primarily commercial in nature and is intended to promote retail and office opportunities." The General Plan also states that the City envisions the Station District as a mixed-use district with an emphasis on a town center/central business district with residential, commercial, office and research and development type uses serving as an important regional employment center. The proposed project is consistent with the land use intent for the Station District specified by the General Plan. The project would provide a high-quality, mixed-use development that enhances the City and District's status as an employment center. Therefore, the project fulfills the intent of the CSMU designation.

The project is also consistent with goals and policies contained in the Land Use Element and Community Design Element. Specifically, the project fulfills the following goals and policies in the General Plan:

Goal/Policy	Discussion
Policy LU-A.1.2 The City shall promote infill development and reuse of underutilized parcels, consistent with maintaining or enhancing the positive qualities of the surrounding neighborhoods.	The project would reuse an underutilized infill parcel by occupying the site with a new mixed-use office development. This would enhance the Station District by providing a mixed-use development in close proximity to transit and residential uses.
Policy LU-A.1.4 The City shall encourage project sites to be designed to increase the convenience, safety, and comfort of people using public transportation, walking, or cycling.	The project includes provision of a new sidewalk along Station Way, widened sidewalks along Decoto Road, and pedestrian pathways connecting these facilities to the project site in addition to new landscaping in these areas, which increases the convenience, safety, and comfort of people walking to and from the site or the adjacent BART station.

	The project shall also provide secure bicycle parking for visitors and employees.
Policy LU-A.5.3 The City shall encourage automobile- oriented uses to locate parking away from the street (e.g., reverse frontage commercial centers).	The project locates the building along street frontages with parking behind. The parking located adjacent to Decoto Road is set back approximately 40 feet and separated by an extensive landscape area.
Policy LU-A.5.4 The City shall require major new commercial projects to be designed to support mass transit and alternative modes of transportation.	The project supports mass transit because it is located a walkable distance from the BART station.
Goal LU-B.1 To create an environment surrounding the intermodal facility that is mixed-use and transit-oriented	The project contributes to the mixture of uses surrounding the intermodal facility by providing a mixed-use commercial development in the Station District.
Policy LU-B.1.3 The City shall ensure that the Station District includes opportunities for light industrial, office, commercial, high-density mixed-income residential, ground floor retail, and community uses.	The project proposes medical and general office space in the Station District.
Policy LU-B.1.4 The City shall ensure that the Station District land uses and urban design maximize transit use and minimize automobile dependence.	The project reduces dependency on automobiles by locating a mixed-use commercial development adjacent to public transit and reducing the minimum parking requirements.
Policy LU-B.1.7 The Station District should be pedestrian-friendly with a design that minimizes the impact of parking on the quality of the streetscape and the neighborhood.	The project includes pedestrian friendly amenities including new or enhanced sidewalks and landscaping for people walking to and from the project site or to the adjacent BART station as well as new pedestrian pathways that connect the sidewalks to the building. Further, the project has been designed to minimize the impact of parking on the quality of the streetscape by screening parking areas through building orientation, extensive setbacks from the street, and landscaping.

Policy LU-B.2.3 The City shall ensure that within the Station District there is sufficient right-of-way for all new roadways to provide landscaping along the roadsides and, where appropriate, within median strips, bike lanes, pedestrian ways, and other amenities.	The project is required to dedicate right- of-way along Station Way to provide additional area for installation of a separated sidewalk and landscaping.
Policy LU-B.4.1 The City shall promote opportunities for consolidation of lands so that preferred land uses can be developed in the short, rather than long term.	The project will result in the consolidation of two parcels into one.
Policy LU-B.8.1 The intermodal facility shall be designed and linked to reduce the need for area residents to use private automobiles for daily work, shopping and service needs.	The project would reduce the need for area residents to use private cars for work because it locates an office project within walking distance to residents and publicly accessible transit.
Policy LU-B.8.2 The City shall create opportunities for mixed uses within the Station District so that people can live close to work, shopping, and service activities.	The project provides a mixed-use development close to where people live and shop.
Goal LU-B.9 To increase and diversify local employment opportunities, and retain existing and accommodate new light industrial uses that are compatible with City objectives for safety, environmental quality, visual quality, and revenue enhancement.	The project increases and diversifies the local employment opportunities by providing a mixed-use development that supports professional uses.
Policy CD-B.1.1 The City shall require that development in the Station District be of the highest architectural quality and reflect the image of Union City in the 21st century. The City shall avoid visual monotony by encouraging variety in architectural styles.	The proposed building is well designed and modern in style. The building elevations include a substantial amount of glazing and are enhanced by form lined fluted concrete and metal panels, wood paneling including a 30-foot architectural feature near the building entrance, and scoring on the building exterior. The elevations along Decoto Road and Station Way have been

further enhanced due to their visual

prominence.

Policy CD-B.1.3

The City shall require that the Station District be pedestrian-friendly with a design that minimizes the impact of parking on the quality of the streetscape and the neighborhood.

The project includes a pedestrian friendly design. Wide pedestrian pathways provide access to the building on the internal portion of the site from Decoto Rd. and Station Way. Further, the project proposes to enhance the pedestrian environment on Decoto Rd. and Station Way by installing new or upgraded sidewalks and landscaping.

Policy CD-B.1.6

The City shall require that all new projects be designed to achieve visual harmony and quality within the Station District. Views to and from the hills should be preserved. A graceful transition from the flatlands to the hillsides should be promoted.

The project has been designed to achieve visual harmony and quality within the Station District. The building design is modern, similar to other buildings in the area. Further, the project preserves views of the hills.

Policy CD-B.1.14

The City shall promote visual excitement within individual projects through building design and the way components of the project are assembled on the site.

Massing of structures and arrangement of spaces should add interest, provide separation between public and private areas, and offer relief from parking areas and busy streets.

The building design is visually exciting due to its modern architecture and variation in exterior materials. The design of the project site adds visual excitement due to the building massing and orientation and includes substantial landscaped areas along Decoto Road that provide a buffer for the building and parking areas.

Zoning Ordinance Compliance

The proposed project is in compliance with applicable development standards listed in Chapter 18.38, *CSMU*, of the Zoning Ordinance, as conditioned, with the exception of parking, building height and FAR Per Section 18.38.250 of the Municipal Code, the applicant requests a Use Permit to vary from the development standards for the height and parking. Further, the applicant requests an amendment to the Zoning Ordinance to reduce the FAR.

ZONING ORDINANCE STANDARDS				
Development Standard	Required	Proposed project	Complies?	
Minimum Site Area	20,000 sf.	62,192	Yes	
Floor Area Ratio	1.0 – 4.0	0.51	No, Text Amendment Requested to reduce minimum FAR to 0.5	
Frontage, width and depth	Front – 100 ft. Depth – 200 ft.	Front – 429 ft. Depth – 135 ft-340 ft.	Yes	
Lot Coverage	None	0.25	N/A	
Front yard setback	20 ft. from Decoto Rd.	20 ft.	Yes	
Rear yard setback	None	110 feet	N/A	
Side yard setback	15 ft.	15 ft.	Yes	
Height limit	Minimum: 3 stories Maximum: 14 stories	2 stories	No, Use Permit requested to deviate from standard*	
Vehicle Parking	1 space per 300 sq. ft. Based on building square footage, project parking demand is 109 spaces	68 provided	No, Use Permit requested to deviate from standard*	
Bicycle Parking	20% of required auto parking 60% of bike parking requirement long-term Based on total parking demand, the project must provide bicycle parking for 21 bicycles including 8 short-term and 13 long-term (i.e. enclosed and secure) facilities	8 short-term 13 long-term	Yes, 8 bicycle racks are shown on the submitted site plan and the project will be conditioned to require future tenants to provide long-term bicycle parking (Condition #10)	

• Deviations for the reduced height and parking will be discussed in the Use Permit section of the staff report.

Architecture

The project is consistent with the architectural design criteria identified in UCMC Section 18.38.150 as detailed below.

Section 18.38.150 (A) (1) - Street Walls

The building is located continuously along the setback lines of Station Way and the portion of Decoto Road. The building incorporates a kink along Station Way as it follows the street frontage, which provides variation in the building edge while also maintaining conformity with the setback from the street. Multiple pedestrian entrances are provided that are enhanced with architectural features. Two pedestrian entrances – one located near Decoto Road and the other located on the southerly end of the building, towards the BART station – are articulated with two-story glass "curtain walls" that are visible from the street. These two architectural elements provide stair and elevator access to the second floor office. The project also keeps vehicle entrances to a minimum by using existing entrances from Decoto Road and Union Square. The existing vehicle access from Station Way, which is currently barricaded, would be permanently closed.

Section 18.38.150 (A) (2) and (3) – Exterior Material Palette Standards

The exterior material palate is consistent with the provisions listed in 18.38.150 (A) (2) and the fenestration standards in (A) (3). The building consists of concrete tilt-up and metals panels with large expanses of clear vision glass, spandrel glass, and tempered glass placed along all elevations of the building. Proposed windows consist of insulated glazing and clear anodized aluminum mullions. Composite wood paneling visually separates the first floor from the second floor. The concrete tilt-up and /or metal panels will include score lines to provide visual interest and break up the massing of the building.

As noted, the entrances have been designed to be major focal points of the building. This section is comprised of clear vision glass, form lined fluted paneling, and composite wood paneling including an architectural feature that extends approximately 33 feet from the bottom of the building. An aluminum cap and visor is proposed over the building entrance that will accommodate tenant signage. The proposed northern elevation (located along the Decoto Road frontage) shares design elements with the building entrance area including a similar window design, composite wood paneling placement and aluminum cap and visor design.

Section 18.38.150 (B) - Specific Design Standards for Buildings and Structures

The project meets the specific design standards for office buildings prescribed by Section 18.38.150B of the Municipal Code. The project includes building entrance and lobbies located off of the pedestrian pathway in front of the building, providing entrances and lobbies that are oriented to public spaces. The windows found along the first floor of the building face Decoto Road and Station Way and provide visual transparency and a sense of interior activity that liven the street edge.

Site Improvements

Landscaping

The site is currently developed with landscaping along the project frontages and within the interior parking lot areas. The landscaping was installed at the time the existing buildings were constructed in 1980. The existing landscaping is typical for suburban office parks developed at that time. The project proposes to remove the majority of landscaping on the project site including 45 of the existing 53 trees.

The proposed landscaping is shown on Sheet L1.1. The proposed landscaping consists of trees, shrubs, and groundcover that will be located along the project frontages and within the parking lot areas. The landscape plan proposes the installation of 45 new trees. The proposed landscaping along the project frontages are designed to be more consistent with landscaping in the Station District area that supports pedestrian circulation and more building density. The City's standard landscape condition has been added to Section V (Condition #11 and #12). Additionally, the project is conditioned to require issuance of a tree removal permit prior to grading permit approval (Condition #62). The tree removal permit will include an assessment of the removed trees to determine an appropriate replanting ratio. The required ratio is based on a sliding scale and is dependent upon the condition of the tree. If all of the required trees cannot be replanted on-site, the applicant will need to pay an in-lieu fee that will be used by the City to plant trees elsewhere in the City.

Circulation

The project site is currently accessed from Union Square and Decoto Road. These access points will remain. The Decoto Road approach will be slightly widened to reflect the City's current standards for commercial driveways (Condition #48 and #50). There is also an access point from Station Way that is currently blocked to discourage BART parking in the private lot. This driveway will be permanently closed as requested by the City (Condition #55). Access to Station Way from Decoto Road is limited to buses only, but cars can use Station Way to exit onto Decoto Road.

The project also proposes installation of a new sidewalk and landscape areas along Station Way and a widened sidewalk with landscape areas along Decoto Road. The sidewalk on Station Way will be separated from the traffic lanes by a landscape strip. The widened sidewalk on Decoto Road will incorporate new street trees at along the curb side, similar to the street tree pattern in the Station District. The incorporation of new sidewalks and the expansion of existing sidewalks is consistent with the Station District area to be pedestrian-friendly.

Grading and Drainage

Sheet C2 of Exhibit A includes a preliminary grading and drainage plan. Sheet C2.1 of the planset includes a preliminary grading and drainage plan. The site is relatively flat. A minor amount of grading is proposed to ready the site for the proposed development and to remove the existing landscaped berm along the Decoto Road frontage. Stormwater runoff at the project site is currently collected in storm drain inlets located throughout the parking areas on the interior of the Union Square Professional Center and directed to storm water facilities in Union Square. In addition, stormwater from Station Way is discharged into 12-inch and 15-inch storm drain pipes that run through the parking lot and connect to the public storm drain system on Union Square.

The applicant is proposing to keep the drainage generally the same with some changes. The on-site storm drain pipes that currently convey the water from Station Way to Union Square will be relocated and a new storm drain easement will be recorded. The proposed easement location is shown on Sheet C5.0. The project has been conditioned to require that the new storm drain line be relocated so it is within the parking lot area (Condition #46). The current alignment shows the proposed storm drain facilities located under an existing sidewalk and decorative paved area, which would be heavily impacted should the line need to be maintained or repaired. In addition, since the parcel will be conveyed to a private entity, there will be public storm drain improvements going through private property (i.e. storm drain system conveying water from Station Way to Union Square). The project has been conditioned to require the property owner to indemnify the City for any potential issues that may arise from this configuration (Condition #46). The applicant also has the option of extending the existing public storm drain facility in Station Way to Decoto Road. However, this approach is more complicated and could require some utility relocation. As a result, Public Works has provided the applicant an option to either: 1) accept stormwater from Station Way, a public street; or, 2) connect Station Way drainage to Decoto Road.

New landscaped bio-retention facilities (i.e. bio-swales) are proposed throughout the site to treat potentially contaminated runoff prior to the water being discharged into the public storm drain system, as required by the region's Municipal Regional Permit. See Sheet L1.1 for the location of these facilities.

Lighting

The project is conditioned to require submittal of a photometric plan that shows lighting levels at a minimum of 1.5 foot candles throughout the parking lot and along pedestrian walks. (Condition #14). At building entries and drop off areas, the lighting should be brighter. The condition also requires submittal of the fixture designs for review and approval by City staff.

Trash and Recycling Enclosure

The site is currently developed with a trash enclosure that does not meet City standards and is partially located on an adjacent parcel. The existing trash enclosure is proposed for demolition and will be replaced with a new enclosure that will be located solely on the project site. The enclosure will continue to be used by the project site and the adjacent office development located at 4 Union Square. The enclosure has been sized to accommodate trash, recycling, and organics recycling and designed to match the proposed primary building consistent with City requirements. An elevation of the enclosure is shown on Sheet A8.1a. The project site is designed to accommodate trash service and pickup from the enclosure as demonstrated on Sheet A1.2. The project is conditioned to require that the final design meet all of the requirements listed in Section 7.04.055, Enclosures for solid waste, organic waste and recycling containers, of the Municipal Code (Condition #13).

Signage

Sheet A1.1 includes a note that a proposed monument sign will be installed with ground-mounted illumination in the same location as the existing sign along Decoto Road near the driveway. The building elevations on Sheet A4.3 show tenant signage locations. The project is conditioned to require the applicant submit a Sign Program for the project that includes details for all of the proposed signs including the monument sign, building signs, directional signs, etc.(Condition #15).

Public Art

The applicant intends on installing a freestanding piece of public art on the project site at the corner of Station Way and Decoto Road. The design and theme have yet to be determined. The project has been conditioned to require compliance with Chapter 12.40, the Art in Public Place Program, which requires the applicant to devote an amount not less than one percent of building valuation costs for acquisition and installation of publicly-accessible art on the development site (Condition #23). Private developments with development costs in excess of two million dollars shall be required to contribute at least one-third of the one percent requirement for public art to the Union City Public Art Fund. Prior to building permit issuance, the applicant will be required to obtain approval from the Public Art Board and City staff for the specific art installation. Prior to the issuance of the certificate of occupancy for the building, the public art will need to be installed.

<u>Use Permit (UP-17-004)</u>

The applicant requests approval of a use permit to establish a mixed-use office development in the CSMU Zoning District and to vary from certain development standards.

Two-story structure

Conditional Use

Section 18.38.030 of the Municipal Code allows for mixed-use developments subject to use permit approval. A proposed zoning text amendment has been applied for to further clarify that either <u>residential or office</u> mixed-use developments can be established subject to use permit approval in the CSMU Zoning District. The General Plan always anticipated development of both residential and office mixed-use developments within the Station District. The proposed amendment further clarifies this. The project includes development of a two-story office building with medical offices on the bottom and general office uses on the second floor. Per Section 18.38.020 of the Municipal Code, commercial uses, including health services (i.e. medical, dental, optical, physical therapy, and pharmacies), are permitted as part of an approved mixed-use development. The proposed medical office will serve dialysis patients.

Exception Review

Building Height

Pursuant to Section 18.32.250, the Municipal Code allows the approving body, through the use permit process, to approve variations to a variety of development standards including height, storage, setbacks, and off-street parking requirements provided that the project provides a high-quality architectural and pedestrian environment and amenities. Table 1 below summarizes the variations requested:

Development
StandardRequirementProposalAutomobile Parking1 space per 300 sf. of office =
105 parking spaces required68 parking stalls on
site, plus 13 new
shared parking stalls
Total = 81

Minimum height of three stories

Table 1 – Use Permit Variations

The Municipal Code requires one parking space per 300 sf. of office space. The proposed project would generate a parking demand of 105 spaces based on the proposed building size. The project is proposing 81 total parking stalls: 68 stalls will be located on the project site and 13 shared stalls will be located on an adjacent parcel, but within the existing vehicular and pedestrian access easement that serves the office park. The 13 shared spaces are new and will be constructed with the project. Staff has visited the site on numerous occasions and observed that the existing office building located at 4 Union Square does not have a high parking demand and rarely utilizes the existing shared parking.

Staff is supportive of the proposed reduction in parking spaces. The reduction would not result in negative off-site parking impacts. The project site is located next to the BART station. The parking reduction is consistent with General Plan policy LU-B.1.4, which encourages uses that minimize auto dependency such as employment centers adjacent to public transit. Additionally, the project is consistent with the Intermodal Station District and Transit Facility Plan (included in Appendix C of the General Plan), which includes a long-term goal to reduce off-street parking ratios to 2.3 cars per 1,000 square feet for commercial uses. The project proposes a parking ratio of 2.17 cars per 1000 square feet. Adding in the additional 13 shared parking stalls, the parking ratio increases to 2.58 cars per 1,000 square feet.

Height Reduction

The proposed reduction in height would not be detrimental to the public health, safety and general welfare or result in negative off-site impacts. Generally speaking, buildings lower in height and intensity has less off-site impacts than larger buildings that can accommodate more people. The height reduction is also supported by General Plan policy, which encourages lower intensity land uses toward the edge of the Station District. Although the building intensity on the site is lower than originally envisioned, the project is well-designed and will significantly enhance the Station District.

Compliance with Pedestrian Environment and Architectural Design

As stated previously, exceptions can be granted to certain projects provided the project provides a high-quality architectural and pedestrian environment and amenities. The project provides multiple improvements to the site that upgrade the pedestrian experience. The project includes the installation of a substantially widened sidewalk along Decoto Road and a new separated sidewalk along Station Way where there is currently none. The project proposes a pedestrian pathway in front of the building, spanning from Decoto Road to Station Way. This pathway provides access to building entrances located close to either street. Further, the proposed pedestrian connection reduces the need for pedestrians to use sidewalks adjacent to busy streets improving pedestrian safety by minimizing exposure to vehicle circulation.

The project consists of a high quality architectural design that enhances the built environment. This accomplishment is represented through multiple features that contribute to the project's sense of identity. The primary features contributing to the sense of identity is the project's prominent entrance near Decoto Road, the glass-enhanced stair tower on the southerly elevation, and a defined entrance that is articulated by a metal canopy faces the parking lot to announce the entry to the medical offices on the ground floor. An eyebrow along the top of the building also defines the elevation along Decoto Road.

A variety of materials and details serve to further enhance the building, including clear glass windows, composite wood paneling, and fluted form lined concrete panels that add depth and reveal to the structure. The building walls are articulated with offset panels that produce push-and-pull elements and create more depth in the building's façade. Strong

horizontal score lines align with the windows. The roof parapet varies in height providing a good visual bounce to the structure. Entrances and exits are located close to pedestrian pathways. The façade exudes a sense of rhythm, with sets of three panels of clear vision glass, horizontal composite wood paneling between the first and second floor alternating with three narrower panels with fluted concrete panels between floors. This rhythm provides the project a sense of identity. Lastly, a similar visor element from the top of the entrance is continued at a lower elevation along the northwest and northeast facades. This architectural amenity enhances the building by providing a sense of definition for the facades along the street frontages. The combination of the enhanced pedestrian environment and high-quality architectural design and amenities satisfies the requirements of UCMC Section 18.38.250 for varying from the development standards related to parking and building height.

Parcel Map (TPM 17-001)

The applicant is seeking a tentative parcel map to make changes to the existing two parcels and easement configurations to facilitate development of the project. No new parcels are proposed. Specifically, the map proposes the following:

- Merge existing two parcels into one parcel;
- Dedicate right-of-way along Station Way to allow for construction of new, separated sidewalk;
- Relinquish existing offer of dedication of easements, including those under the proposed building;
- Create new, update existing, and/or document easements to facilitate shared improvements including utilities, parking, access and use of the trash enclosure.

Staff is supportive of the proposed changes.

California Environmental Quality Act

In accordance with the California Environmental Quality Act (CEQA), the City of Union City has completed a public draft of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Block 7 Project. The environmental assessment was prepared by Douglass Herring and Associates, Inc. The IS/MND evaluates the potential environmental impacts anticipated to result from construction and operation of the project. A copy of the draft IS/MND is included as Exhibit B.

Publication of this IS/MND on July 6, 2017 marked the beginning of a 20-day public review and comment period, which will conclude on July 25, 2017. The Planning Commission and City shall consider the IS/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

Potential Impacts and Mitigation Measures

The IS/MND identifies five environmental resource areas that would potentially be affected by the proposed project. These resource areas include: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Air Quality and Hydrology / Water Quality. Mitigation measures were identified that would reduce any potential impacts to a less-than-significant level. These mitigation measures are included as project conditions of approval and are included in the required Mitigation Monitoring and Reporting Program (Exhibit C) prepared for the project.

The proposed mitigation measures are predominantly standard mitigations applied to new construction projects. Mitigation Measure for air quality, AQ-1, requires the construction contractor to reduce the severity of project construction impacts related to dust and equipment exhaust through measures including, but not limited to, watering of exposed areas, covering haul trucks, limiting speeds on-site, and maintaining equipment. Other standard mitigation measures applied to the project address specific protocols that must be adhered to when paleontological resources are discovered during the construction phase (Mitigation Measures CR-1 through CR-4), for surveying for hazardous materials like asbestos and lead based paint (Mitigation Measures HM-1 and HM-2) prior to project demolition, and maintaining water quality during grading and construction activities (Mitigation Measure WQ-1 through WQ-3). The mitigation measure related to biological resources requires a bird nesting survey should construction commence during nesting season, which is another standard mitigation measure.

The environmental document also reviewed potential transportation impacts as a result of the project. A traffic impact analysis prepared by Hexagon Transportation Consultants was the basis for the analysis. The analysis concluded that the project would not substantially increase vehicle delay at the study intersections, would not degrade the level of service at the study intersections, and would not cause any of the intersections to operate at a level of service below the standard adopted in the Union City General Plan. However, the traffic analysis identified two traffic and safety-related issues that the project would incrementally contribute to. The first of these was the need for additional stacking area in the left hand turn lane from Decoto Road onto Union Square (Condition #88) and the second was a mitigation requiring the existing median on Union Square near Decoto Road to be increased in size to prevent illegal left-hand turns into the project site from Union Square (Condition #37).

The public comment period on the IS/MND was from July 6, 2017 – July 25, 2017. To date, staff has received no feedback.

Conclusion

The applicant has applied for a General Plan Amendment, Zoning Text Amendment, Site Development Review, Use Permit, and Parcel Map approval to construct 31,381 sf mixed-use office building and associated site improvements at the southwest corner of Decoto Road and Station Way. As conditioned, staff does not anticipate the creation of adverse

traffic, parking, or noise impacts upon approval of the subject application.

The Development Review Committee has reviewed the project and finds that the proposed project, as conditioned, conforms to the required findings and recommends that the Planning Commission recommend approval of the proposed applications to the City Council. The item is anticipated to be heard by the City Council at its August 8, 2017 meeting.

III. REQUIRED FINDINGS:

General Plan Amendment

That the proposed General Plan Amendment to Table LU-1 and the prescribed range of the floor arear ratio on page LU-4 of Station Mixed Use Commercial land use designation is necessary and desirable because it promotes flexibility in development of the Station Mixed Use Commercial land use. This flexibility helps meet the goals of the General Plan because it promotes an increased intensity of development in the Station Mixed Use Commercial land use.

Zoning Text Amendment

Section 18.64.060 of the Municipal Code requires the Planning Commission to provide a recommendation to the City Council that addresses whether the change is necessary or desirable to achieve the purposes of the zoning title as provided in *Section 18.04.020 Purpose* (Attachment 3).

The proposed change is necessary and desirable and furthers the purpose of the zoning title by clarifying ambiguous language for better consistency with existing General Plan language and land use diagrams.

Site Development Review:

Section 18.76.045 of the Zoning Ordinance requires that the Planning Commission make the following findings in making a recommendation regarding Site Development Review approval. Below each finding is a discussion of how the project meets the required finding.

1. Approval of this application is consistent with the General Plan and any applicable specific plans;

The project is consistent with General Plan policies related to high quality design, public safety, pedestrian amenities, support of mass transit, and inclusion of office uses in the Station District. The project proposes a mixed-use office development with pedestrian amenities surrounding the building. It is located approximately 600 feet from the Union City BART Station which provides easy access to alternative modes of transit for employees and office user. The project consists of a high quality design by utilizing

multiple forms of glass, wood siding, fluted concrete panels, and articulated facades. Therefore, the project implements General Plan Policies including, but not limited to, LU-A.1.4 LU-B.1.3, LU-B.1.7, LU-B.2.3, and LU-B.8.2. There are no applicable specific plans.

2. Approval of this application is consistent with the purpose of Title 18 and the requirements of the CSMU Zoning District; and

The project, as conditioned, is consistent with the purpose of Title 18, which seeks to promote the public health, safety, and the general welfare of the people; protect the character and maintain the stability of residential, business and industrial areas; and to promote orderly and beneficial development. The project ensures the public health, safety and general welfare is maintained through its consistency with development standards related to site area, setbacks, and bicycle parking requirements. The project has demonstrated that deviations to development standards related to height and parking have minimal off-site impacts. The reduced height minimizes the development intensity of the building and is consistent with General Plan policies that encourage lower intensity development along the periphery of the Station District. The project provides parking that is consistent with the Intermodal Station District and Transit Facilities Plan, which includes a goal to reduce off-street parking ratios to 2.3 cars per 1,000 square feet. Therefore, the project promotes the public health, safety and welfare of the community through its consistency with applicable development standards and policies.

The project improves the public health, safety and general welfare by enhancing the character and promoting orderly and beneficial development. The project is consistent with the specific design standards outlined in Zoning Code Sections 18.38.150. The building incorporates an articulated façades, multiple pedestrian entrances, and minimizes vehicle entrances by utilizing existing driveways. The project uses a material palette that is consistent with Section 18.38.150(A)(2) and (3). The building consists of concrete tilt-up and metals panels with large expanses of clear vision glass, spandrel glass, and tempered glass placed along all elevations of the building. Further, the project meets the specific design standards for the Station District by providing visual transparency and a sense interior activity that activate the street edge. These design features result in a project that enhances the character and promotes orderly and beneficial development thereby improving the public health, safety, and general welfare.

3. Approval of this application is consistent with the purpose of site development review as outlined in Section 18.76.010.

The project, as conditioned, is consistent with the purpose of Site Development Review, which seeks to promote orderly, attractive and harmonious development and the stability of land values. The project consists of an orderly, attractive, and harmonious development. The proposed structure's location contributes to the sense of order

because it screens parking from public view and the materials used in the building are consistent throughout the facades. An attractive building is created through the use of large expanses of clear vision glass, spandrel glass, and tempered glass placed along all elevations of the building, fluted concrete panels, wood panels and an enhanced entrance. These materials, an articulated façade, and a roof with visual bounce and projections create a harmonious development because they establish a sense of rhythm to the building and site identity. These features are found in buildings located to the west of the project, which contributes to the harmony of the Station District. Therefore, the project is not unsightly, undesirable or obnoxious and fulfills the purpose of site development review outlined in Section 18.76.010.

Use Permit:

Section 18.56.060 of the Zoning ordinance requires that the Planning Commission make the following findings in granting a Use Permit:

1. That the proposed location of the conditional use is in accord with the purposes of this title and the purposes of the district in which the site is located;

The project, as conditioned, is consistent with the purpose of Title 18, which seeks to promote the public health, safety, and the general welfare of the people; protect the character and maintain the stability of residential, business and industrial areas; and to promote orderly and beneficial development. The project's consistency with the development standards and design criteria contained in Chapter 18.38 demonstrate that the project promotes the public health, safety and general welfare, and protects the character and stability of residential, business and industrial areas. Further, the proposed mixed-use office development is consistent with the purpose of the Station Mixed Use (CSMU) Zoning District. The purpose of the CSMU is to establish a mixed use town center/central business district of high-density residential, commercial, office, and research and development uses that will serve as an important regional center, while providing strong pedestrian connections throughout the district. The project provides a high-quality mixed-use office with higher intensity development than previous uses on the site. Further, the project design incorporates strong pedestrian connections by installing widened sidewalks along Decoto Road and a separated sidewalk along Station Way, where there are currently none. The project connects these sidewalks to a pedestrian pathway in front of the building, creating a pedestrian network surrounding the project. Therefore, the project is consistent with the purposes of Title 18 and the purpose of the CSMU Zoning District.

That the proposed location of the conditional use and the conditions under which it
would be operated or maintained will not be detrimental to the public health, safety
or welfare, or materially injurious to properties or improvements in the vicinity;

The project location and conditions under which it would operate and be maintained would not be detrimental to the public health, safety or welfare, or materially injurious to

properties in the vicinity. The project consists of a mixed-use office development comprised of a second floor office and first floor medical facility. These uses are consistent with other office-type uses found to the west of the project site. The project would maintain the health, safety and welfare of the public because all use and storage of materials necessary to operate the proposed mixed-use office project would occur in the building. Additionally, the project provides site improvements that promote the health, safety, welfare of the public and surrounding properties. The project would upgrade the existing trash enclosure to a facility that is consistent with City standards. It would construct necessary drainage improvements to convey water offsite. It would enhance the landscaping with plant species and a design that is more typical of the landscaping found in the Station District area, and the project would improve circulation by providing separated sidewalks, pathways, and multiple pedestrian entrance points to the building. For these reasons, the proposed location and conditions under which the project would operate is not detrimental to the public health, safety, or welfare or materially injurious to properties and improvements in the vicinity.

3. That the proposed conditional use is consistent with the General Plan, any applicable specific plans, and will comply with each of the applicable provisions of Title 18.

The project is consistent with General Plan policies related to high quality design, public safety, pedestrian amenities, support of mass transit, and inclusion of office uses in the Station District. The project proposes a mixed-use office development with pedestrian amenities surrounding the building. It is located approximately 600 feet from the Union City BART Station which provides easy access to alternative modes of transit for employees and office user. The project consists of a high quality design by utilizing multiple forms of glass, wood siding, fluted concrete panels, and articulated facades. Therefore, the project implements General Plan Policies including, but not limited to, LU-A.1.4 LU-B.1.3, LU-B.1.7, LU-B.2.3, and LU-B.8.2. There are no applicable specific plans.

Vesting Tentative Parcel Map

Section 17.20.100, *Findings for Approval*, of the Municipal Code (in the Subdivision Ordinance) requires that the Planning Commission, in approving or recommending approval of a tentative map, determine that the design, density and improvements of the proposed subdivision are consistent with the applicable general plan designation and that the site is physically suitable for development.

Section 66474 of the State Subdivision Map Act requires a legislative body of a city to deny approval of a tentative map if it makes any of the following findings:

1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451;

The proposed vesting tentative parcel map is consistent with applicable general plan policies. Specifically, the project provides an opportunity to consolidate parcels so that land uses can be developed on the site. This is consistent with General Plan Policy LU-B.4.1. There no specific plans governing the site.

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;

The proposed design and improvements of the vesting tentative parcel map are consistent with the General Plan. The proposed project would improve the infrastructure surrounding the site, enhancing the landscaping, drainage, and circulation facilities.

3. That the site is not physically suitable for the type of development;

The site is physically suitable because it is much larger than required by the Zoning Ordinance for the CSMU zoning district. The project proposes a mixed-use office development in an urbanized area of the City on a level site. The project is adjacent to other office uses with close proximity to multiple modes of transit that employees and users can employ. Therefore, the site is physically suitable for the type of development proposed.

4. That the site is not physically suitable for the proposed density of development;

The site is physically suitable for the proposed density of development. The proposed development is in compliance with the Zoning Ordinance and the development standards as proposed to be amended of that district. The site is larger than required by the Zoning Ordinance which provides the physical space necessary for development.

That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

As discussed in the Initial Study and Mitigated Negative Declaration, the project will not create substantial environmental damage or substantially injure fish or wildlife or their habitat.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems; and

The proposed vesting tentative parcel map will not cause serious public health problems. The proposed vesting tentative parcel map is in compliance with the Zoning Ordinance for lot size and the proposed development complies with the development standards of the CSMU and those standards proposed to be amended as shown in the staff report.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision

The design of the subdivision and type of improvements will not conflict with easements. The proposed vesting tentative parcel map records easement to improve access through the site, while vacating an easement that is not used, and maintaining other easements on the property.

Based on the above discussion and analysis, the Development Review Committee believes that the specific findings can be made in support of the subject application.

IV. ALTERNATIVES

- 1. Recommend approval of the General Plan Amendment, Zoning Text Amendment, Site Development Review, Use Permit and Vesting Tentative Parcel Map as proposed;
- Recommend approval of the General Plan Amendment, Zoning Text Amendment, Site Development Review, Use Permit and Vesting Tentative Parcel Map with modified conditions;
- 3. Recommend denial of all, or some of the project applications, including the General Plan Amendment, Zoning Text Amendment, Site Development Review, Use Permit and Vesting Tentative Parcel Map with stated findings; or
- 4. Continue the matter for further consideration.

V. CONDITIONS OF APPROVAL

Planning Division:

General

- All actual site improvements shall be made with adherence to the plans, as shown in Exhibit A, except as they may be modified by other conditions of approval listed below.
- 2. The Use Permit, UP-17-004, and Site Development Review, SD-17-002, approvals shall expire one year from the date of City Council approval, unless building permits

have been issued and construction is commenced and diligently pursued towards completion.

- 3. Approval of Site Development Review, SD-17-002, and Use Permit, UP-17-004, is contingent upon approval of the related General Plan Amendment, AG-17-002, and Zoning Text Amendment, AT-17-001.
- 4. The Vesting Tentative Tract Map shall expire in two years (in accordance with the provisions of the Subdivision Map Act) from the date of City Council approval, unless an extension is granted in accordance with Section 66452.6 of the State Subdivision Map Act.
- 5. The applicant and/or property owner shall include an annotated copy of the approved City Council Resolution with each set of detailed construction plans submitted for plan check review. Notations to the plans shall be made to clearly indicate how all conditions of approval will be or have been complied with. Construction plans shall not be accepted without the annotated final conditions of approval included as a note sheet with each set of plans.
- 6. The applicant and/or property owner shall apply for and take out all required building and fire permits prior to beginning any on-site work. Plans submitted to the Building Division and Fire Department must demonstrate compliance with all applicable local and State requirements.
- 7. The applicant, property owner, or occupant's failure to adhere to any conditions of approval shall be cause for revocation of the Use Permit.
- 8. Prior to the issuance of building permits, the applicant and/or property owner shall submit samples of color palette (i.e. full size brush-outs) and exterior materials for review and approval by the Economic and Community Development Department. Prior to actual painting of building, brush-outs shall be applied on building for review and approval by the Economic and Community Development Department. Any future amendments or changes to the approved painting schemes shall be submitted to the Economic and Community Development Department for approval prior to the repainting of any buildings or structures on site.
- 9. All rooftop equipment shall be sited, to the extent feasible, so that it is not visible from the public way. Building permits for installation of rooftop equipment shall include a line-of-sight drawing, drawn to scale, depicting the extent of visibility of any rooftop equipment from the public way. If it is determined that rooftop equipment is visible from the public way, adequate screening shall be included in plans submitted for building permit issuance.
- 10. Plans submitted for building permit issuance shall show a minimum of 21 bicycle parking facilities to satisfy Section 18.38.190 (C) (3), which requires an amount equal to 20 percent of the required parking demand of 105 spaces. A minimum of

- 60 percent or 13 bicycle parking spaces shall be enclosed and secure to accommodate long term users. Facilities shall be designed consistent with Chapter 18.28.080, Design criteria for bicycle parking facilities located in industrial or commercial zoning districts, of the Municipal Code.
- 11. Prior to the issuance of building permits, the applicant shall submit a final landscape package, which is consistent with the preliminary landscape package except as may be modified by the following requirements, other project conditions of approval, and feedback from the City's consulting Landscape Architect. Landscape package shall also be consistent with Chapter 18.112, Water Efficient Landscape, of the Municipal Code and the Landscape Standards Policy Statement. Final landscape plan will be subject to review and approval by the City's consulting Landscape Architect. Additional fees for consultant's review and inspection are required to be paid with building permit fees. A final inspection of the installed landscaping and irrigation shall be completed prior to issuance of the Certificate of Occupancy. The applicant/property owner shall be responsible for maintaining all irrigation and landscaping and shall replace any dead or dying vegetation for the life of the project.
 - a. Revise planting plan to show any trees planted within 10 feet of any paved area to include a root control barrier and deep watering sleeve. Design shall be subject to review and approval by the City Arborist.
- 12. The applicant shall provide a cash deposit equal to 50% of the estimated installation cost of the landscaping, up to \$10,000.00, in order to ensure installation of the planting shown on the approved landscape plan. The applicant shall enter into a private landscape maintenance contract for the maintenance of the required landscaping for a minimum period of two years after installation. The required certificate of deposit shall be submitted to the Economic and Community Development Department prior to the issuance of building permits. The project landscaping shall be installed and inspected, pursuant to the above-stated requirements, prior to issuance of a Certificate of Occupancy for the building.
- 13. Trash and recycling enclosure shall be designed consistent with Section 7.04.055, Enclosures for solid waste, organic waste and recycling containers, of the Municipal Code. Details shall be shown on plans submitted for issuance of building permits.
- 14. Prior to building permit issuance, the applicant and/or property owner shall submit a photometric/lighting plan that reflects a minimum of 1.0 foot-candle lighting level throughout the site and in all parking areas. Motion sensors shall be provided for areas inside and directly adjacent to trash enclosure areas. Lighting plan shall include proposed lighting levels (in foot candles) and exterior fixture design and shall be reviewed and approved by the Economic and Community Development Department and Police Department.

- 15. Prior to issuance of building permits, the applicant and /or property owner shall submit a sign program for the project, which is consistent with the City's Sign Ordinance (Chapter 18.30 of the Municipal Code), and includes the location and sign area for two tenant building signs, allowed building sign materials, maximum letter height, and illumination. Plan shall include references to applicable requirements listed in the City's Sign Ordinance. Sign plan shall also include details of the monument signs and an overall site plan showing the location of the buildings and monument signs.
- 16. The applicant and/or property owner shall subsurface all new transformers, switching boxes, and similar appurtenances, or shall screen them by locating them at the rear of the site in an enclosure with walls matching the material and color of the building. The enclosure shall include gates of heavy gauge corrugated steel and shall be surrounded by trees, shrubs and climbing vines. The applicant and/or property owner shall arrange the location and treatment of the appurtenances with gas, electric and communication providers prior to issuance of building permits.
- 17. The applicant and/or property owner shall screen all meters, telecommunications equipment, and appurtenant structures from public view. A detail of such screening shall be shown on the plans submitted for issuance of building permits.
- 18. The applicant and/or property owner shall provide factory processed color finishes, such as baked enamel, on all exterior metal surfaces.
- 19. The applicant and/or property owner shall pay a General Plan Cost Recovery Fee in the amount of \$1.00 per \$1,000.00 of building valuation per City Council Resolution Number 3379-07.
- 20. The applicant and/or property owner shall be responsible for ensuring that all contractors and subcontractors have obtained a valid City of Union City business license for the duration of the project.
- 21. The applicant and/or property owner shall provide illuminated addressing on the forwardmost portion of the building with a minimum of six-inch high numerals and painted addressing on curbs.
- 22. The applicant and/or property owner shall grant an easement to the Alameda County Water District to allow the installation of all backflow prevention devices. Devices shall be setback as far as possible from sidewalk area. Devices shall be screened from public view by landscaping. Location of backflow prevention devices shall be shown on plans issued for building permit. Location of backflow prevention devices and adequate landscape screening shall be shown on landscape plan.
- 23. Applicant and/or property owner shall comply with Chapter 12.40, The Art In Public Places Program, of the Municipal Code. Prior to the issuance of building permits, applicant and/or property owner shall submit a detailed public art proposal,

consistent with the contribution requirements listed in Section 12.40.030, for review and approval by the Public Art Board and the Economic and Community Development Department. Prior to issuance of a Certificate of Occupancy for the building, public art shall be installed consistent with approved proposal. Public art shall not block line of sight of existing BART sign located at the northerly corner of Station Way and Decoto Road.

- 24. The applicant and/or property owner shall submit a check to the Economic and Community Development Department for the Department of Fish & Game Notice of Determination Filing Fee in the amount of \$2,266.25 in compliance with the California Environmental Quality Act Guidelines. The check shall be made payable to the Alameda County Clerk and shall be submitted within two (2) working days of City Council approval of the project.
- 25. Applicant and/or property owner shall pay fees in effect at time of permit issuance including any new fees that are added after project approval.

Mitigation Measures (CEQA)

Air Quality

- 26. The property owner/applicant shall require the construction contractor to reduce the severity of project construction period dust and equipment exhaust impacts by complying with the following control measures:
 - The property owner/applicant shall require the construction contractor to reduce the severity of project construction period dust and equipment exhaust impacts by complying with the following control measures:
 - All exposed building pad surfaces shall be watered two times per day. Other unpaved areas—such as parking areas, staging areas, soil piles, graded areas, and unpaved access roads—shall either be watered three times per day, be paved, or have non-toxic soil stabilizers applied, per City requirements.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All visible mud or dirt track-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 mph.
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics 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 the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. (Mitigation Measure AQ-1)

Biological Resources

27. If any site grading or project construction will occur during the general bird nesting season (February 1st through August 31st), a bird nesting survey shall be conducted by a qualified raptor biologist prior to any grading or construction activity. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of grading/construction activities; if conducted during the late part of the breeding season (May to August), the survey shall be performed no more than 30 days prior to initiation of these activities. If active nests are identified, a 250-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Wildlife) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged. A biological monitor shall be present during earth-moving activity near the buffer zone to make sure that grading does not enter the buffer area. (Mitigation Measure BR–1)

Cultural Resources

- 28. City Staff shall advise the Project Construction Superintendent, Project Inspector, and Building Inspector at a pre-construction conference of the potential for encountering cultural resources during construction and the applicant's responsibilities per CEQA should resources be encountered. This advisory shall also be printed on the Plans and Specification Drawings for this project. (Mitigation Measure CR–1)
- 29. If any cultural artifacts are encountered during site grading or other construction activities, all ground disturbance within 100 feet of the find shall be halted until the City of Union City is notified, and a qualified archaeologist can identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). The results of any additional archaeological effort required through the implementation of Mitigation Measures CR–2 or CR–3 shall be presented in a professional-quality report, to be submitted to the project sponsor, the Union City Community Economic and Development Department, and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)-(f) of the CEQA Guidelines and Public Resources Code Section 21083.2. (Mitigation Measure CR–2)

- 30. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and a qualified archaeologist shall notify the Office of the Alameda County Coroner and advise that office as to whether the remains are likely to be prehistoric or historic period in date. If determined to be prehistoric, the Coroner's Office will notify the Native American Heritage Commission of the find, which, in turn, will then appoint a "Most Likely Descendant" (MLD). The MLD in consultation with the archaeological consultant and the project sponsor, will advise and help formulate an appropriate plan for treatment of the remains, which might include recordation, removal, and scientific study of the remains and any associated artifacts. After completion of analysis and preparation of the report of findings, the remains and associated grave goods shall be returned to the MLD for reburial. (Mitigation Measure CR–3)
- 31. If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology (UCMP). (Mitigation Measure CR–4)

Hazards/Hazardous Materials

- 32. Prior to issuance of a demolition permit for the existing buildings on the site, a comprehensive survey for asbestos-containing building materials (ACBM) shall be conducted by a qualified asbestos abatement contractor. Sampling for ACBM shall be performed in accordance with the sampling protocol of the Asbestos Hazard Emergency Response Act (AHERA). If ACBM is identified, all friable asbestos shall be removed prior to building demolition by a State-certified Asbestos Abatement Contractor, in accordance with all applicable State and local regulations, including Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2 pertaining to demolition, removal, and disposal of ACBM. BAAQMD shall be notified at least ten business days in advance of building demolition, in compliance with Regulation 11, Rule 2. To document compliance with the applicable regulations, the project sponsor shall provide the City of Union City Building Division with a copy of the notice required by BAAQMD for asbestos abatement work, prior to and as a condition of issuance of the demolition permit. (Mitigation Measure HM–1)
- 33. Prior to issuance of a demolition permit for the existing buildings on the site, a survey for lead-based paint (LBP) shall be conducted by a qualified lead assessor. If LBP is identified, lead abatement shall be performed in compliance with all federal, State, and local regulations applicable to work with LBP and disposal of lead-containing waste. A State-certified Lead-Related Construction Inspector/Assessor shall provide a lead clearance report after the lead abatement work in the buildings

is completed. The project sponsor shall provide a copy of the lead clearance report to the City of Union City Building Division prior to issuance of a demolition permit (Mitigation Measure HM–2).

Hydrology/Water Quality

- 34. Prior to issuance of a grading permit the project sponsor shall obtain National Pollutant Discharge Elimination System (NPDES) construction coverage as required by Construction General Permit (CGP) No. CAS000002, as modified by State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ. Pursuant to the Order, the project applicant shall electronically file the Permit Registration Documents (PRDs), which include a Notice of Intent (NOI), a risk assessment, site map, signed certification, Stormwater Pollution Prevention Plan (SWPPP), and other site-specific PRDs that may be required. At a minimum the SWPPP shall incorporate the standards provided in the Association of Bay Area Governments' Manual of Standards for Erosion and Sedimentation Control Measures (2005), the California Stormwater Quality Association's California Stormwater Best Management Practices Handbook (2009), the prescriptive standards included in the CGP, or as required by the Clean Water Program Alameda County, whichever are applicable and more stringent. Implementation of the plan will help stabilize graded areas and reduce erosion and sedimentation. The SWPPP shall identify Best Management Practices (BMPs) that shall be adhered to during construction activities. Erosion-minimizing efforts such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds shall be installed before extensive clearing and grading begins. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during and after construction activities. The SWPPP shall also be reviewed and approved by the Union City Public Works Department. (Mitigation Measure WQ-1)
- 35. All cut-and-fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15th and April 15th unless approved erosion control measures are in place. (Mitigation Measure WQ–2)
- 36. Prior to issuance of a grading permit, the project applicant shall prepare a C.3 Stormwater Control Plan in accordance with current construction and post-construction requirements specified by State Water Resource Control Board (SWRCB) Order No. 2009-0009-DWQ and the post-construction requirements specified by National Pollutant Discharge Elimination System (NPDES) Order No. R2-2015-0049 and the Alameda Countywide Clean Water Program (ACCWP). The C.3 Stormwater Control Plan shall be developed in accordance with the provisions of ACCWP's C.3 Stormwater Technical Guidance manual (Version 5.1, May 2, 2016). Additionally, as required by the C.3 Provisions, building permit applications must be accompanied by a Stormwater Control Plan, for review and approval by the City Engineer, which specifies the treatment measures and appropriate source control and site design features that will be incorporated into project design and

construction to reduce the pollutant load in stormwater discharges and manage runoff flows.

The C.3 Stormwater Control Plan shall be submitted for review and approval by the Union City Clean Water Program (UCCWP). The plan and a Stormwater Requirements Checklist shall be prepared by a qualified civil engineer or landscape architect. The applicant shall demonstrate to UCCWP via drawings and engineering calculations that the proposed project includes site design features sufficient to capture and treat on site all stormwater runoff from the project site, in compliance with Provision C.3 of the ACCWP. Landscape features shall be used in lieu of structural features to the degree feasible. As part of compliance with the ACCWP, the applicant shall execute and implement a maintenance agreement with the City of Union City to provide for the maintenance of all onsite stormwater treatment features and devices in perpetuity, including specification of how the maintenance will be financed. Prior to issuance of the building permit, the applicant shall provide proof of recording this agreement from the Alameda County Clerk Recorder's Office. The applicant shall submit to the Union City Public Works Department annual certificates of compliance with the operations and maintenance requirements stipulated in the maintenance agreement. (Mitigation Measure WQ-3)

Transportation

37. Extend the existing raised median on Union Square at the intersection with Decoto Road to prohibit left-hand into the existing driveway on Union Square, which provides access to the project site. Final design subject to review and approval by the Union City Public Works Department. (Mitigation Measure T–1)

Building Division:

- 38. Project construction shall fully comply with the Uniform Codes in effect at the time of building permit issuance.
- 39. The applicant and/or property owner shall provide detailed construction plans (working drawings) and calculations to the Building Division for plan review prior to issuance of a building permit. Plans and supporting documents shall be prepared by a state-licensed architect or engineer. Upon completion of the plan check, all applicable fees shall be paid and a building permit issued prior to commencement of any actual construction work on-site.
- 40. The applicant and/or property owner shall maintain the property to be free of litter, weeds, debris, etc., both before and after issuance of building permits. Daily litter and debris collection rounds shall be conducted on the site and an adequate number of trash receptacles shall be provided to minimize litter accumulation.

- 41. The applicant and/or property owner shall comply with the Construction and Demolition Ordinance 576-01 to divert recyclable debris away from landfills. The applicant shall submit a completed Construction and Demolition Waste Management Plan with their application for a construction or demolition permit.
- 42. The applicant and/or property owner shall remove any graffiti appearing on the site within forty-eight (48) hours after discovery. If not removed in a timely manner, the City may, at its option, remove the graffiti and charge the property owner a fee for the services performed.
- 43. The applicant and/or property owner shall not locate construction debris boxes within the public right-of-way (ROW), driveways or on adjacent private properties.

Fire Department:

44. The project shall comply with the California Building and Fire Codes and current and local ordinances in effect at the time of building submittal.

Public Works Department:

- 45. The applicant and/or property owner shall secure an Encroachment Permit(s) from the Public Works Department for all work in the public right-of-way. The applicant shall be responsible for any required repairs associated with the development, including paving, trenching, curbs and gutters, sidewalks, driveways, street lights, traffic signals or installation of same where not existing, as determined by the City Engineer.
- 46. The applicant and/or property owner shall design and construct the onsite and offsite storm drainage system to the satisfaction of the City Engineer to ensure proper drainage, in accordance with City Standards.
 - a. The applicant and/or property owner is encouraged to discharge the on-site storm drainage to Station Way and install a storm drainage system on Station Way to convey the flows to the existing storm main on Decoto Road.
 - b. The applicant and/or property owner if he chooses to accept public drainage from Station Way and conveys it to the public storm drainage system on Union Square through the easement on his private property and through those on private properties to the south, shall hold the City harmless against any consequences of placing public drainage on private property. The City may require additional assurances through recoded agreements which will run with the title of the property, to ensure indemnification against any risk of combining public and private storm drainage on-site. In addition, the applicant shall ensure that the existing and proposed easements on all private properties that are located between the two public streets are

adequate to accept both the public and private storm drainage. All storm drainage pipes and other appurtenances between the two public streets shall be designed to accommodate the anticipated public and private drainage and shall be maintained by the private property owners. Any City Attorney's costs associated with reviewing the proposed storm drain related easement documents shall be borne by the applicant.

- 47. The applicant and/or property owner shall provide structural paving sections for the proposed streets, drive aisles, and parking lots that are adequate to accommodate the vehicular loads, including loads from garbage trucks.
- 48. The applicant and/or property owner shall ensure that the proposed drive aisles and driveways meet the minimum width requirements and required turning radii per City and Fire Code standards.
- 49. The applicant and/or property owner shall present for review and approval by the City Engineer and Fire Department, a turning radius analysis for fire trucks entering the site from Decoto Road.
- 50. The applicant and/or property owner shall conform to the City Standard for Commercial & Industrial Driveways which calls for the driveways to be at least 28 ft. wide for a two-way driveway with 2 ½ ft. wide apron approaches on each side for a total driveway width of 33 ft. (Due to the presence of a large utility vault just north of the driveway, most of the widening may be limited to extending the south end of the driveway and will require securing a Temporary Construction Easement (TCE) and agreement from the adjacent property owner to the southwest (NeoCenter) since the work will need to be done on adjacent property and may impact some landscaping at the back of sidewalk on adjacent property.
- 51. The applicant and/or property owner shall note that the driveway aisle which is shared with the private property to the southwest (NeoCenter) may be narrowed from 28 ft. at the driveway on Decoto Road to a minimum of 26 ft. after approximately 50 ft. into the site.
- 52. The applicant and/or property owner shall replace the entire existing driveway on Decoto Road which is to be widened due to the presence of cracks in the middle of the driveway.
- 53. The applicant and/or property owner shall ensure that the shared driveway on Decoto Road will meet the current ADA standards since it also serves as a sidewalk due to the presence of monolithic sidewalks on both sides. Caltrans Detail A87A calls for the sidewalk portion of the driveway to be at least 4'-2" wide and have a max. slope of 1.5%. The non-pedestrian portion of the driveway may have a slope of up to 10%.

- 54. The applicant and/or property owner shall ensure that the cracked and failing asphalt pavement of the main shared drive aisle adjacent to the driveway on Decoto Road is repaved. This also applies to the other failing pavement areas on adjacent properties that will be used by the new development and will exacerbate the poor condition of the pavement. [Condition No. 53, which refers to the easement documents, may help answer the maintenance needs.]
- 55. The applicant and/or property owner shall remove any existing driveways that will no longer be needed and replace them with sidewalk and/or landscaped area.
- 56. The applicant and/or property owner shall install all new utility lines underground. No new overhead services to the development or overhead extensions of main lines will be permitted.
- 57. The applicant and/or property owner shall install all public utilities in the Public Utility Easement (P.U.E.) or in the Public right-of-way. No public utilities shall be installed on private property without an easement.
- 58. The applicant and/or property owner shall dedicate P.U.E. for utilities such as PG&E, AT&T, Comcast cable and future fiber optic providers.
- 59. The applicant and/or property owner shall install two 2-inch conduits, pull ropes and associated vault in public right of way for future fiber optic service to the building. Complete specifications are available from the Public Works Dept. for the fiber optic infrastructure. Conduits will also be installed within the building along with electrical and communications lines to serve future use.
- 60. The applicant and/or property owner shall submit a grading plan to the Public Works Department and obtain a Grading Permit prior to proceeding with any demolition and grading operations, unless allowed by the City Engineer.
- 61. The applicant and/or property owner shall submit an application for a Tree Removal Permit to the Public Works Department which will include an arborist's report detailing the size, number and species of trees to be removed as well as those to be retained on the site. A summary of the new trees proposed to be installed shall also be provided. City Arborist will evaluate this information and may seek a tree-replacement in-lieu fee if an equivalent number of trees cannot be replanted onsite. An in-lieu fee is likely since the City Arborist requiresd up to 10 replacement trees for each mature tree removed, depending upon the health and quality of the tree being removed. The Tree Removal Permit shall be obtained prior to proceeding with any demolition, tree removal or grading operations.
- 62. The applicant and/or property owner shall preserve all existing trees on the site until a tree removal permit, consistent with the Site Development Review approval, is issued by the City Arborist.

- 63. The applicant and/or property owner shall replace any damaged or uplifted sidewalk, curb and gutter and replace any uplifted gutters that impede drainage flow along Decoto Road and Station Way.
- 64. The applicant and/or property owner shall ensure that any existing or proposed street lights are relocated at least 5 ft. from driveways, in accordance with City Standards. Any new lights shall be LED, as approved by the City Engineer, and fixture design shall be reviewed and approved by the City Engineer
- 65. The applicant and/or property owner shall provide a separated sidewalk along Station Way and Decoto Road. Final design, including landscaping, shall be subject to review and approval by the Public Works Department. Any street lighting that may be removed from Station Way during construction will be replaced with street lights that match the existing street lights. Pedestrian lighting may also be required along the new sidewalk on Station Way.
- 66. The applicant and/or property owner shall paint the curb red for a distance of 30 feet to the south of the widened driveway on Decoto Road.
- 67. The applicant and/or property owner shall provide all public utility and access easements for the development to the satisfaction of the City Attorney and the Director of Public Works.
- 68. The applicant and/or property owner shall provide a detailed breakdown of the engineer's estimate for all on-site work including parking lot demolition, grading, storm drainage facilities, stormwater treatment facilities, street structural section including paving, pavers, sidewalk, curb & Gutter, lighting and landscaping. The Plan Check & Inspection Fees will be based upon this estimate.
- 69. The applicant and/or property owner shall pay a Traffic Signalization fee of \$5,241 per acre for the proposed development in Commercial zoning.
- 70. The applicant and/or property owner shall apply for a Grading Permit, pay a grading fee and post a Grading Permit Bond. The fees and bond will be based upon the earthwork in cubic yards of dirt estimated to be moved, including cut, fill and import, etc.
- 71. The applicant and/or property owner shall apply for an Encroachment Permit, pay a fee and post a Bond for all work in the public right-of-way, including trenching, roadwork, concrete, striping and work related to intersection and traffic signal modifications, etc.
- 72. The applicant and/or property owner shall ensure that the Parcel Map will be in substantial compliance with the Vesting Tentative Parcel Map and will address the following:

- a. Dedication of sufficient width of property along the west side of Station Way (the side adjacent to proposed development) for public street purposes. The exact width of the right-of-way dedication will be finalized later but is between 9-11 ft. to roughly match the existing sidewalk on the east side of Station Way and shall be fitted with a sidewalk and a planter strip.
- b. Lot merger of the two lots located on the project site.
- c. Quitclaim all existing easements that are no longer needed and are to be vacated such as Public Utility Easement (PUE), Sanitary Sewer Easement (SSE), Water Line Easement (WLE) and Private Vehicular and Pedestrian Easement (V.P.E.) on private property.
- d. Either create new, update existing, or document existing easements, to facilitate shared improvements including for utilities and parking.
- e. Include agreement or Memorandum of Understanding to be referenced on the Parcel Map for the trash enclosure which is to be located on subject property but shared with the adjacent property owner.
- f. Include any needed new storm drain easements on the subject private property, to enable conveyance of on-site drainage and the off-site drainage from the public Station Way, through the property and to the existing public storm drain system on Union Square. The developer, should he choose to opt for taking the public flows through the property as described above, shall indemnify the City, as well as the adjacent properties, against any resulting damage, to the satisfaction of the City Attorney. The developer shall also indemnify the City against any claims from the adjacent properties as a consequence of draining Station Way through private properties. To avoid such liability, the developer may choose to drain its flows to Station Way instead, and extend the storm drainage system on Station Way to connect with the existing storm drainage system on Decoto Road.
- 73. The applicant and/or property owner shall show the removal of all existing utilities on the plans that will no longer be needed for the new building and propose any new utilities, to the satisfaction of the City Engineer and the utility providers.
- 74. The applicant and/or property owner shall contact the Alameda County Water District, Engineering Department, at (510) 659-1970 to determine water service and permit requirements and Union Sanitary District at (510) 477-7500 to determine sewer service and permit requirements.

75. The applicant and/or property owner shall ensure that on-site and off-site construction activity complies with Section 9.40.053 of the Union City Municipal Code, and is limited to the following hours:

Monday through Friday - 8:00 a.m. to 8:00 p.m.
Saturday - 9:00 a.m. to 8:00 p.m.
Sundays & Holidays - 10:00 a.m. to 6:00 p.m.
Roadwork on Decoto Road & Station Way - 9:00 a.m. to 3:00 pm.

- 76. The applicant and/or property owner shall ensure that the project complies with the most current requirements of the Alameda County Clean Water Program as detailed in the California Regional Water Quality Control Board's (RWQCB) Municipal Regional Stormwater Permit (MRP 2), Order R2-2015-0049, NPDES Permit No. CAS612008, dated November 19, 2015.
- 77. The applicant and/or property owner shall submit the 'Stormwater Requirements Checklist demonstrating that the project meets the requirements of the Municipal Regional Stormwater Permit (MRP 2) for approval by City Staff.
- 78. The applicant and/or property owner shall dedicate sufficient areas to treat Stormwater per the requirements of the MRP and consistent with information in the Stormwater Requirements checklist. Plans shall show the tributary areas used for sizing of the treatment areas, such as bio-retention areas, the storm drain system in and out of the treatment areas throughout the site and the cross-sectional details of such areas.
- 79. Prior to release of grading permit, the applicant and/or property owner shall enter into a storm water treatment measures maintenance agreement with the City of Union City assuring both the responsibility for the post-construction operation and maintenance (O&M) of the treatment measure (bio-treatment basins) and the access by public agency personnel strictly for the purpose of O&M verification. This maintenance agreement shall be recorded by the property owner at the Alameda County Recorder's Office.
- 80. The O&M Plan and associated inspection reports shall be provided for review and approval to the Public Works Department on an annual basis showing the activities undertaken throughout the year to keep the Stormwater and bio-treatment facilities in good working order, in compliance with the requirements of California RWQCB Order R2-2015-0049, NPDES Permit No. CAS612008, dated November 19, 2015. The 'boiler plate' of this agreement, prepared by the City Attorney's office, is available from the Public Works Department for use on this project.

- 81. The applicant and/or property owner shall install a full trash capture device (TCD), as approved by the City Engineer, at all new and existing storm drain structures just prior to connection with the public storm drain system. TCDs shall also be installed at all existing storm drain inlets located along the perimeter of the development in order to prevent trash from entering the public storm drainage system.
- 82. The applicant and/or property owner shall ensure that Onsite storm drain inlets shall be labeled "No Dumping -Drains to Bay" using a stencil approved by the Public Works Department.
- 83. The applicant and/or property owner shall ensure that the design of any Stormwater quality treatment measures incorporated in the project includes the treatment control design guidance for vector control (Alameda Countywide Clean water Program's Vector Control Plan).
- 84. The applicant and/or property owner shall review the easement documents to ascertain if the existing easements, including those with the adjacent properties, continue to be relevant or if they need to be modified. A copy of the easement documents will also be provided to staff for their evaluation of location and use of trash enclosure and trash bins, respectively, and pavement maintenance responsibilities for drive aisles that are used by the various neighboring property owners. The pavement maintenance responsibilities may need to be carefully reevaluated to ascertain the extent of any detrimental impact on the pavement condition due to the substantial increase in traffic resulting from the new development.
- 85. The applicant and/or property owner shall ensure that no work is done on neighbors' property without their explicit consent. For example, the existing median island in the main drive aisle between 1320 Decoto Road and the parking lot to the east is shown to be removed and paved. This median island and the proposed parking are located on adjacent property. An agreement and/or easement need to be executed, as well as a Temporary Construction Easement (TCE) needs to be reached to enable the proposed concept.
- 86. The applicant shall show a construction staging plan which will include area for stockpiling materials, construction access route and parking areas belonging to the adjacent property owners that are to be fenced off and not to be impacted during construction.

Stormwater "During Construction" Best Management Practices

87. The following best management practices relating to construction site controls shall be implemented during construction activities. These best management practices shall be shown as notes on the approved grading and building permit plan sets:

- A. The applicant and/or property owner shall ensure compliance with all best management practices by making sure that all contractors, subcontractors and suppliers are aware of all storm water pollution prevention measures and their implementation requirements.
- B. The applicant and/or property owner shall ensure that concrete/gunite supply trucks or concrete/plaster and finishing operations discharge washout water into a designated cleanout area, designed to prevent pollutants from entering the storm water and/or sanitary sewer system.
- C. The applicant and/or property owner shall be ensure that discharge restrictions shall also apply to the operation of general construction machinery including masonry cutting equipment, and the washing of tools, brushes, containers, etc. These operations shall not be performed in the street, gutter, or where pollutants can enter the storm water system. Failure to comply with the approved construction requirements will result in the issuance of correction notices, citations, or project stop work orders.
- D. The applicant and/or property owner shall minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. All cut and fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall commence unless approved erosion control measures are in place.
- E. The applicant and/or property owner shall install filter materials (sand bags, filter fabric, straw wattle, etc.) at the storm drain inlet nearest the downstream side of the project site prior to:
 - 1. Start of the rainy season (October 1st);
 - 2. Site dewatering activities;
 - 3. Street washing activities; and
 - 4. Saw cutting asphalt or concrete.

Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Filtered particles shall be disposed of in an appropriate manner based upon constituents.

- F. The applicant and/or property owner shall gather all construction debris on a regular basis and place in a dumpster or other container, which is emptied or removed at a minimum on a weekly basis. When appropriate, tarps shall be used on the ground to collect falling debris, paint over-spray, etc. that could contribute to storm water pollution.
- G. The applicant and/or property owner shall ensure that trash enclosures and/or recycling containers, paved outdoor storage, staging, or lay down areas shall be designed and constructed to prevent pollutants from entering storm drain

system.

- H. The applicant and/or property owner shall ensure the availability of 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 of becoming a pollutant and/or being discharged to the storm drain system.
- I. The applicant and/or property owner shall ensure that dirt, gravel, debris and green waste shall be removed from the sidewalk, street pavement, and storm drains adjoining the project site. These areas shall be broom swept on a daily basis. Caked on mud or dirt shall be scraped before sweeping. During wet weather, the applicant should avoid excavation and other activities that lead to pollutants entering storm water such as driving vehicles on unpaved areas, etc.
- J. The applicant and/or property owner shall ensure that outdoor washing or pressure washing shall be managed to prevent pollutants from getting into storm water and/or into the storm drain system.
- K. The applicant and/or property owner shall ensure that On-site storm drain inlets shall be labeled "No Dumping Drains to Bay" using a stencil approved by the Public Works Department.
- 88. Extend the existing raised median on Union Square at the intersection with Decoto Road to prohibit left-hand into the existing driveway on Union Square, which provides access to the project site. Details shall be shown on required improvement plan drawings. Final design subject to review and approval by the Union City Public Works Department.

VI. RECOMMENDATION:

The Development Review Committee recommends that the Planning Commission recommend approval of General Plan Amendment (AG-17-002), Zoning Text Amendment (AT-17-001), Site Development Review (SD-17-002), Use Permit (UP-17-004), and Vesting Tentative Parcel Map (TPM-17-001) to the City Council, making the following findings in support of this action:

Findings:

CEQA

 That the Mitigated Negative Declaration (MND) reflects the lead agency's independent judgment and analysis, that the document has been completed in compliance with the requirements of the California Environmental Quality Act and, on the basis of the whole record, there is no substantial evidence that the project will have a significant effect on the environment.

General Plan Amendment

2. That the proposed General Plan Amendment to Table LU-1 and the prescribed range of the floor arear ratio on page LU-4 of Station Mixed Use Commercial land use designation is necessary and desirable because it promotes flexibility in development of the Station Mixed Use Commercial land use. This flexibility helps meet the goals of the General Plan because it promotes an increased intensity of development in the Station Mixed Use Commercial land use.

Zoning Text Amendment

3. That the proposed zoning text amendments are necessary and desirable to achieve the purpose of Title 18 because the amendments to Sections 18.38.020, 18.38.030, and 18.38.080 allow for greater variety of mixed-use projects, including mixed-use office projects of varying intensity for determining compliance with density limits for project-specific site review in order to meet the goals of the Land Use and Community Design Elements of the General Plan.

Site Development Review

- 4. That Approval of this project is consistent with General Plan policies related to high-quality design, including Goals LU-A.1, LU-B.1, LU-B.9, and CD-B.1 to ensure high-quality appearance and harmony between existing and new uses, while avoiding monotony in style, height and mass. There are no applicable specific plans;
- 5. That approval of this project, as conditioned, is consistent with the purpose of Title 18, which seeks to promote the public health, safety, and the general welfare of the people; protect the character, and maintain the stability, of the surrounding residential and business areas; and to promote orderly and beneficial development. The project, as conditioned, is also consistent with the applicable requirements for the CSMU Zoning district, except where the variations to the development standards pursuant to a Use Permit are requested;
- 6. That approval of this project, as conditioned, is consistent with the purpose of Site Development Review, which seeks to promote orderly, attractive and harmonious development, and the stability of land values. The project will enhance the project site, in conformance with developed structures in the Station Mixed Use district;

Use Permit

7. That the proposed deviations to the parking and height standards and the mixed-use office are in accordance with the objectives of Title 18 and the purposes of the CSMU District. The proposed deviations would allow the project, as conditioned, to be consistent with the purpose of Title 18, which seeks to promote the public health, safety, and the general welfare of the people; protect the character, and maintain the

stability, of the surrounding residential and business areas; and to promote orderly and beneficial development.

- 8. That the proposed mixed-use office and deviation from the height and parking requirements will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. It would allow the project, as conditioned, to be consistent with the character of the surrounding office and business areas; and to promote continued orderly and beneficial development along Decoto Road;
- 9. That the reduced height, parking and mixed-use office use will produce an environment of stable and desirable character consistent with the objectives of Title 18;
- 10. That the mixed-use office and reduction in height and parking provides greater flexibility in site planning and will not result in a development that generates more traffic than the streets in the vicinity can carry without congestion and will not overload utilities;
- 11. That the proposed project has been designed to complement and harmonize with the character of the surrounding business areas;

It is further recommended that the Planning Commission adopt Resolutions, confirming these action.

ADAM PETERSEN CONTRACT PLANNER

CARMELA CAMPBELL PLANNING MANAGER

Exhibit A: Project Plans

Attachment 1: Resolution to Recommend Approval of a Mitigated Negative Declaration

and Mitigation Monitoring and Reporting Program

Attachment 2: Resolution to Recommend Approval of a General Plan Amendment Attachment 3: Resolution to Recommend Approval of a Zoning Text Amendment

DECOTO ROAD OFFICE

DECOTO ROAD AND STATION WAY UNION CITY, CALIFORNIA 94587



VICINITY MAP	OWNER		SITE DATA
A VARADO RIES RO SO PROJECT SITE PRESIDENTE IN NO SCALE	WOODSTOCK DEVELOPMENT, INC. WOODSTOCK DEVELOPMENT, INC. WOODSTOCK DEVELOPMENT, INC. STORMANDER COUNTY OF THE 203 STORMAND STORMAN	STRUCTURAL ENGINEER FIRM NAME STREET CITY. STATE ZIP CODE MECHANICAL ENGINEER FIRM NAME STREET FIRM NAME STREET CITY. STATE ZIP CODE PAX: (000) 000 0000 MECHANICAL ENGINEER FIRM NAME OF COVITACT PH: (000) 000 0000 PLUMBING ENGINEER FIRM NAME STREET CITY. STATE ZIP CODE PAX: (000) 000 0000 ELECTRICAL ENGINEER FIRM NAME STREET CITY. STATE ZIP CODE FAX: (000) 000 0000 ELECTRICAL ENGINEER FIRM NAME STREET CITY. STATE ZIP CODE FAX: (000) 000 0000 ELANDSCAPE ARCHITECTS GREEN DESIGN LANDSCAPE ARCHITECTS, INC BARBARA HATCH 1444 POPINLAY OR, RENO, NEVADA 69509	STEE DATA

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A0.5 OCCUPANCY AND EGF
A1.0 DEMOSTRE PLAN
A1.1 PROPOSED SITE
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A1.2 EXTERIOR
A2.2 SECOND FL
A2.2 SECOND FL
A2.4 EXTERIOR
A4.2 BUILDS
A4.3 PROP
A4.4 PROP
A5.1 DE
A6.1 DE
A SHEET INDEX TITLE SHEET

OCLUPANCY AND EGRESS PLAN - FIRST FLOOR
OCLUPANCY AND EGRESS PLAN - SECOND FLOO
DEAD SHE PLAN
PROPOSED SHE PLAN
PROPOSED SHE PLAN
FIRST FLOOR PLAN
FIRST FLOOR PLAN
SECOND FLOOR PLAN
EXTERIOR ELEVATIONS AND BUILDING SECTIONS
BY PROPOSED COLORED IMAGES
PROPOSED COLORED IMAGES
DETAILS
DETAILS
SITE PHOTOS
CUTHAL SHEET COUNT: 17 LANDSCAPE

> DECOTO ROAD OFFICE DECOTO ROAD AND STATION WAY UNION CITY, CALIFORNIA 94587

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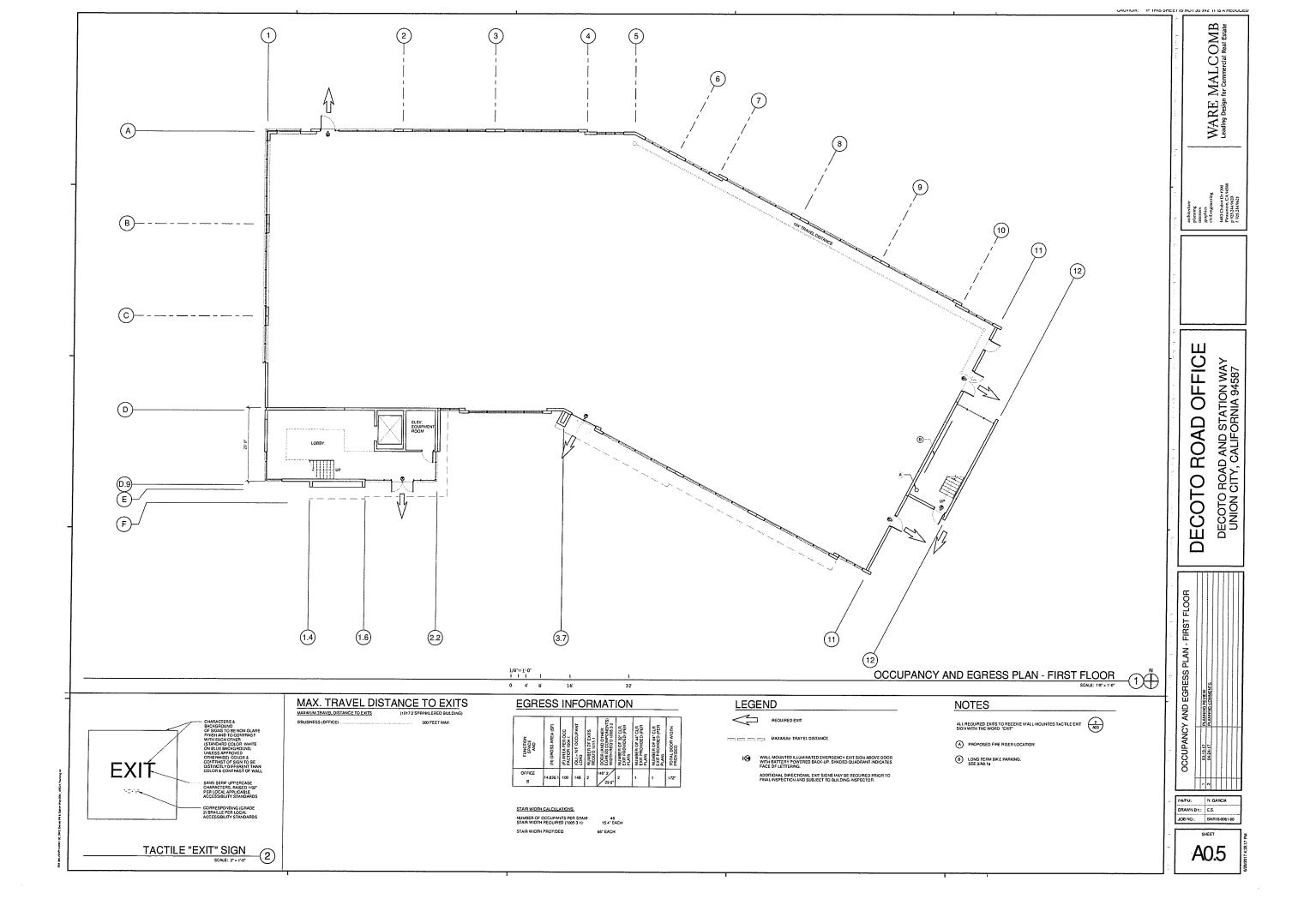
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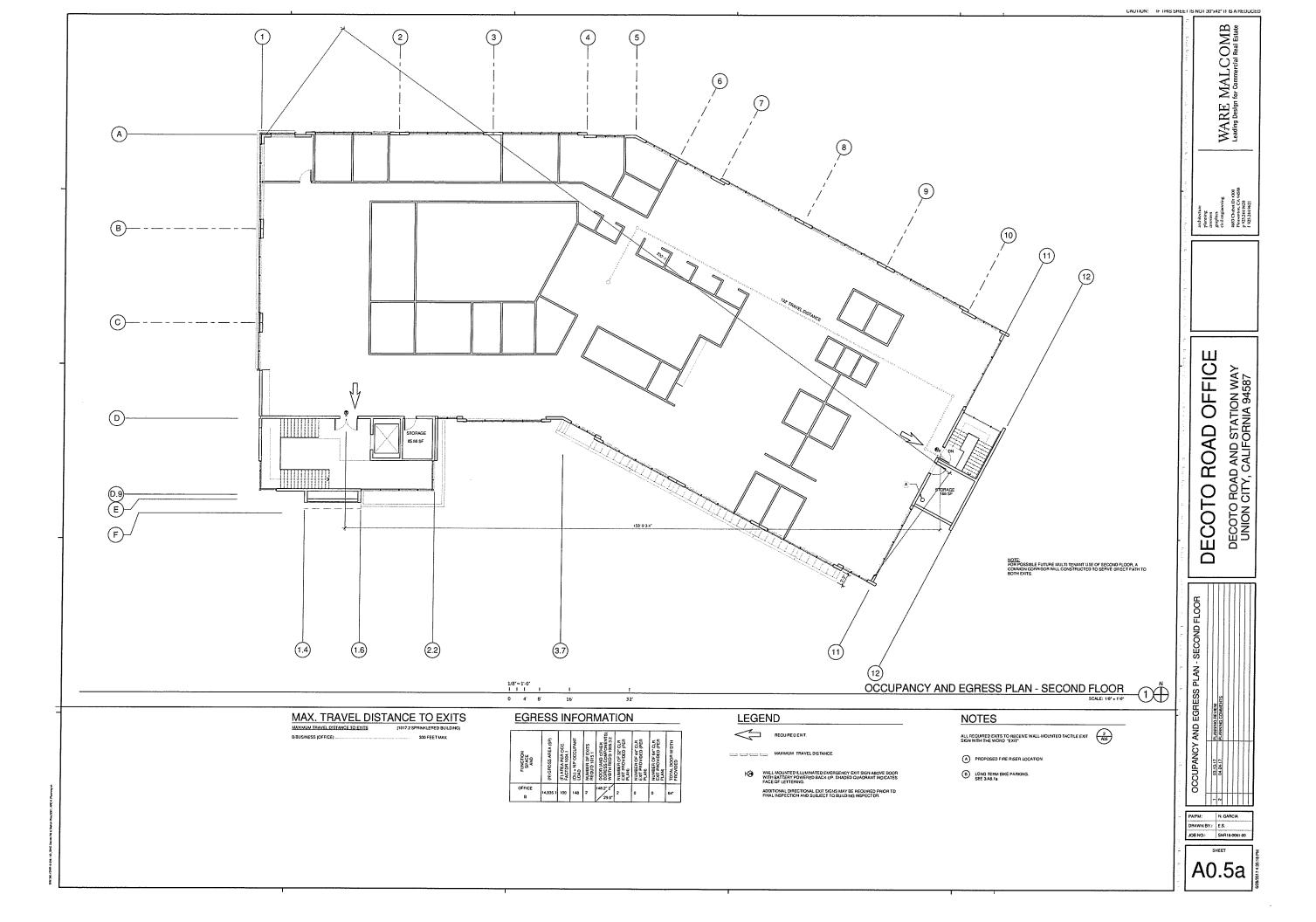
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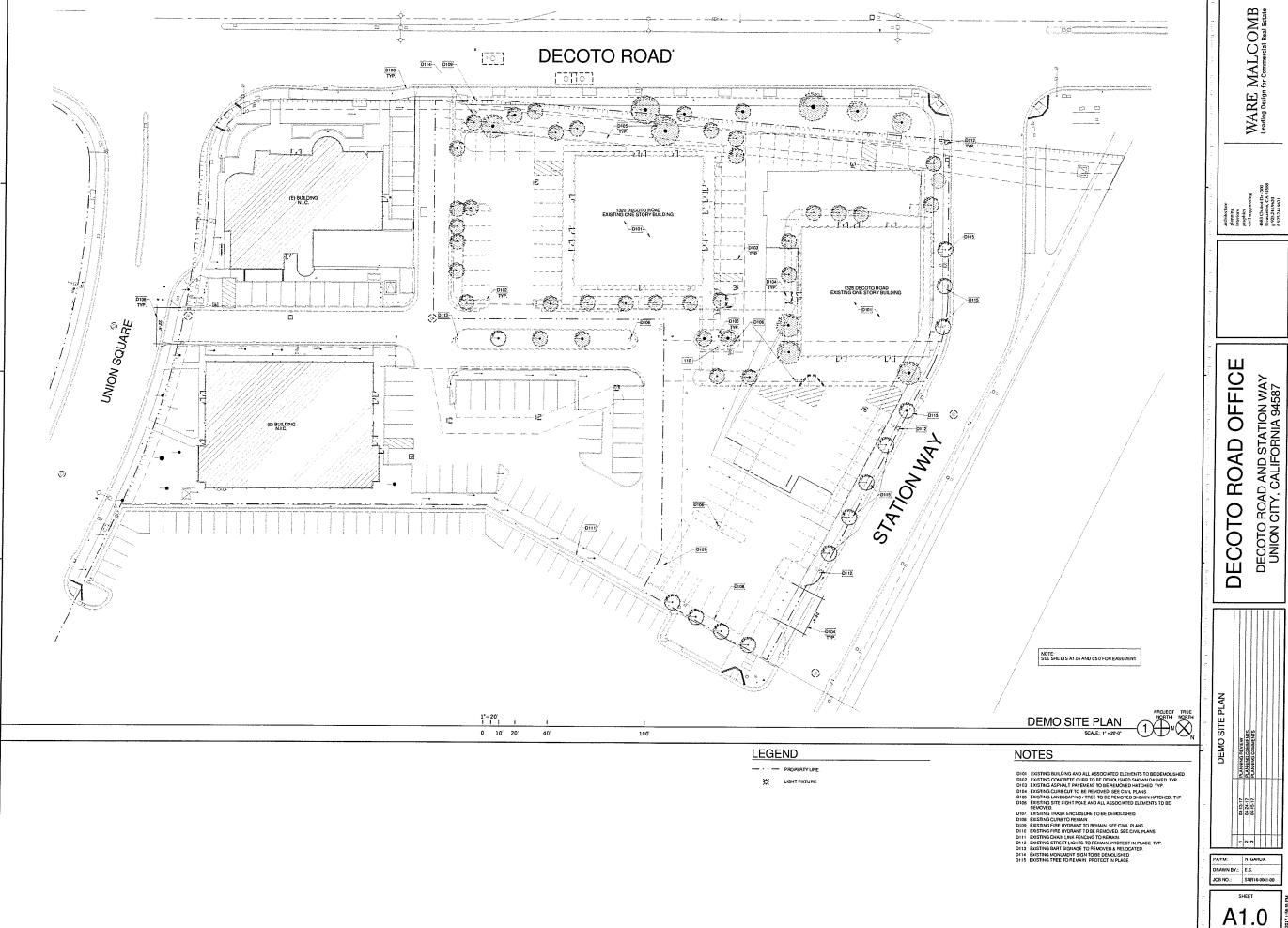
UNION CITY ECONOMIC & COMMUNITY DEVELOPMENT



A0.1

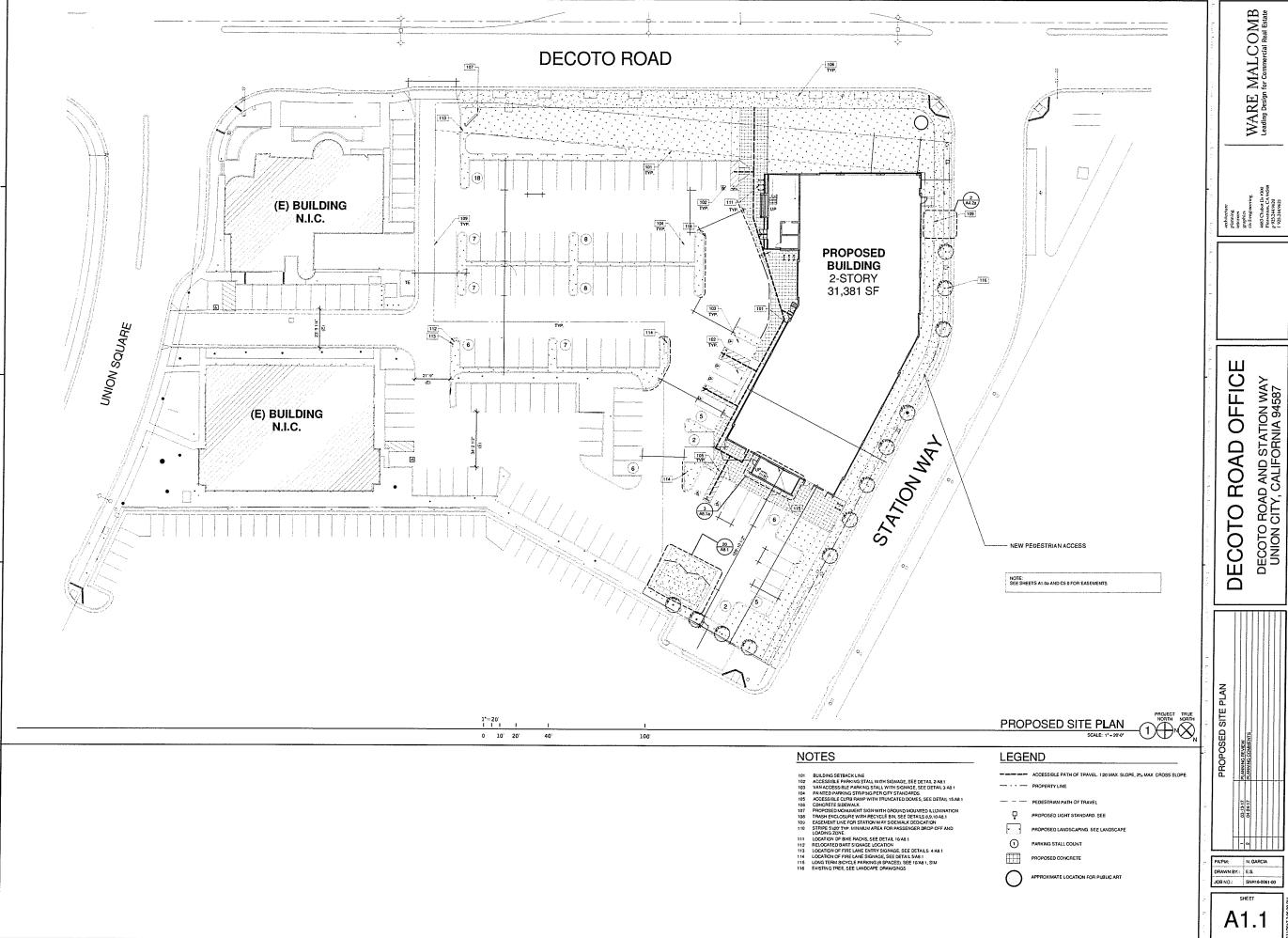




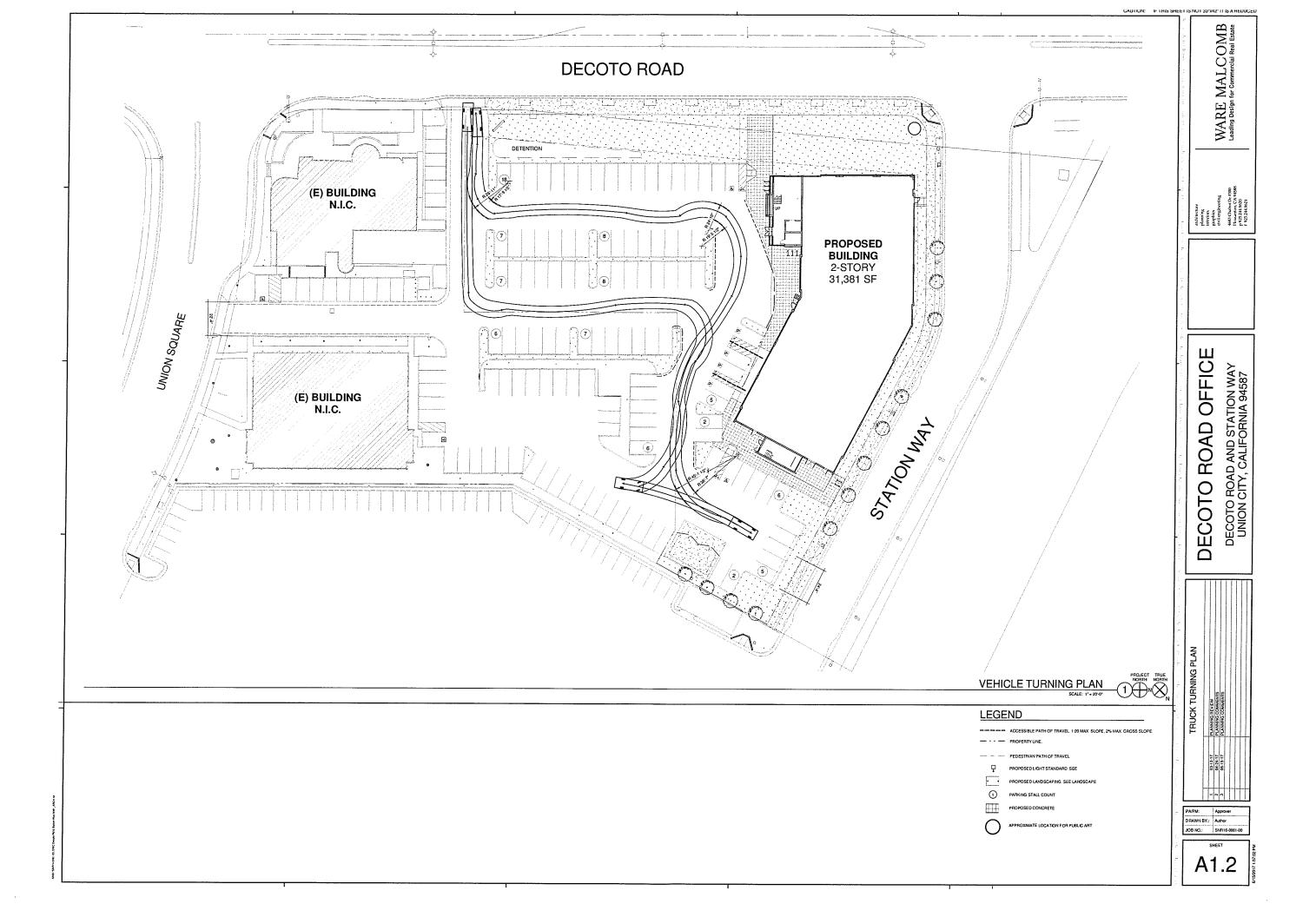


CAUTION: IF THIS SHEET IS NOT 30"x42" IT IS A REDUCED

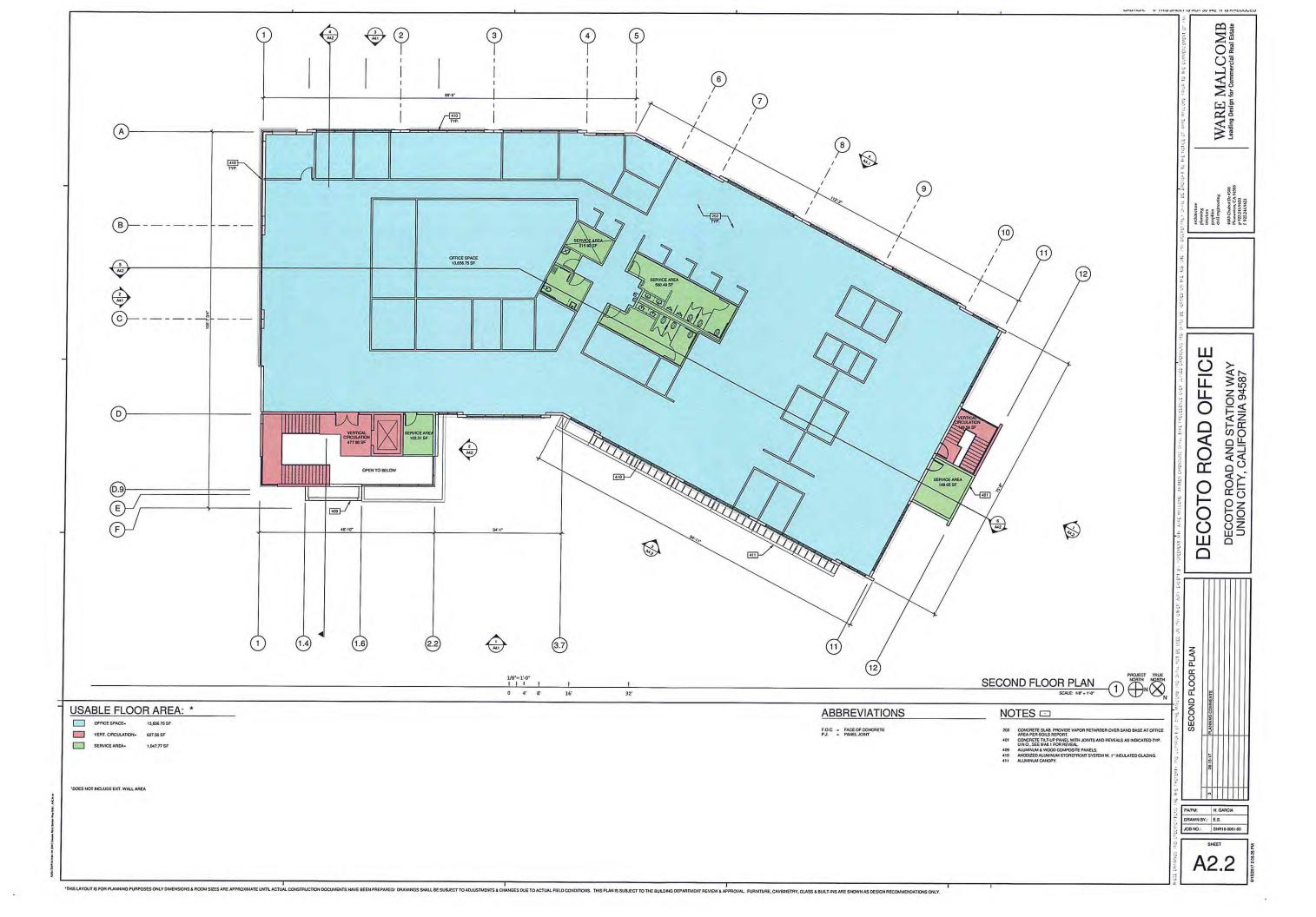
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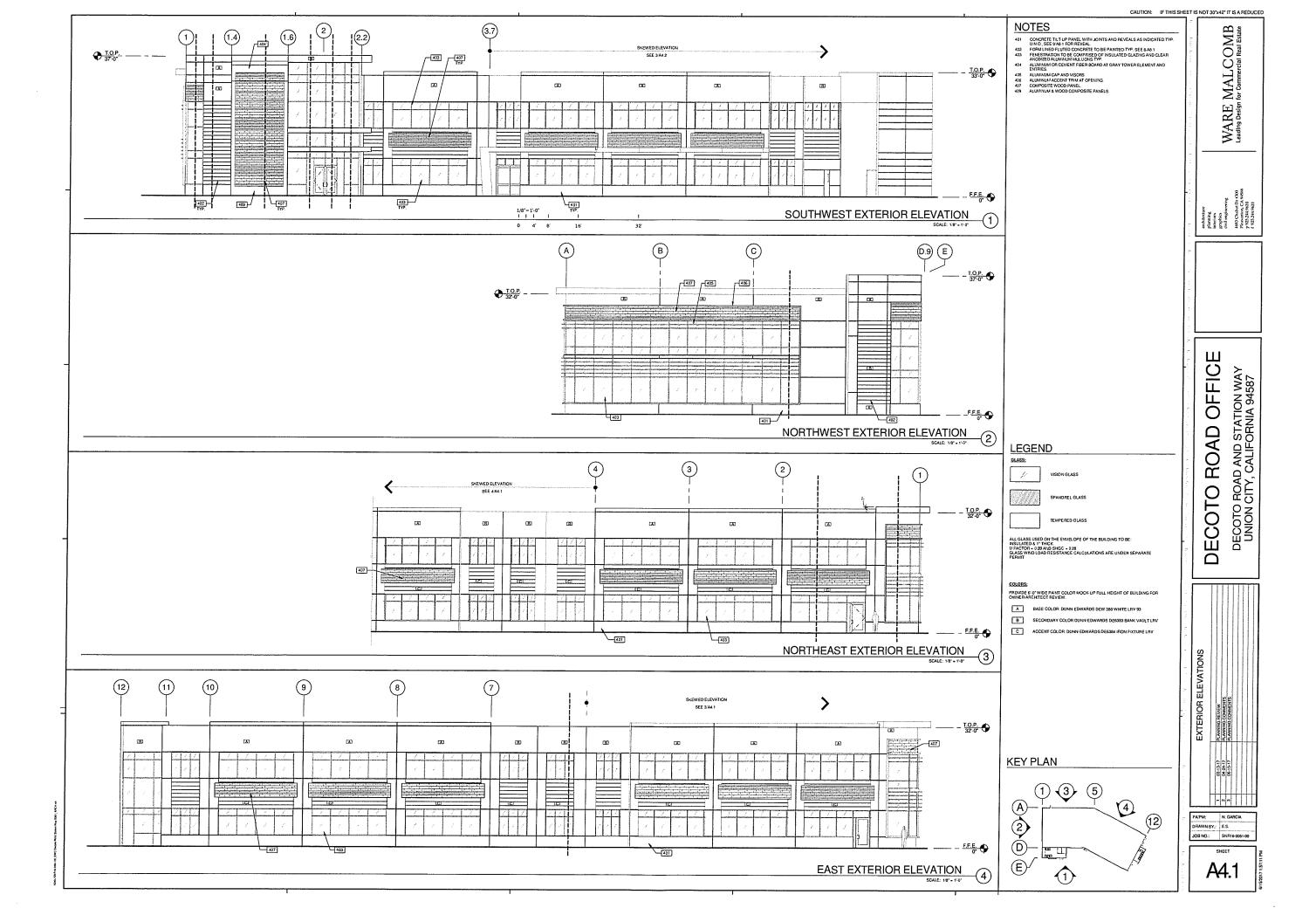


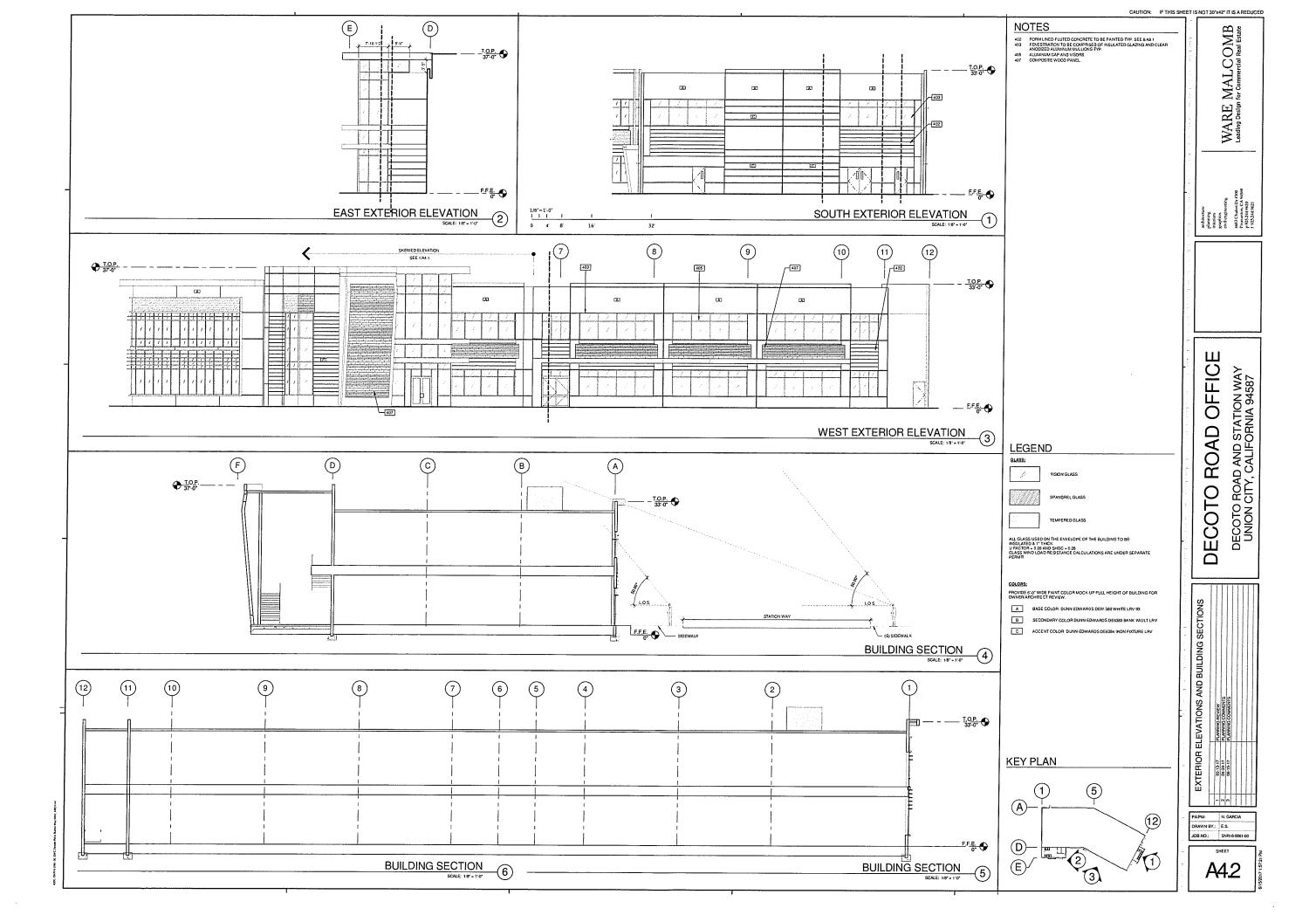
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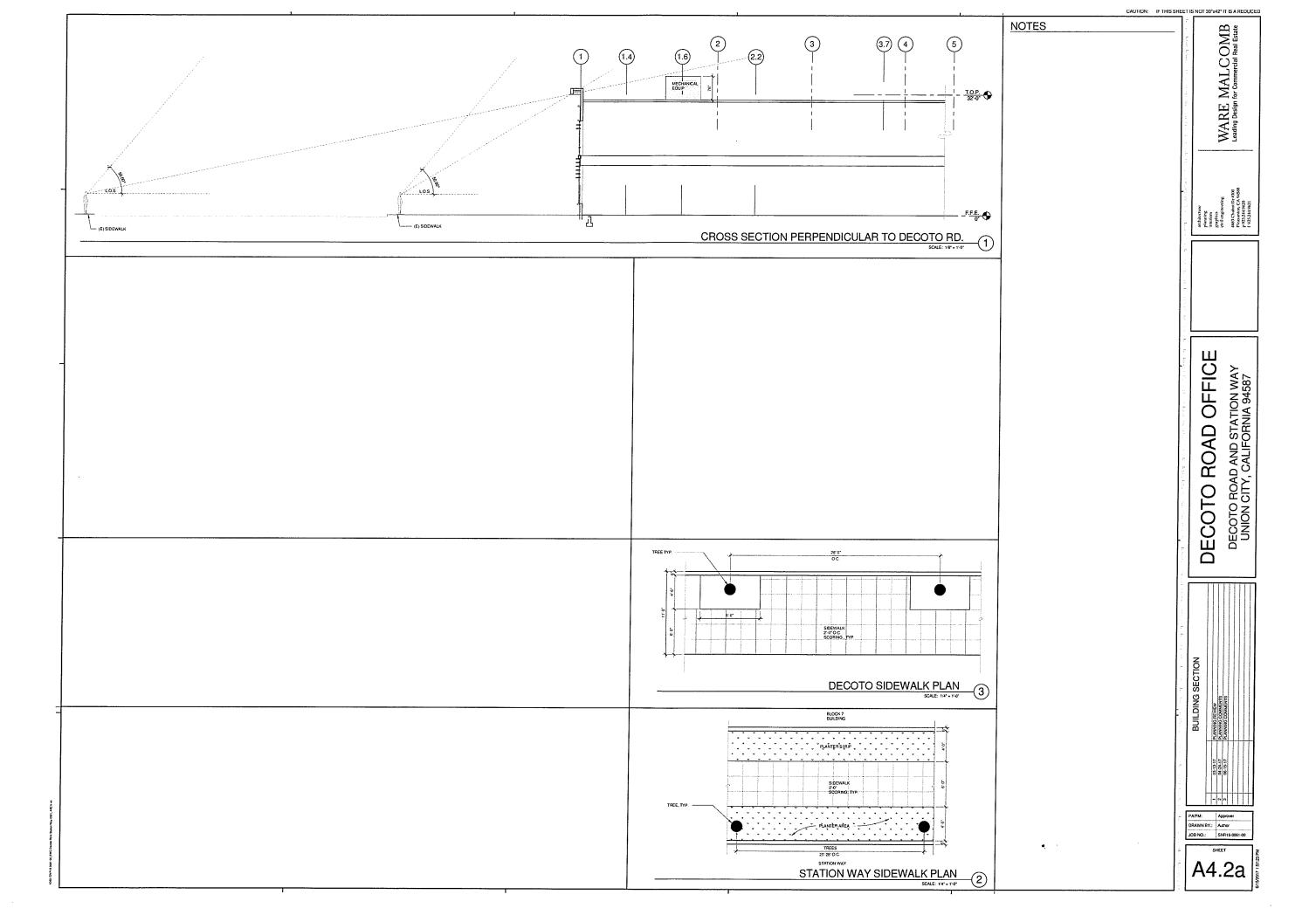














SOUTH WEST CORNER



SOUTHEAST CORNER

WARE MALCOMB Leading Design for Commercial Real Estate

DECOTO ROAD OFFICE

DECOTO ROAD AND STATION WAY UNION CITY, CALIFORNIA 94587

PAPM: Approver
DRAWN BY.: Author
JOB NO.: SNR16-0061-00

A4.3



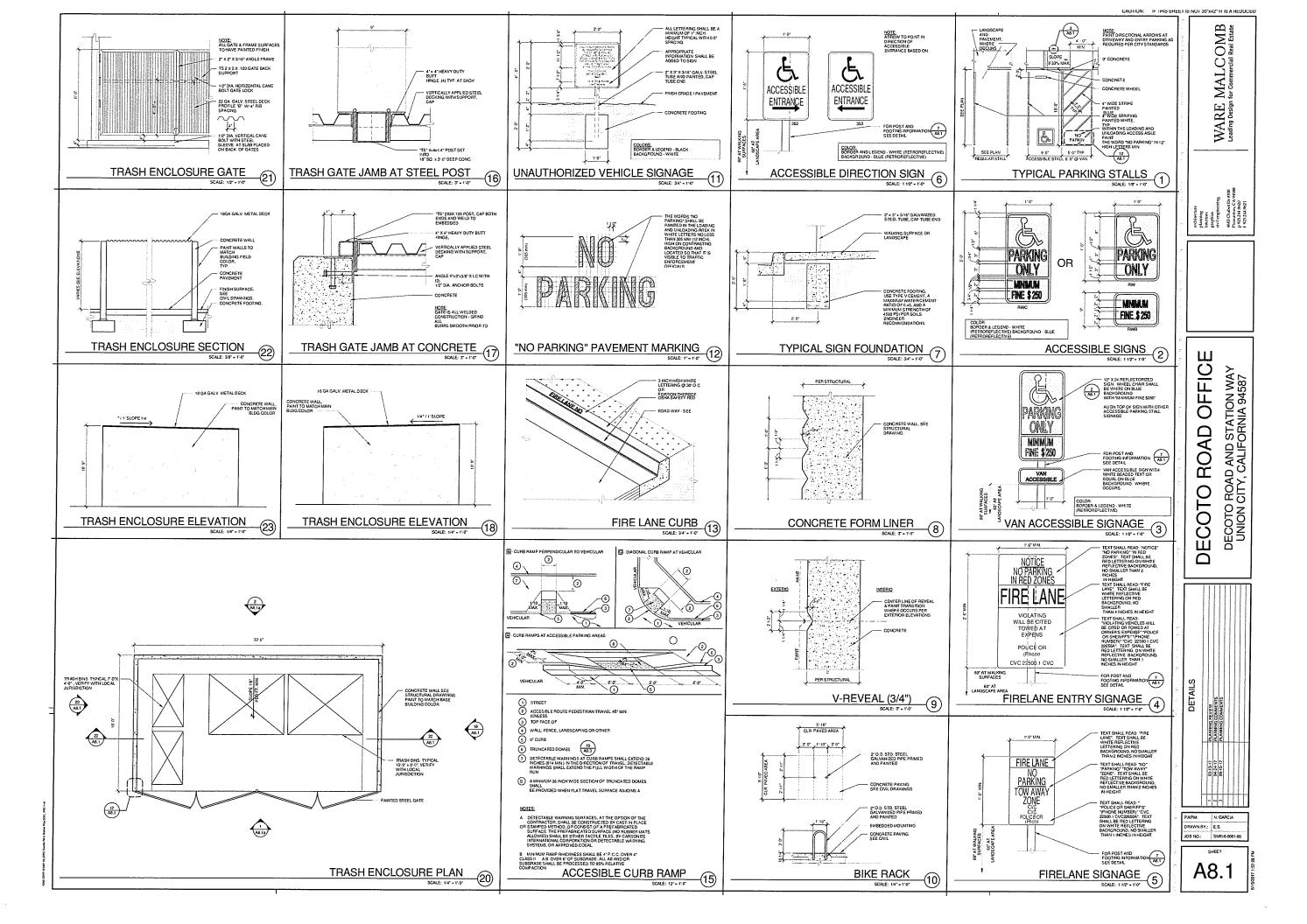
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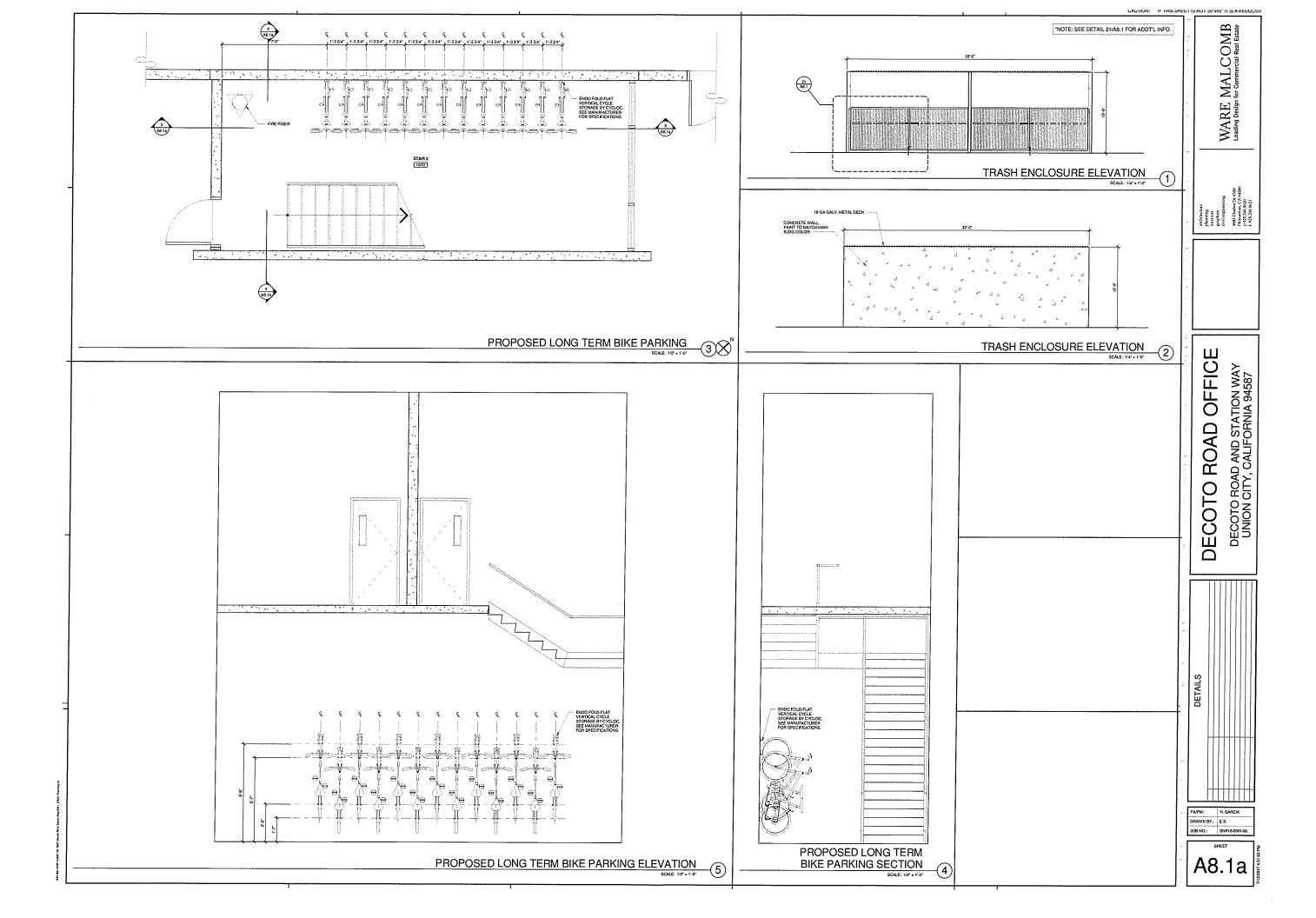
A4.4

NORTH EAST CORNER



NORTH WEST CORNER







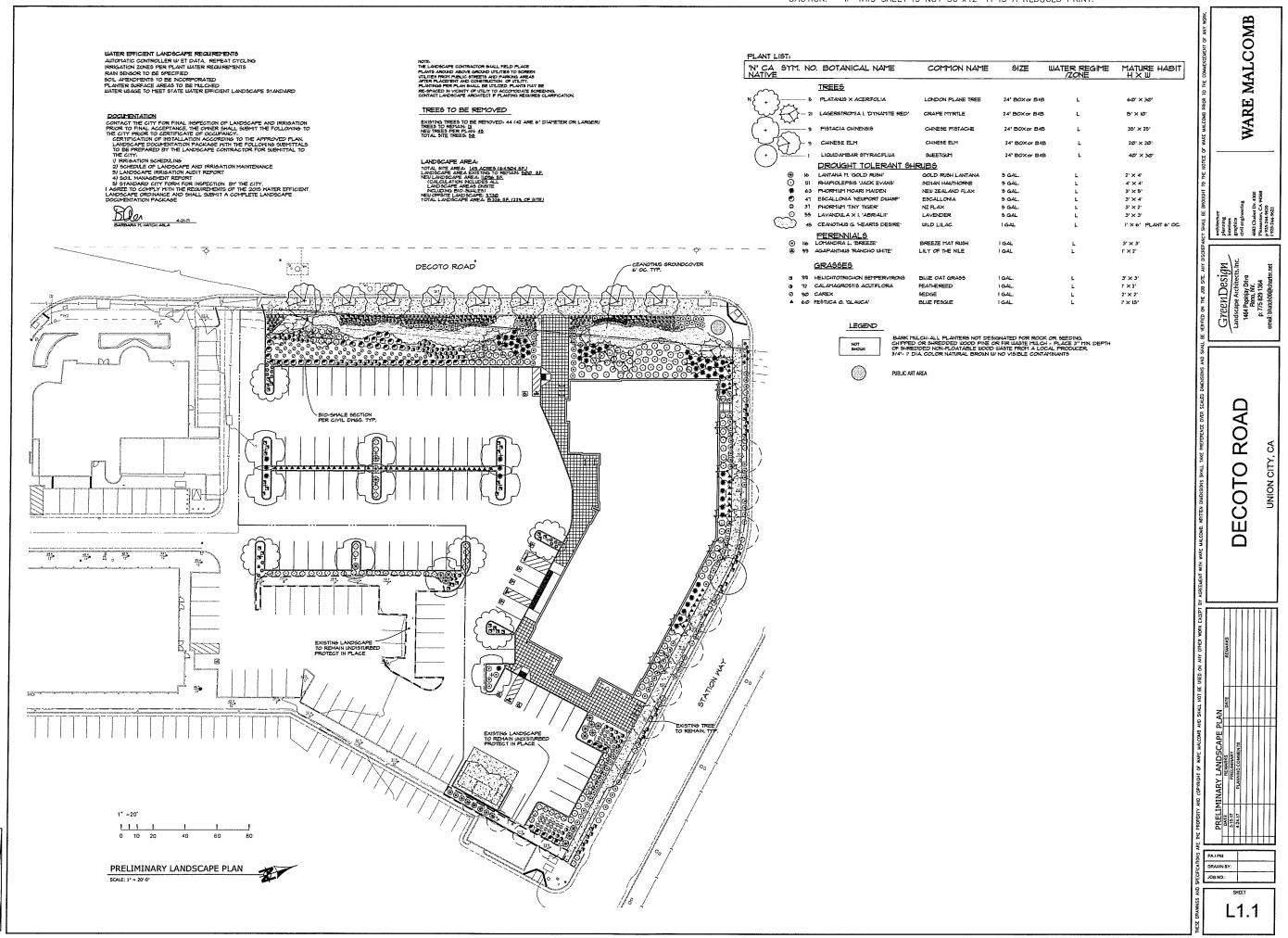
SITE PHOTO #13

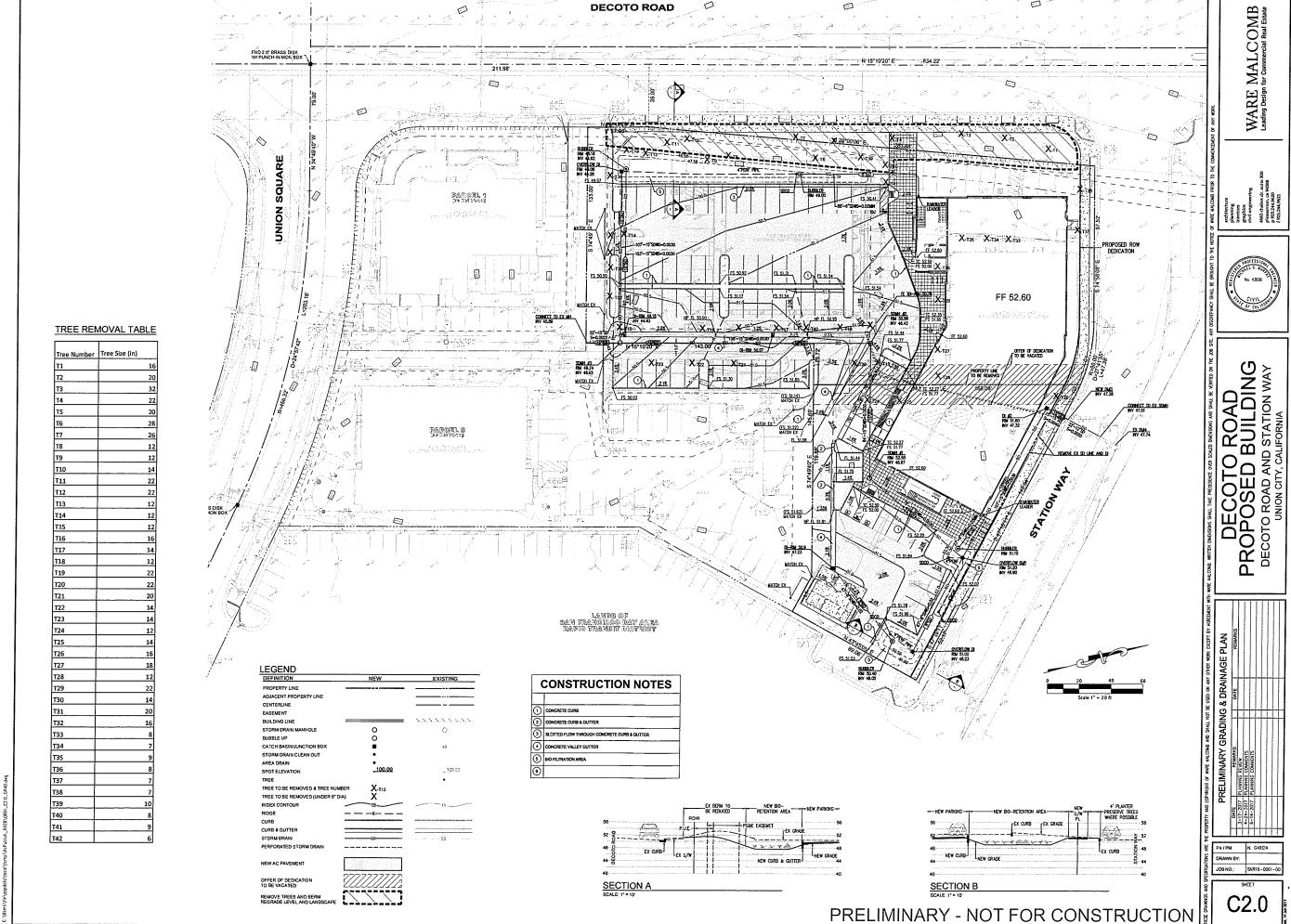
SITE PHOTO #14

SITE PHOTO #15

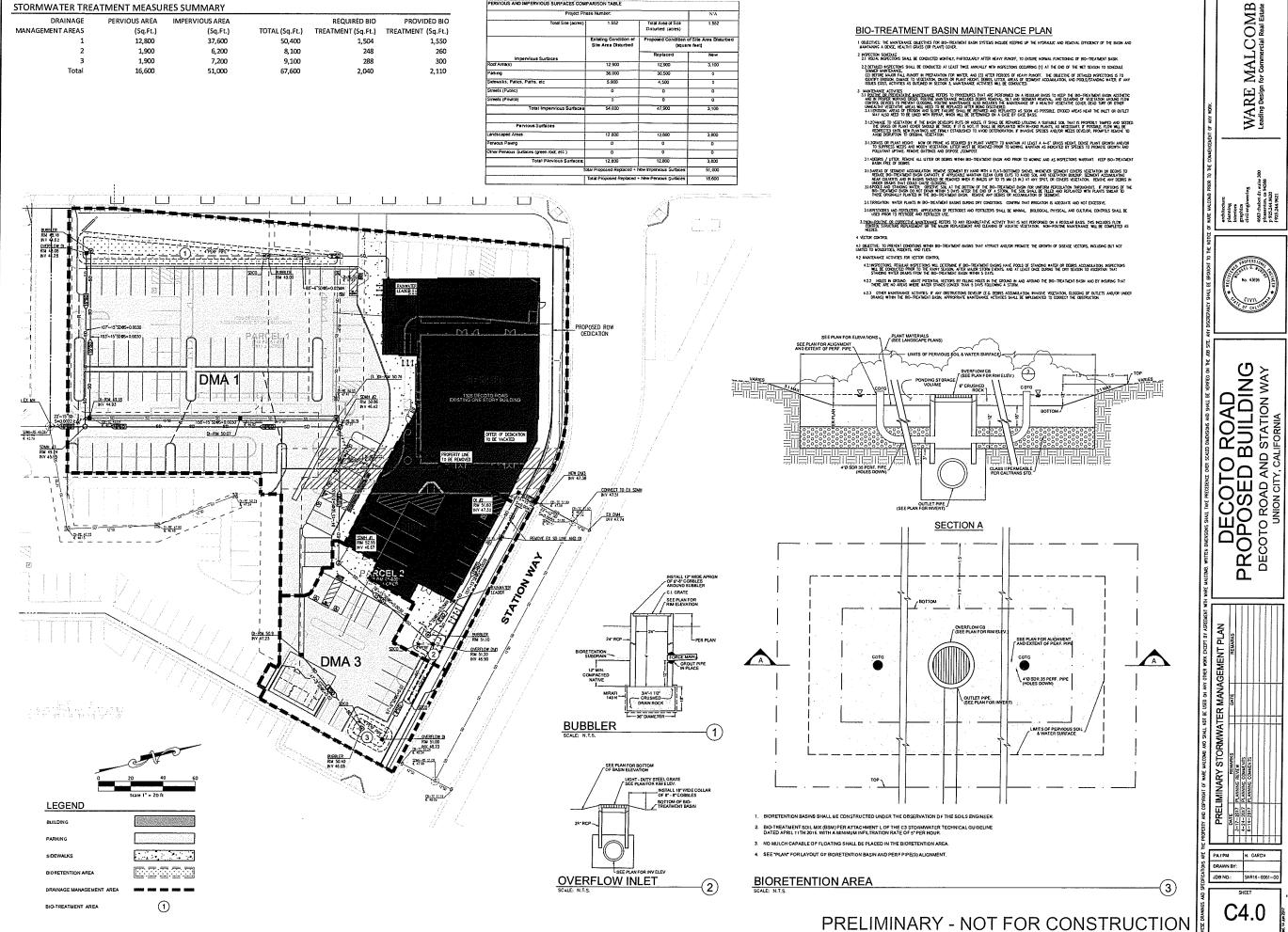
SITE PHOTO #16

A8.2

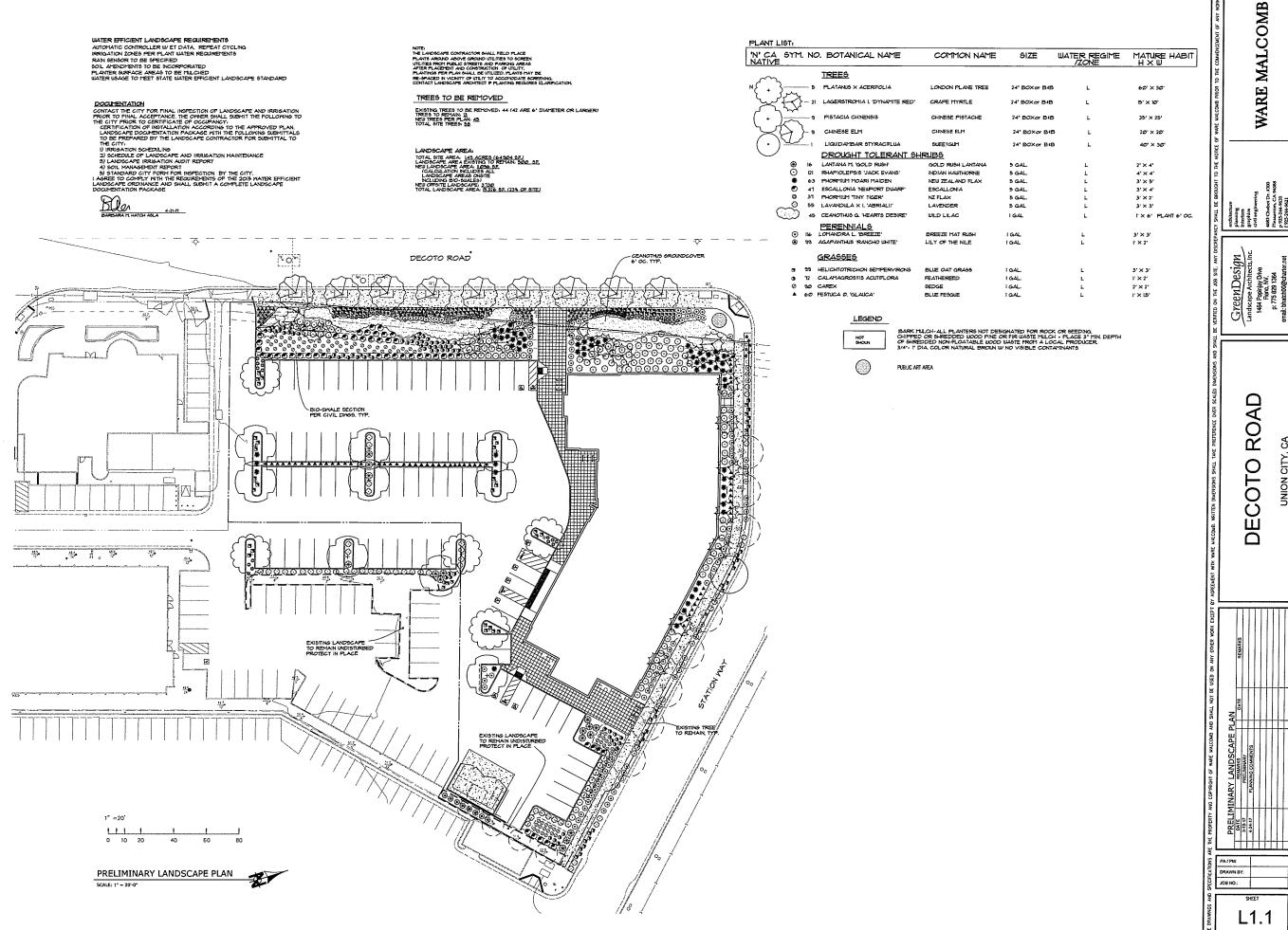


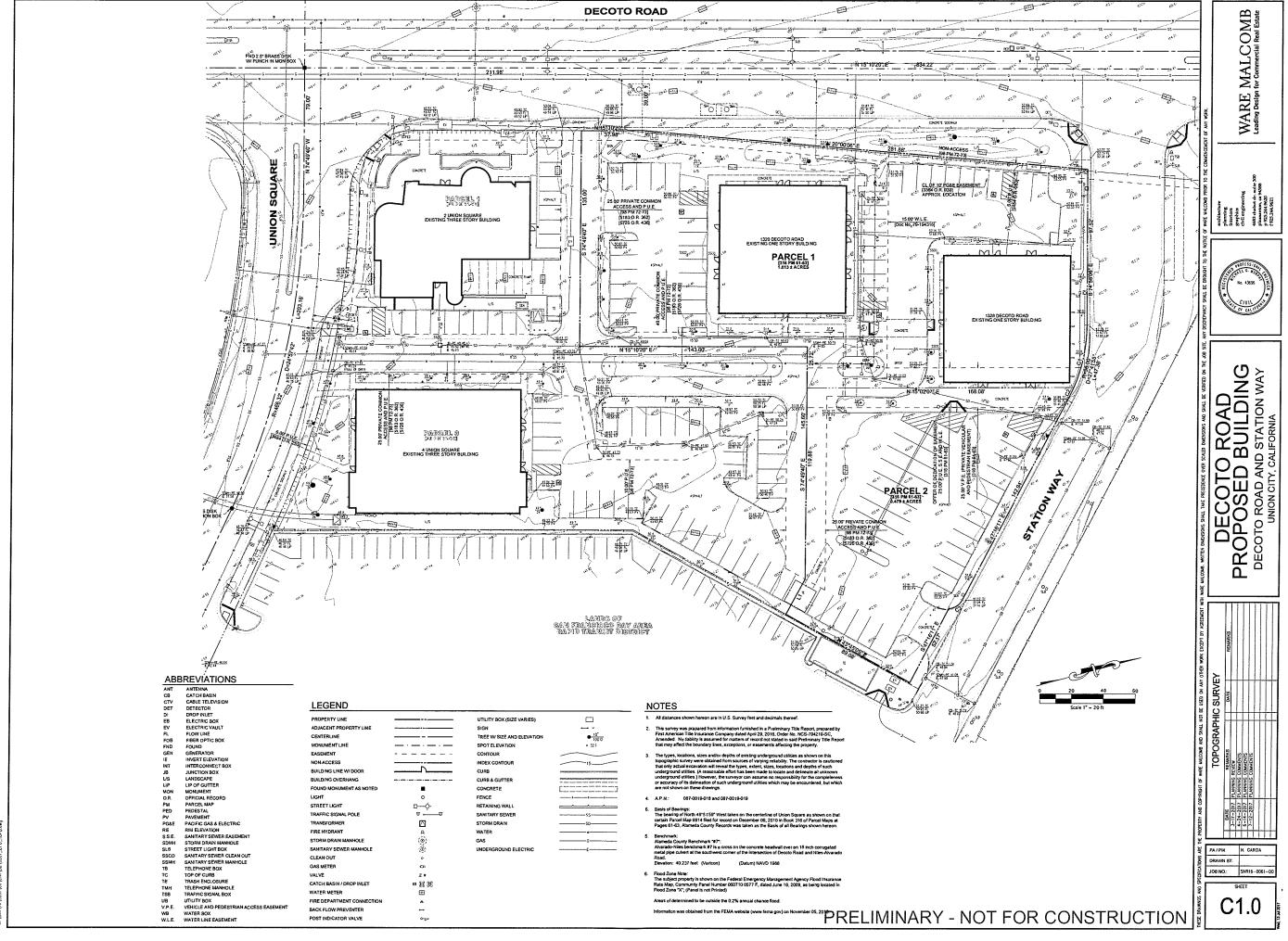


CAUTION. IF ITID STEET IS INCLUDED X42 IT IS A REDUCED PAINT **DECOTO ROAD** WARE MALCOMB Leading Design for Commercial Real Estate 3 FF 52.60 DECOTO ROAD PROPOSED BUILDING DECOTO ROAD AND STATION WAY UNION CITY, CALIFORNIA LEGEND DEFINITION **CONSTRUCTION NOTES** PROPERTY LINE CENTERLINE EASEMENT BUILDING LINE FIRE HYDRANT REMOVE EXISTING LITE ITY STRUCTURE WATER METER DOUBLE CHECK DETECTOR ASSEMBLY NOTE: BUBBLE UP CATCH BASIN/JUNCTION BOX ALL STORM DRAIN INLETS SHALL BE SPOT ELEVATION LABELED "NO DUMPING - DRAINS TO BAY" INDEX CONTOUR USING CITY APPROVED METHODS. CURB & GUTTER PA/PM: N. GARCIA STORM DRAIN JDB NO.: \$NR16-0061-0 UTILITY LINE TO BE REMOVED C3.0 OFFER OF DEDICATION TO BE VACATED PRELIMINARY - NOT FOR CONSTRUCTION

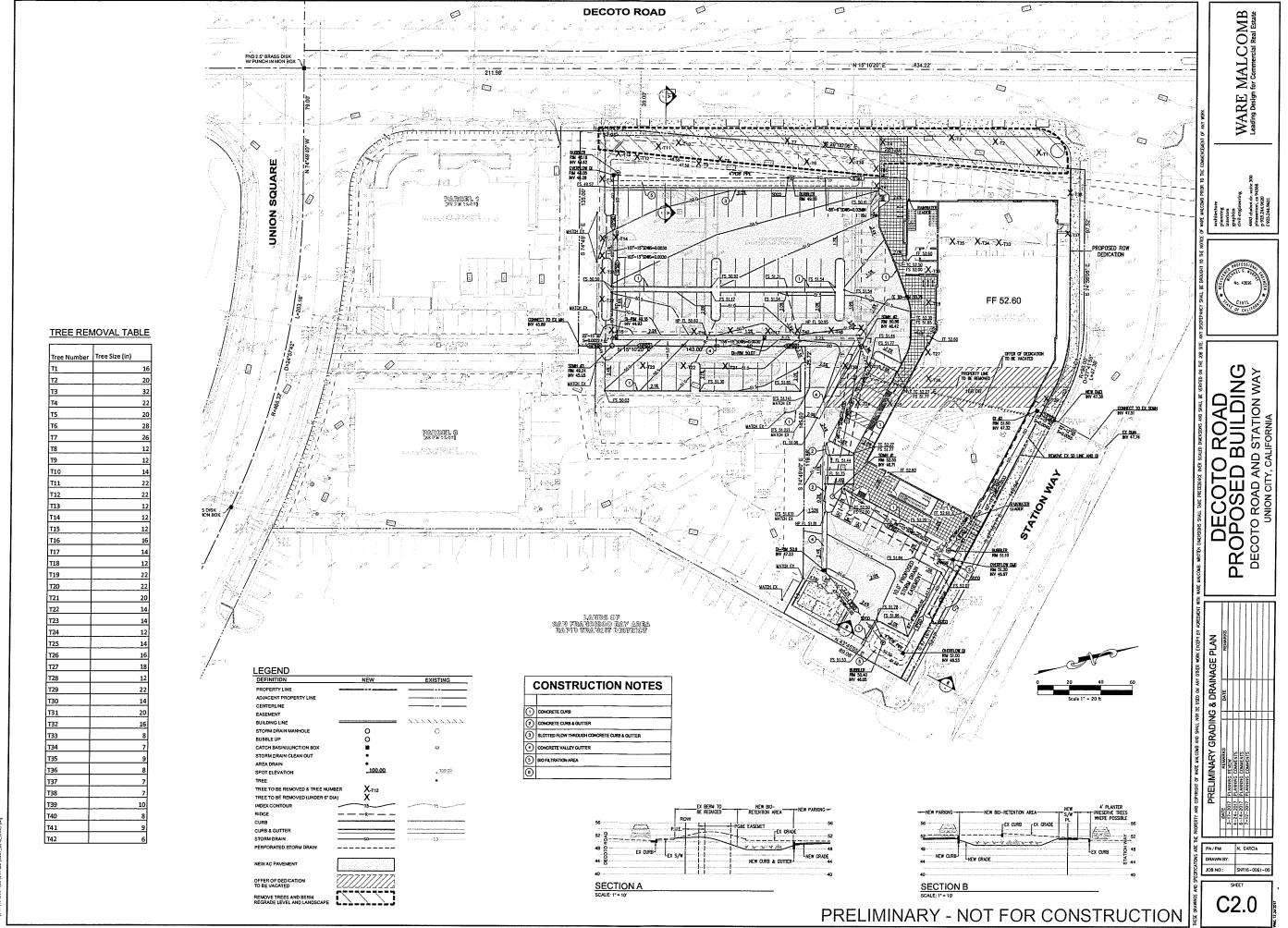


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PROPOSED BUILDING
DECOTO ROAD AND STATION WAY
UNION CITY, CALIFORNIA PARCEL 3 PROPOSED PUBLIC STORM DRAINAGE EASEMENT (S.D.E) C5.0 PRELIMINARY - NOT FOR CONSTRUCTION

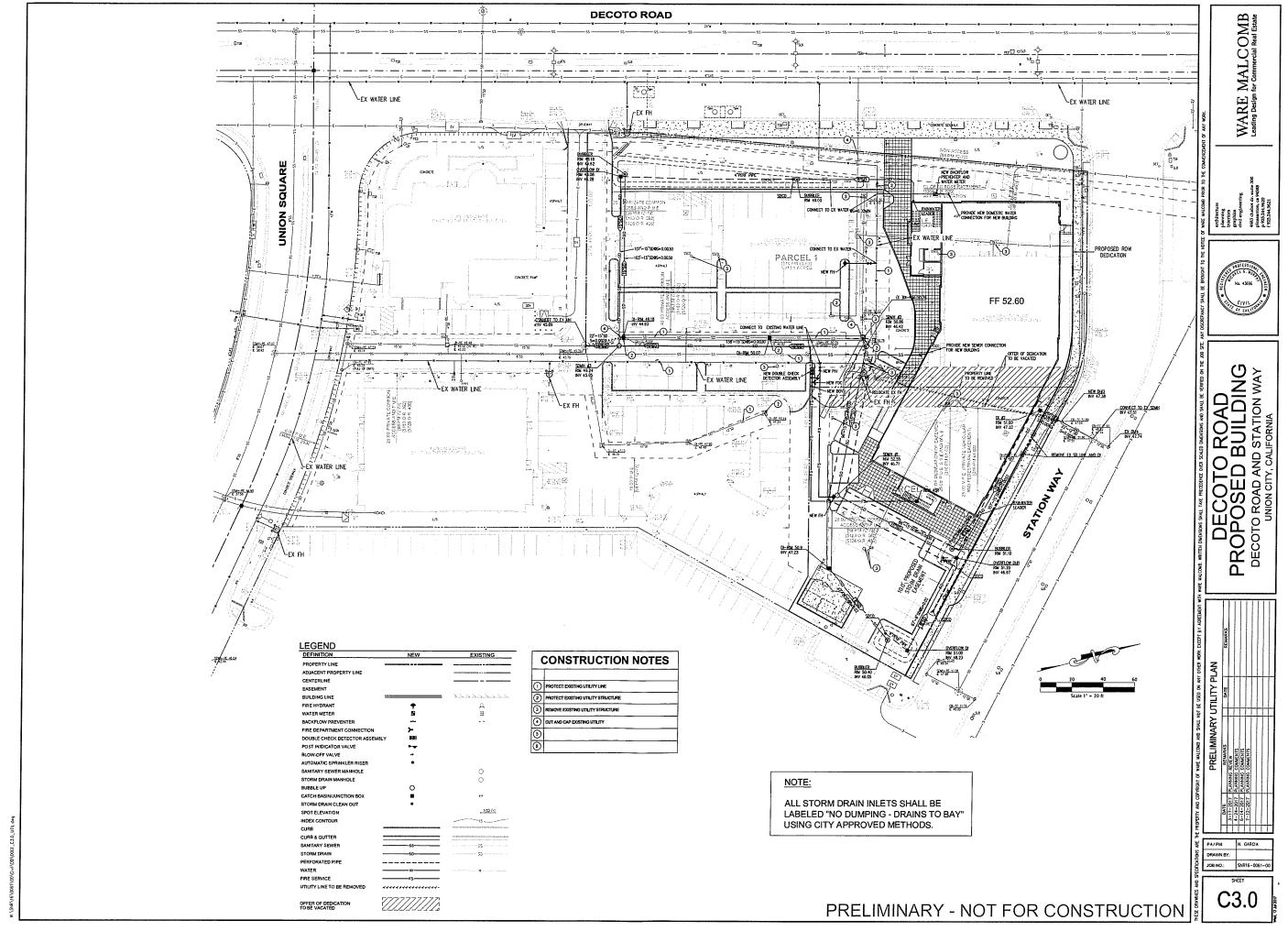


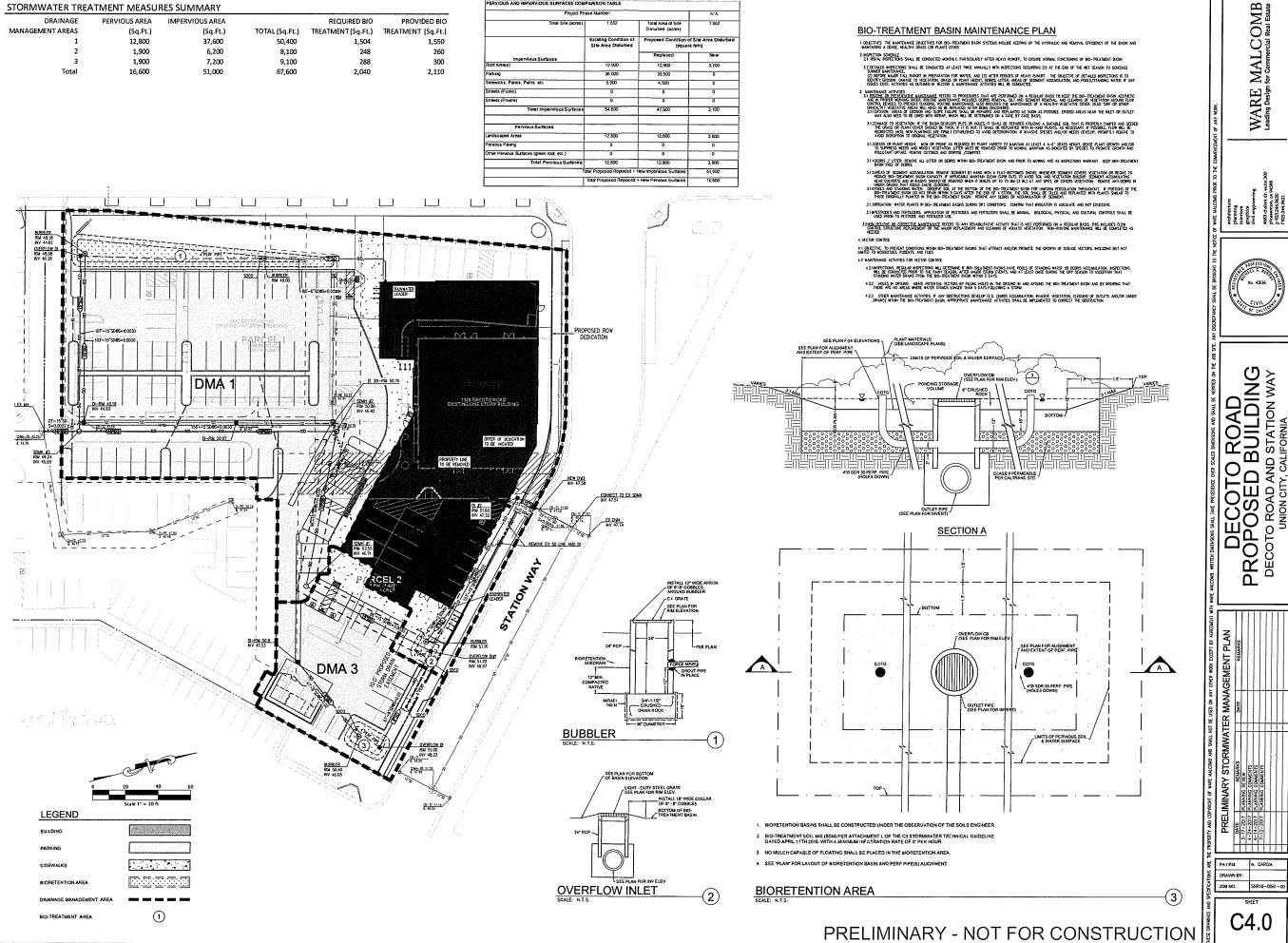


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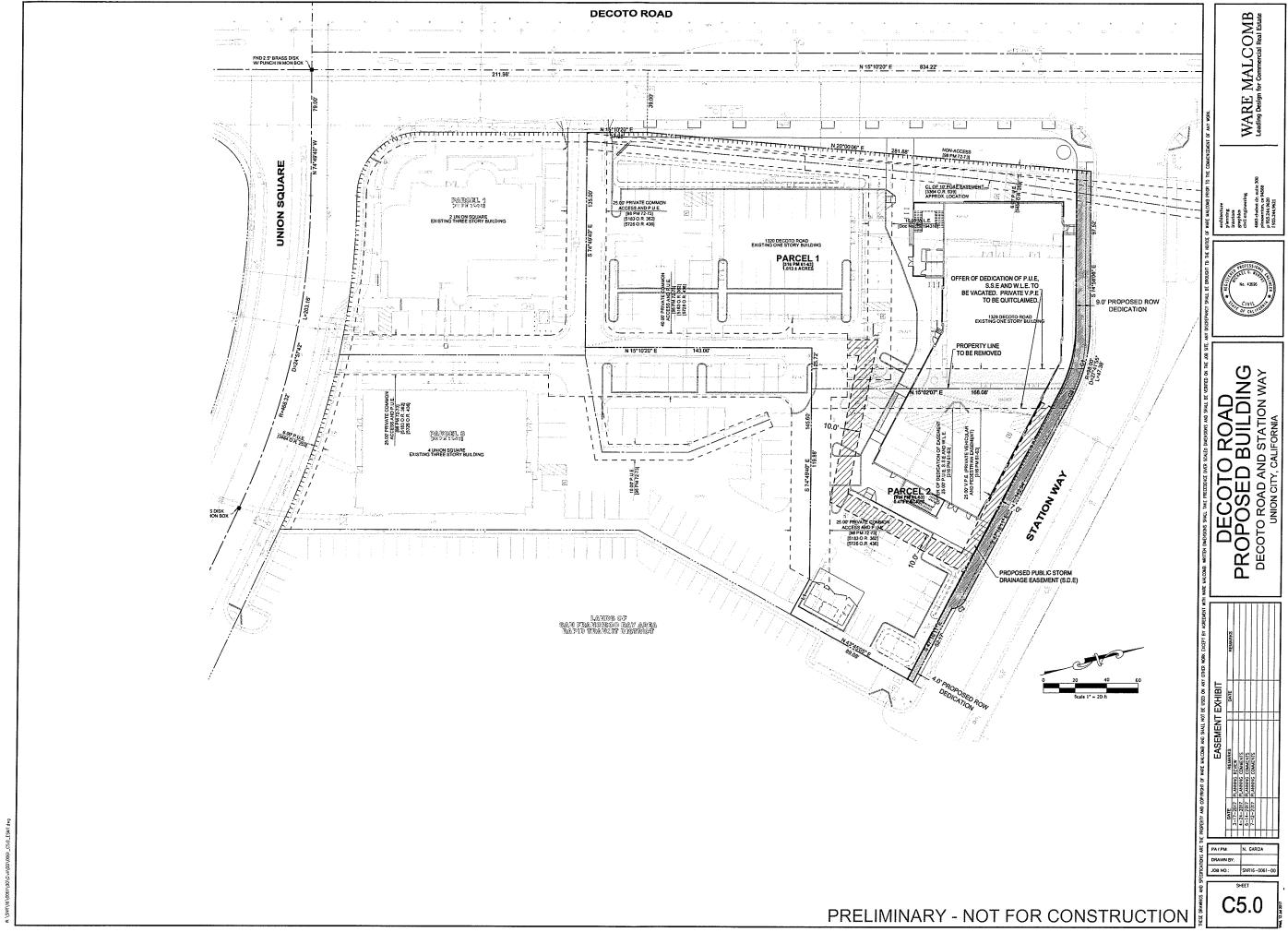


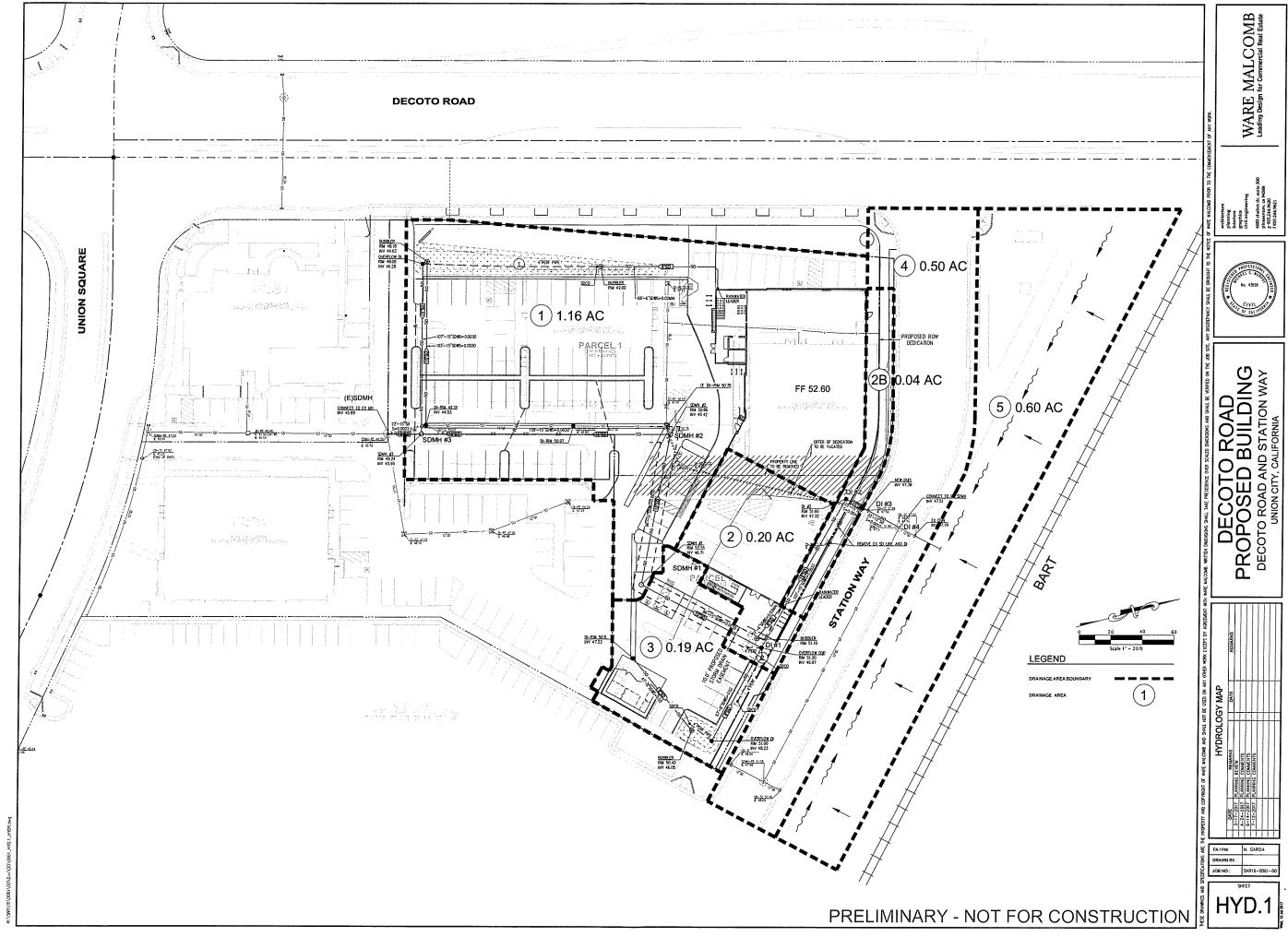
WARE MALCOMB Leading Design for Commercial Real Estate



PA/PM: N. GARCIA

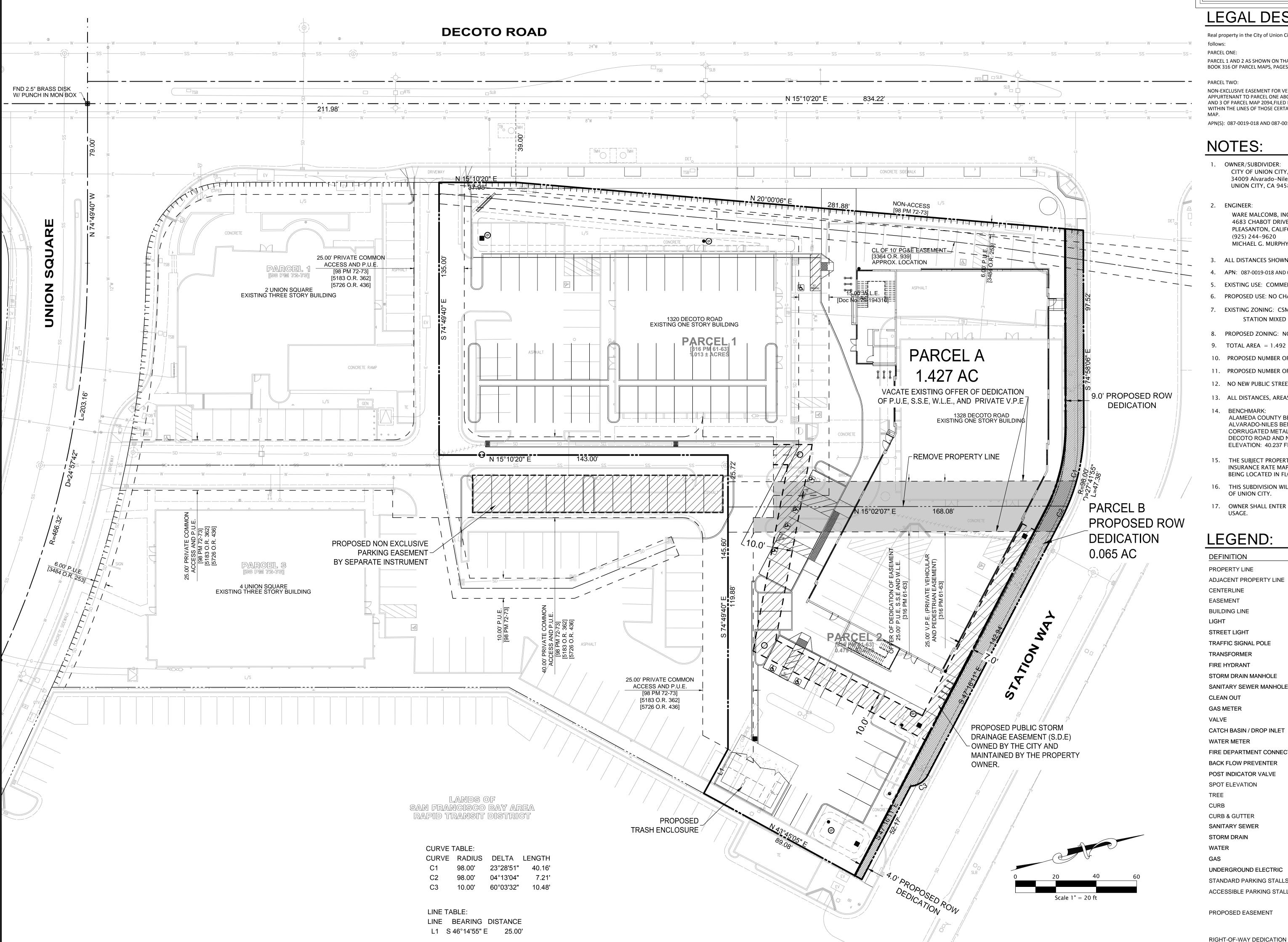
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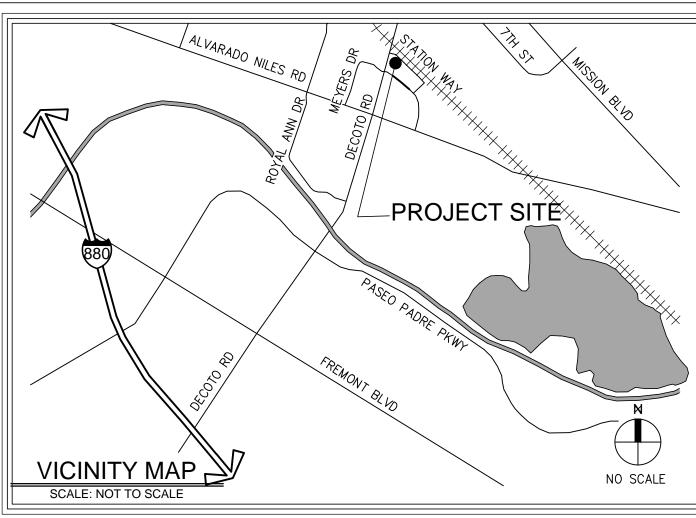




VESTING TENTATIVE PARCEL MAP

"DECOTO ROAD AND STATION WAY" A ONE LOT SUBDIVISION FOR SITE DEVELOPMENT PURPOSES





LEGAL DESCRIPTION

NOTES:

CITY OF UNION CITY, A MUNICIPAL CORPORATION 34009 Alvarado-Niles ROAD

PLEASANTON, CALIFORNIA 9494

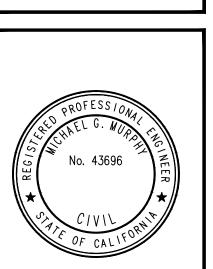
- 4. APN: 087-0019-018 AND 087-0019-019
- EXISTING USE: COMMERCIAL
- 6. PROPOSED USE: NO CHANGE
- EXISTING ZONING: CSMU STATION MIXED USE COMMERCIAL DISTRICT
- 8. PROPOSED ZONING: NO CHANGE
- 9. TOTAL AREA = $1.492 \pm ACRES$ (GROSS)
- 10. PROPOSED NUMBER OF LOTS: 1
- 11. PROPOSED NUMBER OF BUILDINGS: 1 12. NO NEW PUBLIC STREET NAMES INVOLVED.

ELEVATION: 40.237 FEET (VERTCON)

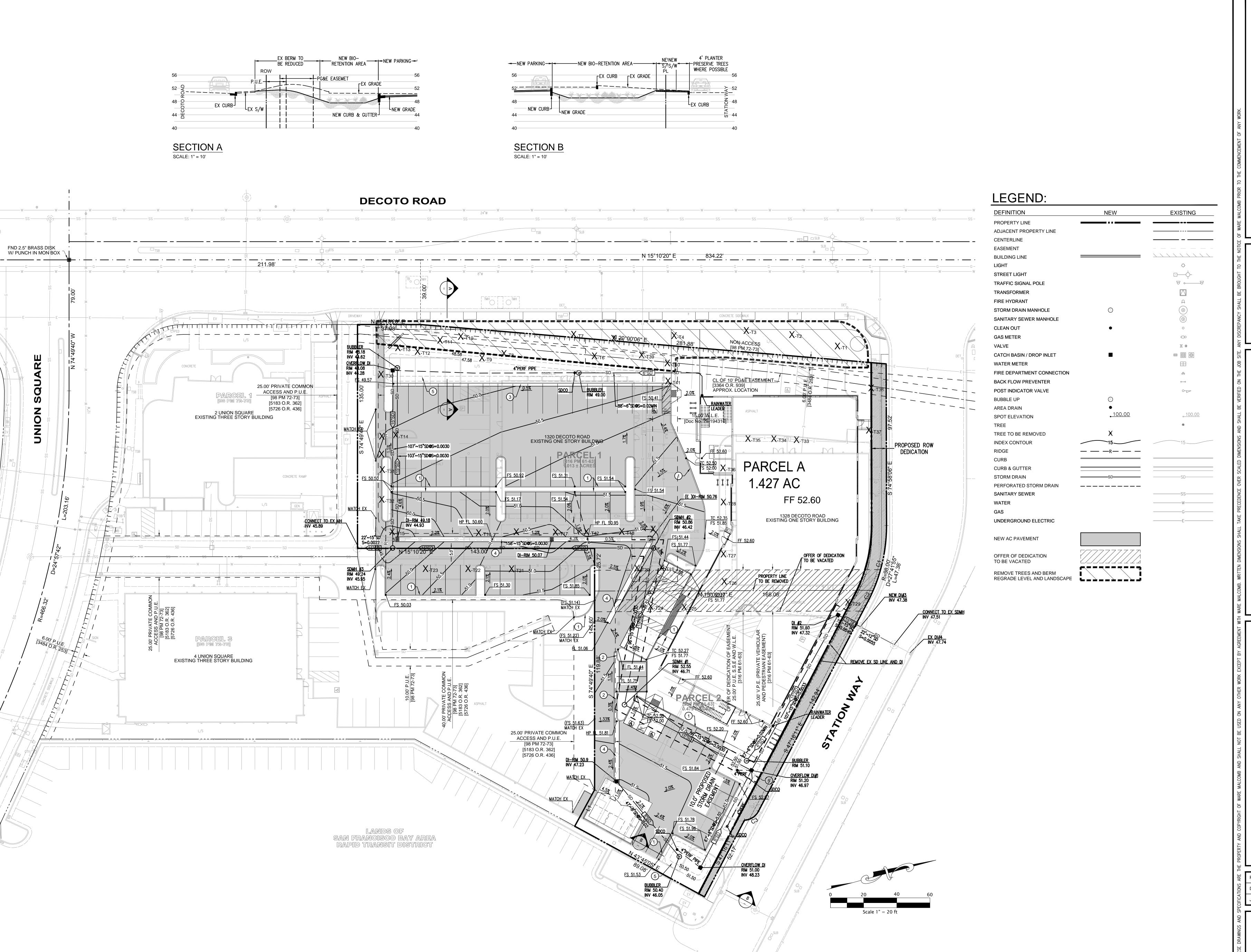
- 13. ALL DISTANCES, AREAS & LOT DIMENSIONS SHOWN ARE APPROXIMATE.
- 14. BENCHMARK: ALAMEDA COUNTY BENCHMARK "#7": ALVARADO-NILES BENCHMARK #7 IS A CROSS ON THE CONCRETE HEADWALL OVER AN 18 INCH CORRUGATED METAL PIPE CULVERT AT THE SOUTHWEST CORNER OF THE INTERSECTION OF DECOTO ROAD AND NILES-ALVARADO ROAD.
- THE SUBJECT PROPERTY IS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 060710 0577 F, DATED JUNE 16, 2009, AS BEING LOCATED IN FLOOD ZONE "X"; (PANEL IS NOT PRINTED)
- 16. THIS SUBDIVISION WILL CONFORM TO THE STREET TREE PLAN OF THE CITY
- 17. OWNER SHALL ENTER INTO AN AGREEMENT WITH 4 UNION SQUARE FOR SHARED TRASH ENCLOSURE

LEGEND:

DEFINITION	NEW	EXISTING
PROPERTY LINE -		
ADJACENT PROPERTY LINE		
CENTERLINE		
EASEMENT		
BUILDING LINE =		
LIGHT		ф
STREET LIGHT		<u> </u>
TRAFFIC SIGNAL POLE		₽
TRANSFORMER		
FIRE HYDRANT		A
STORM DRAIN MANHOLE		(<u>o</u>)
SANITARY SEWER MANHOLE		(6)
CLEAN OUT		0
GAS METER		(2)
VALVE		∑ ②
CATCH BASIN / DROP INLET		
WATER METER		
FIRE DEPARTMENT CONNECTION		♠
BACK FLOW PREVENTER		0—0
POST INDICATOR VALVE		○
SPOT ELEVATION		<u>. 100.00</u>
TREE		•
CURB =		<u> </u>
CURB & GUTTER		_
SANITARY SEWER		SS
STORM DRAIN		SD
WATER		W
GAS		G
UNDERGROUND ELECTRIC		E
STANDARD PARKING STALLS	1	
ACCESSIBLE PARKING STALLS	\bigcirc	



JOB NO.: SNR16-0061-



WARE Leading Design



JOB NO.: SNR16-0061-0

TM-2

PLANNING COMMISSION RESOLUTION NUMBER XX-17

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UNION CITY RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF UNION CITY ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM ASSOCIATED WITH GENERAL PLAN AMENDMENT, AG-17-002, ZONING TEXT AMENDMENT, AT-17-001, SITE DEVELOPMENT REVIEW, SD-17-002, USE PERMIT, UP-17-004, TENTATIVE PARCEL MAP, TPM-17-001 TO DEMOLISH ALL EXISTING STRUCTURES AND CONSTRUCT AN APPROXIMATELY 31,381 SQUARE FOOT MIXED-USE OFFICE BUILDING AND ASSOCIATED SITE IMPROVEMENTS AT 1320 AND 1328 DECOTO ROAD (APNs 87-19-18 AND 87-19-19)

WHEREAS, Woodstock Development, as applicant, has submitted applications for a General Plan Amendment (AG-17-002), Zoning Text Amendment (AT-17-001), Site Development Review (SD-17-002), Use Permit (UP-17-004), and Tentative Parcel Map (TPM-17-001) to redevelop property located at 1320 and 1328 Decoto Road (APNs 87-19-18 and 87-19-19) with a new 31,381 square foot mixed-use office building; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), a draft Mitigated Negative Declaration was prepared for the project, which determined the project would not result in any significant impacts with the incorporation of mitigation measures; and

WHEREAS, the draft Mitigated Negative Declaration and associated Initial Study is labeled Exhibit A, attached hereto and made a part hereof; and

WHEREAS, pursuant to Section 15074 of the CEQA Guidelines, a Mitigation Monitoring and Reporting Program was prepared and is labeled Exhibit B, attached hereto and made a part hereof; and

WHEREAS, pursuant to Section 15073 of the CEQA Guidelines, a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was prepared for the project and included a 20-day public review period that began on July 6, 2017 and ends on July 25, 2017; and

WHEREAS, pursuant to Section 15072 of the CEQA Guidelines, the NOI was mailed to owners and occupants of real property adjacent to the project site and to individuals and/or organizations who had previously requested such notice and posted at the Alameda County Clerk's Office for the duration of the public review period; and

WHEREAS, a duly advertised public hearing was held before the Planning Commission of the City of Union City on July 20, 2017 to consider the project and the draft Mitigated Negative Declaration prepared for the project; and

Planning Commission Resolution No. XX-17 CEQA Recommendation AG-17-002, AT-17-001, SD-17-002, UP-17-004, and TPM-17-001 Block 7, 1320 and 1328 Decoto Road Page 2 of 8

WHEREAS, mitigation measures AQ-1 (construction air quality); BR-1 (bird surveys); CR-1 (pre-construction conference), CR-2 (construction activities), CR-3 (human remains), and CR-4 (paleontological resources); HM-1 (asbestos survey) and HM-2 (lead-based paint survey); WQ-1 (National Pollutant Discharge Elimination System permit), WQ-2 (stabilize cut and fill slopes), and WQ-3 (C.3 Stormwater Control Plan); and T-1 (extend median) are included as shown below:

Air Quality

Mitigation Measure AQ-1:

The property owner/applicant shall require the construction contractor to reduce the severity of project construction period dust and equipment exhaust impacts by complying with the following control measures:

- All exposed building pad surfaces shall be watered two times per day. Other unpaved areas—such as parking areas, staging areas, soil piles, graded areas, and unpaved access roads—shall either be watered three times per day, be paved, or have non-toxic soil stabilizers applied, per City requirements.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-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 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics 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 the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number

Planning Commission Resolution No. XX-17 CEQA Recommendation AG-17-002, AT-17-001, SD-17-002, UP-17-004, and TPM-17-001 Block 7, 1320 and 1328 Decoto Road Page 3 of 8

and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Biological Resources

Mitigation Measure BR-1:

If any site grading or project construction will occur during the general bird nesting season (February 1st through August 31st), a bird nesting survey shall be conducted by a qualified raptor biologist prior to any grading or construction activity. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of grading/construction activities; if conducted during the late part of the breeding season (May to August), the survey shall be performed no more than 30 days prior to initiation of these activities. If active nests are identified, a 250-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Wildlife) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged. A biological monitor shall be present during earth-moving activity near the buffer zone to make sure that grading does not enter the buffer area.

Cultural Resources

Mitigation Measure CR-1:

City Staff shall advise the Project Construction Superintendent, Project Inspector, and Building Inspector at a pre-construction conference of the potential for encountering cultural resources during construction and the applicant's responsibilities per CEQA should resources be encountered. This advisory shall also be printed on the Plans and Specification Drawings for this project.

Mitigation Measure CR-2:

If any cultural artifacts are encountered during site grading or other construction activities, all ground disturbance within 100 feet of the find shall be halted until the City of Union City is notified, and a qualified archaeologist can identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). The results of any additional archaeological

Planning Commission Resolution No. XX-17 CEQA Recommendation AG-17-002, AT-17-001, SD-17-002, UP-17-004, and TPM-17-001 Block 7, 1320 and 1328 Decoto Road Page 4 of 8

effort required through the implementation of Mitigation Measures CR–2 or CR–3 shall be presented in a professional-quality report, to be submitted to the project sponsor, the Union City Community Economic and Development Department, and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)-(f) of the CEQA Guidelines and Public Resources Code Section 21083.2.

Mitigation Measure CR-3:

In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and a qualified archaeologist shall notify the Office of the Alameda County Coroner and advise that office as to whether the remains are likely to be prehistoric or historic period in date. If determined to be prehistoric, the Coroner's Office will notify the Native American Heritage Commission of the find, which, in turn, will then appoint a "Most Likely Descendant" (MLD). The MLD in consultation with the archaeological consultant and the project sponsor, will advise and help formulate an appropriate plan for treatment of the remains, which might include recordation, removal, and scientific study of the remains and any associated artifacts. After completion of analysis and preparation of the report of findings, the remains and associated grave goods shall be returned to the MLD for reburial.

Mitigation Measure CR-4:

If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology (UCMP).

Hazards and Hazardous Materials

Mitigation Measure HM-1: Prior to issuance of a demolition permit for the existing buildings on the site, a comprehensive survey for asbestos-containing building materials (ACBM) shall be

Planning Commission Resolution No. XX-17 CEQA Recommendation AG-17-002, AT-17-001, SD-17-002, UP-17-004, and TPM-17-001 Block 7, 1320 and 1328 Decoto Road Page **5** of **8**

conducted by a qualified asbestos abatement contractor. Sampling for ACBM shall be performed in accordance with the sampling protocol of the Asbestos Hazard Emergency Response Act (AHERA). If ACBM is identified, all friable asbestos shall be removed prior to building demolition by a State-certified Abatement Contractor. Asbestos accordance with all applicable State and local regulations, including Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2 pertaining to demolition, removal, and disposal of ACBM. BAAQMD shall be notified at least ten business days in advance of building demolition, in compliance with Regulation 11, Rule 2. To document compliance with the applicable regulations, the project sponsor shall provide the City of Union City Building Division with a copy of the notice required by BAAQMD for asbestos abatement work, prior to and as a condition of issuance of the demolition permit.

Mitigation Measure HM-2:

Prior to issuance of a demolition permit for the existing buildings on the site, a survey for lead-based paint (LBP) shall be conducted by a qualified lead assessor. If LBP is identified, lead abatement shall be performed in compliance with all federal, State, and local regulations applicable to work with LBP and disposal of lead-containing waste. A State-certified Lead-Related Construction Inspector/Assessor shall provide a lead clearance report after the lead abatement work in the buildings is completed. The project sponsor shall provide a copy of the lead clearance report to the City of Union City Building Division prior to issuance of a demolition permit.

Hydrology and Water Quality

Mitigation Measure WQ-1:

Prior to issuance of a grading permit the project shall obtain National Pollutant Discharge sponsor Elimination System (NPDES) construction coverage as required by Construction General Permit (CGP) No. CAS000002, as modified by State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ. Pursuant to the Order, the project applicant shall electronically file the Permit Registration Documents (PRDs), which include a Notice of Intent (NOI), a risk assessment, site map, signed certification. Stormwater Pollution Prevention (SWPPP), and other site-specific PRDs that may be required. At a minimum the SWPPP shall incorporate the

Planning Commission Resolution No. XX-17 CEQA Recommendation AG-17-002, AT-17-001, SD-17-002, UP-17-004, and TPM-17-001 Block 7, 1320 and 1328 Decoto Road Page 6 of 8

standards provided in the Association of Bay Area Governments' Manual of Standards for Erosion and Sedimentation Control Measures (2005), the California Stormwater Quality Association's California Stormwater Best Management Practices Handbook (2009), prescriptive standards included in the CGP, or as required by the Clean Water Program Alameda County, whichever are applicable and more stringent. Implementation of the plan will help stabilize graded areas and reduce erosion and sedimentation. The SWPPP shall identify Best Management (BMPs) that shall be adhered to during Practices construction activities. Erosion-minimizing efforts such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds shall be installed before extensive clearing and grading begins. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during and after construction activities. The SWPPP shall also be reviewed and approved by the Union City Public Works Department.

Mitigation Measure WQ-2: All cut-and-fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15th and April 15th unless approved erosion control measures are in place.

Mitigation Measure WQ-3:

Prior to issuance of a grading permit, the project applicant shall prepare a C.3 Stormwater Control Plan in accordance with current construction and post-construction requirements specified by State Water Resource Control Board (SWRCB) Order No. 2009-0009-DWQ and the postconstruction requirements specified by National Pollutant Discharge Elimination System (NPDES) Order No. R2-2015-0049 and the Alameda Countywide Clean Water Program (ACCWP). The C.3 Stormwater Control Plan shall be developed in accordance with the provisions of ACCWP's C.3 Stormwater Technical Guidance manual (Version 5.1, May 2, 2016). Additionally, as required by the C.3 Provisions, building permit applications must be accompanied by a Stormwater Control Plan, for review and approval by the City Engineer, which specifies the treatment measures and appropriate source control and site design features that will be incorporated into project design and construction to reduce the pollutant load in stormwater

Planning Commission Resolution No. XX-17 CEQA Recommendation AG-17-002, AT-17-001, SD-17-002, UP-17-004, and TPM-17-001 Block 7, 1320 and 1328 Decoto Road Page **7** of **8**

discharges and manage runoff flows.

The C.3 Stormwater Control Plan shall be submitted for review and approval by the Union City Clean Water Program (UCCWP). The plan and a Stormwater Requirements Checklist shall be prepared by a qualified civil engineer or landscape architect. The applicant shall demonstrate to UCCWP via drawings and engineering calculations that the proposed project includes site design features sufficient to capture and treat on site all stormwater runoff from the project site, in compliance with Provision C.3 of the ACCWP. Landscape features shall be used in lieu of structural features to the degree feasible. As part of compliance with the ACCWP, the applicant shall execute and implement a maintenance agreement with the City of Union City to provide for the maintenance of all onsite stormwater treatment features and devices in perpetuity, including specification of how the maintenance will be financed. Prior to issuance of the building permit, the applicant shall provide proof of recording this agreement from the Alameda County Clerk Recorder's Office. The applicant shall submit to the Union City Public Works Department annual certificates of compliance with the operations and maintenance requirements stipulated in the maintenance agreement.

Transportation/Traffic

Mitigation Measure T-1:

Extend the existing raised median on Union Square at the intersection with Decoto Road to prohibit left-hand into the existing driveway on Union Square, which provides access to the project site. Final design subject to review and approval by the Union City Public Works Department.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Union City does hereby find as follows:

1. That the Mitigated Negative Declaration (MND) reflects the lead agency's independent judgment and analysis, that the document has been completed in compliance with the requirements of the California Environmental Quality Act and, on the basis of the whole record, there is no substantial evidence that the project will have a significant effect on the environment.

Planning Commission Resolution No. XX-17 CEQA Recommendation AG-17-002, AT-17-001, SD-17-002, UP-17-004, and TPM-17-001 Block 7, 1320 and 1328 Decoto Road Page 8 of 8

BE IT FURTHER RESOLVED that the Planning Commission of the City of Union City hereby recommends that the City adopt the draft Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program listed in Exhibit A and B, respectively to satisfy the requirements of CEQA.

I HEREBY CERTIFY that the foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission of the City of Union City held on July 20, 2017 by the following vote:

AYES: NOES: ABSENT: ABSTAIN:	0 0 0 0	
MOVED: SECONDED:		
		APPROVED:
ATTEST:		HARPAL MANN, CHAIRPERSON
JOAN MALLO	Y, SECRETARY	

CITY OF UNION CITY, CALIFORNIA

Station District Block 7 Medical/Office Building Project

INITIAL STUDY &
MITIGATED NEGATIVE DECLARATION

JULY 2017



Station District Block 7 Medical/Office Building Project

Initial Study/Mitigated Negative Declaration

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California Environmental Quality Act (CEQA) Environmental Checklist Form

1. Project Title: Station District Block 7 Medical/Office Building Project

2. Lead Agency Name and Address:

City of Union City Economic & Community Development Department 34009 Alvarado–Niles Road Union City, CA 94587-4497

3. Contact Person and Phone Number:

Adam Petersen, Contract Planner (510) 675-5406 AdamP@unioncity.org

4. Project Location:

1320/1328 Decoto Road, Union City, California (Alameda County) Assessor Parcel Numbers (APNs): 087-19-018, 087-19-019

The project site is located on the east side of Decoto Road, between Station Way and Union Square, adjacent to the Union City BART Station. The site is approximately 2.25 miles east of Interstate 880 and 0.8-mile south of State Route 238 (Mission Boulevard).

5. Project Sponsor's Name and Address:

Woodstock Development, Inc. 330 Primrose Road, Suite 203 Burlingame, CA 94010

6. General Plan Designation:

CSMU-Station Mixed Use Commercial

7. Zoning:

CSMU-Station Mixed Use Commercial

Station District Block 7 Medical/Office Building Project Project Description

Project Overview

Woodstock Development, Inc. (Applicant) is proposing to redevelop the property at 1320/1328 Decoto Road in Union City with a two-story 31,381-square-foot medical and general office building with a landscaped surface parking lot. The approximately 1.47-acre property is currently occupied by two two-story office buildings and parking lots that would be demolished to accommodate the proposed project. The location of the project site is shown on Figure 1. As shown on Figure 2, the site is at located adjacent to the Union City BART Station, and the site is within the City's Station District, a pedestrian- and transit-oriented mixed-use downtown district centered around the existing BART Station and future Intermodal Transit Facility.

The Applicant intends to lease out the proposed offices. The ground floor, with 14,836 gross square feet of occupiable space, would be leased as medical offices for a dialysis clinic, and the 14,836-square-foot second floor would be leased as general office space by a technology company. The surface parking lot would provide 68 vehicle parking spaces, including 7 handicap-accessible spaces. The drought-tolerant landscaping surrounding the proposed building and interspersed throughout the parking lot would include bio-retention areas for the onsite treatment of the site's stormwater runoff. The proposed site plan is depicted on Figure 3.

The project would require a General Plan Amendment (GPA) to reduce the allowed FAR associated with the Station Mixed Use Commercial (CSMU) land use designation. The General Plan currently allows a floor area ratio (FAR) of 1.0 to FAR 4.0 on properties designated CSMU. The proposed amendment may allow for a reduction in minimum FAR from 1.0 to 0.5 on previously developed sites that do not meet the minimum 1.0 FAR and where the previously developed sites are proposed for redevelopment at a higher FAR than the previous development. The project would also require approval of a Zoning Text Amendment to update the CSMU zoning district list of permitted and conditionally permitted list of uses (i.e. Sections 18.38.020 and 18.38.030 of the Zoning Ordinance) to clarify that the term "mixed use" means both residential and commercial mixed-use developments. The requested Zoning Text Amendment would also modify Section 18.38.080 of the Union City Zoning Ordinance to change the FAR requirement in the CSMU district similar to the proposed GPA. Site Development Review approval and a Use Permit are also required for approval of the project design and layout. Lastly, a parcel map has been applied for to merge existing parcels, dedicate right-of-way along Station Way, relinquish an existing offer of dedication of easements, and create new or update existing easements to facilitate shared improvements and access. No new parcels will be created.

Building Details

Following the demolition of the existing on-site buildings and pavement, discussed below, the 1.47-acre site would be developed with a modern glass and concrete two-story medical and

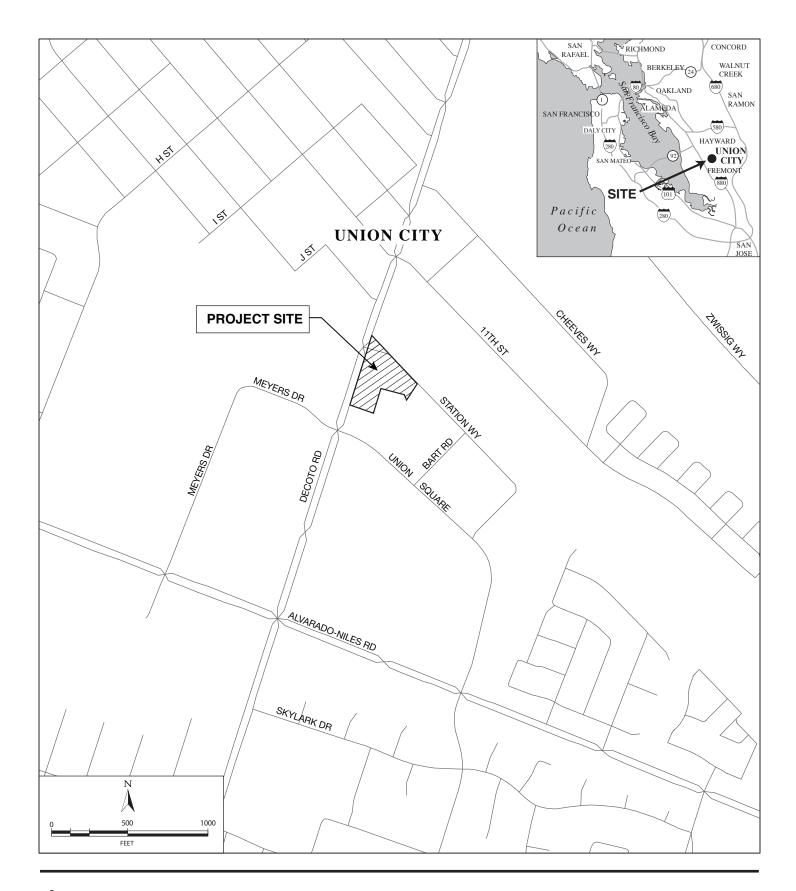


Figure 1



Figure 2

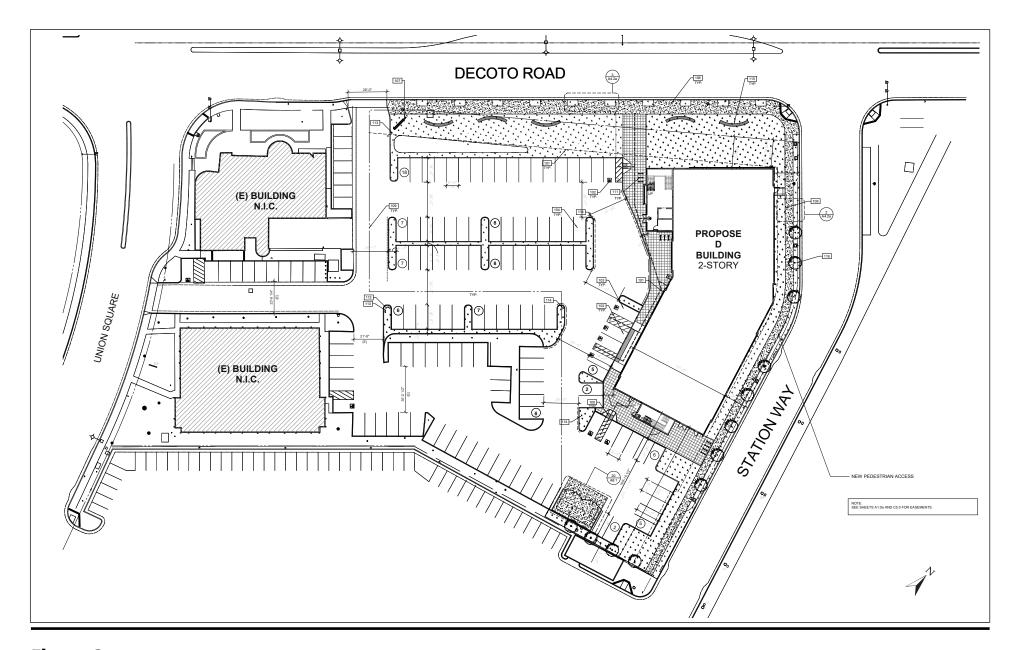


Figure 3

Site Plan

general office building. The architect's rendering of the proposed building is shown on Figure 4 and elevations are shown on Figures 5 and 6. The building would be constructed of concrete tilt-up panels with large expanses of glass accented by aluminum mullions, caps, and visors, as shown on the architectural rendering. The alternating white, gray, and graphite concrete panels would be textured with scoring. The front façade would be articulated by a projecting saddleback arched bay of horizontal composite wood planks. Horizontal bands of this material would also extend between the ground-floor and second story of the eastern portion of the building and along the façades facing Station Way. A similar horizontal band of composite wood would extend above the second-story windows of the western portion of the building and at the southwest corner of the building.

The proposed building would have a flat roof with a height of 32 feet at the parapet along the majority of the building. The tallest portion of the building would be at the main entrance at the southwest corner, which would have a height of 37 feet. Floor plans are shown on Figures 7 and 8. A Use Permit is required per Section 18.32.250, Review, of the Zoning Ordinance to reduce height and parking requirements, to accommodate the proposed project.

Parking and Circulation

Vehicular access to the site would be via existing site entrances on Decoto Road and Union Square, as shown on Figure 3. The Union Square entrance and half of the Decoto Road entrance are on adjacent parcels, but existing access easements will facilitate public access to the project site. An existing driveway located on Station Way, currently blocked off, would be eliminated. Parking would be located on the interior of the site and would be substantially obscured from off-site view by the two existing buildings to the south, the proposed building, and proposed new trees and landscaping.

Landscaped strips and islands would separate rows of parking, and the existing row of dense shrubs separating the site from the adjacent BART parking lot would remain and would continue to provide visual screening from offsite locations to the east. The asphalt parking lot would be striped to provide parking for 68 autos, including seven handicap spaces complying with the Americans with Disabilities Act (ADA) in close proximity to the building entrance.

Landscaping

Based on data provided on the stormwater management plan, the proposed building would cover about 25 percent of the site, with roadways and other impervious surfaces covering an additional 55 percent. The remaining 20 percent of the site area (12,870 square feet) would be planted with landscaping including areas for bio-filtration to satisfy applicable clean water regulations. An additional 3,730 square feet of off-site landscaping would also be installed along the Decoto Road frontage. As shown on Figure 9, trees and other landscaping would be planted along the entirety of the Decoto Road and Station Way frontages of the site, as well as within the parking areas. Most of the existing trees on the site would be removed, including a row of mature Canary Island pine trees (*Pinus canariensis*) lining the Decoto Road frontage of the site, shown on Figure 10A. The dense shrubbery that currently screens the site



SOUTH WEST CORNER



SOUTHEAST CORNER

Figure 4

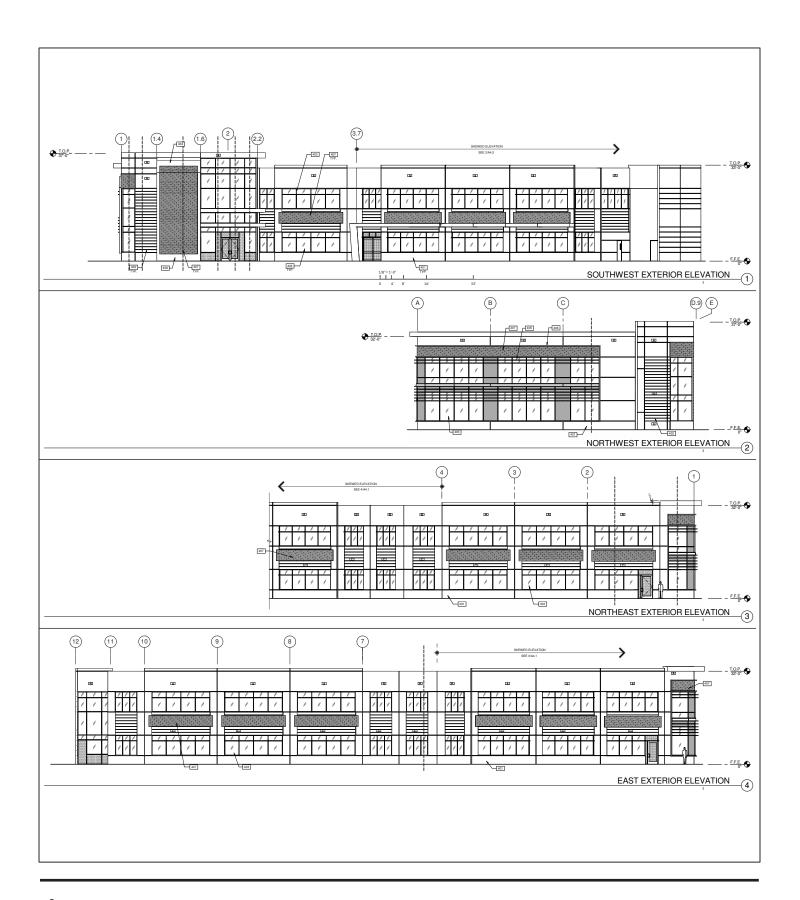


Figure 5

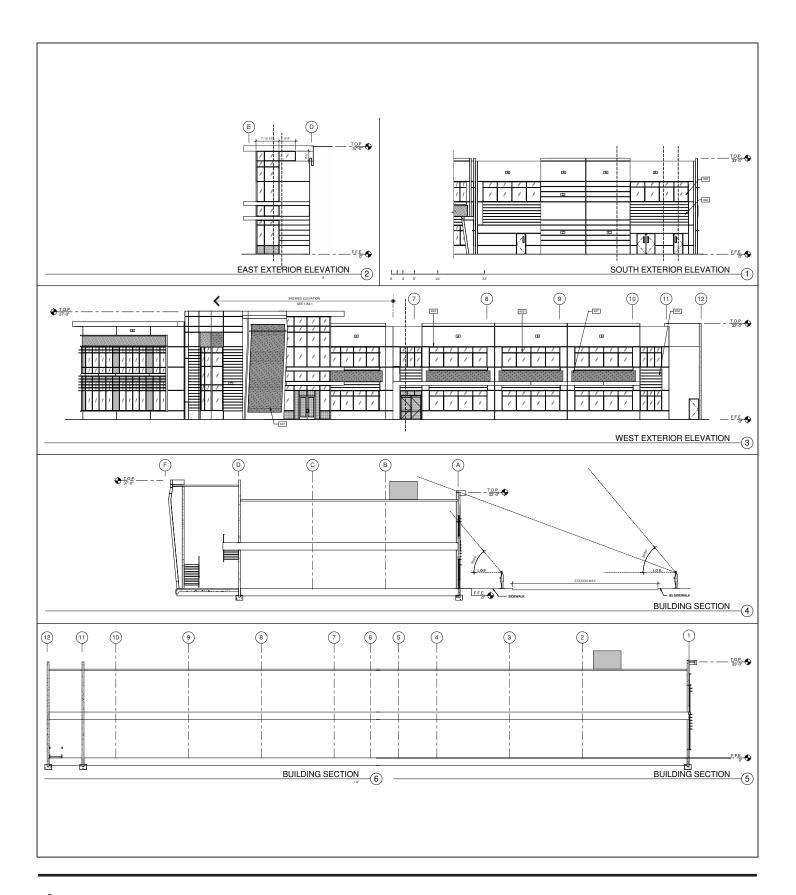


Figure 6

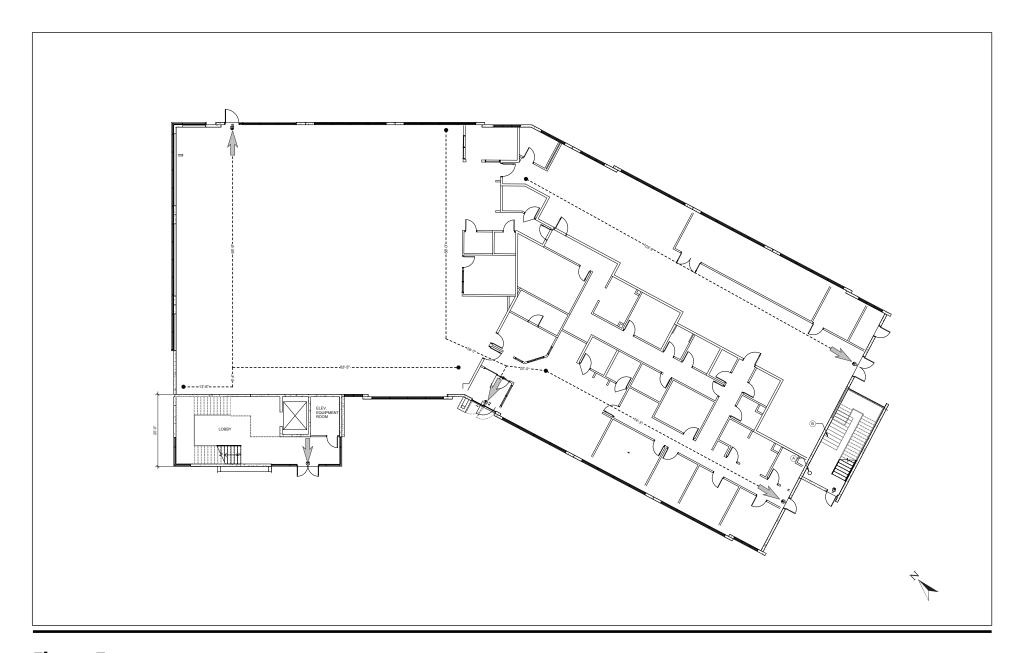


Figure 7

First Floor Plan

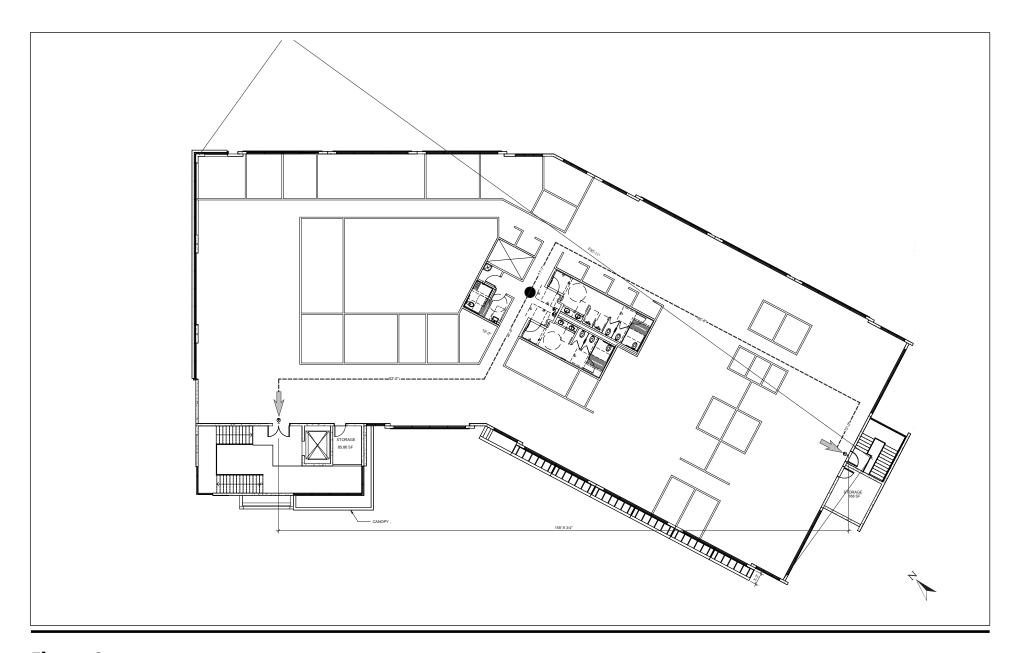


Figure 8

Second Floor Plan

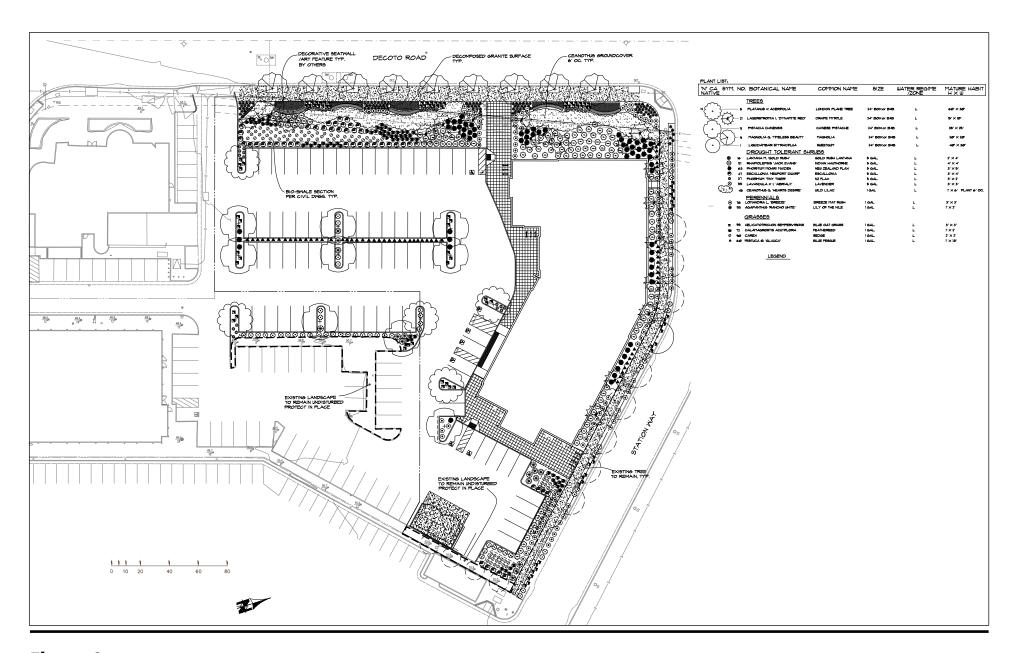


Figure 9

Landscape Plan

Source: Ware Malcomb



a) Existing trees on Decoto Road frontage of site to be removed.



b) Existing vegetation separating site from adjacent BART parking lot.

Figure 10

from view from the adjacent BART parking lot to the east, shown on Figure 8B, would be retained.

Although 45 of the 53 existing trees on the site would be removed, 45 new trees would be planted. These would include nine Chinese elm trees (*Ulmus parvifolia*) along the Decoto Road frontage and the trees on the interior of the site. Eight existing Sweetgum trees (*Liquidambar styraciflua*) on the Station Way frontage would be retained and a Sweetgum tree (*Liquidambar styraciflua*) and nine crape myrtle (*Lagerstroemia I. 'Dynamite Red'*) trees would be added to this frontage. A mix of Chinese pistache (*Pistacia Chinensis*) trees and London plane trees (*Platanus X. Acerifolia*) would be planted in the parking lot. All of the new trees would be planted at a 24-inch box size. At maturity, the Chinese elms would reach a height of about 20 feet, the London plane trees would reach a height of approximately 60 feet, the Chinese pistache would grow to about 35 feet.

Five-gallon specimens of drought-tolerant shrubs, including Gold Rush lantana (*Lantana M. 'Gold Rush'*), Indian hawthorne (*Rhapiolepsis 'Jack Evans'*), New Zealand flax (*Phormium Moari maiden*), escallonia (*Escallonia 'Newport Dwarf'*), lavender (*Lavandul X. I. 'Abrialii'*), and wild lilac (*Ceanothus G. 'Hears Desire'*) would be planted adjacent to building façades and along the Decoto Road and Station Way frontages. The grounds would also be landscaped with grasses, including blue oat grass (*Helichtotrichon sempervirens*), feathereed (*Calamagrostis acutiflora*), sedge (*Carex*), and blue fescue (*Festuca O. 'Glauca'*). Perennials would include breeze mat rush (*Lomandra L. 'Breeze'*) and lily of the Nile (*Agapanthus 'Rancho White'*).

The landscape plan would be required to comply with the City's Water Efficient Landscape Ordinance promulgated in Chapter 18.112 of the *Union City Municipal Code*. In accordance with the ordinance, the project would not be permitted to exceed a Maximum Applied Water Allowance that will be calculated for the site. The landscaping would be irrigated by an automatic irrigation system. To minimize water consumption, the irrigation system would be adjusted using a "smart controller" with real-time weather-sensing capability.

The landscape improvements would include a free-standing public art installation and benches at the corner of the site at Station Way and Decoto Road. Plans for the art installation had not yet been submitted to the City at the time of this environmental review. The proposed installation will be subject to review and approval by the City during the development review process. It is not anticipated that the proposed art would result in any environmental impacts. Once a proposal is submitted by the applicant, if the City determines that there could be adverse environmental effects associated with the art, it would require additional environmental review prior to final approval.

Stormwater Control

A bio-filtration swale would be located on the west side of the site, adjacent to the parking lot. This feature has been designed and sized to naturally filter urban contaminants from all of the site's stormwater runoff. The bio-swale would have treatment capacity for the runoff from the 51,000 square feet of impervious surfaces that would be created on the site, including existing impervious surfaces that would be replaced. All bio-retention areas would be underlain by 18 inches of sandy loam, which would be underlain by at least 12 inches of Class II base rock. Perforated pipes would positioned within the rock layers to collect the treated stormwater and

convey it to the on-site storm drainage system, consisting of a 15-inch-diameter storm drain connected to the City's stormwater drainage network. The on-site stormwater control system would be required to comply with Provision C.3 of the Alameda Countywide Clean Water Program, as discussed in more detail in Section IX, Hydrology and Water Quality, including hydro-modifications, as necessary.

Site Preparation

To prepare the site for construction, the existing office buildings would be demolished and most of the trees and other landscaping would be removed. The structures, foundations, pipes, conduits, curb gutters, etc. would be removed. The asphalt concrete (AC) pavements would be crushed on site in a portable crusher and would be re-used as aggregate base (AB) for the new pavements. The removed trees would be hauled to a composting facility. It hasn't been determined yet whether they would be chipped on-site or at the composting facility.

The project would comply with Union City's Construction and Demolition (C&D) Debris Recycling Ordinance, which requires new construction projects to recycle or reuse of 100 percent of all asphalt, concrete, uncontaminated soil, land-clearing debris, and plant debris. It also requires recycling or reuse of 65 percent of all other C&D debris generated by the project. The application for building permits must include a Construction & Demolition Waste Management Plan, subject to approval by the City, and payment of a Performance Security deposit calculated as the lesser of 3 percent of total project cost or \$10,000.

Following removal of the existing buildings, pavements, and vegetation, the site would be excavated down to undisturbed soils, as determined by a geotechnical engineer. Trenches would be excavated for underground utilities and the site would be regraded, with engineered fill placed as dictated by the required geotechnical investigation report. The site would have a finished grade roughly the same as the existing grade and elevation of the site. Grading would be balanced, requiring no import or export of soil. Less than 100 cubic yards of AC would be imported during site paving.

Existing utilities are already present on the site, and include a 6-inch water line, 8-inch sanitary sewer line, and 15-inch storm drain. New connections with these utilities would be made at the exterior of the new building. The on-site utility lines connect to main lines in Decoto Road and Union Square.

Demolition and Construction Schedule

Demolition activities are expected to commence in August 2017 and last for three weeks, with site grading taking another week and a half. Project construction is expected to be completed in February 2018. The size of the construction crew would vary depending on project phase, and range from a minimum of six workers to a maximum of 40 workers on the site on any given day, with an average of 12 workers per day. Staging would occur on site.

Planning Approvals

<u>General Plan Amendment</u>: The project would require a General Plan Amendment (GPA) to reduce the allowed FAR associated with the Station Mixed Use Commercial (CSMU) land use designation. The General Plan currently allows a floor area ratio (FAR) of 1.0 to 4.0 on

properties designated CSMU. The proposed amendment would reduce the minimum FAR to 0.5 on previously developed sites that do not meet the minimum 1.0 FAR and where the previously developed sites are proposed for redevelopment at a higher FAR than the previous development.

Zoning Text Amendment: The applicant is requesting a Zoning Text Amendment to update the CSMU zoning district list of permitted and conditionally permitted uses (i.e. Sections 18.38.020 and 18.38.030 of the Zoning Ordinance) to clarify that the term "mixed use" means both residential and commercial mixed-use developments. Additionally, the applicant requests a Zoning Text Amendment to change the FAR requirement in the CSMU district similar to the proposed GPA.

<u>Site Development Review</u>: The applicant is requesting Site Development Review to allow for redevelopment of the proposed site. Pursuant to Chapter 18.76 of the Zoning Ordinance, Site Development Review is required for all new major developments.

<u>Use Permit</u>: Pursuant to Section 18.38.250 of the Zoning Ordinance, the applicant is requesting a Use Permit to deviate from the building height and off-street parking requirements listed in the Station Mixed Use Commercial (CSMU) zoning district.

<u>Parcel Map</u>: The applicant is requesting approval of a parcel map, pursuant to Chapter 17.16 of the Zoning Ordinance, to merge existing parcels, dedicate right-of-way along Station Way, relinquish offers of dedication of easements, and create new or update existing easements to facilitate shared improvements and access. No new parcels will be created.

Other Approvals

The project would require a grading permit, encroachment permit for construction of a sidewalk in the Decoto Road and Station Way rights-of-way, and tree removal permit from the Public Works Department. Demolition and building permits would be required from the Building Department.

Site Description and Surrounding Land Uses

The project site is located within the Union Square Professional Center, a small commercial subdivision developed with professional office buildings, located on the southeast quadrant of the intersection of Decoto Road at Station Way. The 1.47-acre site is currently developed with two two-story office buildings constructed in 1980 that have a combined floor area of approximately 13,000 square feet. Approximately 12,800 square feet of the site is landscaped with trees and other plants, and the rest of the site consists of paved sidewalks and parking areas. The two buildings are shown on Figure 11.

The project buildings were previously occupied by ten varied businesses, including a test center, training center, attorney, dental clinic, acupuncture clinic, kid's center, and vocational college, which provided training for nurses, emergency medical technicians, and other health-related fields. All of the businesses have relocated and the project buildings have been vacant since February 2017.

Immediately south of the project site are two office buildings, also part of the Union Square Professional Center. The three-story building shown on Figure 12A is occupied by medical



a) Existing building at 1328 Decoto Road, as viewed from Station Way (viewing west).



b) Existing building at 1320 Decoto Road, as viewed from site parking lot (viewing north).

Figure 11



a) Existing office building immediately south of project site.



b) Union City BART Station, located east of the project site.

Figure 12

offices, including a LASIK eye surgery center and dentist offices. The other building, a twostory building resembling the two buildings on the project site, is a general office building whose occupants include a driving school.

The project site is located within an urbanized area that has been fully developed with the exception of some vacant parcels to the east and northeast. In the immediate surroundings, the most notable neighboring land use is the Union City Bay Area Rapid Transit (BART) Station, shown on Figure 12B, located about 300 feet to the east of the project site. A surface parking lot for BART patrons abuts the eastern boundary of the site. Immediately west of the project site, on the opposite side of Decoto Road, is Charles F. Kennedy Park, Union City's largest community park, shown on Figure 13A. This park features play structures, a basketball court, several picnic areas with barbeques, and an amphitheater. A community center and teen center are also at this location. James Logan High School is located just to the west of Kennedy Park.

Development to the south of the project site is dominated by commercial uses, including a McDonalds restaurant and the Marketplace shopping center, shown on Figure 13B. This large shopping center has a number of stores, restaurants, and other businesses. The larger businesses include a Safeway grocery store, Rite-Aid Pharmacy, Dollar Tree store, and Bank of America. El Mercado Center, another large shopping center featuring numerous stores and restaurants, is located opposite the Marketplace, on the west side of Decoto Road.

Multi-family residential uses are also present in the project vicinity. The closes of these is the Parkside Apartments, a collection of 15 two-story apartment buildings located about 250 feet southwest of the project on the west side of Decoto Road. The Veranda Apartments, a gated community of 13 four-story apartment buildings, are located approximately 800 feet southeast of the project site on the south side of Union Square. Across the street is the Avalon Union City apartment community consisting of two five-story buildings. The nearest single-family residential development is a neighborhood located north of Kennedy Park, approximately 800 feet from the project site.

A landscape buffer is located immediately to the north of the project site on the north side of Station Way; it extends between Decoto Road and the BART station. The BART tracks run alongside the northern edge of this open space and become elevated to pass over Decoto Road, remaining elevated to around E Street, located about 3,000 feet to the northwest. In the vicinity of the project site, the Union Pacific Railroad (UPRR) tracks run parallel to and just north of the BART tracks.



a) Charles F. Kennedy Park, located on west side of Decoto Road, opposite project site.



b) Marketplace shopping center, located south of project site.

Figure 13

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

ing at least one impact that is a the following pages.	"Potentially Significant Impact	" as indicated by the checklist o
Aesthetics	Agricultural Resources	X Air Quality
X Biological Resources	X Cultural Resources	Geology/Soils
Greenhouse Gas Emissions	X Hazards & Haz. Materials	X Hydrology/Water Quality
Land Use/Planning	Mineral Resources	Noise
Population/Housing	Public Services	Recreation
X Transportation/Traffic	Utilities/Service Systems	
X Mandatory Findings of Sign	ificance	

The environmental factors checked below would be potentially affected by this project, involv-

DETERMINATION:

On th	e basis of the initial evaluation:	
	I find that the proposed project COULD I environment, and a NEGATIVE DECLARATIO	NOT have a significant effect on the N will be prepared.
X	I find that although the proposed project of environment, there will not be a significant eff project have been made by or agreed to by NEGATIVE DECLARATION will be prepared.	fect in this case because revisions in the
	I find that the proposed project MAY have a si an ENVIRONMENTAL IMPACT REPORT is re	gnificant effect on the environment, and quired.
	I find that the proposed project MAY have "potentially significant unless mitigated" impareffect 1) has been adequately analyzed in an elegal standards, and 2) has been addressed by analysis as described on the attached sheets. An is required, but it must analyze only the effects of the standards of the standards of the standards of the standards.	act on the environment, but at least one earlier document pursuant to applicable mitigation measures based on the earlier a ENVIRONMENTAL IMPACT REPORT
	I find that although the proposed project of environment, because all potentially significated adequately in an earlier EIR or NEGATIVE I standards, and (b) have been avoided or mi NEGATIVE DECLARATION, including revision imposed upon the proposed project, nothing further	cant effects (a) have been analyzed DECLARATION pursuant to applicable tigated pursuant to that earlier EIR or sions or mitigation measures that are
Signa	ture	Date
Printe	ed name	For
-		

EVALUATION OF ENVIRONMENTAL IMPACTS:

I. AESTHETICS — Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X

<u>Explanation</u>: There are no scenic vistas visible from the project site, which is developed with two small office buildings and paved parking areas. The tracks and the surrounding development and landscaping constrain the available views of the hills located to the northeast of the project site, despite their prominence. Because the foreground and middle distance views are dominated by urban development, this limited view of hillsides located more than one and a half miles away cannot be considered a scenic vista. In any event, implementation of the project would not affect this view. A much more constrained view of even more distant hillsides that can be seen viewing east down Station Way would be similarly unaffected by the proposed project.

There are no views of scenic vistas from offsite locations that pass through the site. Therefore, while the visual appearance of the site will be changed, as discussed further in Section I-c, below, these changes would not adversely affect a scenic vista.

Based on the foregoing considerations, the proposed project would have no effect on a scenic vista.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>b</i>)	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X

Explanation: There are no State-designated scenic highways in the vicinity of the project site.¹

Initial Study
STATION DISTRICT BLOCK 7 MEDICAL/OFFICE BUILDING PROJECT

¹ California Department of Transportation (Caltrans), Officially Designated State Scenic Highways, accessed May 9, 2017 at: http://www.dot.ca.gov/hq/LandArch/16 livability/scenic highways/scenic hwy.htm.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	

<u>Explanation</u>: Although the majority of the project site is developed with small office buildings and paved parking areas, the visual appearance of the site does include the presence of 57 mature trees and other landscaping located along the site perimeters and interspersed among the parking rows. While 45 of the trees would be removed to accommodate the proposed project, 45 new trees are proposed along with a varied landscape palette that would cover one-quarter of the site area.

A significant portion of the new landscaping would be concentrated on the west side of the site facing Decoto Road. Because the property line is angled and is not parallel to Decoto Road, the proposed building setback from Decoto Road would vary from 20 to 29 feet. Views of the building from along Decoto Road would be filtered by Chinese elm trees, which have a canopy with a breadth of 25 to 40 feet at maturity. This would result in a greater degree of visual screening of the site from public view along Decoto Road than is presently the case.

Along Station Way, the amount of visual screening provided by trees would be augmented in comparison with existing conditions. According to the applicant's landscape plan, most of the existing trees would be retained and nine new crape myrtle tree and one sweetgum tree would be added. The arborist report indicates that all of the existing trees on Station Way have moderate suitability for preservation. As shown on the landscape plan (Figure 9), many new shrubs and perennials would be added to the Station Way frontage. The existing dense shrubs and trees that currently screen the site from view from the adjacent BART parking lot to the east would remain.

Following a temporary transformation and disruption of the site during demolition and construction, the physical appearance of the project site would not be radically different from how it appears today. The primary change would be that two separate office buildings would be replaced by a single two-story office building of more modern construction. The new building would have a footprint of approximately the same size as the two combined existing buildings. The proposed building would occupy more of the Station Way frontage of the site and less of the Decoto Road frontage in comparison with the existing site configuration.

While the proposed project would result in greater vertical massing on the site, it would be in scale with existing development in the project vicinity. For example, it would be one story shorter than the existing three-story medical building immediately to the south in the Union Square Professional Center. The proposed building would be three stories shorter than the Avalon Union City apartment complex located on the east side of the open BART parking lot that separates the two properties. It should also be noted, as shown on Figure 11, that the existing office buildings have tall mansard roofs contributing to their height (26 feet) and massing, and reducing the height difference between existing and proposed structures.

The proposed building would have a flat roof with a height of 32 feet at the parapet along the majority of the building. The parapets would screen the mechanical penthouse of the building from pedestrian view on both sides of Decoto Road as well as from Station Way. As shown on

Figures 4 and 5, the tallest portion of the building would be at the main entrance at the southwest corner, which would have a height of 37 feet.

The most noticeable change in the site as viewed from offsite locations would be along the Station Way frontage, where the two-story building would be more prominent that the existing buildings. However, as previously noted, the building would be in scale with existing development in the area, including the BART station (Figure 12B) that is also visible from this stretch of Station Way. The two structures share similarities in architectural style, though the BART station is taller than the proposed project building.

The corner of the site at Station Way and Decoto Road would also be improved with a free-standing public art installation and benches. Although plans for the art installation have not been completed, it is anticipated that the installation would provide a further aesthetic enhancement to the site, and no adverse environmental impacts are anticipated from the art installation. However, the plans for the art installation will be subject to review and approval by the City during the development review process. During this review, if the City determines that there could be adverse environmental effects associated with the art, it would require additional environmental review prior to final approval.

Based on all of the preceding considerations, the proposed project would not dramatically transform the visual character of the site, and clearly would not cause a substantial degradation in the existing visual quality of the site or its surroundings. The proposed project would be more lushly landscaped, with a much greater diversity in the palette of introduced plantings. Therefore, the project would have a *less-than-significant impact* on the visual quality of the site.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Explanation: Similar to any urban development, the project would include nighttime lighting, but it would not represent a substantial source of new light, particularly given that the site is already developed with nighttime lighting. Although a detailed lighting plan was not available during this environmental review, the project architect indicated that light fixtures on the building and pole-mounted light fixtures interspersed throughout the parking lot would provide downward-directed lighting, and would have cut-off fixtures where warranted. While parked cars are a source of glare, the amount of parking on the site would not be substantially more than is currently on the site, and this parking area is considerably smaller than other parking facilities located in proximity to the project to the north, east, and south, including the adjacent BART station parking lot. Furthermore, existing and proposed new landscaping along the site perimeters would substantially shield the site, preventing the offsite migration of glare. As part of the entitlement process, the project applicant will be required to submit a lighting plan as part of the mandatory Site Development Review, which will allow the City to ensure that the proposed lighting does not have any unsightly or undesirable qualities, in accordance with Section 18.76.010 of the Municipal Code. Given these considerations, the project would have a *less-than-significant impact* related to the creation of nighttime lighting and glare.

II. AGRICULTURAL RESOURCES — In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forestry Legacy Assessment Project, and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agriculturuse?	as he he			X

<u>Explanation</u>: The project site and all surrounding lands are designated "Urban and Built-Up Land" by the Department of Conservation (DOC), a department of the California Resources Agency. The DOC's Farmland Mapping and Monitoring Program (FMMP) updates the maps every two years; the most recent map was prepared in 2014 and published in 2016. There is no farmland on or in proximity to the project site; there is therefore no potential to convert Farmland of Statewide Importance to a non-agricultural use.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X

<u>Explanation</u>: The project site is not zoned for agricultural use and is not under a Williamson Act contract.

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² California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, "Alameda County Important Farmland 2014" (map), December 2016.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X

<u>Explanation</u>: The project site is not zoned as forest land or timberland.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Result in the loss of forest land or conversion of forest land to a non-forest use?				X

<u>Explanation</u>: There is no forest land on the project site; therefore, there is no potential for the project to convert forest land to a non-forest use.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>e</i>)	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?				X

 $\underline{\text{Explanation}}$: There is no potential for the project to convert agricultural land to a non-agricultural use or convert forest land to a non-forest use.

<u>III. AIR QUALITY</u> — Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	

Explanation: On April 19, 2017 the Bay Area Air Quality Management District (BAAQMD) adopted its 2017 Clean Air Plan (CAP), which provides a regional strategy to protect the climate and public health.³ The 2017 CAP includes a wide range of control measures designed to: (1) decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; (2) reduce emissions of methane and other "super greenhouse gases (GHGs)" that are potent climate pollutants in the near-term; and (3) decrease emissions of carbon dioxide by reducing fossil fuel combustion. The CAP provides a long-range vision of a sustainable Bay Area in a year 2050 "post-carbon economy." The primary goals of the 2017 Bay Area CAP are to:

- Protect air quality and health at the regional and local scale:
 - o Attain all State and national air quality standards;
 - Eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminant;
- Protect the climate:
 - o Reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050.

The 2017 Clean Air Plan provides a roadmap for BAAQMD's efforts over the next few years to reduce air pollution and protect public health and the global climate. The CAP includes the Bay Area's first-ever comprehensive Regional Climate Protection Strategy (RCPS), which identifies potential rules, control measures, and strategies that the BAAQMD can pursue to reduce GHG in the Bay Area. Measures of the 2017 CAP addressing the transportation sector are in direct support of *Plan Bay Area*, which was prepared by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) and includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan. Highlights of the *Draft 2017 Clean Air Plan* control strategy include:

- <u>Limit Combustion</u>: Develop a region-wide strategy to improve fossil fuel combustion efficiency at industrial facilities, beginning with the three largest sources of industrial emissions: oil refineries, power plants, and cement plants.
- <u>Stop Methane Leaks</u>: Reduce methane emissions from landfills and oil and natural gas production and distribution.
- Reduce Exposure to Toxics: Reduce emissions of toxic air contaminants by adopting more stringent limits and methods for evaluating toxic risks at existing and new facilities.

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³ Bay Area Air Quality Management District, Spare the Air, Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area–Final 2017 Clean Air Plan, adopted April 19, 2017.

- Put a Price on Driving: Implement pricing measures to reduce travel demand.
- <u>Advance Electric Vehicles</u>: Accelerate the widespread adoption of electric vehicles.
- <u>Promote Clean Fuels</u>: Promote the use of clean fuels and low or zero carbon technologies in trucks and heavy-duty vehicles.
- <u>Accelerate Low Carbon Buildings</u>: Expand the production of low-carbon, renewable energy by promoting on-site technologies such as rooftop solar and ground-source heat pumps.
- <u>Support More Energy Choices</u>: Support community choice energy programs throughout the Bay Area.
- <u>Make Buildings More Efficient</u>: Promote energy efficiency in both new and existing buildings.
- <u>Make Space and Water Heating Cleaner</u>: Promote the switch from natural gas to electricity for space and water heating in Bay Area buildings.

To achieve the goals of the CAP, it identifies 85 emissions control measures for implementation by BAAQMD in collaboration with local government agencies, the business community, and Bay Area residents. The control measures target the following emissions sources:

- Stationary sources (40 measures);
- Transportation (23 measures);
- Energy (2 measures);
- Buildings (4 measures);
- Agriculture (4 measures);
- Natural and working lands (3 measures);
- Waste management (4 measures);
- Water (2 measures);
- Super-GHGs (3 measures); and
- Further study (miscellaneous stationary, building, and agriculture sources) (11 measures);

According to BAAQMD, if project review is conducted in accordance with the BAAQMD CEQA Guidelines and is not found to have any unavoidable significant air quality impacts, a project is typically assumed by the Air District to comply with the Clean Air Plan and with the Ozone Strategy, the applicable air quality plans.⁴ Since the project is not anticipated to result in any unavoidable significant air quality impacts, as discussed in Section III(b), below, the project would not conflict with the Clean Air Plan or Ozone Strategy. Therefore, the project would have a *less-than-significant impact* related to potential conflicts with the applicable air quality plan.

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⁴ Alison Kirk, Senior Environmental Planner, Bay Area Air Quality Management District, personal communication, June 8, 2017.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		

Explanation:

Introduction to the Air Quality/GHG Analysis

The State CEQA Guidelines explicitly allow and encourage a lead agency to determine its own thresholds of significance for evaluating the significance of environmental effects. In doing so, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence. Although a lead agency is required to adopt thresholds of significance intended for general use by ordinance, resolution, rule, or regulation, with a public review process, in the current instance, the City of Union City is utilizing the thresholds recommended in the BAAQMD's June 2010 CEQA guidelines, but does not intend to apply them generally to environmental review projects in the city. It is expected that, as the primary regulatory agency in the Bay Area with jurisdiction over air quality, the BAAQMD will again be in a position to recommend thresholds of significance for air quality and greenhouse gases in the near future. When this occurs, the City will continue to use the District's recommended thresholds of significance for CEQA review, as has previously been the case with most cities and counties in the nine-county Bay Area over which BAAQMD has jurisdiction.

There is substantial evidence supporting the City's decision to rely on BAAQMD's June 2010 CEQA guidelines and thresholds for evaluating the air quality and greenhouse gas (GHG) impacts of the proposed project. The BAAQMD spent more than a year and a half developing the June 2010 thresholds of significance, and conducted workshops and public meetings throughout the process to solicit input and feedback from the public. Draft documents were available for review on the BAAQMD website throughout the process. A variety of different options were evaluated during the process. The District drew on its own air quality expertise, as well as that of the California Air Resources Board, numerous other air pollution control districts throughout the State, and outside consultants. Other air districts consulted during the process included the Monterey Bay Unified Air Pollution Control District, Santa Barbara County Air Pollution Control District, Mojave Desert Air Quality Management District, South Coast Air Quality Management District, and the Ventura County Air Pollution Control District.

The thresholds of significance are tied to compliance with the California ambient air quality standards (CAAQS) and the national ambient air quality standards (NAAQS), which were developed pursuant to the State Clean Air Act and federal Clean Air Act, respectively. Thresholds for toxic air contaminants are based on health risk, and GHG thresholds are based on achieving GHG reductions mandated by Assembly Bill 32 and former Governor Arnold Schwarzenegger's Executive Order S-3-05. The adopted thresholds were supported by the California Attorney General and major environmental groups. They were based on scientific

⁵ California Resources Agency, Office of Planning and Research, CEQA Guidelines, Section 15064.7.

methods, including computer modeling, and utilized emissions data, ambient air pollution data, population data and growth projections, and health risk data, among other sources. There was substantial research, public input, and a solid basis for determining and adopting the standards. It should also be noted that in accepting the case for review, the California Supreme Court did not comment on the validity of the thresholds themselves. Absent guidance from the State Office of Planning and Research or the California Air Resources Board regarding this issue, the City of Union City has determined that the BAAQMD relied on substantial evidence in adopting the June 2010 thresholds of significance for criteria air pollutants, GHGs, and toxic air contaminants, which forms the basis for the City's use of those thresholds in the analysis presented in Section III, Air Quality, and in Section VII, Greenhouse Gases.

Construction Impacts

Construction operations for any sizeable project have the potential to result in short-term but significant adverse air quality impacts. Although the proposed project is quite small, the BAAQMD recommends implementation of its Basic Construction Mitigation Measures by all projects subject to environmental review under CEQA. BAAQMD's CEQA Air Quality Guidelines establish thresholds of significance for construction emissions of 54 pounds per day (lb./day) for reactive organic gases (ROG), fine particulate matter equal to or less than 2.5 microns (PM_{2.5}), and nitrogen oxides (NO_x), and 82 lb./day for respirable particulate matter equal to or less than 10 microns (PM₁₀). These are the same thresholds applicable to operational emissions. The particulate matter (PM) thresholds apply to exhaust emissions only, not ground disturbance; emissions from grading and other site disturbance, for which there is no adopted threshold of significance, are addressed through best management practices. The Air Quality Guidelines contain screening criteria for construction of a variety of land use development projects. For both general office buildings and medical office buildings, the construction screening threshold is 277,000 square feet. Projects that fall below this threshold are considered by BAAOMD to have less-than-significant construction-phase air pollutant emissions, provided the following additional conditions are met:

- All Basic Construction Mitigation Measures would be included in the project design and implemented during construction; and
- Construction-related activities would not include any of the following:
 - a. Demolition activities inconsistent with District Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing;
 - b. Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously);
 - c. Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site) (not applicable to high density infill development);
 - d. Extensive site preparation (i.e., greater than default assumptions used by the Urban Land Use Emissions Model [URBEMIS] for grading, cut/fill, or earth movement); or
 - e. Extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.

The proposed office building size of approximately 31,400 square feet would be well below the threshold at which the BAAQMD recommends quantified modeling of a project's construction emissions. As noted above, projects that fall below the applicable screening threshold are presumed to have less-than-significant construction-phase air pollutant emissions, provided the

conditions listed above are met. Although the project would require demolition of the existing buildings and pavements, these activities would not conflict with BAAQMD District Regulation 11, Rule 2, which stipulates safe procedures for the removal of Regulated Asbestos-Containing Materials (RACM), which are essentially building materials containing friable or potentially friable asbestos. Due to the age of the buildings on the site, there is potential for them to contain RACM. As discussed further in Section VIII, Hazards and Hazardous Materials, mitigation has been identified in this Initial Study to ensure that the applicant complies with Regulation 11, Rule 2.

Regarding the other exclusionary conditions listed above, the proposed project would not have simultaneous occurrence of more than two construction phases, would not develop more than one land use type, would not require extensive site preparation, and would not require extensive material transport. (The site would have balanced grading, requiring no soil import or export, and existing asphalt concrete (AC) pavements would be recycled, resulting in the need for less than 100 cubic yards of AC import.) The Basic Construction Mitigation Measures are required as Mitigation Measure AQ–1, below. None of the exclusionary conditions listed above would apply to the project.

Although the proposed project is not expected to generate substantial construction-phase emissions, absent implementation of the BAAQMD's Basic Construction Mitigation Measures, the project's effects of construction-generated criteria pollutants would be a *potentially significant impact*, based on the thresholds of significance discussed above. Implementation of the controls listed in Mitigation Measure AQ-1, which incorporates the Basic Construction Mitigation Measures as well as some additional standard Union City requirements for new construction, would reduce the project's construction-related air quality impacts to a less-than-significant level.

Mitigation Measure AQ-1:

The property owner/applicant shall require the construction contractor to reduce the severity of project construction period dust and equipment exhaust impacts by complying with the following control measures:

- All exposed building pad surfaces shall be watered two times per day. Other unpaved areas—such as parking areas, staging areas, soil piles, graded areas, and unpaved access roads—shall either be watered three times per day, be paved, or have non-toxic soil stabilizers applied, per City requirements.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-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 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California

- airborne toxics 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 the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Operational Impacts

As noted above, BAAQMD's operational thresholds of significance are the same as the construction thresholds. However, the screening criteria for project operations differ; for general office buildings and medical office buildings, the construction screening thresholds are 346,000 square feet and 117,000 square feet, respectively. Again, the proposed 31,400-square-foot project building would be well below BAAQMD's operational screening thresholds for general and medical office buildings. If a project falls below the applicable operational screening criteria, then BAAQMD has determined that the project would not result in the generation of operations-related criteria air pollutants and/or precursors that exceed the thresholds of significance, and there is no need to perform a detailed air quality assessment of the project's air pollutant emissions. (However, the screening criteria should not be used if a project includes emissions from stationary source engines (e.g., back-up generators) or industrial sources subject to Air District Rules and Regulations. These exceptions are not applicable to the proposed project.) Since the project would fall far below the operational screening thresholds for general office and medical office buildings, there is no potential for the project to exceed BAAQMD operational thresholds of significance. Furthermore, the site previously functioned in these capacities for many years, so the net increase in air emissions from traffic generated by the project would be much lower than air emissions that would be generated on a previously undeveloped site. Therefore, the project would have a less-than-significant impact on air quality from project operations, and no mitigation is required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		X		

<u>Explanation</u>: As noted in BAAQMD's CEQA Air Quality Guidelines, air pollution is, by its very nature, largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. According to the Air

Quality Guidelines, if a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. The Air Quality Guidelines state that if a project would exceed the identified significance thresholds, its emissions would be cumulatively considerable. Conversely, if a project is determined to have less-than-significant project-level emissions, then it would also have a less-than-significant cumulative air quality impact.

As discussed in the preceding subsection, with implementation of the identified mitigation measures, the project would have a less-than-significant impact on air quality. Therefore, the project's cumulative impact on air quality would also be less than significant with implementation of Mitigation Measure AQ-1.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations?			X	

Explanation: Health risk from exposure to air pollutants is evaluated based on the potential for exposure to PM₂₅ and toxic air contaminants (TACs), the two emission types that pose the most significant threat to human health. According to BAAQMD, more than 80 percent of the inhalation cancer risk from TACs in the Bay Area is from diesel engine emissions.⁶ TACs are a set of airborne pollutants that may pose a present or potential hazard to human health, and are separated into carcinogens and non-carcinogens. State and local regulatory programs are intended to limit exposure to TACs and the associated health risk. Both TACs and PM_{2.5} are emitted by trucks, cars, construction equipment, and other mobile sources. They are also emitted by stationary sources that require permitting by the BAAQMD, which requires source controls.

Project impacts related to increased health risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. The BAAQMD recommends using a 1,000-foot radius around a project site for purposes of identifying community health risk from siting a new sensitive receptor or a new source of TACs. A lead agency should enlarge the radius if an unusually large source or sources of hazardous emissions that might affect a project lies outside the 1,000-foot radius.

Virtually any land use that attracts and/or generates vehicle trips emits TACs and PM_{2.5}. It is only when substantial quantities of TACs are emitted that cancer or health risk can potentially rise to a level of significance. The BAAQMD considers an excess cancer risk of more than 10 in one million or a non-cancer (i.e., chronic or acute) health risk greater than a Hazard Index (HI) of 1.0 to be a significant adverse impact.

The proposed project would not introduce a new sensitive receptor to the project site. Sensitive receptors are people most susceptible to poor air quality, and include children, the elderly, the infirm, or others with medical conditions susceptible to poor air quality (e.g., asthma, bronchitis, chronic respiratory disease). Land uses that are generally considered to be sensitive

⁶ Bay Area Air Quality Management District (BAAQMD), California Environmental Quality Act Air Quality Guidelines, page 5-3, May 2011.

receptors include residences of all types, schools and school yards, parks and playgrounds, daycare centers, nursing homes, and medical facilities.

The proposed project would not site a new source of TAC and $PM_{2.5}$ emissions, as it would not include any generators or other permitted sources of these emissions. Although the project would generate TAC and $PM_{2.5}$ emissions during project construction, due to the short-term nature of these emissions, there is no potential for them to cause a significant health or cancer risk to sensitive receptors. Given the foregoing factors, the proposed project would have a *less-than-significant impact* related to health risk.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?			X	

Explanation: Diesel-fueled construction equipment exhaust would generate some odors during the anticipated 5.5-month construction period. However, these emissions typically dissipate quickly through atmospheric mixing and would not affect a substantial number of people. While the medical offices in the building immediately south of the project site could be considered a nearby sensitive receptor, odor impacts to this receptor would not be considered significant. The offices are within an enclosed, climate-controlled building, so fleeting odors would not penetrate to the interiors of offices. Furthermore, prevailing winds in the project area tend to be from the west-northwest, so construction equipment odors would generally not be wind-blown in the direction of the adjacent medical office building. In addition, a medical office building does not constitute the same kind of sensitive receptor as a residential care facility, nursing home, or hospital, where patients have longer-term occupancies and/or more vulnerable health conditions.

It's possible that employees or patients entering and leaving the nearby building could experience odors from project construction equipment during site preparation and grading, though the odors would be diluted by atmospheric mixing. This may pose a momentary annoyance to these people, but the exposure would be of extremely short duration and would not affect a substantial number of people. Additionally, the construction phase of site preparation and grading is expected to last for about 4 weeks (just 1.5 weeks for grading), limiting the period during which patrons and employees of the adjacent medical building could experience a momentary exposure to unpleasant odors. Therefore, odor impacts from the proposed project are considered to be *less than significant*.

IV. BIOLOGICAL RESOURCES — Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X		

<u>Explanation</u>: The project site is a fully disturbed site in an urbanized area built out with a mix of commercial, transportation, recreation, and multi-family residential uses. Based on a field reconnaissance of the project site and surrounding area, there is no sensitive or high-quality natural habitat in the project vicinity. However, there is a large community park located across from the project site on the opposite site of Decoto Road with turf lawns and trees that provide habitat for common wildlife species adapted to an urban environment. The project site provides limited similar habitat, though the majority of the site is covered with buildings and pavements.

There is no potential for the site to harbor sensitive terrestrial wildlife species or special-status plant species. However, the trees on the site could provide nesting and roosting habitat for raptors or other bird species protected by the Migratory Bird Treaty Act of 1918, which forbids the destruction of the birds and active nests. The Act protects both special-status birds and common bird species, such as house finch (*Carpodacus mexicanus*), common raven (*Corvus corax*), and Anna's hummingbird (*Calypte anna*); in total, more than 800 species are protected under the Migratory Bird Treaty Act.

Of 53 trees currently present on the site, implementation of the project would require removal of all but eight trees located adjacent to Station Way and in the northeastern corner of the site, adjacent to the BART parking lot. Were any nesting birds to be present in the trees during the demolition phase of construction, the nests would be destroyed during tree removal, along with eggs or unfledged chicks, in conflict with the Migratory Bird Treaty Act. In addition, construction disturbance near trees proposed for retention could disturb nesting birds and destroy active nests, were they to be present, during site preparation and project construction. This would be a *potentially significant impact* which would be reduced to less than significant with implementation of the following mitigation measure:

Mitigation Measure BR-1:

If any site grading or project construction will occur during the general bird nesting season (February 1st through August 31st), a bird nesting survey shall be conducted by a qualified raptor biologist prior to any grading or construction activity. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of grading/construction activities; if conducted during the late part of the breeding season (May to August), the survey shall be performed no more than 30 days prior to

initiation of these activities. If active nests are identified, a 250-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Wildlife) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged. A biological monitor shall be present during earth-moving activity near the buffer zone to make sure that grading does not enter the buffer area.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>b</i>)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X

<u>Explanation</u>: There is no riparian habitat or other sensitive natural community present on the project site. There is no potential for such habitats to be adversely affected by the project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X

<u>Explanation</u>: There are no wetlands or other waters subject to regulation by the U.S. Army Corps of Engineers or Regional Water Quality Control Board under Section 404 of the Clean Water Act present on the project site. The proposed project would have no effect on wetlands.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with any established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	

Explanation: Use of the project site by wildlife as travel corridors is highly unlikely because, as illustrated on Figure 2, the site is surrounded by commercial and multi-family residential development, with large areas of paved automobile parking. no natural corridors to connect to the site. As noted in Section IV(a), above, there is a large park just to the west of the project site that supports trees that could provide temporary roosting habitat to migratory birds, and the trees on the site could serve the same function. However, due to the lack of foraging habitat and the isolated nature of the limited habitat present on and near the site, such use of the site is unlikely. Were migratory birds to be present on the site when tree removal and other site disturbance occurs, they could readily vacate the site and relocate to other trees in the area. Any nesting birds would be protected by implementation of Mitigation Measure BR–1. Therefore, the project would have a *less-than-significant impact* on migratory wildlife species.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X

<u>Explanation</u>: Union City's Tree Preservation Ordinance is codified in Chapter 12.16 of the Municipal Code. It regulates removal or trimming of trees both within public places (streets, parks, etc.) and on private property. Section 12.16.170 requires a permit for removal or trimming of any trees meeting criteria that vary according to the context of the proposed removal. In the case of the proposed project, which occurs on a developed office property, a permit is required for removal of any tree with a trunk circumference of 12 inches or greater, as measured 3 feet above the ground.

According to a tree survey of the site conducted by a certified arborist, all of the 53 existing trees on the project site have a trunk diameter of 4 inches or greater, corresponding to a circumference of 12 inches or greater. Thus, all trees proposed for removal (45) would be subject to the ordinance. The applicant would therefore be required to obtain approval of a tree removal permit from the Public Works Director pursuant to Chapter 12.16 of the Union City Municipal Code. The Public Works Director may impose conditions on the approval of a tree removal permit, such as requiring planting of replacement trees. The Public Works Department utilizes a sliding scale for tree replacement commensurate with the tree health. If the required amount of replacement trees cannot be accommodated on-site, then the applicant is responsible

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⁷ Ed Brennan, Consulting Arborist, *Tree Survey Report*: 1320 & 1328 Decoto Rd., Union City, California, May 25, 2017.

for paying an in-lieu tree replacement fee that will be used to plant new trees in other parts of the City. The tree removal permit will be issued concurrently with the grading permit.

Based on the preliminary landscaping plan, the applicant is proposing to plant 45 24-inch box size trees on the site, including 21 crape myrtle trees (*Lagerstromia I. 'Dynamite Red'*), 9 Chinese elm trees (*Ulmus parvifolia*), 9 Chinese pistache trees (*Pistacia Chinensis*), 5 London plane trees (*Platanus X Acerifolia*), and 1 sweetgum tree (*Liquidambar styraciflua*). The applicant would be required to obtain approval of a tree removal permit and comply with any conditions imposed on the permit. Therefore, the project would not conflict with any local policies or ordinances protecting trees.

There are no other local policies or ordinances protecting biological resources that would apply to the project or with which the project could conflict.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				X

<u>Explanation</u>: There is no adopted Habitat Conservation Plan or other conservation plan applicable to the project site.

V. CULTURAL RESOURCES — Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?		X		

<u>Explanation</u>: In order to be considered a significant historical resource as defined in Section 15064.5 of the *CEQA Guidelines*, a building must be at least 50 years old. In addition, Section 15064.5 defines an historical resource as, "... a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources," properties included in a local register of historical resources, or properties deemed significant pursuant to criteria set forth in *Public Resources Code* Section 5024.1(g). According to *CEQA Guidelines* Section 15064.5(a)(3), a lead agency can determine that a resource is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the determination is supported by substantial evidence in light of the whole record.

In order to be eligible for listing in the California Register of Historical Resources, a property must meet at least one of the following criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values;
- Has yielded, or may be likely to yield, information important in prehistory or history.⁸

Based on a review of archival cultural resources records, historic-period maps, and literature for Alameda County and the project area by the Northwest Information Center (NWIC) at Sonoma State University, part of the California Historical Resources Information System (CHRIS), the NWIC determined that archival documents gave no indication of the possibility of historic-period cultural resources in the project vicinity. The State Office of Historic Preservation Historic Property Directory (OHP HPD) (which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places) lists no recorded buildings or structures in or adjacent to the proposed project area. The NWIC concluded that there is a low potential for encountering significant historic resources on the site.

The CHRIS records search conducted by the NWIC identified five previous archaeological surveys in the vicinity, four of which encompassed all of the project site; the fifth covered approximately 75 percent of the site. Two of the investigations, dated 1980 and 1995, included surveys for historic properties. None of the investigations identified archaeological resources, including historic resources, within the study areas.

Although the NWIC noted that the 1959 Hayward USGS 7.5-minute topographic map quadrangle depicts two buildings or structures within or adjacent to the project area, additional information is revealed in the Phase I Environmental Site Assessment (ESA) prepared for the project (the Phase I ESA is discussed in detail in Section VIII of this Initial Study). The ESA includes topographic maps dating back to 1899, including maps prepared in 1959, 1968, and 1973. One of the buildings referenced by the NWIC first appears on a 1941 map; the second building does not appear until a 1947 map. Both buildings are depicted on maps from 1959, 1968, and 1973, the most recent topographic map presented in the ESA report. However, more recent historic topographic maps available online show that by the time of a 1981 map, the buildings were no longer depicted on the site. ¹⁰ As discussed in Section VIII, the buildings that were present on the site from the 1940s until the 1970s appeared to be two houses, or one house and an ancillary structure.

According to historical aerial photographs of the project site, the existing office buildings on the site appeared to be under construction in 1979. Aerial photographs presented in the Phase I Environmental Site Assessment summarized in Section VIII(b) clearly show that the site was vacant of the prior buildings by 1974 and the extant office buildings were occupied in 1981.

⁸ California Resources Agency, CEQA Guidelines, Section 15064.5(a)(3), as amended October 23, 2009.

⁹ Northwest Information Center, Sonoma State University, *Record Search Results for the Proposed Block 7 Medical Office Building Project* [letter report], NWIC File No. 16-1755, June 9, 2017.

¹⁰ Netronline, Historic Aerials, Accessed June 11,2017 at: https://www.historicaerials.com/viewer.

¹¹ Ibid.

According to the Union City Economic and Community Development Department, the buildings were constructed in 1980. The buildings are therefore 47 years old, under the age threshold for historic resources. The office buildings are not architecturally distinct, and they are not associated with historically significant people or events.

The existing office buildings are not historic resources and any near-surface historical artifacts that may have dated to an earlier use of the site were likely lost or destroyed during the development of the site in 1980. Nonetheless, significant historic resources could still be present in the deeper subsurface of the site. If such resources are present, they could be damaged or destroyed by project construction activities, which would be a *significant*, *adverse impact*. Implementation of Mitigation Measures CR–1 through CR–3, listed in the following subsection, would reduce this potential impact to a less-than-significant level.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X		

Explanation: California is known to have been inhabited by humans for at least 11,000 years prior to the arrival of Spanish explorers in the 16th century. The San Francisco Bay Area was occupied by Native Americans as far back as 3,000 to 4,000 years ago, but information on human occupation prior to 3,000 B.C. is almost non-existent. The project vicinity is within the ethnographic territory of the Tuibun triblet, a subset of the Penutian-speaking Bay Miwok (referred to as "Costanoans" by the Spanish) residing in northern California at the time the Spanish arrived in the region. The Miwok territory encompassed much of the San Francisco Bay area and extended eastward to the Central Valley. The territory of the Tuibun, who spoke Chochenyo, was located in the East Bay, extending from present-day Richmond south to the area of Mission San Jose, and perhaps as far east as the Livermore Valley. A number of known Tuibun ethnographic villages are located in the vicinity of the project, including a major village at Coyote Hills, about 4 miles to the southwest.

To evaluate the potential for prehistoric archaeological resources to be present at the project site, a review of archival cultural resources records was performed by the Northwest Information Center, as discussed in the preceding subsection.¹³ The CHRIS records search conducted by the NWIC identified five previous archaeological surveys in the vicinity, four of which encompassed all of the project site, with the fifth covering most of the site. None of the investigations identified archaeological resources on or near the project site. However, due to the site's historic proximity to intermittent and perennial watercourses and its location at the interface between the flatland valley and the hills to the east, the NWIC concluded that there is a moderate potential for unrecorded Native American archaeological resources to be present at the site. Since the project site has been the subject of five previous archaeological studies, the NWIC did not recommend additional investigation. However, the NWIC stated that if archaeological resources are encountered during project construction, work should be halted in the vicinity of the discovered materials until they can be evaluated by a qualified archaeologist, who can provide appropriate recommendations for treatment of the discovery and any

¹² In anthropological literature, the Costanoans are often referred to as the Ohlone.

¹³ Northwest Information Center, Sonoma State University, *op cit*.

additional investigation that should be performed. These recommendations are incorporated as required mitigation measures below.

Consistent with Assembly Bill 52, a consultation notice was sent to tribes who requested to be notified of proposed projects occurring in Union City. To date, no request for consultation has been received.

Although no cultural resources were previously identified during archaeological investigations of the project site and vicinity, there is still potential for encountering archaeological resources on the site during site disturbance activities required for project construction. Such resources, if present, could be damaged or destroyed during subsurface disturbance of the site, which would constitute a *potentially significant*, *adverse impact*. Implementation of the following mitigation measures would reduce this potential impact to a less-than-significant level.

Mitigation Measure CR-1:

City Staff shall advise the Project Construction Superintendent, Project Inspector, and Building Inspector at a pre-construction conference of the potential for encountering cultural resources during construction and the applicant's responsibilities per CEQA should resources be encountered. This advisory shall also be printed on the Plans and Specification Drawings for this project.

Mitigation Measure CR-2:

If any cultural artifacts are encountered during site grading or other construction activities, all ground disturbance within 100 feet of the find shall be halted until the City of Union City is notified, and a qualified archaeologist can identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). The results of any additional archaeological effort required through the implementation of Mitigation Measures CR-2 or CR-3 shall be presented in a professional-quality report, to be submitted to the project sponsor, the Union City Community Economic and Development Department, and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)-(f) of the CEQA Guidelines and Public Resources Code Section 21083.2.

Mitigation Measure CR-3:

In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and a qualified archaeologist shall notify the Office of the Alameda County Coroner and advise that office as to whether the remains are likely to be prehistoric or historic period in date. If determined to be prehistoric, the Coroner's Office will notify the Native American Heritage Commission of the find, which, in turn, will then appoint a "Most Likely Descendant" (MLD). The MLD in consultation with the archaeological consultant and the project sponsor, will advise and help formulate an appropriate plan for treatment of the remains, which might include recordation, removal, and scientific study of the remains and any associated artifacts. After completion of analysis and preparation

of the report of findings, the remains and associated grave goods shall be returned to the MLD for reburial.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

<u>Explanation</u>: Paleontological resources are the fossilized remains of vertebrate or invertebrate organisms from prehistoric environments found in geologic strata. They are valued for the information they yield about the history of the earth and its past ecological settings. They are most typically embedded in sedimentary rock foundations, and may be encountered in surface rock outcroppings or in the subsurface during site grading. They can also occur in Pleistoceneera alluvial and fluvial strata.

Geotechnical investigations for the NeoVision office building located immediately adjacent to the site's southern boundary and for a transit-oriented development proposed for just north of the nearby BART station both reported that soils in the area consist of Late Pleistocene alluvium. It is likely that the same soils are present on the project site, and a regional map of Bay Area soils reinforces this, mapping soils in the project vicinity as Latest Pleistocene to Holocene alluvial fan deposits (Qf). These soils are generally of an age that is considered to have low potential for yielding fossils (Class 2), according to the Potential Fossil Yield Classification (PFYC) System recommended by the Bureau of Land Management for evaluating the potential for impacts to paleontological resources. Nonetheless, the possibility that fossils exist within the project site cannot be ruled out. Any destruction of unique paleontological resources during earthmoving activities would be a *potentially significant impact*. Implementation of the following measure would reduce this potential impact to a less-than-significant level:

Mitigation Measure CR-4:

If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific

¹⁴ Cyme, Inc., Geotechnical Investigation Report for NeoVision Eye Center, Decoto Road and Union Square, Union City, California, Project 311-01, January 31, 2001.

¹⁵ Terrasearch, Inc., Geotechnical Investigation Report on Union City Transit-Oriented Development, 11^a Street Near Decoto Road, Union City, California, Project 12181.G, April 7, 2009.

¹⁶ U.S. Geological Survey, "Quaternary Deposits and Liquefaction Susceptibility, Nine-County San Francisco Bay Region, California" [map], Open-File Report 00-444, 2000.

¹⁷ U.S. Department of the Interior, Bureau of Land Management, *Potential Fossil Yield Classification System* [undated].

¹⁸ U.S. Department of the Interior, Bureau of Land Management, Guidelines for Assessment and Mitigation of Potential Impacts to Paleontological Resources [undated].

institution, such as the University of California Museum of Paleontology (UCMP).

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact			
d) Disturb any human remains, including those interred outside of formal cemeteries?		X					
Explanation: See Section V(b).							
VI. GEOLOGY AND SOILS — Would the project:							

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X

Explanation: The nearest active earthquake fault is the Hayward fault, located about 0.8-mile northeast of the project site. 19 Because there are no faults or associated Alquist-Priolo zones on or near the project site, there is no potential for surface rupture at the site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) Strong seismic ground shaking?			X	

Explanation: Similar to most locations throughout the San Francisco Bay Area, the project site is potentially subject to strong seismic ground shaking during an earthquake on one of the major

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 $^{^{19}}$ U.S. Geological Survey, "Digital database of recently active traces of the Hayward Fault, California" [digital map], revised 2008, accessed June 9, 2017 at: https://pubs.usgs.gov/ds/2006/177/.

active earthquake faults that transect the region. The project is in an area mapped as having a Very Strong seismic shaking severity potential, equivalent to a Modified Mercalli Intensity of 8, corresponding to moderate structural damage.²⁰

According to the U.S. Geological Survey's (USGS) U.S. Seismic Design Maps application, the project site has mapped risk-targeted maximum considered earthquake (MCE_R) spectral response acceleration parameters²¹ S_s and S_1 of 2.279 g and 0.946 g, respectively, assuming a soil profile of Class E (soft clay soils).²² (Prior geotechnical reports prepared for the adjacent NeoVision Medical Office Building and a pedestrian overpass at the nearby Union City BART station both describe clay soils in the area.) Assuming a soil profile of Class D (stiff soils), which the Union City Building Division cites on its website and is also the default value in the California Building Standards Code,²³ the estimated peak ground acceleration would be the same values of $S_s = 2.279$ g and $S_1 = 0.946$ g.

Given the magnitude of seismic ground shaking and related peak ground acceleration that could be experienced at the site, there is potential for a strong seismic event in the region to result in catastrophic structural failure of the proposed office building, with potential to severely injure or kill building occupants. However, in accordance with recent CEQA case law (e.g., California Building Industry Association v. Bay Area Air Quality Management District (Aug.12, 2016) 2 Cal.App.5th 1057), CEQA generally no longer considers an impact of the environment on a project to be a significant impact. Accordingly, this would be a *less-than-significant impact*. However, pursuant to Section 15.85.100 of the Union City Municipal Code and General Plan Policy HS-B.1.1, the project applicant will be required to submit a site-specific geotechnical report, prepared by both a registered soils or geotechnical engineer and an engineering geologist, that will include recommendations for site preparation and foundation design. The Union City Building Division will ensure that the project design incorporates the recommendations in the geotechnical report and that it complies with the 2016 California Building Standards Code, which includes detailed structural design requirements intended to provide adequate structural integrity to withstand the MCE_R and the associated ground motion acceleration. Compliance with the applicable building codes will maximize the structural stability of the proposed building and minimize the potential for damage and injury during a strong seismic event.

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²⁰ Association of Bay Area Governments, Earthquake and Hazards Program, Probabilistic Seismic Hazard Analysis [interactive map], accessed June 9, 2016 at: http://gis.abag.ca.gov/website/Hazards/?hlyr=seismicHazardAnalysis.

 $^{^{21}}$ S_s is the mapped spectral acceleration for short periods and S₁ is the mapped spectral acceleration for a 1-second period.

²² U.S. Geological Survey, U.S. Seismic Design Maps [interactive map application], accessed June 9, 2017 at: https://earthquake.usgs.gov/designmaps/beta/us/.

²³ City of Union City, Building Division, Adopted Codes and General Design Information, accessed June 9, 2017 at: http://www.ci.union-city.ca.us/departments/economic-community-development/building.

				Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Seismic-related liquefaction?	ground	failure,	including			X	

Explanation: Liquefaction occurs when clean, loose, saturated, uniformly graded, fine–grained soils are exposed to strong seismic ground shaking. The soils temporarily lose strength and cohesion, resulting in a loss of ground stability that can cause building foundations to fail. The project site is within an area mapped as having low liquefaction potential.²⁴ Lateral spreading, another form of seismic ground failure, is generally associated with liquefaction; since the potential for liquefaction at the site is low, the potential for lateral spreading is presumed to also be low. Site-specific details on subsurface conditions at the site won't be known until a geotechnical investigation of the site has been completed. As noted in Section VI(a)(ii), above, the required geotechnical investigation report will identify seismic hazards on the site, such as the potential for seismic-induced liquefaction, and will include site and building design recommendations that will ensure the structural stability of the proposed site improvements. For the reasons set forth in Section VI(a)(ii), this would be a *less-than-significant impact*.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iv) Landslides?				X

<u>Explanation</u>: A landslide is a slope failure created by down–slope slippage of a mass of earth or rock that typically occurs as a planar or rotational feature along single or multiple surfaces. Landslides can range from slow-moving, deep-seated slumps to rapid, shallow debris flows. The hazard is greatest on steep slopes with gradients of 15 percent or more, but can occur on shallower slopes with unstable soils, particularly when saturated. Because the project site is essentially level and is surrounded by relatively level land with no significant slopes, there is no potential for landslide at the project site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?		X		

<u>Explanation</u>: Any construction project that exposes surface soils creates a potential for erosion from wind and stormwater runoff. The potential for erosion increases on large, steep, or windy

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²⁴ U.S. Geological Survey, Preliminary Maps of Quaternary Deposits and Liquefaction Susceptibility, Nine–County San Francisco Bay Region [map], California: A Digital Database, USGA Open–File Report 00–444, 2000.

sites; it also increases significantly during rainstorms. Although the proposed project would occur on a level site, construction is expected to occur during the rainy season, which increases the potential for erosion at the site. In addition, approximately 1.5 acres of land would be disturbed, increasing the potential for exposure of soils to the erosional effects of wind and rain. Therefore, the potential for erosion during project construction would be fairly high and would be considered a *potentially significant impact* on the environment. The impact would be reduced to a less-than-significant level through implementation of the Erosion Control Plan required by Mitigation Measure WQ–1 and additional erosion controls required by Mitigation Measure WQ–2 (see Section IX).

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?			X	

Explanation: As discussed above in Section VI(a)(iv), there is no potential for landslide at the project site. As discussed in Section VI(a)(iii), the potential for liquefaction and lateral spreading is considered to be low. Subsidence of land typically occurs as a result of oil or groundwater extraction or subsurface mining, but it can also occur in response to seismic shaking. However, soils most susceptible to subsidence are organic soils with a high carbon content, such as peat. These soils are lacking at the site, so the potential for subsidence is presumed to be low. The required site-specific geotechnical investigation report will identify the soil types present on the site and evaluate potential soil stability hazards. The mandatory adherence to the design recommendations presented in the geotechnical engineering report, which will be ensured by the Union City Building Division, would minimize potential damage from unstable soils. The potential for ground failure at the site is considered a *less-than-significant impact*.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	

Explanation: Expansive soils can undergo significant volume change with changes in moisture content. They shrink and harden when dried and expand and soften when wetted. The risks associated with expansive soils generally occur within approximately 5 feet of the ground surface, where substantial changes in soil volume can damage building foundations and pavements. Clay soils such as those likely to be present on the project site have a high shrink/swell potential. The required geotechnical engineering report for the project will provide recommendations for appropriate engineering of the subgrade for the building foundation and parking lot. The design recommendations will be based on the anticipated static and dynamic building loads and the traffic load on the new pavements, taking into account the

expansive qualities of on-site soils. The Union City Building Division will ensure that the project incorporates all of the site engineering and building design recommendations presented in the geotechnical report. Adherence to those recommendations would minimize potential damage from expansive soils. For the reasons set forth in Section VI(a)(ii), this would be a *less-than-significant impact*.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				X

<u>Explanation</u>: The proposed project would not require the use of a septic or alternative wastewater disposal system.

VII. GREENHOUSE GAS EMISSIONS — Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	

Explanation: In November 2010, the City Council adopted a Climate Action Plan (CAP) to reduce Greenhouse Gas (GHG) emissions 20 percent below 2005 levels by 2020. The CAP included implementation measures within six action areas with the potential to reduce GHG emissions by 22.8 percent below 2005 levels by 2020. These six action areas addressed: land use, transportation, energy, water, waste, and green infrastructure. A 2010 GHG inventory update was prepared that showed GHG emission levels dropping by 4 percent, indicating that the City has made substantive progress on achieving its reduction goal.

State law allows cities to analyze and mitigate significant GHG emissions in a CAP or GHG reduction plan that meets certain requirements under CEQA (CEQA Guidelines Section 15183.5). The CAP was developed to serve as the City's qualified GHG Reduction Plan and programmatic tiering document for the purposes of the CEQA for analysis of impacts of GHG emissions and climate change. BAAQMD accepted the CAP as a qualified GHG Reduction Plan on October 6, 2010. In addition, the City has determined that the Reduction Target under the CAP will result in GHG emissions from activities covered by the CAP to be less than cumulatively considerable under CEQA. The City Council adopted a Negative Declaration for the CAP on October 26, 2010.

The CAP and its environmental review may be relied upon for the programmatic analysis of GHG emissions and climate change for future proposed project if the following standards are met:

- The project supports or includes applicable strategies and measures, or advances the actions identified in the CAP.
- The project is consistent with the ABAG population growth projections, which are the basis of the GHG emissions inventory's projections.
- The project would not substantially interfere with implementation of CAP strategies, measures, or actions.

The proposed project would be consistent with the ABAG population growth projections. The project is not a residential project, nor would it be developed on land designated for residential development. Although the project would therefore not have a direct effect on population growth in Union City, commercial development has the potential to induce population growth through the creation of jobs. Any indirect population growth that could be caused by the proposed project would be consistent with ABAG's population growth projections on which the CAP was based.

Regarding the CAP's GHG reduction strategies and measures, the majority of the measures require implementation by the City and are not directly applicable to new development projects. All of the CAP measures, including those requiring implementation by the City as well as those pertaining to new buildings or land uses, were reviewed to identify those potentially relevant to the proposed project. The project could participate in or further the City's attainment of the following CAP measures:

LU-1: Transit-Oriented Development

Measure LU-1.1: Continue supporting transit-oriented development in the Intermodal Station District and adjacent areas.

Consistency/Relevance: This reduction measure assumes approximately 1.2 million square feet of office space within the built out Intermodal Station District in which the project is located. The proposed project would develop new office space and create jobs in close proximity to the Union City BART Station and planned Intermodal Transit facility, and therefore would further this objective.

LU-3: Land Use Policies

Measure LU-3.1: Ensure that City policies, development standards, regulations, and design guidelines facilitate high quality mixed-use pedestrian-oriented and transit-friendly land use patterns and development.

Consistency/Relevance: Although this reduction measure is not directly applicable to the proposed project, the project would be consistent with the City's intention behind this measure, in that it would be transit-friendly by creating new jobs in close proximity to BART and other public transit. In addition, the proposed project includes development of new or enhanced pedestrian facilities along the Decoto Road and Station Way frontages that provide access to the Union City BART Station.

E-3: Commercial Energy Retrofits

Measure E-3.2: Promote 'Cool Roofs' to mitigate the urban heat island effect and reduce air conditioning use.

Consistency/Relevance: The project would be supportive of this measure because a Cool Roof is planned for the proposed building.

E-4: Building Performance Standards for New Construction

Measure E-4.1: Continue to implement the Green Building Ordinance.

Consistency/Relevance: Since adoption of the Climate Action Plan, the City's Green Building Ordinance was modified to remove references to private development projects as these projects are subject to the California Green Building Standards Code, which are more stringent that the provisions previously listed in the City's Green Building Ordinance. As such, the proposed project is consistent with this GHG reduction measure.

E-5: Smart Grid

Measure E-5.1: Work with PG&E and other cities in Alameda County to accelerate Smart Grid integration in existing and new buildings.

Consistency/Relevance: Although this reduction measure is not directly applicable to the proposed project, a smart meter would be installed in the building, furthering this objective of the City.

WR-1: Waste Reduction Policies

Measure WR-1.1: Increase Waste Diversion Target.

Consistency/Relevance: Measure WR-1.1 calls for the City to increase its solid waste reduction and diversion target from 75 percent by 2010 to 90 percent by 2020. By complying with the City's Construction and Demolition Debris (C&DD) Ordinance—which requires the recycling of at least 50 percent of construction and demolition debris generated by a project and 100 percent of all cement, concrete, asphalt concrete, non-contaminated soils, land-clearing debris and plant debris—the project applicant would assist the City in accomplishing its ultimate goal of 90 percent waste diversion.

WR-1: Waste Reduction Policies

Measure WR-1.2: Strengthen Construction & Demolition Standards.

Consistency/Relevance: As noted above, the project will comply with the City's Construction and Demolition Debris (C&DD) Ordinance. By complying with this requirement, the project would support Measure WR-1.2.

WC-1: Water Conservation Policies

Measure WC-1.1 Water Efficient Landscape Ordinance

Consistency/Relevance: Measure WC-1.1 calls for an amendment to the City's Water Efficient Landscape Ordinance (Municipal Code Chapter 18.112) to require new landscape projects of 2,500 square feet or more to reduce water consumption by 50 percent compared to initial requirements for plant installation and establishment. According to the applicant's landscaping plan, the proposed project would create 11,096 square feet of new landscaping, including 3,730 square feet of offsite landscape, and would retain an existing 500 square feet of landscape, for a total landscaped area of 15,326 square feet. As discussed in more detail in Section XVII(d),

the project would be required to comply with the water-efficient landscape requirements set forth in the City's Water Efficient Landscape Ordinance, which was recently updated to reflect updates contained in the State Model Water Efficient Landscape Ordinance (per Governor's Executive Order B-29-15 Ordinance). By complying with the plant selection, irrigation system, and other requirements, the water demand for the project's proposed landscaping would be minimized and the project would be supportive of CAP Measure WC-1.1.

Through compliance with the City's Construction and Demolition Debris Ordinance and Water Efficient Landscape Ordinance, the project would support the CAP GHG reduction measures most applicable to the project. On that basis, along with its consistency with ABAG population growth projections and support of the other GHG reduction measures listed above, the project would be consistent with the Union City CAP and, therefore, its GHG emissions would have a *less-than-significant impact* on the environment.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b)	Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

<u>Explanation</u>: See Section VII(a).

VIII. HAZARDS AND HAZARDOUS MATERIALS — Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	

<u>Explanation</u>: The proposed general office use would not use or store hazardous materials other than small quantities of cleaning agents typically used in office and home environments. Such chemicals are not subject to regulation and, with proper use and storage, do not pose a significant hazard to the environment. The proposed medical office building could use pharmaceuticals that, depending on their chemical constituency, could be hazardous. Pharmaceuticals would be stored and used in small, containerized quantities, and would not pose an undue hazard.

The greatest potential hazard associated with pharmaceuticals would be if they were improperly disposed of. In addition, operation of the proposed dialysis clinic could generate sharps and other biohazardous medical waste. Generally, medical waste is health care waste that that may be contaminated by blood, body fluids, or other potentially infectious materials. Handling and disposal of medical waste is regulated by the federal Occupational Safety and

Health Administration (OSHA) under the Bloodborne Pathogens Standard codified at Title 29, Section 1910.1030 of the Code of Federal Regulations. The regulations require regulated employers to develop an Exposure Control Plan designed to protect employees, patients, and others from potential exposure to medical waste and other infectious materials. It regulates the containment and labeling of medical/infectious waste, use of personal protective equipment, and employee training.

Disposal of medical waste is also regulated in California by the California Department of Public Health, Environmental Management Branch. The Department's Medical Waste Management Program is responsible for overseeing compliance with Medical Waste Management Act (MWMA), codified in California Health and Safety Code, Division 104, Part 14. The MWMA considers any person whose act or process produces medical waste to be a "medical waste generator" and categorizes generators producing over 200 pounds of medical waste per month as large quantity generators (LQGs) and those producing less than 200 pounds per month as small quantity generators (SQGs). Medical waste generators must register with their local enforcement agency (LEA). The LEA in Alameda County is the Office of Solid/Medical Waste Management in the Alameda County Environmental Health Department.

The proposed dialysis clinic would be classified as an LQG of biomedical waste and would be required to register with the LEA prior to commencing operations.²⁵ The clinic would be required to prepare a Medical Waste Management Plan that will provide details on medical waste storage and accumulation areas, disinfection procedures, procedures for disposal of pharmaceutical waste, and any on-site treatment (e.g., autoclave, microwave, incineration, etc.). The plan must designate a registered medical waste hauler that will dispose of medical waste. LQGs are also required to develop an Emergency Action Plan to implement in the event of an emergency such as an equipment breakdown or a natural disaster. Medical waste generators are required to maintain a completed tracking document of all medical waste removed for treatment or disposal for a period of three years.

Some of the liquids and solids that would be stored and used in the dialysis clinic would also be classified as hazardous materials. These would include a 40-gallon container of acetic acid, a 40-gallon container of bleach, 160 gallons of saline, 80 pounds of granuflo dry acid concentrate, 50 pounds of Naturalyte 1K, and 70 pounds of sodium bicarbonate, all of which would be stored in a chemical storage room. These quantities are below the State thresholds requiring preparation of a Hazardous Materials Business Plan (HMBP) in accordance with California Health and Safety Code Section 25507. The reporting thresholds established in Section 25507 are 55 gallons of liquid, 500 pounds of solid materials, and 200 cubic feet of gaseous hazardous materials. If hazardous materials above these thresholds are stored at any time during the reporting year, the facility owner must prepare and submit a HMBP to the local Certified Unified Program Agency (CUPA).²⁶

Although the dialysis clinic is not expected to require a HMBP, it may be required to obtain a permit as a hazardous waste generator by the CUPA, and would be required to comply with State and federal laws pertaining to storage/accumulation, transport, and disposal of hazardous wastes, including the federal Resource Conservation and Recovery Act (RCRA). Specific requirements depend on whether a generator is a SQG or LQG of hazardous waste (distinct from SQGs and LQGs of medical waste). SQGs generate less than 1,000 kilograms (kg) of hazardous waste or 1 kg or less of acutely or extremely hazardous waste per month, while LQGs generate quantities above these amounts. Among other requirements, generators must

²⁵ Jorge Goitia, Senior Environmental Health Specialist, Alameda County Environmental Health Department, Office of Solid/Medical Waste Management, personal communication, June 13, 2017.

²⁶ The CUPA in Union City is the Environmental Programs Division of the Economic and Community Department.

prepare and maintain a Contingency Plan for emergencies, identifying appropriate emergency response procedures; more detailed plans are required for LQGs. Hazardous wastes must be disposed of at a permitted treatment, storage, and disposal facility (TSDF).

The proposed dialysis clinic would be required to comply with all applicable State and federal laws and regulations. This compliance would ensure that the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, including medical waste. This would be a *less-than-significant impact*.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?		×		

<u>Explanation</u>: A Phase I Environmental Site Assessment (ESA) of the site was performed by Environmental Service to identify recognized environmental conditions on the site, including the presence or likely presence of any hazardous substances that could create a significant hazard to the public or the environment, whether through an existing release, past release, or threat of a release into structures, into the ground, or into surface or groundwater.²⁷ The results of that investigation are summarized in this section.

Previous Use of the Project Property

Based on a review of historic topographic maps dating to 1899 and historic aerial photographs dating to 1946, the existing office buildings have occupied the site since 1981. Prior to that time, the property was developed with one or two houses, depending on the year, and ancillary structures. There was no evidence that the property was used for row crops, orchard production, greenhouses, mining or manufacturing, service stations, or other uses considered industrial. The ESA determined that the former house on the property was likely the first use of the property. Mowing marks and stacked hay bales indicate that the land around the house was used for haying. The original house, second house, and ancillary structures were all demolished by October 1974, after which the property appeared to remain vacant until the existing office buildings were constructed. Three office buildings were originally constructed on the site in 1980, but the former office building on the eastern portion of the site (1330 Decoto Road) was demolished circa 2006-2007.

Hazardous Materials Sites On Or In the Vicinity of the Project

As part of the Phase I ESA, Environmental Record Search (ERS) reviewed 255 publicly available local, State, and federal environmental databases to identify hazardous waste and hazardous materials release sites in the project vicinity. Although the project site is not listed on any of the databases reviewed by ERS, an independent search by Environmental Service revealed a listing on a supplemental database maintained by the California Department of Toxic Substances Control (DTSC), its Hazardous Waste Tracking System (HWTS). The HWTS lists Union Square

²⁷ Environmental Service, *Phase I Environmental Site Assessment of 1320 & 1328 Decoto Road, APN 087-0019-018 & -019, Alameda County in Union City, California*, December 16, 2016.

Family Dentistry (1320 Decoto Road, Suite 100) with a waste generator ID number. However, a specific search found no records of manifested waste shipments from Union Square Family Dentistry. City of Union City (1330 Decoto Road) is listed in the HWTS with a waste generator ID number, and indicates a past shipment of asbestos waste from 1330 Decoto Road in 2006. This waste shipment was related to removal of 0.843 ton of asbestos-containing materials from the former building demolished in 2006. These listings do not represent a Recognized Environmental Condition (REC) at the project site. However, as discussed below, asbestos is likely to be present in the two remaining office buildings on the site.

The ERS database search also looked for hazardous waste/hazardous materials sites and contaminated sites within radii of one-quarter mile to one mile from the project site, depending on the database. The Phase I ESA concluded that none of the properties identified within the applicable search radii during the regulatory database search represent RECs for the project site based on their regulatory status, containment, apparent topographic gradient, and/or distance from the project site. For a detailed list of these sites, see the Phase I ESA, which the City will post on its website along with this Initial Study, at the time of publication. The Phase I ESA provides considerable detail about the regulatory status of the properties identified in the search results with the greatest potential to adversely affect the project site. The conclusions of the ESA regarding these properties are summarized below:

- McKesson Chemical Co., 33950 7th Street. The former McKesson facility handled and repackaged inorganic and organic chemicals, including caustics, chlorine, and organic solvents. Chemicals were stored in both underground and above-ground tanks at various times during operation of the facility. Solvent chemical handling operations at McKesson resulted in soil and groundwater impacts by volatile organic compounds (VOCs) including: 1,1-dichloroethene (1,1-DCE); 1,1,1-trichloroethane (1,1,1-TCA); trichloroethene (TCE); and perchloroethylene (PCE). Three separate groundwater-bearing zones have been affected by the plume of dissolved VOCs. Contour maps of the plumes showed that the one that extends the farthest south toward the project site is for the chemical 1,1-DCE. This plume is located north of the BART tracks and does not represent an REC for the project site.
- Former PG&E Pipe Yard and Pipe Wrapping Plant, 1100 Decoto Road. The former Pipe Yard, located in the vicinity of 11th Street east of Decoto Road, comprised approximately 30 acres used by Pacific Gas & Electric Company (PG&E) since the early 1950s for storage of natural gas pipe. Pipe sand blasting, coating, and wrapping were performed at the Pipe Yard. The facility was also used during the late 1970s to the early 1980s to store and maintain electrical equipment that contained varying amounts of insulating oil with polychlorinated biphenyls (PCBs). The former PG&E Pipe Yard was issued a hazardous waste facility permit in 1983. Operations were terminated in 1984 and site remediation was performed from 1984 to 1987. On January 5, 1990 the site was officially cleaned closed, with DTSC finding that chemical residues that could impact soil or groundwater had been removed. The yard was sold to the City of Union City for use as a 30-acre transit-oriented development and passenger rail hub. Portions have been subsequently redeveloped with residential and public uses.
- Former Pacific States Steel Corporation, 1051 Kraftile Road. The Pacific State Steel Corporation (PSSC) operated a steel mill in Union City from 1938 to 1978. The PSSC site was comprised of three parcels, with the steel mill located on the 62.6-acre Parcel III and the 16.6-acre Parcel II, also known as the East Parcel, used for disposal of slag and industrial waste water generated by the mill. A by-product of the steel production process, slag contains heavy metals such as lead, cadmium, and copper in a glassy solid slag matrix. Disposal of slag and other waste occurred on Parcel II from 1966 to 1978. During remediation of the site, which was completed in August 2005, the waste consolidated on Parcel III. The waste consolidation area was filled and capped and

- currently is inspected annually. A monitoring well network around the waste consolidation area also is monitored annually. The PSSC site does not pose an environmental hazard to the project site.
- Union Square Center, 14-44 Union Square. Before it was redeveloped with rental housing, this was a 6-acre multi-tenant commercial complex developed with approximately ten tire service and auto repair businesses. Three underground waste oil storage tanks were removed from the property in 1992 and the case was closed without requirements for further action. Four monitoring wells were installed on June 28 and 29, 2006. The Phase I ESA that this property, located more than 1,000 feet southeast of the project site, site does not pose an environmental hazard to the project site.

The Phase I ESA also discussed the laboratory testing of a soil stockpile that contained soil excavated from the right-of-way of Station Way, which runs along the northern boundary of the project site. The soil was excavated during construction of Station Way, which occurred sometime between 2005 and 2009, as determined by a review of historic aerial photographs of the site. Soil may have also been excavated from the eastern portion of the project site currently occupied by a parking lot. The soil was stockpiled at a staging area located near the foot of 11th Street along the east side of Decoto Road. The stockpile, estimated to contain between 1,600 and 2,500 cubic yards of soil, was present at the staging area from March 2007 to October 2011, and was covered in plastic throughout. In December 2007, 16 soil samples were collected from the stockpile and composited by a State-certified laboratory into four composite samples.

The laboratory testing found concentrations of dichlorodiphenyldichloroethylene (DDE), which is a by-product of the decomposition of dichlorodiphenyltrichloroethane (DDT) in the environment, in all four composite samples. The DDE concentrations ranged from 0.11 to 0.17 milligrams per kilogram (mg/kg), well under the Environmental Screening Levels (ESLs) established by the California Regional Water Quality Control Board (RWQCB) for both commercial land use (8.5 mg/kg) and for unrestricted residential land use (1.9 mg/kg).

A concentration of dieldrin was reported in one of the four composite samples. The reported concentration of 0.061~mg/kg was below the ESL for commercial land use of 0.17~mg/kg. While the concentration was just over the ESL for unrestricted residential land use of 0.038~mg/kg, its detection was sporadic in the composite samples, being reported in only one of four composite soil samples.

No other organo-chlorine pesticides (OCPs) were present in detectable concentrations in the soil samples, which were also screened for dichlorodiphenyldichloroethane (DDD), endrin, and toxaphene.

Because the use of DDT was banned in 1972, concentrations of DDT and its byproducts would not be expected to have increased after the previous sampling was performed in 2007. The Station Way right-of-way and the project site were previously part of a single, larger parcel that was under cultivation by a single property owner. Based on these considerations and the laboratory results summarized above, the environmental assessor concluded that the shallow soil on the project site is unlikely to be impaired with DDE, DDD, DDT or dieldrin, and did not recommend subsurface testing of the site.

Existing Conditions on the Project Property

In December 2016, Marc Papineau of Environmental Service, a Registered Environmental Assessor (REA), surveyed the project site and buildings, reviewed previous documentation on the property, and conducted interviews with City staff and the project applicant's representative to identify evidence of any RECs of concern associated with the project site. The

environmental assessor observed the property and neighborhood to look for evidence of past or current operations that used or may have used potentially hazardous materials or petroleum products. During the reconnaissance, visible signs of potential environmental impairment such as stressed vegetation or stained soil, oil staining, foul odors, sumps, drains, vent or fill pipes, for example, were looked for, but these conditions were not observed on the site, nor were indicators of prior use of hazardous materials on the site.

According to the National Pipeline Mapping System (NPMS) web site, natural gas transmission pipelines and refined petroleum multi-products pipelines do not adjoin the project site. The nearest natural gas transmission pipeline is a PG&E-operated pipeline, Line 109.1, which is located in Decoto Road south of Alvarado-Niles Road, about 1,400 feet south of the site. According to NPMS, no crude oil pipelines or refined petroleum product pipelines are located anywhere in the vicinity of the project site.

Based on the site reconnaissance, database search, review of aerial photographic images and historical topographic map images, and review of off-site investigations and groundwater monitoring reports, likely sources of hazardous materials and petroleum product release or trespass were not found to be present at the project site.

Asbestos and Lead

Based on the age of the two extant office buildings on the site, there is a possibility that lead-based paint (LBP) and/or asbestos-containing building materials (ACBM) are present in the buildings. Lead is a highly toxic metal that was a common ingredient in paint until it was banned from residential paint in 1978. Exposure to LBP has been linked to learning disabilities and behavioral problems in children, who are particularly susceptible. Lead may also cause brain damage, kidney damage, seizures, and even death in extreme cases.

Asbestos was common in a variety of construction materials until the late 1970s, and can be found in building insulation (both spray-on and blanket types), pipe wraps, floor and ceiling tiles, tile mastics (adhesives), wallboard, joint compound, mortar, roofing materials, and more. Asbestos is a known human carcinogen, and inhalation exposure to asbestos fibers or dust, known as friable asbestos, has been linked to an increase risk of lung cancer and mesothelioma, which is a relatively rare cancer of the thin membranes that line the chest and abdomen. Inconclusive evidence has also linked asbestos exposure to a variety of other cancers. With cumulative exposure, asbestos fibers can cause inflammation and scarring of the lungs, resulting in breathing difficulties.

During the proposed demolition of the existing office buildings, friable asbestos and/or lead could be released into the environment, posing a health hazard to workers. If not addressed properly, the potential health hazards to construction workers posed by ACBM and LBP that may be present on the site would represent a *potentially significant adverse impact*. Implementation of the following mitigation measures would reduce the impact to a less-than-significant level.

Mitigation Measure HM-1:

Prior to issuance of a demolition permit for the existing buildings on the site, a comprehensive survey for asbestos-containing building materials (ACBM) shall be conducted by a qualified asbestos abatement contractor. Sampling for ACBM shall be performed in accordance with the sampling protocol of the Asbestos Hazard Emergency Response Act (AHERA). If ACBM is identified, all friable asbestos shall be removed prior to building demolition by a State-certified Asbestos Abatement Contractor, in accordance with all applicable State and local regulations,

including Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2 pertaining to demolition, removal, and disposal of ACBM. BAAQMD shall be notified at least ten business days in advance of building demolition, in compliance with Regulation 11, Rule 2. To document compliance with the applicable regulations, the project sponsor shall provide the City of Union City Building Division with a copy of the notice required by BAAQMD for asbestos abatement work, prior to and as a condition of issuance of the demolition permit.

Mitigation Measure HM-2:

Prior to issuance of a demolition permit for the existing buildings on the site, a survey for lead-based paint (LBP) shall be conducted by a qualified lead assessor. If LBP is identified, lead abatement shall be performed in compliance with all federal, State, and local regulations applicable to work with LBP and disposal of lead-containing waste. A State-certified Lead-Related Construction Inspector/Assessor shall provide a lead clearance report after the lead abatement work in the buildings is completed. The project sponsor shall provide a copy of the lead clearance report to the City of Union City Building Division prior to issuance of a demolition permit.

Aside from the ACBM and LBP that may be present in the existing office buildings on the site, the Phase I ESA did not identify any other conditions on the site that could create a significant hazard to the public or the environment through the release of hazardous materials into the environment as a result of construction or operation of the proposed project.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X

<u>Explanation</u>: James Logan High School is located about 775 feet (0.15-mile) west of the project site, at 1800 H Street. However, the project would not emit hazardous emissions or handle acutely hazardous materials. There is no potential for the project to adversely affect students at this or other schools in the area.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
haza Gove woul	ocated on a site which is included on a list of rdous materials sites compiled pursuant to ernment Code Section 65962.5 and, as a result, ld it create a significant hazard to the public or mvironment?				X

Explanation: The list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 actually consists of several lists, including:

- A list of hazardous waste sites compiled by the California Department of Toxic Substances Control (DTSC);
- A list of contaminated water wells compiled by the California Department of Health Services (DHS) (subsequently reorganized into the California Department of Health Care Services and the California Department of Public Health);
- A list of leaking underground storage tank sites and solid waste disposal facilities from which there is a migration of hazardous waste, compiled by the State Water Resources Control Board (SWRCB); and
- A list of solid waste disposal facilities from which there is a migration of hazardous waste, compiled by the Local Enforcement Agency (LEA). These lists are consolidated by the Department of Resources Recycling and Recovery (CalRecycle).

Each of these lists must be updated at least annually, and must be submitted to the Secretary for Environmental Protection, the head of the California Environmental Protection Agency (CalEPA). DTSC maintains the EnviroStor database for purposes of complying with Section 65962.5, while the SWRCB maintains the GeoTracker database. Both of these databases were consulted during this environmental review. The project site is not listed on the EnviroStor database and there were no hazardous waste sites identified within 1,000 feet of the project site on the EnviroStor database.²⁸ The project site is not listed on the GeoTracker database and the only facilities identified within 1,000 feet of the project site on the GeoTracker database are for the PG&E Decoto Pipe Yard discussed in Section VIII(b).²⁹ As discussed therein, the former PG&E facility does not pose a hazard to the project site. There would be no impact related to hazardous materials sites compiled pursuant to Government Code Section 65962.5.

²⁸ California Department of Toxic Substances Control, EnviroStor Site/Facility Search, Accessed May 15, 2017 at: http://www.envirostor.dtsc.ca.gov/public/.

²⁹ State Water Resources Control Board, GeoTracker Database, Accessed May 15, 2017 at: https://geotracker. waterboards.ca.gov/map/?CMD=runreport&myaddress=1320+Decoto+Road,+Union+City,+CA.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project 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 for people residing or working in the project area?				X

<u>Explanation</u>: There are no airports within 2 miles of the project site; the closest airport is the Hayward Executive Airport, located nearly 7 miles northwest of the site.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X

<u>Explanation</u>: There are no private airstrips in the project area.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X

<u>Explanation</u>: The proposed project would entail demolition of existing office buildings and construction of a single new office building to house medical offices and general offices. This use would be consistent with the prior use of the site, which included both medical offices and general offices. The project would not introduce new land uses to the site and would not substantially increase activity or the employee population on the site. Vehicle access to the site would be via existing driveways to the site, located on Decoto Road and Union Square. The project would not block or impede access to emergency evacuation routes, and there are no other known attributes of the project that would have the potential to interfere with implementation of the City's disaster management operations plan or emergency response procedures adopted by any local service providers.

The City's 2014 Comprehensive Emergency Management Plan (CEMP) was reviewed to identify any potential conflicts that could be caused by the proposed project. The CEMP details procedures and responsibilities during disasters for a wide range of potential emergencies, including civil disturbance, dam failure, earthquake, flood, hazardous materials spill, train

derailment, landslide, terrorism, wildfire, and more. It identifies the Ruggieri Senior Center at 33997 Alvarado-Niles Road (approximately 0.45 mile southwest of the project site) as the City's primary Emergency Operations Center.

The project site is located in Area 5, one of five evacuation areas with possible sites for Refuges of Last Resort in the event of a large-scale catastrophic event that could involve evacuation of half or more of the population. Area 5 includes one of the City's two primary concentrations of population. Within Area 5, Guy Emanuele Jr. Elementary School, located about 0.6-mile north of the project site, and Shorty Garcia Park, located adjacent to this school, are identified as possible sites for a Refuge of Last Resort during a need to terminate evacuations. Although both of these facilities are listed as Shelter Sites, there are two Shelter Sites closer to the project site: Charles F. Kennedy Community Park, located immediately to the west of the site, and James Logan High School, located about 775 feet (0.15-mile) west of the project site.

The proposed project would not interfere with evacuation procedures if they became necessary and would not otherwise impair implementation of the CEMP.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
h)	Expose people or structures to significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

<u>Explanation</u>: The project is located in a predominantly built-out area with a concentration of commercial development in the immediate vicinity. Concentrations of residential development are located about 800 feet to the north, 1,900 feet to the west, 1,200 feet to the east, and 1,800 feet to the south. There are no wildlands in the project area, and therefore there is no potential for the proposed project to result in the exposure of people or structures to wildland fires.

IX. HYDROLOGY AND WATER QUALITY — Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?		X		

Explanation:

Construction Impacts

Construction activities could potentially affect water quality as a result of erosion of sediment. In addition, leaks from construction equipment; accidental spills of fuel, oil, or hazardous liquids used for equipment maintenance; and accidental spills of construction materials are all

potential sources of pollutants that could degrade water quality during construction. Stormwater runoff from the site is ultimately discharged, without treatment, to San Francisco Bay, which is on the list of impaired water bodies compiled by the San Francisco Bay Regional Water Quality Control Board (RWQCB) pursuant to the federal Clean Water Act. Because the State is required to develop action plans and establish Total Maximum Daily Loads (TMDLs) to improve water quality within these water bodies, uncontrolled discharge of pollutants into them is considered particularly detrimental.

Generally, new development that entails "land disturbance" of 1 acre or more requires the project sponsor to obtain coverage under Construction General Permit (CGP) Order 2009-0009-DWQ, administered by the RWQCB. With a site area of 1.47 acres, the project would be required to obtain coverage under the CGP. Order 2009-0009-DWQ requires project sponsors to implement construction Best Management Practices (BMPs) at the project site and comply with numeric action levels (NALs) in order to achieve minimum federal water quality standards. The CGP requires control of non-stormwater discharges as well as stormwater discharges. Measures to control non-stormwater discharges such as spills, leakage, and dumping must be addressed through structural as well as non-structural BMPs.

Construction stormwater BMPs are intended to minimize the migration of sediments off–site. They can include covering soil stockpiles, sweeping soil from streets or other paved areas, performing site-disturbing activities in dry periods, and planting vegetation or landscaping quickly after disturbance to stabilize soils. Other typical stormwater BMPs include erosionreduction controls such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds.

To obtain coverage, the applicant must electronically file a number of permit-related compliance documents (Permit Registration Documents [PRDs]), including a Notice of Intent (NOI), a risk assessment, site map, signed certification, Stormwater Pollution Prevention Plan (SWPPP), Notice of Termination (NOT), NAL exceedance reports, and other site-specific PRDs that may be required. The PRDs must be prepared by a Qualified SWPPP Practitioner (QSP) or Qualified SWPPP Developer (QSD) and filed by a Legally Responsible Person (LRP) on the RWQCB's Stormwater Multi-Application Report Tracking System (SMARTS). Once filed, these documents become immediately available to the public for review and comment.

Although project construction effects on surface water quality could result in a potentially significant impact on water quality, implementation of Mitigation Measures WQ-1 and WQ-2 would ensure that construction impacts on water quality remain less than significant.

Mitigation Measure WQ-1: Prior to issuance of a grading permit the project sponsor shall obtain National Pollutant Discharge Elimination System (NPDES) construction coverage as required by Construction General Permit (CGP) No. CAS000002, as modified by State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ. Pursuant to the Order, the project applicant shall electronically file the Permit Registration Documents (PRDs), which include a Notice of Intent (NOI), a risk assessment, site map, signed certification, Stormwater Pollution Prevention Plan (SWPPP), and other site-specific PRDs that may be required. At a minimum the SWPPP shall incorporate the standards provided in the Association of Bay Area Governments' Manual of Standards for Erosion and Sedimentation Control Measures (2005), the California Stormwater Quality Association's California Stormwater Best Management Practices Handbook (2009), the prescriptive

standards included in the CGP, or as required by the Clean Water Program Alameda County, whichever are applicable and more stringent. Implementation of the plan will help stabilize graded areas and reduce erosion and sedimentation. The SWPPP shall identify Best Management Practices (BMPs) that shall be adhered to during construction activities. Erosion-minimizing efforts such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds shall be installed before extensive clearing and grading begins. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during and after construction activities. The SWPPP shall also be reviewed and approved by the Union City Public Works Department.

Mitigation Measure WQ-2:

All cut-and-fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15th and April 15th unless approved erosion control measures are in place.

Union City General Plan Policy NHR-B.1.2 also requires preparation and implementation of an Erosion Control Plan as a condition of issuance of a grading permit. Policy NHR-B.3 ensures, through on-site inspections, that the Erosion Control Plan is being properly implemented during project construction.

Operational Impacts

According to the applicant's stormwater management plan, the proposed project would create 51,000 square feet of new and replaced impervious surfaces that would be a source of contamination to rainwater falling onto the site, as well as to water flowing onto the site from adjacent areas. As noted above, stormwater runoff from the project area is discharged into San Francisco Bay, which already suffers from impaired water quality.

Parking lots can be considerable sources of water pollutants due to the concentration of vehicles and the frequent movement of vehicles across their surfaces. Even parked vehicles can deposit oil and other pollutants. Moving vehicles deposit oil and grease, fuel residues, heavy metals (e.g. lead, copper, cadmium, and zinc), tire particles, and other pollutants. They emit polycyclic aromatic hydrocarbons (PAHs) from their exhaust, resulting from incomplete combustion of gasoline, which settles to the ground. All of the pollutants described above collect on the impervious pavements, where they can be washed by stormwater into downstream surface waters, thereby degrading water quality. Pesticides that may be used on landscaping or around buildings can potentially contribute to the depletion of dissolved oxygen and/or toxic concentrations of dissolved ammonia in downstream receiving waters, creating acute toxicity for aquatic wildlife.

Buildings and equipment enclosures also provide potential sources of water pollutants because weathered paint and eroded metals from painted and unpainted surfaces can be washed away by stormwater. In addition, mercury and polychlorinated biphenyls (PCBs) that get deposited on roofs and other impervious surfaces as airborne pollutants can be washed into surface waters during storm events. Microbial pathogens are yet another pollutant that can be entrained in stormwater coming in contact with poorly protected trash collection areas.

Operational stormwater discharges from new development are regulated under the National Pollutant Discharge Elimination System (NPDES), administered by the RWQCB under

authority of the U.S. Environmental Protection Agency. In accordance with the NPDES, the RWQCB regulates stormwater discharges via municipal stormwater permits issued to the cities, counties, water districts, and flood control districts under its jurisdiction in the San Francisco Bay Area. In the City of Union City, development projects must comply with NPDES Permit No. CAS612008, issued to the Alameda Countywide Clean Water Program (ACCWP)³⁰ and other Bay Area jurisdictions by the RWQCB (NPDES Order No. R2-2015-0049). The revised Municipal Regional Stormwater Permit (MRP) was adopted on November 19, 2015 and became effective on January 1, 2016. This permit replaced the previous permit issued on October 14, 2009, which was formally rescinded by the RWQCB. The current MRP consolidates the multiple countywide permits previously issued to member agencies in the San Francisco Bay Area under a single MRP regulating stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties and the cities of Fairfield, Suisun City, and Vallejo.

Although the MRP imposes a variety of responsibilities for monitoring and protecting stormwater quality on member agencies, it also includes requirements for individual development projects. Specifically, Provision C.3 of the MRP requires any private or public development project that would create or modify 10,000 square feet or more of impervious surfaces to take measures to improve water quality of stormwater discharges from the project site (i.e., stormwater runoff), including providing treatment of 100 percent of the stormwater runoff from the site. The size threshold is reduced to 5,000 square feet for certain special land use categories, which include auto service facilities, retail gasoline outlets, restaurants, and uncovered parking lots. Where a redevelopment project would alter 50 percent or more of the impervious surfaces of a previously existing project that was not subject to Provision C.3 requirements, the entire project must be designed and operated in compliance with Provision C.3. The Provision C.3 requirements also pertain to construction or widening of roads, trails, and sidewalks.

In the new MRP, Provision C.3 also requires small projects with 2,500 square feet to 10,000 square feet of new and replaced impervious surfaces and detached single-family home projects that create and/or replace 2,500 square feet or more of impervious surfaces to install at least one site design measure to reduce uncontrolled stormwater runoff. One example of an allowed site design measure is directing roof runoff into cisterns or barrels for reuse. Additional examples are provided below.

Projects subject to Provision C.3 must include low-impact development (LID) measures to capture and perform onsite treatment of all stormwater from the site prior to its discharge, including rainwater falling on building rooftops. (Treatment may also occur offsite at an approved joint stormwater treatment facility.) Project applicants are required to implement appropriate source control and site design measures and to design and implement stormwater treatment measures in order to reduce the discharge of stormwater pollutants to the *maximum extent practicable* (MEP), a standard established by the 1987 amendments to the federal Clean Water Act. LID treatment measures include harvesting and reuse, infiltration, evapotranspiration, and biotreatment.

Provision C.3 LID requirements include source controls and site design and stormwater treatment requirements. Examples of source control requirements that could be relevant to the proposed project include:

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³⁰ Although the named Permitee in the MRP is Alameda Countywide Clean Water Program, this organization is also referenced on its website as Clean Water Program Alameda County as well as Alameda Countywide Clean Water Program.

- Landscaping that minimizes irrigation and runoff, promotes surface infiltration, minimizes the use of pesticides and fertilizers, and incorporates other appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping;
- Efficient irrigation systems;
- Properly designed trash storage areas; and
- Storm drain system stenciling or signage.

The MRP states that permitees (i.e., the cities and counties) should encourage projects that do not meet the Provision C.3 size thresholds to still implement these source control measures to the extent feasible.

Examples of site design and stormwater treatment requirements that could be relevant to the proposed project include:

- Conservation of natural areas, including existing trees, other vegetation, and soils;
- Minimization of impervious surfaces;
- Construction of sidewalks, walkways, patios, and/or parking lots with pervious pavements;
- Minimization of stormwater runoff by directing runoff from roofs, sidewalks, walkways, driveways, and/or uncovered parking lots onto vegetated areas; and
- Treatment of 100 percent of the site's stormwater runoff with onsite LID treatment measures (or with LID treatment measures at a joint stormwater treatment facility) through harvesting and re-use, infiltration, evapotranspiration, or biotreatment.

Biotreatment (or bioretention) systems must be designed to have a surface area no smaller than what is required to accommodate a 5 inches/hour stormwater runoff surface loading rate, and infiltrate runoff at a minimum of 5 inches per hour during the life of the facility. The planting and soil media for biotreatment (or bioretention) systems must be designed to sustain healthy, vigorous plant growth and maximize stormwater runoff retention and pollutant removal. Biotreatment soil media must meet minimum specifications. Green roofs may be considered biotreatment systems provided they meet the criteria for treatment capacity stipulated in the MRP and have a sufficient depth of planting media to support the long-term health of the vegetation selected for the green roof.

The size and capacity of required stormwater treatment systems is determined in part on historical rainfall records for the project area. Systems may be based on the volume of runoff, the peak flow rate of runoff, or a combination of the two, with numeric hydraulic design criteria stipulated in the MRP for each method.

In certain cases where an applicant can demonstrate the infeasibility of treating 100 percent of the runoff from a project site, there are provisions for payment of an in-lieu fee for treatment of the untreated portion of stormwater at a regional or municipal treatment facility. Provision C.3 also defines three categories of "special projects" (Category A, B, and C) that may be eligible for a reduction in the amount of stormwater they are required to treat via Incentive LID Treatment Reduction Credits that must be approved by the RWQCB. Special projects are generally land development projects that can be characterized as infill, smart growth, high-density, or transitoriented development that can either reduce existing impervious surfaces or create less "accessory" impervious areas and automobile-related pollutant impacts. The LID Treatment Reduction Credits allow the treatment of a stipulated portion of the site's runoff with non-LID treatment systems, such as tree box high-flow-rate bio-filters or vault-based high-flow-rate

media filters. The proposed project would not meet the criteria for any of the special projects defined in Section C.3.e.ii of the MRP.

Provision C.3 of the MRP also includes hydromodification management (HM) requirements for certain projects located in areas susceptible to hydrograph modification. Hydrograph modification occurs when an undeveloped site is developed with impervious surfaces such as buildings and pavements, which prevents natural infiltration by rain water, and which results in an increase in the volume and rate of stormwater runoff from the site. Hydrograph modification has the undesirable effect of increasing erosion of natural creeks and earthen channels, which can cause flooding, property damage, degradation of stream habitat, and deterioration of water quality.

Projects that create or replace 1 acre or more of impervious surfaces on sites within a designated "susceptible area" as mapped by the ACCWP must implement HM measures to minimize changes in the rate and flow of stormwater runoff in comparison with pre-project conditions. The MRP includes provisions for compliance with the HM requirements in cases where meeting the HM standard is not practical due to excessive cost (more than 2 percent of project construction costs) or extreme space limitations.

For Alameda County permitees, the HM controls must be designed such that the post-project discharge rates and durations match pre-project discharge rates and durations from 10 percent of the pre-project 2-year peak flow up to the pre-project 10-year peak flow. HM measures can include site design and hydrologic source control measures, on-site structural HM measures, regional HM control structures, in-stream restorative measures, or a combination thereof. However, in-stream measures may only be used when the receiving stream is in a hardened channel or already shows evidence of excessive sediment, erosion, or deposition.

The project site is located within an area subject to HM requirements, as shown on the HMP Susceptibility Map attached to the Alameda County MRP.³¹ It is located in an area between the hilly areas to the east, where HM impacts are of particular concern, and the tidal zone to the west, where HM controls do not apply. Projects located within this zone that can demonstrate that all project runoff will flow through fully hardened channels or are connected to storm drains that discharge to the tidal area do not have to meet the HM standard. Because the storm drain in Union Square that would receive project discharge drains to earthen channels, the project would be subject to the HM standard.³² However, because the project would cause a net decrease in impervious surfaces on the site and furthermore would provide on-site bioretention facilities that would detain the site's discharge, additional HM controls are not likely to be required.

The proposed project would replace approximately 47,900 square feet (1.1 acres) of impervious surfaces and create 3,800 square feet of new impervious surfaces, for a total of 51,000 square feet (1.17 acres) of new and replaced impervious surfaces, well in excess of the 10,000-square-foot Provision C.3 threshold. Although implementation of the project would not result in a significant change to existing conditions with respect to stormwater because so much of the site is already covered with impervious surfaces, there are currently no measures in place to treat contaminated stormwater from the site. Therefore, absent such measures, stormwater runoff from the proposed project would entrain a variety of urban pollutants that would ultimately discharge to San Francisco Bay. Uncontrolled stormwater runoff from the site would contribute

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³¹ Clean Water Program Alameda County, Order No. R2-2015-0049 Municipal Regional Stormwater Permit, Attachment C: HMP Susceptibility Map, November 13, 2006.

³² Thomas Ruark, City Engineer, Union City Public Works Department, personal communication, June 12, 2017.

pollutants to downstream surface waters, including San Francisco Bay, which would be a *potentially significant impact*.

Based on the proposed impervious surfaces, the project engineer has determined that a biotreatment area of 2,040 square feet is required, subject to confirmation by the ACCWP. The proposed stormwater management plan calls for three drainage management areas (DMAs) to treat the site's runoff, providing a total treatment area of 2,110 square feet is proposed. A large bioretention area in the landscaped area on the west side of the site would provide the majority (1,550 square feet) of the treatment area. The remainder would be provided by two small treatment areas, one near the northeast corner of the new office building and the other in the northeast corner of the site. Each of the treatment areas has been sized to treat stormwater from its respective DMA. The bioretention areas would consist of 18 inches of bio-treatment soil mix underlain by 12 inches of Class II permeable rock. A 4-inch-diameter perforated pipe would run along the bottom of the drain rock layer to collect filtered rainwater and discharge it to the storm drains in Union Square or Station Way via on-site storm pipes ranging from 8 inches to 15 inches in diameter.

The applicant has designed a bio-retention plan intended to comply with the Provision C.3 requirements, which will be subject to confirmation by the Union City Public Works Department, who has responsibility for achieving compliance with the ACCWP in Union City. Implementation of the following mitigation measures would ensure the project's compliance with the Alameda Countywide Clean Water Program and would ensure that the project does not violate Waste Discharge Requirements associated with the ACCWP's NPDES municipal stormwater permit:

Mitigation Measure WQ-3:

Prior to issuance of a grading permit, the project applicant shall prepare a C.3 Stormwater Control Plan in accordance with construction and post-construction requirements specified by State Water Resource Control Board (SWRCB) Order No. 2009-0009-DWQ and the post-construction requirements specified by National Pollutant Discharge Elimination System (NPDES) Order No. R2-2015-0049 and the Alameda Countywide Clean Water Program (ACCWP). The C.3 Stormwater Control Plan shall be developed in accordance with the provisions of ACCWP's C.3 Stormwater Technical Guidance manual (Version 5.1, May 2, 2016). Additionally, as required by the C.3 Provisions, building permit applications must be accompanied by a Stormwater Control Plan, for review and approval by the City Engineer, which specifies the treatment measures and appropriate source control and site design features that will be incorporated into project design and construction to reduce the pollutant load in stormwater discharges and manage runoff flows.

The C.3 Stormwater Control Plan shall be submitted for review and approval by the Union City Clean Water Program (UCCWP). The plan and a Stormwater Requirements Checklist shall be prepared by a qualified civil engineer or landscape architect. The applicant shall demonstrate to UCCWP via drawings and engineering calculations that the proposed project includes site design features sufficient to capture and treat on site all stormwater runoff from the project site, in compliance with Provision C.3 of the ACCWP. Landscape features shall be used in

lieu of structural features to the degree feasible. As part of compliance with the ACCWP, the applicant shall execute and implement a maintenance agreement with the City of Union City to provide for the maintenance of all onsite stormwater treatment features and devices in perpetuity, including specification of how the maintenance will be financed. Prior to issuance of the building permit, the applicant shall provide proof of recording this agreement from the Alameda County Clerk Recorder's Office. The applicant shall submit to the Union City Public Works Department annual certificates of compliance with the operations and maintenance requirements stipulated in the maintenance agreement.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?				X

Explanation: The project site is underlain by the Niles Cone Basin groundwater aquifer, which extends across the larger tri-cities area encompassing Union City, Fremont, and Newark. The Niles Cone Basin is an alluvial aquifer system of unconsolidated gravel, silt, and clay that is separated into different levels by the Hayward Fault. The basin's deepest water-bearing units extend to 400 to 500 feet or more below the ground surface (bgs). Water quality in some of the sub-basins below the Hayward Fault is degraded due to saltwater intrusion from San Francisco Bay. The Alameda County Water District (ACWD) has operated an Aquifer Reclamation Program to remove and control the movement of intruded saline water since 1974. The program has succeeded in preventing further saltwater intrusion and flushing saltwater from one of the sub-basins, the Newark Aquifer.

Groundwater supplies in the project area are managed by ACWD, which is the domestic water supplier for the cities of Union City, Fremont, and Newark. Following the passage of the Sustainable Groundwater Management Act in 2014, the first legislation to regulation groundwater extraction in California, ACWD was designated by the State as the exclusive local agency to monitor and manage the groundwater in the Niles Cone Basin. The District has developed and implemented eight major groundwater management programs to ensure a reliable long-term supply of high-quality groundwater to meet the present and future needs of its municipal, industrial, recreational, and agricultural customers. The programs include:

- Water Supply Management
- Groundwater Replenishment
- Watershed Protection and Monitoring

- Basin Monitoring
- Wellhead Protection Program
- Aquifer Reclamation Program
- Groundwater Protection Program
- Well Ordinance Administration

ACWD derives 35 percent of its total water supply from groundwater in normal years; over 60 percent comes from groundwater in dry years. In 2015/2016 ACWD pumped 19,100 acre-feet (AF) from the basin, which received 32,200 AF in recharge from rainfall, applied water, and recharge at the District's groundwater recharge facilities at Quarry Lakes Regional Recreation Area and adjacent areas.³³ In general, extraction occurs during dry years and recharge and recovery occur during wet years. The Niles Cone Groundwater Basin is sustainably managed by the District and is not an adjudicated basin, nor is it considered to be in an "overdraft" or "potentially overdraft" condition by the California Department of Water Resources (DWR).³⁴ ACWD has had a Groundwater Management Policy in place since 1989 that outlines the District's protection and management oversight of the Niles Cone Groundwater Basin via the groundwater management programs listed above.

A geotechnical investigation for the NeoVision office building located immediately adjacent to the site's southern boundary reported that the depth to groundwater at the property is approximately 30 feet below ground surface (bgs); it is likely at a comparable depth at the project site. With the exception of landscaped areas, predominantly around the margins, the entire Union Square Professional Center in which the project site is located is developed with impermeable surfaces in the form of buildings and parking lots. Consequently, the amount of groundwater recharge currently occurring on the project site through rainfall infiltration is quite limited. While the project site is therefore expected to be an insignificant source of groundwater recharge, implementation of the project would incrementally increase the potential for groundwater recharge because it would result in a net increase of 3,800 square feet of impermeable surfaces. Therefore, the project would have no impact on groundwater supplies.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X

<u>Explanation</u>: The potential for temporary erosion during project construction was already addressed in Section IX(a); this discussion addresses the permanent changes in drainage that

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³³ Alameda County Water District, Survey Report on Groundwater Conditions, Table 3: Annual Overdraft, February 2017.

³⁴ Alameda County Water District, *Urban Water Management Plan* 2015–2020, Chapter 4: Groundwater, adopted June 9, 2016.

³⁵ Cyme, Inc., *Op. Cit.*

would be caused by the proposed project. Currently, stormwater runoff at the project site is collected in storm drain inlets located throughout the parking areas on the interior of the Union Square Professional Center. In addition, stormwater from Station Way is discharged into 12-inch and 15-inch storm drain pipes running through the parking lot and connecting to the public storm drain system on Union Square.

Following implementation of the proposed project, prior to being discharged from the site, all rain water falling on the building roof and paved parking areas would be treated in on-site bioretention areas, as discussed in more detail in Section IX(a), above. The treated stormwater would be discharged into the onsite storm drainage system that will be relocated outside of the proposed building envelope, and conveyed to one of the existing storm drains in Union Square or Station Way. The areas of new landscaping would be in approximately the same locations as existing landscaping, and while the landscaped area would be increased by about 30 percent, the landscaped areas would be designed and constructed to prevent soil erosion. Therefore, the proposed project would have no impact on drainage patterns and would not result in substantial erosion on or off site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X

Explanation: Similar to the previous discussion, this discussion focuses on permanent changes in drainage that would be caused by the proposed project. Please see Section IX(a) for a discussion of temporary construction impacts related to drainage. Although the on-site storm drain system will be relocated outside of the proposed building envelope, the general drainage patterns of the site will be maintained. According to the preliminary stormwater management plan, the project would create at total of 51,000 square feet of new impervious surfaces on the site. However, there are currently 54,800 square feet of impervious surfaces on the project site. The project would therefore result in a reduction in impervious surfaces in comparison with current conditions, which has the potential to reduce the amount of stormwater discharged from the site. Furthermore, the rate of discharge would be decreased because the proposed on-site bio-retention areas would both treat and detain the site's stormwater runoff, which would result in an increased amount and rate of stormwater discharge from the site. The project would therefore have no potential to increase the rate or volume of stormwater runoff from the site, and no potential to cause on- or off-site flooding.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
<u>Explanation</u> : As noted in the preceding subsection, the stormwater runoff in comparison with existing componential to exceed the capacity of the downstream received.	nditions, a	and would		
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water quality?				X
Explanation: See Sections IX(a) and IX(c). No other im the project.	npacts to w	vater quality	were ider	ntified for
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood		П		

<u>Explanation</u>: The proposed project does not include any housing.

Insurance Rate Map or other flood hazard delineation

 \boxtimes

map?

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X

Explanation: The project site does not lie within or near a 100-year flood plain. 36 It is within Zone X, Other Areas, which is assigned to areas outside the 0.2-percent annual chance floodplain (i.e., 500-year flood).

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i)	Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	

Explanation: Portions of Union City lie within the dam failure inundation zones for Calaveras, Del Valle, and Ward Creek reservoirs, with the former two posing the greatest threat to the City.³⁷ Were a failure of the Calaveras or Del Valle dams to occur, the flood waters would come west out of Niles Canyon, about 4.5 miles southeast of the project, and continue westward along the Alameda Creek flood zone.³⁸

The Governor's Office of Emergency Services (Cal OES) collects and reviews dam failure inundation maps that must be prepared by dam operators, pursuant to Government Code Section 8589.5. Inundation maps provided by Cal OES were reviewed to determine whether the project site could be flooded if one of the upstream dams in the region failed.³⁹ Although the mapped potential inundation zone for Calaveras Reservoir extends north of Alvarado-Niles Road, encompassing part of the Marketplace shopping center, the inundation zone does not extend to the project site. The mapped inundation zone for Del Valle Reservoir extends slightly further north, encompassing all of the shopping center, but it does not encroach into the project site. The mapped inundation zone for Ward Creek Reservoir is located primarily in the City of Hayward, and does not come near the project site.

Based on the mapped inundation zones discussed above, there does not appear to be a risk of dam failure inundation at the project site. Were flood waters from a dam failure at Del Valle

³⁶ Federal Emergency Management Agency, Flood Insurance Rate Map, Alameda County, California and Incorporated Areas, Community Panel Number 06001C0434G, August 3, 2009.

³⁷ City of Union City, 2002 General Plan Policy Document, Health and Safety Element, page HS-15, February 2002.

³⁸ Alameda County Planning Department, East County Area Plan, Volume 2: Background Reports—Setting, Trends, and Issues, Figure 48: Dam Inundation Zones: Bethany, Patterson & Del Valle Reservoirs and Figure 49: Dam Inundation Zones: San Antonio & Calaveras Reservoirs, (draft) February 1993.

³⁹ Governor's Office of Emergency Services, Dam Inundation Maps for Calaveras, Del Valle, and Ward Creek Reservoirs, September 2015.

Reservoir to encroach onto the site, any damage would be minimal and would not expose people to risk of death or injury and would not the project building to significant damage.

The State Division of Safety of Dams (DSOD) performs annual inspections of each dam to ensure the dam is safe, performing as intended, and is not developing problems. Roughly a third of these inspections include in-depth instrumentation reviews of the dam surveillance network data. The DSOD also thoroughly reviews the plans and specifications of dams before they are constructed, and oversees the construction to ensure the work is being done in accordance with the approved plans and specifications. Given this ongoing regulatory oversight, failure of one of the dams is highly unlikely.

Based on the considerations presented above, the potential risk to people and structures from failure of a dam is considered *de minimus*, and this would be a *less-than-significant impact*.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow?				X

Explanation: Tsunamis (seismic sea waves) are long-period waves that are typically caused by underwater disturbances (landslides), volcanic eruptions, or seismic events that vertically displace the water in a large body of water. Areas that are highly susceptible to tsunami inundation tend to be located in low-lying coastal areas such as tidal flats, marshlands, and former bay margins that have been artificially filled but are still at or near sea level. In the San Francisco Bay Area, any potential tsunami would originate in the Pacific Ocean, and to reach East Bay areas including the project site, would need to pass through the relatively narrow Golden Gate and into San Francisco Bay, where it would lose much of its energy. Given the project site's distance from the Golden Gate—more than 28 miles—and the elevation of the site, the potential for inundation of the site by tsunami is very small. This is confirmed by the tsunami inundation map for the San Francisco Bay Area prepared by California Emergency Management Agency, which indicates that the project site is well outside the area of potential inundation from tsunamis.⁴⁰

A seiche is a free or standing wave oscillation(s) of the surface of water in an enclosed or semienclosed basin that may be initiated by an earthquake. There is no surface water body near the project site; there is therefore no potential for inundation of the site due to seiche.

Debris flows, mudslides, and mudflows begin during intense rainfall as shallow landslides on steep slopes. The rapid movement and sudden arrival of debris flows can pose a hazard to life and property during and immediately following a triggering rainfall. There are no steep slopes on or in the vicinity of the project site, and it is not located downslope of unstable areas that would be subject to mudflows. There is therefore no potential for mudslides or debris flows.

⁴⁰ California Emergency Management Agency, California Geological Survey, and University of Southern California, "Tsunami Inundation Map for Emergency Planning, State of California, San Francisco Bay Area" [map], December 9, 2009.

X. LAND USE AND PLANNING — Would the project:

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Physically divide an established community?				X

Explanation: The project would redevelop a site currently occupied by two two-story office buildings and a parking lot. The project would replace the existing development with a similar use, consisting of a single two-story office building and a parking lot. The proposed project would utilize existing driveways for vehicular access to the site. It would not create new streets or block off any existing streets or pedestrian paths connecting different areas of a community. It would improve pedestrian connectivity by adding a sidewalk along Station Way where none currently exists, which would improve pedestrian access to the Union City BART station located about 400 feet southeast of the project site. The project would not divide an established community or interfere in any way with access to an established community.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>b</i>)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purposed of avoiding or mitigating an environmental effect?				X

Explanation:

General Plan

The project site is located within the City's Intermodal Station District, an area encompassing 175 acres of land centered around the existing BART station and future intermodal transit facility. The Land Use Diagram of the City's General Plan, adopted in February 2002 and revised in November 2007, designates the property as Station Mixed Use Commercial (CSMU). The CSMU land use category is intended to define an area of visual prominence through high intensity development. New development in the CSMU land use category should embody high aesthetic and design standards in order to make the area attractive to people as a place to shop, work, and, where appropriate, live. The designation is primarily commercial in nature and is intended to promote retail and office opportunities. However, high-density residential land use, at a density of 45 to 80 units per acre, is also allowed where it will promote, in a coordinated manner with the commercial development, the purpose of the CSMU designation.

The General Plan states that the Station District is intended to provide strong pedestrian connections, ground-floor retail uses, and open space, along with high-density office, research and development, light industrial, and high-density residential uses.

The CSMU designation is applied to the immediate vicinity of the BART/intermodal facility because the proximity of regional and subregional transportation services provides the opportunity for viable higher-density commercial and residential uses. The minimum allowable site area per dwelling unit is 544 square feet for residential development, and the minimum parcel size for commercial uses is 5,000 square feet. The allowable floor area ratio (FAR) for buildings in this area is between 1.0 and 4.0 (with an average of 2.0), with higher density desired for parcels near the BART station.

The proposed project includes a request for a General Plan Amendment (GPA) to reduce the intensity of development allowed in the CSMU land use designation on a very limited basis. The GPA would allow the FAR to be reduced to a minimum of 0.5 on previously developed sites that do not meet the minimum 1.0 FAR and where the previously developed sites are proposed for redevelopment at a higher FAR than the previous development.

As currently proposed, the proposed project would result in development of Block 7 at a density of FAR 0.505. With approval of the requested GPA, the project would be in conformance with the allowed density on the site. The proposed general offices and medical offices would be consistent with the commercial office uses allowed in the CSMU land use designation, and the site exceeds the required minimum site size. Therefore, the project would not conflict with the General Plan.

General Plan Policies

The City of Union City General Plan was reviewed to identify policies applicable to the proposed project and identify any potential conflicts with applicable policies. No conflicts with General Plan policies were identified, and the project would be generally consistent with relevant policies, including Land Use Policy LU-A.1.2, which encourages reuse of underutilized parcels such as the project site.

The following General Plan Land Use Element policies are relevant to the project:

- **Policy LU-A.1.2** The City shall promote infill development and reuse of underutilized parcels, consistent with maintaining or enhancing the positive qualities of the surrounding neighborhoods.
- **Policy LU-A.1.4** The City shall encourage project sites to be designed to increase the convenience, safety, and comfort of people using public transportation, walking, or cycling.
- **Policy LU-A.5.4** The City shall require major new commercial projects to be designed to support mass transit and alternative modes of transportation.
- Goal LU-B.1 To create an environment surrounding the intermodal facility that is mixed use and transit-oriented and which has good connectivity with the rest of the city while integrating well with the surrounding neighborhoods.
- Policy LU-B.1.3 The City shall ensure that the Station District includes opportunities for light industrial, office, commercial, high-density mixed-income residential, ground floor retail, and community uses.

- **Policy LU-B.1.7** The Station District should be pedestrian-friendly with a design that minimizes the impact of parking on the quality of the streetscape and the neighborhood.
- Goal LU-B.4 To encourage and support the timely redevelopment of the Station District as an area of high quality commercial, office, research and development (R&D), light industrial, residential and service commercial industries and uses, with appropriate associated uses, such as transportation links, parks, schools, etc.
- Policy LU-B.7.3 Landscaping, design, a walkway system and other elements should be used to integrate new uses with existing uses. Cohesive links should be established between neighborhoods. In particular, a safe pedestrian link should be developed between the Guy Emanuele School and the Decoto neighborhood northwest of Decoto Road.

Although pertinent policies from other General Plan elements, such as the Community Design Element, are not individually listed above, there are many additional policies that are applicable to the proposed project. All General Plan polices were reviewed, and no conflicts were identified for the proposed project.

Zoning Ordinance

The zoning on the site mirrors the General Plan land use designation: Station Mixed Use Commercial (CSMU) district. Similar to the CSMU land use designation, the CSMU zoning district is intended to establish a mixed-use town center/central business district of high-density residential, commercial, office, and research and development uses that will serve as an important regional center, while providing strong pedestrian connections throughout the district. The City has the following objectives for the CSMU zoning district:

- A. To create an environment surrounding the intermodal facility that is mixed use and transit-oriented and has good connectivity with the rest of the City;
- B. To ensure that the station district includes opportunities for research and development; office; commercial; high-density, mixed-income residential; ground floor retail; and community uses;
- C. To promote land uses and urban design that maximize transit use and minimize automobile dependence;
- D. To ensure that the intermodal facility is the nucleus of a vibrant, transit-oriented mixed use district that is a community and regional destination;
- E. To provide a pedestrian-friendly atmosphere with development that minimizes parking impacts on the quality of the streetscape and the neighborhood;
- F. To attract local-serving businesses to the area to support and balance residential, office, and research and development (R and D) uses in the district;
- G. To guide all new development in the station district in such a way as to ensure harmony with existing and potential uses both within the station district and in adjacent neighborhoods.

Section 18.38.020 of the Union City Municipal Code lists a variety of commercial uses permitted by right in the CSMU zoning district as part of a mixed-use project, including apparel and accessory stores, bakeries with retail sales, banks, food stores up to 25,000 square feet in floor area, health clubs, medical offices, professional offices, restaurants and cafes, retail food outlets with minimal or no seating, and more. Civic uses, including museums, community centers,

police and fire stations, post offices, public parking lots and structures, and more are also permitted uses. Municipal Code Section 18.38.030 lists additional uses that may be permitted in the CSMU district upon granting of an administrative Use Permit, such as adult and child day care facilities, educational uses (e.g., business, beauty, computer, dance, etc.), fast-food restaurants, dry cleaners, and more. City Council approval of a Use Permit is required for other uses such as bars and nightclubs, commercial recreation facilities, convenience markets, mixed-use developments, motels and hotels, senior housing, live/work, transportation facilities, and more. The proposed project is considered a mixed-use development with health services on the ground floor and offices above.

A proposed Zoning Text Amendment has been applied for to update the CSMU zoning district list of permitted and conditionally permitted uses (i.e., Sections 18.38.020 and 18.38.030 of the Zoning Ordinance) to clarify that the term "mixed use" means both residential and commercial mixed-use developments. This is not a substantive change but more of a clarification. The proposed amendment reflects the vision for the Station District enumerated in several General Plan policies and Land Use Diagram that anticipated both residential and office mixed-use developments. Additionally, the applicant requests a Zoning Text Amendment to change the FAR requirement in the CSMU district similar to the proposed GPA.

Section 18.38.040 of the Zoning Ordinance lists performance standards for the CSMU zoning district. With exceptions such as parking and loading areas and approved sidewalk cafes, all businesses and services are required to be conducted in enclosed structures. Enclosures or screening are required for waste collections facilities, and all developments must comply with the provisions for management of waste and recyclables set forth in Municipal Code Chapter 7.04. Storage, handling, or use of hazardous materials must comply with the provisions of Municipal Code Chapter 18.40, Article IV. Each mixed-use development must have a comprehensive Sign Plan approved by the Economic and Community Development Department. Additional standards pertain to live/work units; those standards are not relevant to the proposed project.

Chapter 18.38 of the Zoning Ordinance also includes development standards pertaining to site area, setbacks, screening, landscaping, parking, and more. A minimum site area of 20,000 square feet is required. Currently, the allowable non-residential density mirrors that of the CSMU land use designation, requiring a minimum FAR of 1.0 and a maximum FAR of 4.0. However, the proposed zoning text amendment would allow the FAR to be reduced to a minimum of 0.5 on previously developed sites that do not meet the minimum 1.0 FAR and where the previously developed sites are proposed for redevelopment at a higher FAR than the previous development. With approval of the requested Zoning Text Amendment, the density of the proposed project (FAR 0.505) would conform to the allowable density on the site and would be higher than the current FAR of 0.2.

Front setbacks of 15 feet are required in the CSMU district, except along Decoto Road, where a 20-foot setback is required. Interior side and rear yard setbacks are not required except when adjacent to streets, where setbacks of 15 feet are required. Building heights may range from three to 14 stories, with a maximum height of 160 feet, excluding mechanical penthouses and elevator towers that do not exceed 25 percent of the roof area. Buildings above five stories or 65 feet require approval of a Use Permit.

Section 18.38.150 of the Zoning Ordinance establishes a variety of design criteria, and also states that new development should comply with the design guidelines in the *Intermodal Station District and Transit Facility Plan*. The design criteria address building features such as building materials, entrances, fenestration, signage, and more. The City will ensure the project conforms to the applicable design criteria during the Site Development Review process. Conformance

with the criteria does not relate to potential environment effects under the purview of CEQA, so no further details on the design criteria are discussed in this Initial Study.

For office uses, the CSMU district requires the provision of off-street parking at the rate of one parking stall per 300 square feet of office and/or research and development space. At this rate, the proposed project would require 104 parking stalls.

For sites within one-half mile of the Intermodal Station, which applies to the project site, bicycle parking facilities are required, at a minimum, in an amount equal to 20 percent of the required automobile parking stalls, and at least 60 percent of the bicycle parking must be enclosed and secure to accommodate long-term users. The City may increase the amount of required bicycle parking facilities if it determines that a project will create a greater demand for bicycle parking than would be provided under the 20-percent requirement. To meet the 20-percent requirement, the proposed project would require 21 bicycle parking facilities, with 13 of them enclosed; the other 8 could be outdoor racks. The project plans show the location of the outdoor racks. The project will be conditioned that the plans submitted for tenant improvements provide the indoor bicycle parking facilities. Design criteria for bicycle parking facilities are set forth in Section 18.28.080 of the Zoning Ordinance.

The proposed project complies with the development standards pertaining to site size, site dimensions, and setbacks. The project does not conform to the requirements for height and off-street automobile parking. The proposed two-story building would not meet the three-story minimum height requirement. As noted above, based on the size of the proposed building, a total of 104 off-street parking stalls would be required. The project proposes a total of 68 parking spaces, including 7 handicap-accessible stalls.

Zoning Ordinance Section 18.38.250 states that the approving body may approve deviations from certain of the development standards set forth in Chapter 18.38, including those pertaining to building height and required off-street auto parking, through the Use Permit process, provided the development offers a high-quality architectural and pedestrian environment and amenities, which the project does. Accordingly, as noted in the project description, the applicant is requesting a Use Permit to deviate from the building height and off-street parking requirements applicable in the CSMU district.

The proposed project would be consistent with Zoning Ordinance Section 18.38.250, which states that the existing Union Square Office Park at the corner of Decoto Road and Union Square, which includes the project site, shall be retained for high-density office and commercial uses.

The project will be subject to the City's Site Development Review process, codified in Chapter 18.76 of the Zoning Ordinance. In order to grant Site Development Review approval, the City must make findings, including a finding that the project is consistent with the purpose of Site Development Review outlined in Section 18.76.010. Section 18.76.010 reads: "Site development review is intended to promote orderly, attractive and harmonious development and the stability of land values and investments and the general welfare, by preventing the establishment of uses or the erection or maintenance of structures having unsightly, undesirable or obnoxious qualities which are not properly related to their sites, surroundings and traffic circulation in the vicinity, or which would not meet the specific intent clauses or performance standard requirement of the zoning title."

Water Efficient Landscape Ordinance

The City's zoning regulations include a Water Efficient Landscape Ordinance, codified in Chapter 18.112. The requirements are based on the State Model Water Efficient Landscape

Ordinance (23 CCR 490 et. seq.) and apply to new development projects with an aggregate of 500 square feet or more of landscaping, and to rehabilitated landscape projects with an aggregate of 2,500 square feet or more of landscaping. Exceptions and limitations to the applicability are set forth in Section 18.112.020, but none are relevant to the proposed project.

The Water Efficient Landscape Ordinance establishes a detailed structure for designing, installing, and maintaining water-efficient landscaping on new and redeveloped sites. It requires landscape irrigation in accordance with the water requirements of different hydrozones, which must have plants with similar water use characteristics. Plants must be selected that include sufficient low- and moderate-water demand species to keep water use within a stipulated budget.

To obtain approval, and applicant must submit to the City a landscape documentation package that includes a water efficient landscape worksheet, soil management report, landscape plan, irrigation plan, and grading plan. The water efficient landscape worksheet must provide information on plant factors (i.e., water demand), irrigation method, irrigation efficiency, and area associated with each hydrozone. The worksheet must include calculations of the evapotranspiration adjustment factor (ETAF), based on the plant factors and irrigation methods selected, which must not exceed a factor of 0.55 for residential areas and 0.45 for non-residential areas. A maximum applied water allowance (MAWA), expressed as annual gallons required, must be calculated, based on the maximum ETAF allowed. An estimated total water use (ETWU) must be calculated based on the all of the plants used and the planned irrigation method, and the ETWU may not exceed the MAWA.

The City will require the project applicant to demonstrate compliance with the Water Efficient Landscape Ordinance prior to issuance of a building permit.

Based on the zoning and planning analysis discussed in this section, the proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purposed of avoiding or mitigating an environmental effect.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

<u>Explanation</u>: There is no habitat conservation plan applicable to the project site.

XI. MINERAL RESOURCES — Would the project:

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X

Explanation: Although regionally significant mineral deposits are located in the coastal range of hills extending along the eastern edges of the cities of Hayward, Union City, and Fremont, such deposits have not been identified on the project site, which is located more than 1 mile west of the coastal range. The project site and surrounding areas to the south, east, and west are classified Mineral Resource Zone (MRZ) category MRZ-3 by the California Department of Conservation's Division of Mines and Geology (DMG). The MRZ-3 designation is assigned to areas where there is not sufficient data available to determine whether or not significant mineral deposits are present. The area north of Railroad Avenue (located one-quarter mile north of the project site) and extending for a considerable distance to the west is designated MRZ-1. This designation is assigned to areas where there is adequate information available to indicate that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.

While the presence of mineral deposits beneath the project site cannot be ruled out, were such deposits to exist, they would not be practically recoverable, due to the fully developed, urbanized character of the project vicinity. The proposed project would therefore have no potential to adversely affect the availability of known mineral resources.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>b</i>)	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?				X

<u>Explanation</u>: The City of Union City General Plan acknowledges the State's designation of mineral resources within the City's Hillside area, located east of Mission Boulevard (about 0.75-mile north of the project), and *Hillside Area Plan* Policy 13 prohibits the mining of aggregate resources within the Hillside area. The project site is well outside the hillside area. There is no potential for the project to encroach into the area designated by the State as containing regionally significant mineral deposits, and the General Plan does not identify any mineral

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⁴¹ California Department of Conservation, Division of Mines and Geology, Revised Mineral Land Classification Map, South San Francisco Bay Production-Consumption Region, Newark Quadrangle (Plate 2 of 29), 1996.

resources in proximity to the project site. The proposed project would therefore have no potential to adversely affect the availability of mineral resources.

$\overline{XII.}$ **NOISE** — Would the project result in:

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	

Explanation:

Introduction to Noise Descriptors

Noise is defined as unwanted sound. Airborne sound is a rapid fluctuation of air pressure above and below atmospheric pressure. These fluctuations occur at varying intensities across a broad range of frequencies that combine to generate a sound. As sound waves travel outward from a source, they exert a sound pressure level that can be measured on a sound level meter. Sound levels are usually measured and expressed in decibels (dB), which is a unit of sound energy intensity, with 0 dB corresponding roughly to the threshold of hearing. Decibels are logarithmic units that conveniently compare the wide range of sound intensities to which the human ear is sensitive.

A frequency weighting measure, which simulates human perception, is commonly used to describe noise environments and to assess impacts on noise-sensitive areas. A-weighting of sound levels best reflects the human ear's reduced sensitivity to low and extremely high frequencies, and correlates well with human perceptions of the annoying aspects of noise. An A-weighted decibel (dBA) is a decibel corrected for the variation in frequency response to the typical human ear at commonly encountered noise levels. The A-weighted decibel scale (dBA) is cited in most noise criteria. Table N–1 identifies decibel levels for common sounds heard in the environment.

Several time-averaged scales represent noise environments and consequences of human activities. The most commonly used noise descriptors are equivalent A-weighted sound level over a given time period $(L_{eq})^{42}$ average day-night 24-hour average sound level $(L_{dn})^{43}$ with a nighttime increase of 10 dBA to account for sensitivity to noise during the nighttime; and community noise equivalent level (CNEL), also a 24-hour average that includes both an

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⁴² The Equivalent Sound Level (L_{eq}) is a single value of a constant sound level for the same measurement period duration, which has sound energy equal to the time-varying sound energy in the measurement period.

 $^{^{43}}$ L_{dn} is the day-night average sound level that is equal to the 24-hour A-weighted equivalent sound level with a tendecibel penalty applied to night between 10:00 p.m. and 7:00 a.m..

⁴⁴ CNEL is the average A-weighted noise level during a 24-hour day, obtained by addition of 5 decibels in the evening from 7:00 to 10:00 p.m., and an addition of a 10-decibel penalty in the night between 10:00 p.m. and 7:00 a.m.

evening and a nighttime weighting. Noise levels are generally considered low when ambient levels are below 45 dBA, moderate in the 45-60 dBA range, and high above 60 dBA. Outdoor day/night sound levels (L_{dn}) vary over 50 dBA, depending on the specific type of land use. The L_{dn} noise levels average approximately 35 dBA in wilderness areas, 40 to 50 dBA in small towns or wooded residential areas, 75 dBA in major metropolis downtown areas, and 85 dBA near major freeways and airports. Although people often accept the higher levels associated with very noisy urban residential and residential-commercial zones, they nevertheless are considered to be adverse levels of noise with respect to public health.

Table N–1 Typical Noise Levels

Noise Level (dBA)	Outdoor Activity	Indoor Activity
90+	Gas lawn mower at 3 feet, jet flyover at 1,000 feet	Rock Band
80-90	Diesel truck at 50 feet	Loud television at 3 feet
70-80	Gas lawn mower at 100 feet, noisy urban area	Garbage disposal at 3 feet, vacuum cleaner at 10 feet
60-70	Commercial area	Normal speech at 3 feet
40-60	Quiet urban daytime traffic at 300 feet	Large business office, dishwasher next room
20-40	Quiet rural, suburban nighttime	Concert hall (background), library, bedroom at night
10-20		Broadcast/recording studio
0	Lowest threshold of human hearing	Lowest threshold of human hearing

Source: (modified from Caltrans Technical Noise Supplement, 2011)

Noise levels that are generally considered acceptable or unacceptable vary depending on the context of the environment. Lower levels are expected in rural or suburban areas than would be expected in commercial or industrial zones. Nighttime ambient levels in urban environments are about 7 decibels lower than the corresponding average daytime levels. The day-to-night noise level difference in rural areas away from roads and other human activity can be considerably less. Noise levels above 45 dBA at night can result in the onset of sleep interference.⁴⁵ At 70 dBA, sleep interference becomes considerable.

City of Union City Standards

The applicable noise standards governing the project are set forth in the Health and Safety Element of the 2002 General Plan, specifically Policies HS-C.1.1 through HS-C.1.8. Policy HS-C.1.3 requires a detailed noise impact analysis performed by a qualified acoustical engineer for noise-sensitive uses proposed for an area with elevated noise levels from transportation or stationary sources. The proposed medical and general office building would not be considered a noise-sensitive use, as defined in Policy HS-C.1.1. Although "extended medical facilities" are a noise-sensitive use, the proposed dialysis clinic would not entail extended stays by patients.

⁴⁵ U.S. Environmental Protection Agency, *Community Noise*, 1971.

Therefore, a detailed noise study based on noise measurements taken on and adjacent to the project site was not considered warranted for the proposed project. However, sufficient information was available to provide an adequate basis for the conclusions on the potential noise impacts presented in this section.

The City has adopted the standards of the California Office of Noise Control, Department of Health, as its standards. These standards specify a CNEL of 65 dBA as "Normally Acceptable" for office buildings and commercial land uses. Noise levels between 65 dBA and 75 dBA may be "Conditionally Acceptable" only after a detailed analysis of the noise-reduction requirements is made by a qualified acoustical engineer and necessary noise-insulation features have been incorporated into the project design. Noise levels above 75 dBA are normally unacceptable unless a detailed noise study identifies appropriate measures to reduce noise exposure to an acceptable level.

Impact of Existing Noise Levels on Future Project Occupants

Based on observations in the project vicinity, the primary source of existing noise in the project area is from truck and auto traffic along Decoto Road, which abuts the site's western boundary. Intermittent elevations in ambient noise levels occur when BART trains pass by on the elevated tracks located about 125 feet north of the project site. Buses frequently pass the site along Station Way, but they travel at low speeds at this location, due to the need to turn onto or from Decoto Road, and do not produce particularly loud instantaneous noise levels. No stationary sources of significant noise were observed in the project vicinity.

The September 2001 Draft Environmental Impact Report for the Amendment to the City of Union City Community Redevelopment Plan (RDA EIR) reported a noise level along Decoto Road south of Mission Boulevard of 66 dBA L_{dn} , as measured 100 feet from the centerline. The distances to the 70-, 65-, and 60-dBA L_{dn} contours, as measured from the roadway centerline, were 54 feet, 117 feet, and 251 feet, respectively. The RDA EIR also reported operational noise levels from passing BART trains, identifying the distance to the following noise contours:

Operational Noise Level (L _{dn})	Distance from Track to Noise Contour
75 dB	50 feet
70 dB	150 feet
65 dB	475 feet
60 dB	1,500 feet

The locations of these noise contours indicate that the ambient noise levels on the project site range from 60 to 70 dBA L_{dn} due to traffic noise on Decoto Road and 65 to about 72 dBA L_{dn} due to BART train passbys, depending on the location on the site (i.e., the distance from the source). Combined, these noise sources produce a noise environment on the site of 66 to 74 dBA L_{dn} .

While these noise levels fall into the Conditionally Acceptable range established by the City for office uses, which would normally require preparation of a noise study, the proposed project would not represent a new land use on the site, but rather would be a continuing use of the site with medical and general offices as the project would replace the existing offices in-kind with new, similar offices. Furthermore, project construction would be required to comply with the current California Green Building Standards Code, which requires non-residential buildings located within a 65-dBA CNEL $L_{\rm dn}$ noise contour to employ wall and roof-ceiling assemblies

⁴⁶ City of Union City, Community Redevelopment Agency, *Draft Environmental Impact Report for the Amendment to the City of Union City Community Redevelopment Plan*, Table 3E-1: Existing Traffic Noise Levels Along Union City Roadways, September 2001.

that have specified Sound Transmission Class (STC) values. Chapter 5, Section 5.507.4 of the regulations requires the wall and roof-ceiling assemblies to have a composite STC rating of at least 50, determined in accordance with American Society for Testing and Materials (ASTM) E90 and ASTM E413, or a composite Outdoor-Indoor Sound Transmission Class (OITC) of no less than 40, determined in accordance with ASTM E1332. Exterior windows must have a minimum STC of 40 or OITC of at least 30.47 These standards have been developed to ensure an interior noise environment that does not exceed an hourly equivalent noise level of 50 dBA $L_{\rm eq}$ -1Hr in occupied areas during any hour of operation.

The project's compliance with these mandatory measures would ensure that future project occupants would not be exposed to excessive noise levels in the proposed office building. The project would have a *less-than-significant impact* related to noise exposure.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>b</i>)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	

Explanation: While vibration generated by construction activity can cause annoyance to nearby receptors, groundborne vibration falls off quickly with distance. Since there are no residential or other sensitive receptors in close proximity to the project site, there is no potential for project construction activities to expose people to excessive vibration. Although a medical office building is located immediately south of the project, at 2 Union Square, occupants of the building would not experience excessive groundborne vibration or groundborne noise. Operation of typical construction equipment such as would be required for the project—including graders, scrapers, backhoes, compactors, and dump trucks—is not associated with excessive levels of groundborne vibration or noise. Any vibration generated during project construction would be minimal, intermittent, and would occur only during the short-term demolition and grading periods, expected to last a total of less than five weeks. Subsequent phases of construction, including pouring and floor and roof framing, would not create significant groundborne vibration. Following completion of construction, there would be no potential for the project to generate vibration.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X

<u>Explanation</u>: Once the short-term construction activities were completed, the only operational noise that would be generated by the project would be from vehicular traffic traveling to and from the site. However, with respect to traffic noise sources, a doubling of traffic volumes is generally required before an increase in ambient noise will be perceived by the average person,

⁴⁷ California Code of Regulations, Title 24, Part 11, Chapter 5, Section 5.507.4.

corresponding to a noise level increase of 3 dB. The General Plan EIR reported an average daily traffic (ADT) volume of 35,000 vehicles on Decoto Road near Alvarado-Niles Road. While the ADT may be less on the stretch of Decoto Road adjacent to the project site, it can be presumed to be at least 25,000 vehicles, and is likely more. As discussed in Section XVI, Transportation/Traffic, the proposed project would generate approximately 1,116 daily traffic trips, or 959 net new traffic trips after subtracting out traffic generated by the former site occupants. This represents a small portion of the existing traffic on Decoto Road, and would be nowhere near a doubling of existing traffic. Therefore, the proposed project would have no effect on existing ambient noise levels.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

<u>Explanation</u>: Construction of the project is expected to create high noise levels for a temporary, short-term period. The loudest construction noise would be generated by the operation of heavy equipment used for clearing and grading the site, chipping of trees (if done on site), excavating utility trenches, and paving of parking areas and onsite circulation aisles, etc. Construction equipment is expected to include an excavator, backhoe, front loader, bobcat, front shovel, skip loader, trench compactor, roller, high reach, all-terrain crane, dump trucks, and paver.

Based on noise data from the Federal Highway Administration's Roadway Construction Noise Model (RCNM), a typical front loader generates a maximum sound level (L_{max}) of 79 dBA at a distance of 50 feet from the equipment, while a compactor has an L_{max} of 83 dBA at 50 feet.⁴⁹ Other operational L_{max} noise levels for construction equipment that would be used on the project include: backhoe–78 dBA; roller–80 dBA; dump truck–76 dBA; excavator–81 dBA; paver–77 dBA; roller–80 dBA; crane–81 dBA; and vacuum street sweeper–82 dBA. Pneumatic tools, with an L_{max} of 85 dBA, could also be use. The L_{max} is the highest instantaneous peak noise measurement during any measurement period, and is higher than the average DNL or CNEL noise levels.

Due to its proximity to the project site, these noise levels ranging from 76 to 85 dBA L_{max} could be experienced at the façade of the nearest offsite receptor, the medical office building located immediately south of the project site, at 2 Union Square. Given the building's modern construction, interior noise levels would be expected to be at least 20 dBA lower, would not be continuous, and would only occur when equipment was operating near the southern boundary of the project site. Equipment operating in the northern portion of the site, within the proposed building footprint, would attenuate, resulting in maximum noise levels of approximately 64 to 72 dBA at the exterior façade of the adjacent medical office building.⁵⁰ These noise levels would

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⁴⁸ City of Union City, Community Redevelopment Agency, *Draft Environmental Impact Report for the Amendment to the City of Union City General Plan Update*, Table 5-1: Major Roadways in Union City, September 2001.

⁴⁹ U.S. Department of Transportation, Federal Highway Administration, *Construction Noise Handbook*, Table 9.1 RCNM: Default Noise Emission Reference Levels and Usage Factors, August 2006.

⁵⁰ For point noise sources, the sound level is reduced by approximately 6 to 7.5 dBA for every doubling of distance from the source, assuming level ground, hard surfaces, and no intervening buildings, structures, or vegetation; the

be 44 to 52 dBA or lower at the interior of the building, and average noise levels would be even lower. These noise levels are comparable or lower to typical noise environments within offices.

Users of Charles F. Kennedy Park, located just west of the project site, have the potential to be adversely affected by construction-generated noise at the site. Although park boundaries are located approximately 100 feet away, the nearest children's play area is about 400 feet from the northwest corner of the project site. At this distance, peak noise levels from project construction would be approximately 58 to 66 dBA. Again, these are maximum instantaneous noise levels, and average noise levels would be lower. Since average noise levels from traffic on Decoto Road are higher than these peak noise levels, project construction would not be expected to significantly disrupt park patrons.

People who may experience annoyance at the elevated construction noise levels would be temporary visitors to the nearby park or office buildings, and would not be considered sensitive receptors. Any disturbance would be of short duration, and park users would be free to move further into the interior of the park and away from the temporary noise source. The noisiest period of project construction would be due to operation of heavy equipment during the short-term demolition and grading periods, expected to last a total of less than five weeks. Subsequent phases of construction, including pouring and floor and roof framing, would not be excessively noisy, particularly given the existing noise environment, which is dominated by high traffic volumes on Decoto Road and BART train passbys.

Similar to most jurisdictions in California, Union City does not treat short-term construction noise as a significant impact if it complies with the limits on construction hours established by the City's Noise Ordinance, codified in Chapter 9.40 of the Municipal Code. The ordinance limits construction activity to the hours of 8:00 a.m. to 8:00 p.m. daily except Saturday, when the hours are limited to between 9:00 a.m. and 8:00 p.m. On Sundays and holidays the hours are limited to between 10:00 a.m. and 6:00 p.m. In addition, at least one of the following limitations must be met: 1) no individual piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet, or 2) the noise level at any point outside the property plane of the project shall not exceed 86 dBA.

It is possible that construction of the project would exceed the noise limits codified in the City's Noise Ordinance. Because site grading activities would occur up to the boundaries of the site (and slightly offsite within the Station Way right-of-way), the 86-dBA limit could potentially be exceeded at the property line. While project construction hours are expected to comply with the allowable hours defined by the Noise Ordinance, it would conflict with the noise limit provisions of the ordinance. However, for the reasons discussed above, construction noise is not expected to be excessive or to be a substantial source of disturbance to neighboring land uses. Therefore, noise generated during project construction would be a *less-than-significant impact*.

attenuation factor is increased by the presence of any of those features. The discussion above conservatively assumes an attenuation factor of 6 dBA.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>e)</i>	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

<u>Explanation</u>: The project site is not located in an area addressed by an airport land use plan and there are no airports within 2 miles of the project site; the closest airport is the Hayward Air Terminal, located about 5.7 miles northwest of the site. There is therefore no potential for project workers to be exposed to excessive noise levels from airport operations.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				\boxtimes

<u>Explanation</u>: There are no private airstrips within 5 miles of the project site. There is therefore no potential for project workers to be exposed to excessive noise levels from private airstrip operations.

XIII. POPULATION AND HOUSING — Would the project:

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Induce substantial 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)?			X	

Explanation: As of the 2010 U.S. Census, the City of Union City had a population of 69,516 persons, substantially below the 2010 population of 77,300 people projected in the Union City General Plan EIR.⁵¹ The General Plan EIR projected a 2020 population in the City of 79,300

Initial Study

⁵¹ California Department of Finance, Demographic Research Unit, State Census Data Center, Table 1: Total Population: 2000 and 2010, Incorporated Cities by County in California, accessed May 26, 2017 at: http://www.dof.ca.gov/Reports/Demographic Reports/Census 2010/-DP.

persons, representing an approximately 14.1-percent increase of 9,784 people in the City's population during that ten-year period in comparison with the 2010 Census data, or about a 2.5-percent increase in comparison with the 2010 population projected in the General Plan EIR. ⁵² Thus, actual growth has been substantially slower than was projected and planned for in the General Plan EIR.

Based on information provided by the project applicant, the anticipated first-floor tenant would be a dialysis clinic that would employ 25 workers at full capacity. The second-floor tenant would be a technology company. The company, which is currently leasing nearby office space, expects to have 60 employees on site. Although an unknown percentage of future workers at the proposed building already work in Union City and would not need to relocate their place of residence, with a total employee population of 85 workers, some of these people could move into the area from elsewhere in the Bay Area or from more distant locations. Conservatively assuming that one-third of the future employees moved into the area and further assuming they all moved to Union City rather than a nearby city such as Hayward or Fremont, the household population of Union City could potentially increase by 28 households. With an average household size of 3.38 persons⁵³ in Union City, this would represent a potential increase in the City's population of about 94 people.

A project-induced growth in population of 94 people would represent an increase of approximately 0.135 percent in the City's 2010 population, as determined by the U.S. Census, which would not be a substantial increase in population. The Union City General Plan EIR projected a 2015 population in the City of 78,200 persons, but the U.S. Census Bureau provides a more recent estimate of Union City's 2016 population of 75,322 people. Since this recent estimate is 2,878 fewer people than was anticipated in the General Plan for 2015 and is 3,978 fewer people than was projected for 2020, the potential addition of 94 new residents would leave the City's population well below that accounted for in the General Plan EIR. Therefore, the proposed project would have a *less-than-significant impact* related to population growth.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

Explanation: The proposed project would not displace any existing housing.

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⁵² City of Union City, Community Redevelopment Agency, Draft Environmental Impact Report for the City of Union City General Plan Update, Table 3-3: Population Projections for Union City, Alameda County, and California, 2000-2020, September 2001.

⁵³ United States Census Bureau, American FactFinder, Table DP-1: Profile of General Population and Housing Characteristics: 2010, 2010 Demographic Profile Data, accessed May 26, 2017 at: https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF.

United States Census Bureau, American FactFinder, Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2016, accessed May 28, 2017 at: https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

<u>Explanation</u>: All of the businesses that previously occupied the existing office buildings on the site had vacated the property by February 2017, with most or all of them relocating to other premises in or near Union City. These relocations would not have resulted in the need for employees to move from their place of residence. Therefore, implementation of the proposed project would not result in the need for construction of replacement housing.

XIV. PUBLIC SERVICES - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?			X	

<u>Explanation</u>: Fire protection services in Union City are provided by the Alameda County Fire Department (ACFD), which also provides emergency medical response. The Fire Department has 30 fire stations distributed throughout its service area of approximately 506 square miles. The fire station nearest to the project site is Station No. 33, located at 33942 7th Street, less than one-half mile north of the site. The response time from this station to the project site would be well within the target response time of 5 minutes or less for Priority 1 emergency calls established by General Plan Policy PF-J.1.2.

With a service population of about 394,000, the ACFD received 40,814 calls for service in fiscal year 2015-2016, 5,199 of which were within Union City. Of these Union City calls, 132 were structure fires and other fires, and 4,009 were for rescue or emergency medical response. Systemwide, the ACFD received approximately one call for service for every 10 persons residing in its service area in fiscal year 2015-2016, including non-emergency calls, false alarms, and cancelled calls.

The project site has been developed with medical office and general office uses since 1980; the proposed project would therefore represent a continuation of an established type of use on the property. With approximately 13,000 square feet of space in the existing office buildings on the site (approximately 19,500 square feet when a third building still remained on the site), the proposed building would result in an incremental increase of about 18,381 square feet of

⁵⁵ Alameda County Fire Department, Response and Activity Statistics, 2015-2016 Fiscal Year, accessed May 17, 2017 at: http://www.acgov.org/fire/about/statistics.htm.

developed office space on the site. With the project representing a replacement in-kind of the existing land uses on the site, implementation of the proposed project would result in a negligible incremental increase in calls for firefighting and/or emergency medical response services. Furthermore, the General Plan allows development of the site with a Floor Area Ratio (FAR) of up to FAR 4.0, which would allow up to 259,617 square feet of office or retail development on the site, while the project would construct a fraction (31,381 square feet) of this allowed development.

No uses are currently anticipated that would create a significant fire hazard or otherwise cause a substantial increase in demand for fire protection services. Therefore, the proposed project would not adversely affect ACFD's ability to provide fire protection services, and would not require new or expanded fire protection facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Police protection?			X	

Explanation: Police protection services in Union City are provided by the Union City Police Department (UCPD), which operates out of a single main station, located at City Hall (34009 Alvarado-Niles Road) from which it serves the entirety of the City of Union City. The UCPD recently had a staff of 75 sworn police officers and 25 non-sworn personnel for a ratio of about 1.07 sworn officers per 1,000 residents.⁵⁶ The Department did not respond to requests for updated information. In 2016, the UCPD handled 2,189 calls for Part I crimes (i.e., homicide, rape, robbery, assault, burglary, larceny/theft, vehicle theft, and arson).⁵⁷

No uses are currently anticipated that would cause a substantial increase in demand for police protection services. Therefore, the proposed project would not adversely affect UCPD's ability to provide police protection services, and would not require new or expanded police protection facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Schools?			X	

<u>Explanation</u>: Public school services in Union City are provided by the New Haven Unified School District (NHUSD). The current enrollment for the 2016-2017 school year is 11,893 students, and has been declining in recent years.⁵⁸ Projected enrollments for the 2017-18 and 2018-19 school years are 11,756 and 11,744, respectively.

⁵⁶ City of Union City, 1550 Pacific Street Industrial Project Initial Study & Mitigated Negative Declaration, March 2014.

⁵⁷ Union City Police Department, *Statistical Summary for Calendar Year* 2010, accessed May 22, 2017 at: http://www.ci.union-city.ca.us/police/crime stats.htm.

⁵⁸ Madhu Pratap, Administrative Assistant to the Co-Superintendent/Chief Business Officer, New Haven Unified School District, personal communication, May 22, 2017.

The District has not performed a recent capacity/utilization study, but has approximately 780 classrooms. Conservatively assuming 22 students per classroom, the NHUSD currently has capacity for approximately 17,160 students. With current and projected enrollment significantly below capacity, the proposed project would not be expected to adversely affect schools or school services. No new housing would be created that would have the potential to increase the population of school-age children. As discussed in Section XIII, Population and Housing, it was estimated that the project could potentially increase the population of Union City by 94 persons, which could result in additional students enrolling in schools within the school district, the relatively small number of potential new students from new families residing in the area would not require the construction of new school facilities to accommodate this minimal increase in enrollment and would not adversely affect the NHUSD.⁵⁹

The State of California establishes school impact fees to offset the impacts on schools caused by new development. The current school impact fee for new commercial office development in the NHUSD is \$0.56 per square foot. With payment of this required fee, the project would have a *less-than-significant impact* on schools.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Parks?			X	

Explanation: Union City is well served by parks, with over 30 parks within the City limits, as well as a number of additional community centers, a teen center, a sports center, and a swim center. Charles F. Kennedy Park, Union City's largest community park, is located across from the project site, on the opposite side of Decoto Road. This park features play structures, a basketball court, several picnic areas with barbeques, and an amphitheater. A community center and teen center are also at this location. As discussed in the preceding subsection, the proposed project is expected to result in a small increase, if any, in the population of Union City. (Please see Section XIII for additional discussion on population.) Therefore, the potential for the proposed project to result in an increase in park usage would be negligible. The project would therefore have no adverse impact on City-provided parks and recreation services.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Other public facilities?			X	

<u>Explanation</u>: As discussed in Section XIII(d), above, the proposed project is expected to result in a small increase, if any, in the population of Union City; it would therefore have a negligible impact on the demand for park facilities. For the same reason, the project would have a minimal effect on demand for other public facilities, such as libraries, community centers, civic offices, or museums, and no construction of new facilities would be required.

⁵⁹ Ibid.

⁶⁰ Senate Bill (SB 50), Leroy F. Greene School Facilities Act of 1998, Statutes 1998, Chapter 407.

XV. RECREATION -

	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 would occur or be accelerated?				X

<u>Explanation</u>: As discussed in Section XIII(d), above, the proposed project is expected to result in a small increase, if any, in the population of Union City; it would therefore have a negligible impact on the demand for park facilities or other recreational facilities. Any incremental increase in use of existing recreational facilities generated by the project would not cause a substantial physical deterioration of the facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No 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?				X

<u>Explanation</u>: The proposed project does not entail construction or expansion of recreational facilities.

XVI. TRANSPORTATION/TRAFFIC — Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	

<u>Explanation</u>: The traffic impact analysis presented in this section was performed by Hexagon Transportation Consultants in May 2017.⁶¹

As described in the project description, the existing site is currently occupied by two vacant office buildings that are proposed for demolition. Access to the site is provided by right-turn-only driveways on Union Square and Decoto Road. Each of these driveways also provides access to two currently occupied office buildings on the adjacent parcels to the south. A third existing site driveway on Station Way is currently barricaded and inaccessible to vehicles. As part of the proposed project, Station Way is to remain inaccessible so that passenger vehicles do not mix with bus traffic on Station Way.

Traffic Scenarios

The intersection analysis was performed for the following scenarios:

<u>Existing Conditions</u>. Existing conditions are represented by existing peak-hour traffic volumes at the study intersections, obtained from traffic counts conducted in May 2017.

<u>Existing Plus Project Conditions</u>. Existing Plus Project conditions were estimated by adding to existing traffic volumes the additional traffic generated by the project. Existing Plus Project conditions were evaluated relative to existing conditions in order to determine potential project impacts.

Study Intersections

The traffic study evaluated the project at four intersections during the AM and PM peak hours, using the 2010 *Highway Capacity Manual* and SYNCHRO software. Within Union City, these peak hours (commonly referred to as the commute hours), occur on weekdays between 7:00 AM and 9:00 AM and between 4:00 PM and 6:00 PM. The peak hour represents the most congested 60-minute peak period during these respective commute periods. A study of freeway segments

Initial Study STATION DISTRICT BLOCK 7 MEDICAL/OFFICE BUILDING PROJECT

⁶¹ Hexagon Transportation Consultants, Inc., *Traffic Operations Report for 1320 and 1328 Decoto Road Medical Offices*, June 2, 2017.

was not required of the development because an Alameda County Congestion Management Program (CMP) analysis was not required, since the project is estimated to generate fewer than 100 net peak-hour vehicle trips. Operating conditions at the following signalized intersections and site driveways, shown with their lane geometries on Figure T–1, were evaluated:

- Decoto Road and Union Square/Meyers Drive
- Decoto Road and Station Way
- Decoto Road and Site Driveway (unsignalized)
- Site Driveway and Union Square (unsignalized)

Level-of-Service Criteria

The Level of Service (LOS) criteria from the 2010 *Highway Capacity Manual* (HCM) were utilized for local roadway analysis. LOS primarily describes traffic flow conditions. LOS varies from LOS A to LOS F, and ranges from LOS A (indicating free-flow traffic conditions with little or no delay at intersections) to LOS F (representing over-saturated conditions where traffic flows exceed design capacity, resulting in long queues and delays). The Union City General Plan identifies mid-range LOS D as the goal for the city's signalized intersections during peak commute hours, with the exception of intersections on major regional routes, including the study intersections on Decoto Road, where the level of service may exceed this threshold.

Existing Conditions

Road Network

Regional access to the project site is provided by Interstate 880 and Mission Boulevard, also designated as State Route 238 (SR 238). Local access to the project site is provided by Central Avenue via Decoto Road or Union Square. The roadways that would serve the project are described below:

Interstate 880 (I–880) is a north/south freeway providing regional access from East Bay cities to San Jose, where it becomes SR 17 and extends into Santa Cruz. I-880 is primarily a six-lane freeway with a High Occupancy Vehicle (HOV) lane in each direction, though through Milpitas and north San Jose, the number of through lanes varies.

Mission Boulevard (SR 238) is a four- to six-lane, north/south roadway in the vicinity of the site that services the surrounding residential and commercial uses. SR 238 extends from I-238 in Hayward to I-880 in south Fremont. It is designated a Major Arterial in the Union City General Plan.

Union Square is two-lane collector street that starts at Alvarado-Niles Road in the south, then loops northwesterly along the south side of the Union City BART station property before curving west to connect to Decoto Road. One of the site driveways is located on Union Square about 125 feet east of Decoto Road.

Alvarado-Niles Road is a four-lane, east-west arterial that extends from Niles Boulevard in Fremont to Dyer Street in Union City. Alvarado-Niles Road is fronted by residential and commercial uses and has a full interchange at I-880.

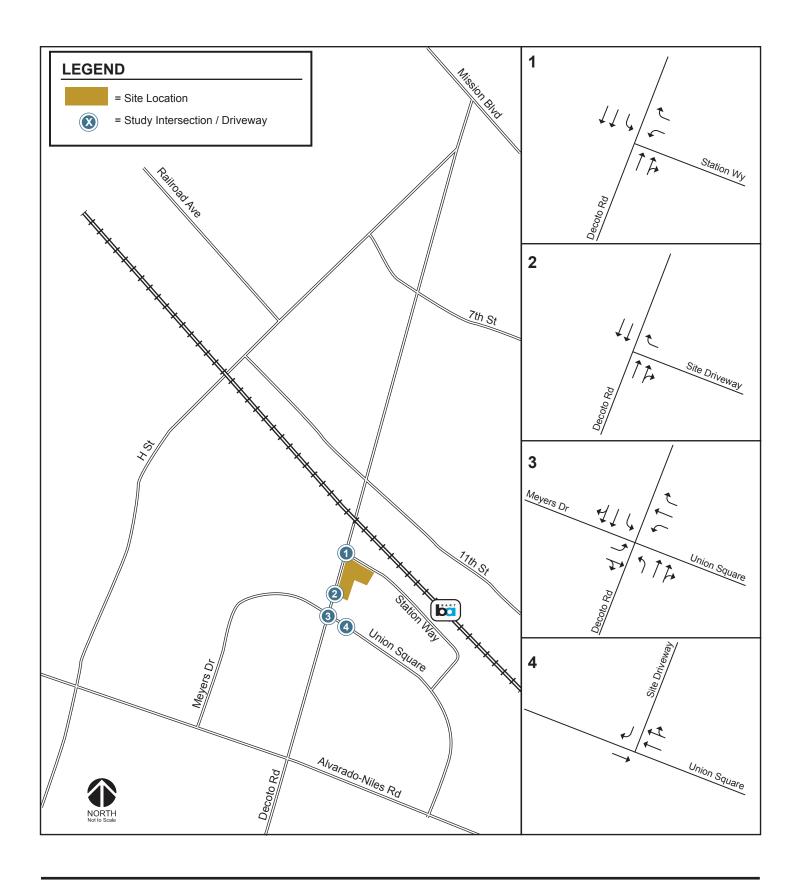


Figure T-1Study Intersections and Lane Geometries

Station Way is a two-lane roadway that directly fronts the Union City BART station. It is accessed from intersections at Decoto Road, BART Road, and Union Square. Passenger vehicles are prohibited access inbound to the station from Decoto Road. That is, the following turn restrictions are in place at the intersection of Decoto Road and Station Way: the northbound right turn and southbound left turn are permitted for buses only. Passenger vehicles are allowed to exit the station at the Decoto Road intersection. Buses are allowed full access both inbound and outbound at the Decoto Road intersection.

Meyers Drive is a two-lane east-west street starting as a continuation of Union Square from Decoto Road. Several hundred feet west of Decoto Road, Meyers Drive curves ninety degrees south and continues along the east border of James Logan High School, eventually terminating at the intersection with Alvarado-Niles Road.

11 Street is a three- to four-lane street between Decoto Road and Green Street. West of Decoto Road, 11th Street is a two-lane residential street. Aside from servicing the surrounding residential uses, 11th Street also provides access to the Union City BART station.

Existing Intersection Operations

The existing traffic volumes at the study intersections were obtained from peak-hour turning movement counts conducted in May 2017. Traffic conditions at the study intersections were evaluated using LOS. The City of Union City utilizes the HCM methodology to evaluate intersection operations on the basis of average control delay time for all vehicles at the intersection. This average delay can then be correlated to a level of service. The SYNCHRO analysis software was used to calculate level of service and estimate vehicle queues for the AM and PM peak hours.

As shown in Table T–1, the results show that, measured against Union City standards, both of the signalized study intersections currently operate at acceptable levels of service during the AM and PM peak hours. The intersection turning movement volumes that influence the levels of service are shown on Figure T–2.

Observed Existing Traffic Conditions

Hexagon also observed traffic conditions in the field in order to identify existing operational deficiencies and to confirm the accuracy of calculated levels of service. The purpose of this effort was (1) to identify any existing traffic problems that may not be directly related to intersection level of service, and (2) to identify any locations where the level of service calculation does not accurately reflect level of service in the field.

As a result of the field observations, Hexagon identified the following operational problems at the study intersections:

Decoto Road at Union Square. During the AM peak hour, the southbound left-turn demand on Decoto Road is such that vehicle queues extend back out of the left-turn pocket virtually every signal cycle. The queue of southbound through traffic extends beyond the end of the southbound left-turn pocket by at least 100 feet. Because the signal phasing for the southbound left-turn lags the southbound through phase, the backup of through vehicles clears and does not prevent vehicles from entering the left-turn pocket. During the AM peak hour, the queue of northbound through traffic on Decoto Road extends beyond the end of the northbound left-turn pocket, thereby preventing vehicles from entering the left-turn pocket. During the PM peakhour, the northbound vehicle queues on Decoto Road generally extend from Union Square to Alvarado-Niles Road. Most vehicles in this queue wait two signal cycles to clear the intersection

Table T–1
Existing Intersection Levels Of Service

		AM Pea	ık Hour	PM Peak Hour		
Intersection	Control	Delay ²	LOS ³	Delay ²	LOS ³	
1. Decoto Road/ Station Way	Signal ¹	5.9	A	6.3	A	
2. Decoto Road/ Site Driveway	SSSC ⁴	12.7	В	15.1	С	
3. Decoto Road & Union Square/Meyers Drive	Signal	43.6	D	45.7	D	
4. Site Driveway/ Union Square	SSSC	10.0	В	11.2	В	

Source: Hexagon Transportation Consultants, Inc., 2017

at Union Square. Also during the PM peak hour, about half of the westbound left-turning vehicles on Union Square do not clear the intersection in a single cycle.

Decoto Road at Station Way. During both the AM and PM peak hours, the southbound through vehicles on Decoto Road queue back from Station Way, across the at-grade tracks, and to 11th Street. The tracks are located approximately 330 feet from the southbound Station Way limit line. The traffic signals at both Decoto Road/Station Way and Decoto Road/11th Street run an advanced railroad preemption system, so that, vehicles are able to clear the tracks when trains approach.

Union Square at Site Driveway. The south site driveway meets Union Square in a T-intersection. At this location, Union Square is striped with double yellow lines, thus prohibiting left turns into or out of the site. Peak-hour observations revealed that vehicles occasionally made illegal left turns into and out of the site driveway at this location.

Existing Plus Project Conditions

Project conditions are represented by existing traffic conditions with the addition of traffic generated by the project. Because there are currently no planned improvements to the study intersections, the project roadway network was assumed to be the same as the existing roadway network.

Project Traffic Estimates

The magnitude of traffic produced by a new development and the locations where that traffic would appear are estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic entering

¹Signal = Signalized intersection

²Delay in seconds calculated using the 2010 *Highway Capacity Manual* methodology.

³LOS = Level of Service

⁴SSSC = Side Street Stop Control. SSSC intersection LOS and delay are reported for the side-street (site driveway) approach.

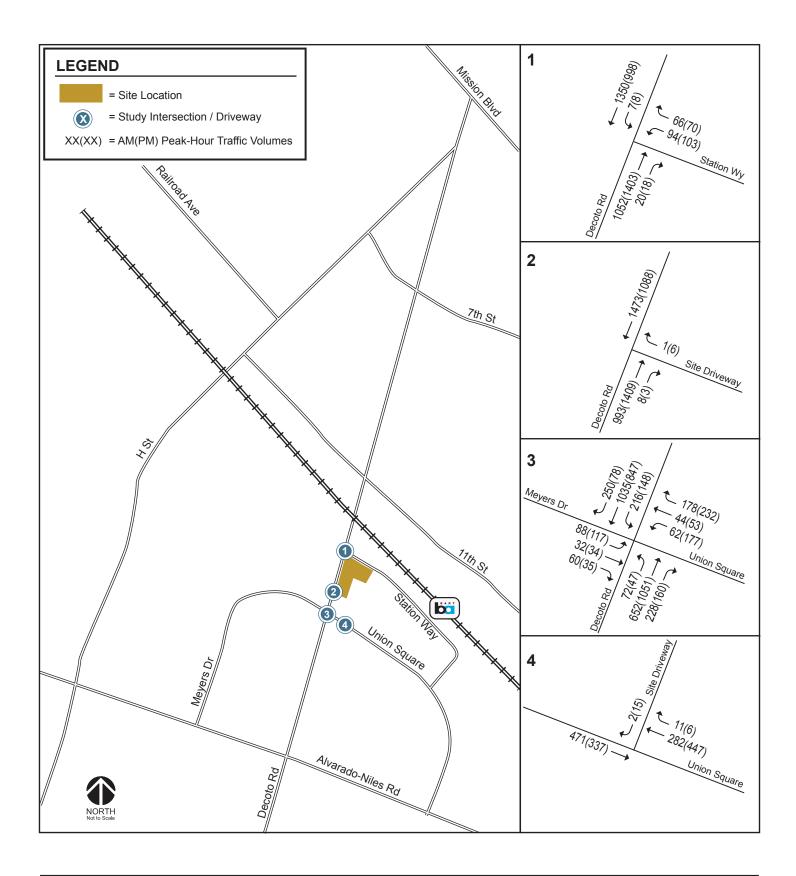


Figure T-2

and exiting the site is estimated for the AM and PM peak hours. As part of the project trip distribution, an estimate is made of the directions to and from which the project trips would travel. In the project trip assignment, the project trips are assigned to specific streets and intersections, as described in more detail below.

Through empirical research, data has been collected that correlate to common land uses their propensity for producing traffic. Thus, for the most common land uses there are standard trip generation rates that can be applied to help predict the future traffic increases that would result from a new development. The trip generation estimates for the proposed project are based on rates obtained from the Institute of Transportation Engineers' (ITE) publication *Trip Generation*, 9th Edition. The number of gross project trips was estimated based on trip generation rates applicable to medical office uses. The site was given credit for the trips associated with the vacant existing office buildings to be removed as part of the project. The office trip generation was estimated based on applicable ITE rates. It was also estimated by the Travel Demand Forecast (TDF) model developed for the Union City General Plan update that 5 percent of project traffic would utilize transit. Accordingly, it is estimated that the project would generate 959 net trips per day, with 52 net trips occurring during the AM peak hour and 89 net trips occurring during the PM peak hour. The project trip generation estimates are presented in Table T–2.

The trip distribution pattern for the proposed uses was estimated based on forecasts from the TDF Model developed for the Union City General Plan update. The resulting project trip distribution and assignment are shown on Figure T–3.

Table T-2
Project Trip Generation Estimates

	ITE		Daily		AM Peak Hour			PM Peak Hour				
Land Use	Code	Size	Rate ¹	Trips	Rate ¹	Total	In	Out	Rate ¹	Total	In	Out
Proposed Use												
Medical Office	720	33 ksf	36.13	1,174	2.39	78	62	16	3.57	116	32	84
5% transit reduction ²				-59		-4	-3	-1		-6	-2	-4
Gross Project Trips	}			1,116	•	74	59	15		110	31	79
Existing Use												
Office	710	14 ksf	11.03	157	1.56	22	19	3	1.49	21	4	17
Net Project Trips				959	•	52	39	13		89	27	62

Notes

Source: Institute of Transportation Engineers, 2012

Project Impacts on Intersection Level of Service

Hexagon added project-generated traffic to the existing intersection traffic volumes in accordance with the estimated distribution pattern, and calculated intersection levels of service

a. Individual trips may not add up to total due to rounding.

¹ Rates based on ITE Trip Generation, 9th Edition, for uses as specified by the code noted.

² Reduction for proximity to transit (BART), per Union City Travel Demand Forecast Model.

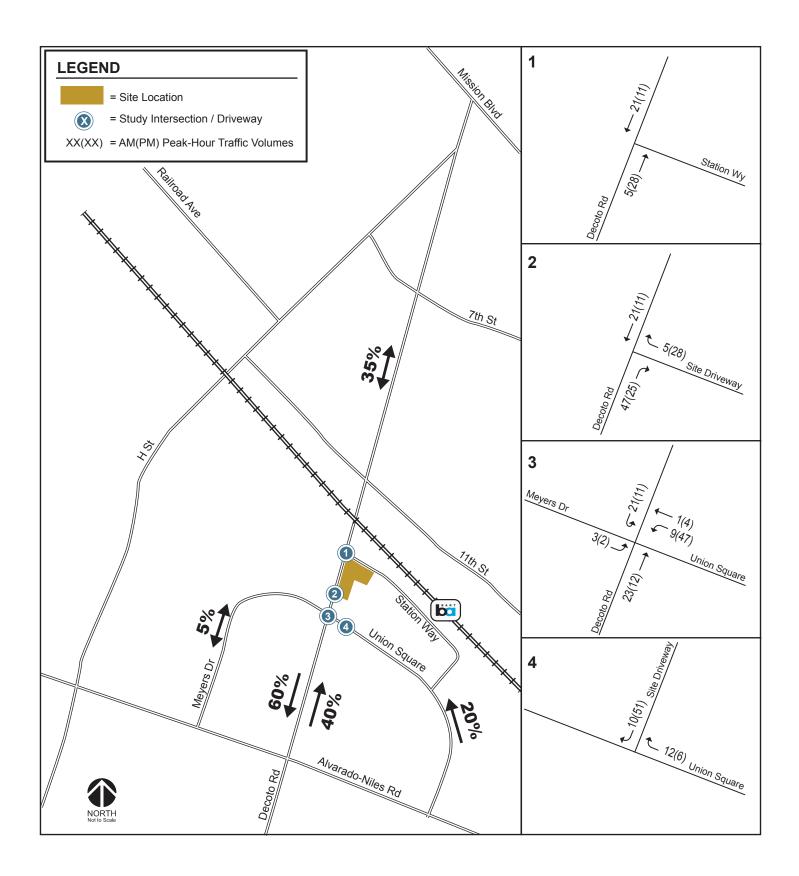


Figure T-3

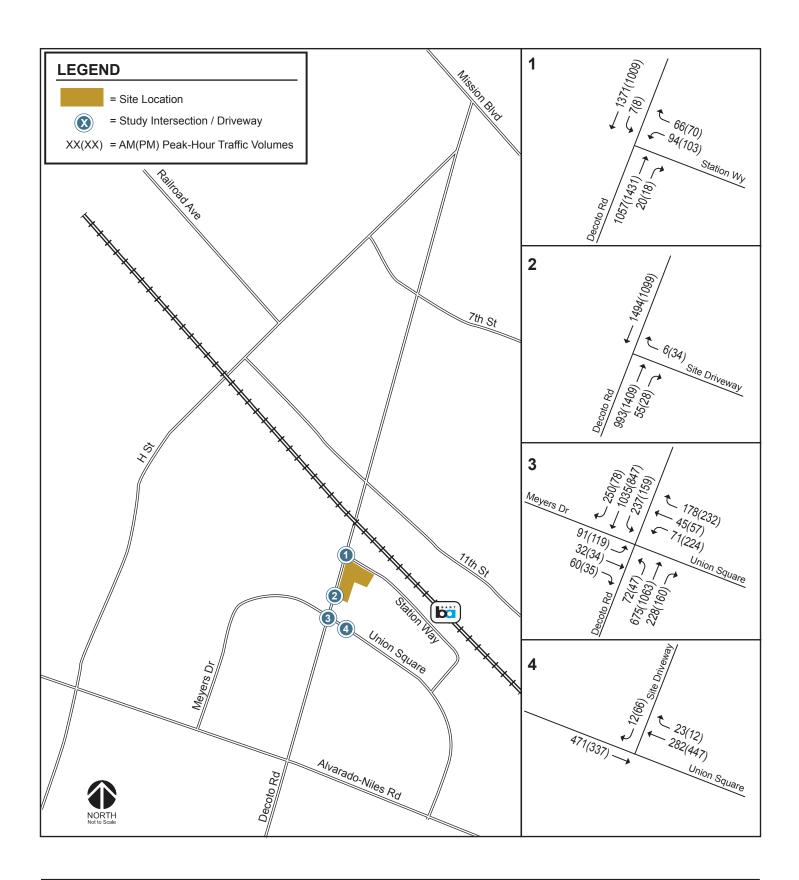


Figure T-4Existing Plus Project Traffic Volumes

under existing-plus-project conditions. The resulting traffic volumes are shown on Figure T–4 and the resulting signalized intersection levels of service analysis are shown in Table T–3. The results show that the two signalized study intersections currently operate at LOS D or better under existing conditions and would continue to operate at LOS D or better with the addition of project traffic during both peak hours. They show that the two unsignalized site driveway intersections would operate at LOS C or better with or without the project.

It should be noted that a significant contributing factor to the level of service at the intersection of Decoto Road and Union Square/Meyers Drive is the high volume of pedestrians. For illustrative purposes, under PM peak-hour conditions with the project at Decoto Road and Union Square/Meyers Drive, level of service at the intersection was also calculated based just on vehicular traffic- all pedestrian traffic was removed from the calculation. The result showed LOS C, with average delay of 30.2 seconds. This is compared to LOS D, with average delay of 54.0 seconds, when pedestrians are included.

Table T-3
Existing Project Intersection Levels Of Service

				AM Pea	ak Hour		PM Peak Hour				
	Intersection	Control ¹	Exis	ting	Plus Project		Exis	ting	Plus Project		
			Delay ²	LOS³	Delay ²	LOS ³	Delay ²	LOS³	Delay ²	LOS ³	
1.	Decoto Road/ Station Way	Signal ¹	5.9	A	5.9	A	6.3	A	6.4	A	
2.	Decoto Road/ Site Driveway	SSSC ⁴	12.7	В	13.1	В	15.1	С	16.3	С	
3.	Decoto Road & Union Square/Meyers Drive	Signal	43.6	D	45.4	D	45.7	D	54.0	D	
4.	Site Driveway/ Union Square	SSSC	10.0	В	10.2	В	11.2	В	11.9	В	

Source: Hexagon Transportation Consultants, Inc., 2017

Vehicle Queuing

Due to the queuing problems identified during field observations at study intersections on Decoto Road, Hexagon conducted a queuing analysis of the outbound movements at the project driveways and at the left turning movements where the project contributes substantial traffic at the intersection of Decoto Road and Union Square/Meyers Drive. The results of the analysis are presented in Table T–4 and summarized below.

¹Signal = Signalized intersection

²Delay in seconds calculated using the 2000 *Highway Capacity Manual* methodology.

³LOS = Level of Service

 $^{^4}$ SSSC = Side Street Stop Control. SSSC intersection LOS and delay are reported for the side-street (site driveway) approach.

Because of the turn restrictions at the site driveways (right-turn only), most of the project trips are added to the westbound left-turn and the southbound U-turn at the intersection of Decoto Road and Union Square/Meyers Drive. For the purpose of the queuing and level of service analyses, the U-turns are treated as left-turns, since U-turns are made from the left-turn pocket. The westbound left-turn is served by a designated left-turn pocket approximately 100 feet long. The southbound left-turn is served by a designated left-turn pocket approximately 175 feet long.

The lengthy existing left-turn vehicle queues observed in the field were confirmed in the queuing analysis. The analysis showed that during the AM peak hour, the 95th-percentile maximum vehicle queue for the southbound left-turn at the intersection of Decoto Road and Union Square is approximately 325 feet, which exceeds the existing available storage capacity of 175 feet for that movement. For this same movement during the same peak hour, the project would add one vehicle to the maximum queue, thereby extending the maximum queue to 350 feet. The results of the analysis also showed that, during the PM peak hour, the 95th-percentile maximum vehicle queue for the westbound left-turn at the intersection of Decoto Road and Union Square is approximately 275 feet, which exceeds the existing available storage capacity of 100 feet for that movement. For this same movement during the same peak hour, the project would add two vehicles to the maximum queue, thereby extending the maximum queue to 325 feet. The results of the queuing analysis are summarized in Table T–4.

Regarding the excessive left-turn vehicle queue on westbound Union Square, when the left-turn queue exceeds 100 feet, it blocks all through and right-turn traffic on the approach. This results in decreased efficiency at the intersection.

Although the proposed project would not cause a deterioration in the level of service at any of the project study intersections, and the project would therefore have a *less-than-significant impact* on traffic, the project would incrementally contribute to the existing queuing problems on Decoto Road. Accordingly, Hexagon made the following recommendation for roadway modifications that would reduce excessive queuing at the Decoto Road/Union Square intersection:

Recommendation 1: Provide additional storage for stacking of cars in the southbound left-turn pocket on Decoto Road to Union Square. Final design subject to review and approval by the Union City Public Works Department.

⁶² Although Decoto Road runs in a northeast/southwest direction and Union Square runs in a northwest/southeast direction, for purposes of simplicity in this discussion, Decoto Road is assumed to run north/south and Union Square is assumed to run east/west.

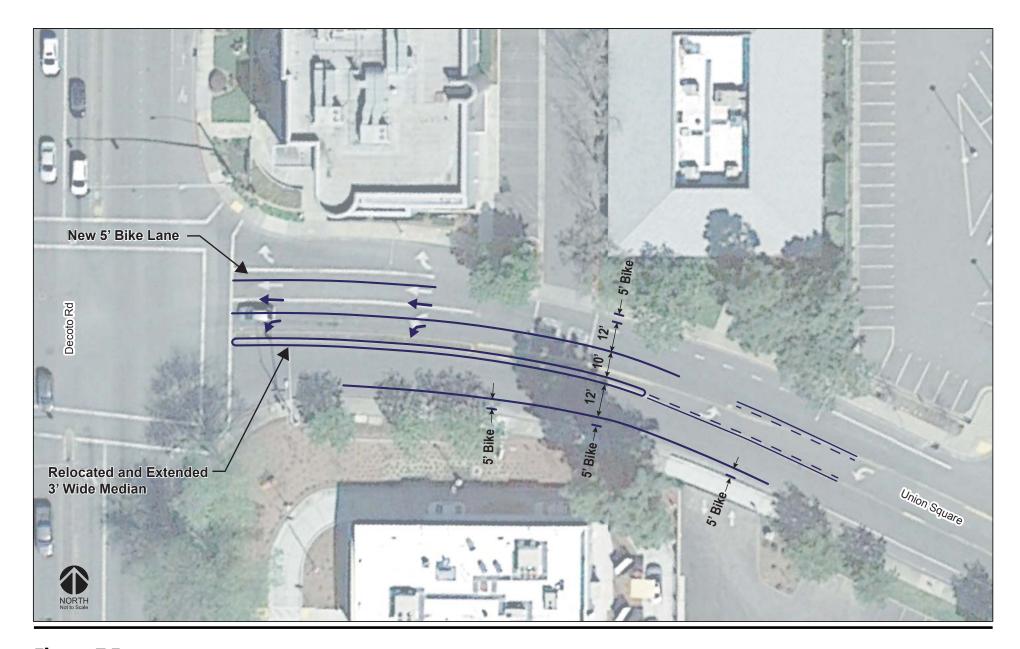


Figure T-5

removal, which may not be desirable. The desirability of this improvement, and any fair-share contribution from the proposed project, will be determined by City staff.

Queuing storage at the project's driveways on Decoto Road and Union Square would remain adequate with the addition of project traffic.

Site Access

As shown on Figure 3 (in Project Description), the proposed project would utilize two existing site driveways: a right-turn-only driveway on Decoto Road and a right-turn-only driveway on Union Square. The driveway on Decoto Road is located 125 feet north of Union Square, and the driveway on Union Square is located 125 feet east of Decoto Road. Although the site fronts Station Way, project employees and visitors will not have access to it because eastbound Station Way is restricted for buses only. This is consistent with the following General Plan Policy:

TR-B.2.14 The City should separate bus traffic, auto traffic and pedestrian traffic to the extent feasible at the intermodal facility to ensure safety.

The project site does not front Union square, but it adjoins two sites to the south that have access to Union Square, and the project would share on-site circulation with those sites via an access easement.

As described previously, the level of service at the driveways would be LOS C or better with the project during both peak hours and the 95th-percentile maximum outbound vehicle queues at the driveways would not exceed the existing available on-site storage capacity at the driveways (the storage capacity being the distance from the curb at the street back to the first parking space or cross aisle). Therefore, the maximum vehicle queues on site would not block any parking spaces or cross traffic in the parking aisles on site. Right turns into the site at both driveways are uncontrolled, that is, vehicles do not need to stop. The only occasions when vehicles would have problems accessing the site would be on Union Square when the westbound vehicle queue is backed up from Decoto Road past the site driveway, preventing vehicles at the back of the queue from getting to the driveway. However, this is not an issue related to the project.

The total Existing Plus Project traffic at the site driveways is shown on Figure T–4, which shows 35 AM and 78 PM peak-hour vehicles estimated at the Union Square driveway. As previously described, there is an existing issue with illegal peak-hour left turns into and out of the site driveway at this location. The existing issue of vehicles making illegal inbound and outbound left turns at the Union Square driveway would be exacerbated by the nearly four-fold increase in PM peak-hour traffic volumes with the project (from 21 to 78). Although this constraint would not represent a significant impact under CEQA, the issue would be resolved with implementation of Recommendation 1, above, to extend the existing raised median on westbound Union Square back past this driveway.

Hexagon reviewed sight distance at the driveways in the field and determined it to be adequate for right-turn-only traffic.

Table T-4
Existing Plus Proposed Project
Intersection Levels Of Service

			Site Driveway	
		ad & Union		at Union
		eyers Drive	<u>at Decoto</u>	Square
Measurement	SB Left	WB Left	WB Right	SB Right
Existing AM Peak Hour				
Cycle/Delay ¹ (sec)	130	130	12.7	10.0
Volume (vph)	216	62	1	2
Avg. Queue (veh)	7.8	2.2	0.0	0.1
Avg. Queue (ft.) ²	195	56	0	3
95th %. Queue (veh)	13	5	1	1
95th %. Queue (ft.) ²	325	125	25	25
Storage	175	100	40	25
Adequate (Y/N)	N	N	Υ	Υ
Existing PM Peak Hour				
Cycle/Delay ¹ (sec)	130	130	15.1	11.2
Volume (vph)	148	177	6	15
Avg. Queue (veh)	5.3	6.4	0.0	0.0
Avg. Queue (ft.) ²	134	160	1	1
95th %. Queue (veh)	9	11	1	1
95th %. Queue (ft.) ²	225	275	25	25
Storage	175	100	40	25
Adequate (Y/N)	N	N	Y	Y
Existing+Project AM Pea			•	
Cycle/Delay ¹ (sec)	130	130	13.1	10.2
Volume (vph)	237	71	13.1	10.2
Avg. Queue (veh)	23 <i>1</i> 8.6	2.6	0.0	0.0
Avg. Queue (veri) Avg. Queue (ft.) ²	8.6 214	∠.6 64	0.0	0.0 1
95th %. Queue (veh)	214 14	64 5	1	1
95th %. Queue (ven) 95th %. Queue (ft.) ²				1 25
	350 475	125	25 40	
Storage	175 N	100	40 ×	25 V
Adequate (Y/N)		N	Υ	Υ
Existing+Project PM Peal		122	100	
Cycle/Delay ¹ (sec)	130	130	16.3	11.9
Volume (vph)	159	224	34	66
Avg. Queue (veh)	5.7	8.1	0.2	0.2
Avg. Queue (ft.) ²	144	202	4	5
95th %. Queue (veh)	10	13	1	1
95th %. Queue (ft.) ²	250	325	25	25
Storage	175	100	40	25
Adequate (Y/N)	N	N	Υ	Υ

¹Vehicle queue calculations based on cycle length for signalized intersections, and movement delay for unsignalized intersections.

Source: Hexagon Transportation Consultants, Inc., 2017

²Assumes 25 feet per vehicle queued

Site Circulation

The proposed site plan has been configured to place the office building on the northwest corner of the site, bordering Decoto Road and Station Way, with landscaping extending along both street frontages and the parking areas located on the interior of the site. A drive aisle running along the front of the building would provide a drop off and pick up area in front of the building. Two parking aisles run parallel to Decoto Road and a third parking aisle runs perpendicular to Station Way. The central drive aisle provides direct access to the adjacent parcels to the south and to the driveway entrance on Union Square. All three parking aisles are 26 feet wide and provide 90-degree perpendicular parking. The drive aisle in front of the building is also 26 feet wide.

Project traffic would be able to access the Decoto Road driveway directly from within the site, without using the circulation system on the adjacent parcels. In order to access the Union Square driveway, however, project traffic would need to travel through the adjacent parcels by using the main north-south driveway that extends from the project site.

In evaluating the on-site circulation, Hexagon did not identify any problems or constraints, but recommended that the City review the final site plan to ensure it would be able to accommodate garbage trucks and other trucks. The City has completed this analysis and determined that the on-site circulation can accommodate emergency vehicles and garbage trucks.

Collision Analysis

Hexagon obtained and reviewed collision data from the Statewide Integrated Traffic Report System (SWITRS) for Decoto Road between Union Square/Meyers Drive and Station Way for the two-year period from January 1, 2015 through December 31, 2016. During that period, there were a total of seven accidents reported. Hexagon found no discernible pattern to the accidents and, given the volume of traffic on Decoto Road, determined that the number of accidents is within accepted ranges. Given the volume and type of traffic generated by the project, as well as the site access location, it is expected that the project would not materially change the collision rates in the project vicinity.

Conclusion

Implementation of the proposed project would not substantially increase vehicle delay at the study intersections, would not cause a degradation in the level of service at the study intersections, and would not cause any of the intersections to operate at a level of service below the standard adopted in the Union City General Plan. Therefore, the project would have a *less-than-significant impact* on traffic. Potential impacts to other aspects of the City's circulation system, including impacts to transit, bicycles, and pedestrians, are addressed below in Section XVI(f).

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
program, inclu standards and standards esta	n applicable congestion management ding but not limited to level of service travel demand measures, or other blished by the county congestion agency for designated roads or				X

Explanation: As discussed in Section XVI(a), above, the project would fewer than 100 net peak-hour traffic trips, and thus, a Congestion Management Agency (CMA) analysis was not required. Therefore, the project would not conflict with the Alameda County Congestion Management Program.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a change in air traffic pa either an increase in traffic levels location that results in substantial sa	a change in			X

<u>Explanation</u>: The project would not result in any change in air traffic patterns. It would not generate any air traffic and has no potential to affect existing air traffic.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X		

<u>Explanation</u>: The project would not create new roads, intersections, or driveways. It would therefore have no potential to create a traffic hazard. However, as discussed in Section XVI(a), there is an existing traffic safety hazard related to drivers making illegal left-hand turns from Union Square into the Union Square Professional Center, which project employees and patients/visitors could contribute to, potentially exacerbating this existing traffic hazard. Implementation of the following mitigation measure would ensure that this *potentially significant impact* would be reduced to a less-than-significant level:

Mitigation Measure T–1:

Extend the existing raised median on Union Square at the intersection with Decoto Road to prohibit left-hand into the existing driveway on Union Square, which provides access to the

project site. Final design subject to review and approval by the Union City Public Works Department.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access?				X

<u>Explanation</u>: The project would not affect emergency access to the site. In the event of an emergency at the site, such as a medical emergency involving a worker, emergency response personnel would access the project site from existing driveways located on Decoto Road and Union Square, which would not be affected by the project.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f)	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety to such facilities?			X	

Explanation:

Pedestrians and Bicycles

Pedestrian access to the site is provided by a series of existing sidewalks on most adjacent public streets, although there is no sidewalk along the project site frontage on Station Way. In the vicinity of the project site there are pedestrian crosswalks at the intersections of Decoto Road at Station Way and Decoto Road at Union Square/Meyers Drive.

According to the *City of Union City Pedestrian and Bicycle Master Plan*, Decoto Road, Alvarado-Niles Road, and Union Square are all designated a Pedestrian Corridor Improvement Area. Also included in the Pedestrian Corridor Improvement Area are planned pedestrian passages across the BART tracks (either over or under) along an alignment that extends from the existing BART Road. The *Union City Intermodal Station District and Transit Facility Plan* also plans for a pedestrian corridor along the same alignment that will extend northward from the central promenade from 11th Street to Cheeves Way, continuing north past 7th Street.

The *City of Union City Pedestrian and Bicycle Master Plan* identifies existing bicycle facilities on Decoto Road, Union Square, Station Way, 11th Street (east of Decoto Road), and Alvarado-Niles Road. Bicycle facilities are proposed on Meyers Drive, on 11th Street west of Decoto Road, and on Mann Drive, which is the extension of Union Square south of Alvarado-Niles Road.

According to the U.S. Census, pedestrian trips comprise approximately 1 percent of the total commute mode share in the City of Union City. For the proposed project, assuming 1 percent of total commute trips would be walking trips, this would equate to one pedestrian trip during the AM peak hour and one pedestrian trip during the PM peak hour. Similarly, the U.S. Census

data indicate that bicycle trips comprise less than 0.5 percent of the total commute mode share in the City of Union City. In addition to commute trips, there would be pedestrian and bike trips to nearby parks, shopping areas, and BART. Overall, Hexagon concluded that the anticipated volume of pedestrian and bike trips generated by the project would not exceed the carrying capacity of the existing sidewalks, crosswalks, and bike facilities on streets surrounding the site.

The proposed site plan (Figure 3) and landscape plan (Figure 9) indicate that either new or enhanced sidewalks are proposed along both the Decoto Road and Station Way frontages of the site.

The 2013 Alameda County Congestion Management Program (CMP) Transportation Impact Analysis Technical Guidelines state that a project would create a significant impact on pedestrian and bike circulation if: (1) its vehicle trips would present a barrier to bikes/pedestrians safely crossing roadways, or (2) it would reduce or sever existing or planned bike/pedestrian circulation in the area. Based on these criteria, the proposed project would have a *less-than-significant impact* on bike and pedestrian circulation in the area.

Public Transit

Transit service to the project vicinity is provided by the Alameda-Contra Costa Transit District (AC Transit), Union City Transit, and BART. The project site borders the Union City BART station property, and the walking distance from the site to the passenger drop-off area in front of the station is about 150 feet. BART provides regional rail transit service to portions of Alameda, Contra Costa, San Francisco, and San Mateo counties. The Fremont-Richmond and Fremont-Daly City lines that serve Union City provide service every 15 minutes during weekdays and every 20 minutes during weekday evenings and weekends.

Bus service in the area includes AC Transit bus lines 97, 99, 200, 216, 232, 275, 801, DB, and DB1. All of these lines provide service to the BART station and have a stop at the intersection of Decoto Road and Union Square. Union City Transit also provides bus service to the area. Union City Transit bus lines 1, 2, 3, 4, 5, 6, 8, and 9 provide service to the Union City BART station. Lines 1, 2, 3, 4, 5, and 8 have a stop at the intersection of Decoto Road and Union Square. Nearly all of these buses provide service to the Union Landing Transit Center.

According to the TDF Model developed for the City's General Plan Update, transit trips would comprise approximately 5 percent of the total commute traffic from the project site. Most of this use is associated with BART, which has significant available capacity. For the proposed project, assuming 5 percent of total commute trips would be transit trips, this would equate to 4 transit trips during the AM peak hour and 6 transit trips during the PM peak hour. In addition to commute-related transit trips, there will be additional bus trips to parks and shopping areas. The existing BART and bus service in the project vicinity has available capacity to accommodate the increase in transit usage from the proposed project. Therefore, Hexagon determined that no improvements to existing bus service frequencies would be necessary in conjunction with the proposed project.

According to the 2013 Alameda County Congestion Management Program (CMP) Transportation Impact Analysis Technical Guidelines, a project would create an impact on transit service if it would: (1) cause vehicular congestion that would significantly degrade transit operations, (2) cause a ridership increase that would exceed existing transit capacity, or (3) conflict with existing transit service plans or preclude future transit service to the project area. Based on these criteria, the proposed project would have a *less-than-significant impact* on transit operations in the study area.

XVII. UTILITIES AND SERVICE SYSTEMS — Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X

Explanation: The wastewater treatment plant that serves the project site is permitted by the San Francisco Bay Regional Water Quality Control Board (RWQCB) and effluent from the plant is regularly monitored to ensure that water quality standards are not violated. (See Section XVII(b) for additional information about the wastewater treatment plant.) There has been one minor violation of water quality standards by the treatment plant during the past five years, and. ⁶³, The effluent violation occurred at the plant's EBDA Common Outfall on January 14, 2015, when a carbonaceous biochemical oxygen demand (CBOD) weekly average value of 60 milligrams per liter (mg/L) was reported, exceeding the regulatory limit of 45 mg/L. Absent subsequent violations, it is presumed this problem was corrected at the treatment facility. There are no pending RWQCB enforcement actions pending against the Union Sanitary District (USD), the operator of the treatment plant. ⁶⁴ With a net increase in total office space on the site, implementation of the proposed project would incrementally increase the amount of wastewater generated at the site, but it would not cause the USD's wastewater treatment plant to exceed the RWQCB's wastewater treatment requirements.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>b</i>)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	

<u>Explanation</u>: As discussed in more detail in Section XVII(d), below, water is supplied to the site by the Alameda County Water District (ACWD), which provides water to the cities of Fremont, Newark, and Union City. Water supplied to much of Union City is treated at ACWD's Water Treatment Plant No. 2, located on Mission Boulevard near Interstate 680. Although its design treatment capacity is 28 million gallons per day (mgd), it has a sustainable production of 26 MGD. However, treatment of water supplied to the project site would occur at the ACWD Blending Facility, which blends water from the District's production well water from the

⁶³ State Water Resources Control Board, California Integrated Water Quality System Project (CIWQS), Wastewater Violation Report, 2012-2017, accessed May 18, 2017 at: http://ciwqs.waterboards.ca.gov/ciwqs/readOnly/CiwqsReportServlet?vioReportType=Violation&reportID=4105883&inCommand=drilldown&reportName=Public VioFacilityReport&group=Alameda.

⁶⁴ San Francisco Bay Regional Water Quality Control Board, Pending Enforcement Liabilities & Penalties, accessed May 18, 2017 at: http://www.waterboards.ca.gov/sanfranciscobay/public notices/enforcement db.shtml-ACL.

Mowry and Peralta/Tyson Wellfields with water from San Francisco Regional Water Supplies in order to reduce the hardness of the well water. The Blending Facility utilizes three parallel inline static mixers, each with a design capacity of 20 mgd. Although total production of 60 mgd can be achieved, the normal sustainable output of the Blending Facility is 45 mgd. The facility has adequate capacity to serve the proposed project.⁶⁵

The ACWD conducts regular long-term supply planning to ensure adequate water supplies for its customers. Projected demand takes into account existing and projected future land use conditions as identified in the Union City General Plan. The site has been developed with office uses since 1980, so water demand from the site has been factored into ACWD's water demand projections for many years as well. Implementation of the proposed project would result in an incremental increase in water demand at the site compared to previous demand, due to the net increase in square footage of office space. However, the development intensity on the site would remain substantially below the allowed density on the site, which is the basis for ACWD's water demand projections. Therefore, the proposed project would not substantially increase water demand and would not require the construction or expansion of water treatment facilities.

Similarly, wastewater demand has been associated with the site for several decades, and has been factored into planning for adequate wastewater treatment capacity. Wastewater generated in Union City is treated at the Alvarado Wastewater Treatment Plant (AWTP), operated by the Union Sanitary District (USD). The treatment plant is located near the western edge of Union City, just west of Union City Boulevard and south of Horner Street. The wastewater treatment plant provides primary and secondary (activated sludge) treatment. The current capacity is 33 mgd and average daily flows in 2015 were approximately 21.85 mgd. There is substantial excess capacity at the treatment plant, and no potential for the incremental increase in wastewater treatment demand that would be generated by the project to exceed existing treatment capacity or require the construction of new or expanded treatment facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	

Explanation: The proposed project could cause a minor increase in stormwater discharge from the site, due to a net increase in impervious surfaces on the site. The site currently has 47,900 square feet of developed impervious surfaces and the completed project would have 51,000 square feet of impervious surfaces, resulting in a net increase of 3,100 square feet. Although the project may require hydromodification management (HM) controls to restrict stormwater discharge rate and volume from the site to pre-project levels, the project would provide a vegetated biotreatment swale of 2,110 square feet that would accommodate storage of ponding water. The treatment swale would also allow percolation of stormwater runoff through

⁶⁵ Juni Rotter, Development Services Supervisor, Alameda County Water District, personal communication, May 22, 2017.

⁶⁶ Union Sanitary District, Our Mission, Facts, and History, accessed May 18, 2017 at: https://www.unionsanitary.com/about-us/about-us/mission-facts-history.

pervious soil and crushed aggregate. Following natural biotreatment of captured stormwater, some water would percolate to groundwater and excess treated water would be discharged into the City's stormwater drainage network. There would therefore be some detention of stormwater even without HM controls. The minor increase in volume of stormwater discharge from the site would not require construction of new or expanded stormwater drainage facilities. Consequently, the project would have a *less-than-significant impact* on stormwater drainage facilities.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	

Explanation: Implementation of the proposed project would temporarily consume water for suppression of dust during site grading activities. In addition, as discussed in Section XVII(b), following project construction, the project would result in an incremental increase in water consumption at the site for purposes of irrigating the new and replacement landscaping, but the project would be required to comply with the City's Water Efficient Landscape Ordinance, and this increased demand would not be significant.

Water Supply and Demand

Water would be provided to the site by the Alameda County Water District (ACWD), which derives its domestic water supply from three major sources: State Water Project (SWP) water from the Sacramento/San Joaquin Delta (29 percent), Hetch Hetchy Reservoir in the Sierras (17 percent), and local supplies (54 percent). ⁶⁷ Source water for the SWP consists of rainfall and snowmelt runoff from northern and central California. The SWP water is delivered to the service area from Lake Oroville via the Feather River, Sacramento River, and South Bay Aqueduct. Hetch Hetchy water is conveyed from Hetch Hetchy Dam, operated by the San Francisco Public Utilities Commission (SFPUC), via the Hetch-Hetchy Aqueduct. The ACWD also receives SFPUC surface water originating in Alameda and San Mateo counties.

The ACWD's local supplies include fresh groundwater from the Niles Cone Groundwater Basin underlying the District's service area (recharged by runoff from the Alameda Creek watershed), brackish groundwater desalinated at the Newark Desalination Facility and blended with Hetch Hetchy water, and surface water from Del Valle Reservoir, near the City of Livermore.

The ACWD is required by State law to prepare an Urban Water Management Plan (UWMP) to identify existing and projected water supply sources, develop demand projections for its approximately 100-square-mile service area, and identify strategies for ensuring that long-term water supplies are sufficient to meet demand under all future demand conditions, including during single- and multiple-year droughts. The UWMP must be updated every five years. The normal UWMP submittal cycle requires that the plans be prepared and submitted in December of years ending in five and zero.

The District's water supply planning is coordinated with other agencies throughout the San Francisco Bay Area. For example, it has participated with a large group of stakeholders

⁶⁷ Alameda County Water District, *Urban Water Management Plan* 2015–2020, June 9, 2016.

including resource agencies, local governments, and environmental groups in developing a *Bay Area Integrated Regional Water Management Plan* (Bay Area IRWMP), last updated in 2013. The ACWD also participates in regional Alameda Creek watershed planning efforts.

At the time of preparation of the latest UWMP, California was in the fifth year of a prolonged drought. The State had previously passed the Water Conservation Bill of 2009 (SBX7-7), which requires a Statewide 20-percent reduction in urban per capita water use by 2020. It requires that retail urban water suppliers determine baseline water use and set reduction targets according to specified requirements, and requires agricultural water suppliers to prepare plans and implement efficient water management practices. In further response to the drought, in July 2014 the State Water Resources Control Board (SWRCB) replaced the Statewide reduction target with agency-specific goals based on each agency's average previous residential consumption. The reduction target assigned to ACWD is 16 percent from its baseline use established during select months of 2013.

As the drought persisted, the Governor issued Executive Order B-29-15 on April 1, 2015 that mandated a Statewide reduction in water use of 25 percent from 2013 levels. ACWD has been able to exceed each of the mandated reductions, lowering district-wide consumption in fiscal year (FY) 2014-2015 to 73 percent of the demand in FY2012-2013.

The currently adopted UWMP reported that the total long-term average annual available water supply was estimated to be 73,500 acre-feet⁶⁸ per year (AFY) of combined imported and local water supplies.⁶⁹ Factoring in implementation of multi-faceted strategies identified in an Integrated Resources Plan (IRP), water demand in ACWD service area was projected to be 77,200 AFY in 2020, when available supply was projected to be 62,900 AFY, leaving excess capacity of 14,300 AFY. By 2040 excess capacity is still projected, though it would be reduced to 6,200 AFY, with demand of 69,800 AFY being met by a supply of 76,000 AFY.⁷⁰

The District's projections for a sustained drought comparable to the most severe five-year drought on record (1987-1991), based on records dating to 1922, indicate that ACWD will have sufficient supplies to withstand a similar long-term drought through 2020, when supply would balance demand. However, during the multi-year design drought, by 2022 demand could exceed supply by 2,900 AFY.

Although District policy is to sustain a shortage of no more than 10 percent during dry and critically dry conditions, it recognizes that severe conditions, such as an earthquake, could result in interruptions to either imported or local water supplies that could result in significantly greater shortages. In such a case, the District would declare a water shortage emergency and enact its Water Shortage Contingency Plan (WSCP) at the appropriate level to address the shortfall. The WSCP is designed to replace the water supply shortage up to a 50-percent shortage. Strategies in the WSCP include drawing on its Semitropic Groundwater Banking System, which currently has over 107,000 AF in storage, and imposing mandatory demand reduction measures, among other strategies. The District would also look to secure additional supplies through purchase of water from a California Department of Water Resources drought bank or similar water purchase/transfer program.

⁶⁸ An acre–foot is the amount of water necessary to cover 1 acre of land to a depth of 1 foot, and is equivalent to 325,851.43 gallons, or 43,560 cubic feet.

⁶⁹ Alameda County Water District, op. cit.

⁷⁰ *Ibid*, Table 9-2.

Water-Efficient Landscape Ordinance

The proposed project would provide 15,326 square feet of new and replacement landscaping, and this would require water for irrigation. The project would be required to comply with the City's water-efficient landscape requirements promulgated in Chapter 18.112 of the Union City Municipal Code, which are based on the State Water Efficient Landscape Ordinance. The ordinance requires landscaping for projects generally requiring Site Development Review (and all discretionary projects with 2,500 square feet or more of landscaping) to design the landscape with water-efficient hydro-zones containing plants with similar water needs. Turf areas may not exceed 25 percent of the landscaping, and at least 75 percent of the non-turf plants must be drought-resistant, requiring occasional, little, or no summer water application. Disease- and pest-resistant native plants must be selected based on their adaptability to the climatic, geologic, and topographical conditions of the site. Where irrigation is required, an efficient system tailored to each hydro-zone must be employed that meets specific efficiency requirements based on flow rate, application rate, and design operating pressure for each zone. The system must be designed by a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or "any other person authorized to design an irrigation system." Irrigation for the proposed landscaping may not exceed a Maximum Applied Water Allowance (MAWA) that will be calculated for the project. The project will be required to install automatic irrigation controllers using current reference evapotranspiration data or soil moisture sensors, such that total applied water does not exceed the MAWA. An irrigation audit must be submitted to the City demonstrating compliance and proper functioning of the irrigation system.

Project Water Demand

The future water demand of the proposed office building was estimated based on a consumption rate of 55.6 gallons per thousand square foot of building area. This average daily rate was determined in a 2012 nationwide survey of commercial buildings by the U.S. Energy Information Administration in cooperation with the U.S. Environmental Protection Agency. The surveyed buildings included general office buildings as well as outpatient health care facilities. Applying this rate to the proposed building, the project would have an estimated average water demand of about 1,745 gallons per day (gpd), and an annual demand of 636,925 gallons. The surveyed buildings area. This average water demand of 636,925 gallons.

In addition, the proposed landscaping plan indicates that a total of 15,326 square feet of landscaped areas would require irrigation. The landscaping would be irrigated in different hydro-zones determined by plant water requirements. Irrigation would occur via a combination of high-efficiency rotor and stream spray-head sprinklers and subsurface drip lines, depending on the hydro-zone. The irrigation would be controlled and timed by an automatic controller, based on evapotranspiration data, including climatic conditions at the site and the soil and plant characteristics applicable to each zone. In compliance with Municipal Code Chapter 18.112, a landscape architect retained by the project applicant will be required to prepare a Water Efficient Landscape Worksheet for the proposed landscaping, which has been divided into six different hydro-zones. The worksheet must factor in the evapotranspiration rate applicable to the climatic conditions at the site and the soil and plant characteristics applicable to each zone. At the time of this environmental review, a Water Efficient Landscape Worksheet had not yet been prepared for the project; it will be prepared as part of the construction documents following project approval.

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⁷¹ U.S. Energy Information Administration, Commercial Buildings Energy Consumption Survey (CBECS): Water Consumption in Large Buildings Summary, accessed May 18, 2017 at: https://www.eia.gov/consumption/commercial/reports/2012/water/index.php - ftn1.

 $^{^{72}}$ This is a very conservative annual demand estimate because it assumes the daily rate would apply 365 days a year.

In order to estimate the project's future water demand for landscape irrigation, the basic parameters of the proposed landscaping were plugged into the U.S. Environmental Protection Agency's (EPA) interactive water demand tool, which factors in local precipitation and evapotranspiration rates.⁷³ The results indicate that landscape irrigation would require a total of 17,798 gallons per month, or about 593 gallons per day. According to the stormwater management plan for the project, the site currently has 12,800 square feet of landscaping. If it is assumed that the water demand characteristics of the existing and proposed landscaping are similar, the proposed project would not result in a substantial increase in landscape water demand in comparison with existing conditions. Applying the monthly water demand per square foot of landscaping determined by the WaterSense tool, the existing landscaping is estimated to consume an average of 14,865 gallons of water per month, or about 496 gallons per day. Thus, the proposed landscaping would increase water demand by just roughly 97 gallons per day.

The project's combined domestic and landscape water use is estimated to be 2,338 gpd. The estimated average water consumption of 2,338 gpd represents a minute fraction of ACWD's average daily water production of 34.3 million gallons per day.⁷⁴ Furthermore, the net increase in water use at the site for landscaping would be lower because it would be offset by existing landscape irrigation use. In any event, ACWD takes into account existing and projected future land use conditions as identified in the Union City General Plan when making water demand projections for purposes of planning future water supply. Therefore, water demand from the site has been factored into ACWD's water demand projections. As noted above, the proposed density of the project is well under that allowed by the General Plan, so water demand assumed for the site by ACWD is considerably higher than the actual demand that would be generated by the proposed project.

The temporary consumption of water for dust suppression, soil conditioning, washing of equipment, etc. during project construction would be short-term and would be a minute fraction of the daily water consumption in the area. This short-term water demand, which would likely be less than the project's long-term operational demand, would not adversely affect the water supply or require new entitlements.

Based on ACWD's adopted *Urban Water Management Plan*, there would be sufficient water supplies to continue serving the needs of the proposed project. The project would therefore have a *less-than-significant impact* on water supplies.

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⁷³ U.S. Environmental Protection Agency, WaterSense Water Budget Tool, accessed May 31, 2017 at: https://www.epa.gov/watersense/water-budget-tool.

⁷⁴ Alameda County Water District, ACWD Fact Sheet, accessed May 31, 2017 at: http://www.acwd.org/index.aspx?nid=93.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	

Explanation: See Section XVII(b), above.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	

<u>Explanation</u>: Commercial waste hauling in Union City is performed by Republic Services, which provides collection of front-load bins from one to six times a week. Republic Services also provides collection of recyclable waste and medical waste, which would be generated by the anticipated dialysis clinic. Republic Services hauls the commercial waste it collects in Union City to the Fremont Transfer and Recycling Station, located on Boyce Road between Stevenson Road and Auto Mall Parkway in Fremont. There the waste is sorted to remove hazardous waste, reloaded into large-capacity transfer trucks, and transported to the Altamont Landfill, located adjacent to Interstate 580, east of the City of Livermore. Altamont Landfill is permitted for a total refuse capacity of 124,400,000 cubic yards (approximately 14,880,000 tons), with a daily permitted throughput of 11,150 tons/day.⁷⁵ As of December 31, 2014, the landfill had 65,400,000 cubic yards of remaining capacity.

Solid waste would be generated at the site during project construction; this would include substantial demolition debris from the removal of the existing buildings, pavements, and landscaping on the site. The project would be required to comply with the City's Construction and Demolition Debris (C&DD) Ordinance—which requires the recycling of at least 50 percent of construction and demolition debris generated by a project and 100 percent of all cement, concrete, asphalt concrete, non-contaminated soils, land-clearing debris, and plant debris.

Once project construction is complete and the proposed office building is occupied, the future tenants of the building would generate solid waste on an ongoing basis during the course of their daily operations. The businesses would be required to recycle materials that are recyclable. Alameda County Waste Management Authority Ordinance 2012-01 requires businesses generating four or more cubic yards of solid waste per week and all multi-family property owners (five units or more) to obtain a level of recycling service adequate for the amount of

⁷⁵ CalRecycle (formerly California Integrated Waste Management Board), Solid Waste Information System Facility/Site Database, accessed May 20, 2017 at: http://www.calrecycle.ca.gov/SWFacilities/Directory/01-AA-0009/Detail/.

recyclables they generate. This local ordinance builds upon a California law, AB 341, which requires the commercial and multi-family accounts to either subscribe to recycling services, self haul, or arrange for periodic pick-up of recyclables. A property owner of a commercial business or multi-family residential dwelling may require tenants to separate their recyclable materials to aid in compliance with the law.

Implementation of the proposed project would result in an incremental increase in the amount of solid waste and recyclables that would be generated by the project. The project would be required to comply with the State and local laws mandating recycling of recyclable materials. There would still be residual waste requiring landfill disposal, but the incremental increase in solid waste sent to landfill would have an imperceptible effect on landfill capacity. As of December 31, 2014, the landfill had 65.4 million cubic yards of remaining capacity, about half of its permitted capacity of 124.4 million cubic yards.⁷⁶ There would therefore be adequate landfill capacity to accommodate solid waste generated by the proposed project, and the project would have a *less-than-significant impact* on solid waste disposal capacity.

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

<u>Explanation</u>: There is no potential for the project 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, or reduce the number or restrict the range of a rare or endangered plant or animal so long as Mitigation Measure BR–1 is implemented. There is a remote possibility for encountering buried historic/prehistoric cultural resources on the site, but mitigation measures have been identified in Section V to minimize potential impacts in the event such resources are encountered during project construction.

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⁷⁶ Ibid.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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.)			X	

Explanation: No significant cumulative impacts were identified for the proposed project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?		X		

Explanation: During implementation of the project, air emissions from contaminated soil and operation of construction equipment could potentially have adverse effects on project workers. In addition, operational noise from heavy equipment could adversely affect neighboring residents. Implementation of mitigation measures identified in sections III, Air Quality, and XII, Noise, would reduce these potentially significant impacts to less-than-significant levels. As previously noted, although the Water Board lacks the specific authority to enforce the most of the mitigation measures identified in this Initial Study, the project applicant has agreed to implement all of the mitigation measures identified herein, and they will be incorporated into an SCR Order as enforceable requirements.

REPORT PREPARATION

This Initial Study and Mitigated Negative Declaration was prepared under the direction of Douglas Herring & Associates (DHA), with support from the Union City Economic & Community Development Department.

Project Manager: Doug Herring, AICP, Principal

Douglas Herring & Associates

1331 Linda Vista Drive El Cerrito, CA 94530

City of Union City: Adam Peterson, Contract Planner

34009 Alvarado-Niles Road Union City, CA 94587

MITIGATION MEASURES

Air Quality

Mitigation Measure AQ-1:

The property owner/applicant shall require the construction contractor to reduce the severity of project construction period dust and equipment exhaust impacts by complying with the following control measures:

- All exposed building pad surfaces shall be watered two times per day. Other unpaved areas—such as parking areas, staging areas, soil piles, graded areas, and unpaved access roads—shall either be watered three times per day, be paved, or have non-toxic soil stabilizers applied, per City requirements.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-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 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics 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 the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Biological Resources

Mitigation Measure BR-1:

If any site grading or project construction will occur during the general bird nesting season (February 1st through August 31st), a bird nesting survey shall be conducted by a qualified raptor

biologist prior to any grading or construction activity. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of grading/construction activities; if conducted during the late part of the breeding season (May to August), the survey shall be performed no more than 30 days prior to initiation of these activities. If active nests are identified, a 250-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Wildlife) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged. A biological monitor shall be present during earth-moving activity near the buffer zone to make sure that grading does not enter the buffer area.

Cultural Resources

Mitigation Measure CR-1:

City Staff shall advise the Project Construction Superintendent, Project Inspector, and Building Inspector at a pre-construction conference of the potential for encountering cultural resources during construction and the applicant's responsibilities per CEQA should resources be encountered. This advisory shall also be printed on the Plans and Specification Drawings for this project.

Mitigation Measure CR-2:

If any cultural artifacts are encountered during site grading or other construction activities, all ground disturbance within 100 feet of the find shall be halted until the City of Union City is notified, and a qualified archaeologist can identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). The results of any additional archaeological effort required through the implementation of Mitigation Measures CR-2 or CR-3 shall be presented in a professional-quality report, to be submitted to the project sponsor, the Union City Community Economic and Development Department, and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)-(f) of the CEQA Guidelines and Public Resources Code Section 21083.2.

Mitigation Measure CR-3:

In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and a qualified archaeologist shall notify the Office of the Alameda County Coroner and advise that office as to whether the remains are likely to be prehistoric or historic period in date. If determined to be prehistoric, the Coroner's Office will notify the Native American Heritage Commission of the find, which, in turn, will then appoint a "Most Likely Descendant" (MLD). The MLD in consultation with the archaeological consultant and the project sponsor, will advise and help formulate an appropriate plan for treatment of the remains, which might include

recordation, removal, and scientific study of the remains and any associated artifacts. After completion of analysis and preparation of the report of findings, the remains and associated grave goods shall be returned to the MLD for reburial.

Mitigation Measure CR-4:

If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology (UCMP).

Hazards and Hazardous Materials

Mitigation Measure HM-1:

Prior to issuance of a demolition permit for the existing buildings on the site, a comprehensive survey for asbestos-containing building materials (ACBM) shall be conducted by a qualified asbestos abatement contractor. Sampling for ACBM shall be performed in accordance with the sampling protocol of the Asbestos Hazard Emergency Response Act (AHERA). If ACBM is identified, all friable asbestos shall be removed prior to building demolition by a State-certified Asbestos Abatement Contractor, in accordance with all applicable State and local regulations, including Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2 pertaining to demolition, removal, and disposal of ACBM. BAAQMD shall be notified at least ten business days in advance of building demolition, in compliance with Regulation 11, Rule 2. To document compliance with the applicable regulations, the project sponsor shall provide the City of Union City Building Division with a copy of the notice required by BAAQMD for asbestos abatement work, prior to and as a condition of issuance of the demolition permit.

Mitigation Measure HM-2:

Prior to issuance of a demolition permit for the existing buildings on the site, a survey for lead-based paint (LBP) shall be conducted by a qualified lead assessor. If LBP is identified, lead abatement shall be performed in compliance with all federal, State, and local regulations applicable to work with LBP and disposal of lead-containing waste. A State-certified Lead-Related Construction Inspector/Assessor shall provide a lead clearance report after the lead abatement work in the buildings is completed. The project sponsor shall provide a copy of the lead clearance report to the City of Union City Building Division prior to issuance of a demolition permit.

Hydrology and Water Quality

Mitigation Measure WQ-1:

Prior to issuance of a grading permit the project sponsor shall obtain National Pollutant Discharge Elimination System (NPDES) construction coverage as required by Construction General Permit (CGP) No. CAS000002, as modified by State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ. Pursuant to the Order, the project applicant shall electronically file the Permit Registration Documents (PRDs), which include a Notice of Intent (NOI), a risk assessment, site map, signed certification, Stormwater Pollution Prevention Plan (SWPPP), and other site-specific PRDs that may be required. At a minimum the SWPPP shall incorporate the standards provided in the Association of Bay Area Governments' Manual of Standards for Erosion and Sedimentation Control Measures (2005), the California Stormwater Quality Association's California Stormwater Best Management Practices Handbook (2009), the prescriptive standards included in the CGP, or as required by the Clean Water Program Alameda County, whichever are applicable and more stringent. Implementation of the plan will help stabilize graded areas and reduce erosion and sedimentation. The SWPPP shall identify Best Management Practices (BMPs) that shall be adhered to during construction activities. Erosion-minimizing efforts such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds shall be installed before extensive clearing and grading begins. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during and after construction activities. The SWPPP shall also be reviewed and approved by the Union City Public Works Department.

Mitigation Measure WQ-2:

All cut-and-fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15th and April 15th unless approved erosion control measures are in place.

Mitigation Measure WQ-3:

Prior to issuance of a grading permit, the project applicant shall prepare a C.3 Stormwater Control Plan in accordance with current construction and post-construction requirements specified by State Water Resource Control Board (SWRCB) Order No. 2009-0009-DWQ and the post-construction requirements specified by National Pollutant Discharge Elimination System (NPDES) Order No. R2-2015-0049 and the Alameda Countywide Clean Water Program (ACCWP). The C.3 Stormwater Control Plan shall be developed in accordance with the provisions of ACCWP's C.3 Stormwater Technical Guidance manual (Version 5.1, May 2, 2016). Additionally, as required by the C.3 Provisions, building permit applications must be accompanied by a Stormwater Control Plan, for review and approval by the City Engineer, which specifies the treatment measures and appropriate source control and site design features that will be incorporated into project design and construction to reduce the

pollutant load in stormwater discharges and manage runoff flows.

The C.3 Stormwater Control Plan shall be submitted for review and approval by the Union City Clean Water Program (UCCWP). The plan and a Stormwater Requirements Checklist shall be prepared by a qualified civil engineer or landscape architect. The applicant shall demonstrate to UCCWP via drawings and engineering calculations that the proposed project includes site design features sufficient to capture and treat on site all stormwater runoff from the project site, in compliance with Provision C.3 of the ACCWP. Landscape features shall be used in lieu of structural features to the degree feasible. As part of compliance with the ACCWP, the applicant shall execute and implement a maintenance agreement with the City of Union City to provide for the maintenance of all onsite stormwater treatment features and devices in perpetuity, including specification of how the maintenance will be financed. Prior to issuance of the building permit, the applicant shall provide proof of recording this agreement from the Alameda County Clerk Recorder's Office. The applicant shall submit to the Union City Public Works Department annual certificates of compliance with the operations and maintenance requirements stipulated in the maintenance agreement.

<u>Transportation/Traffic</u>

Mitigation Measure T–1:

Extend the existing raised median on Union Square at the intersection with Decoto Road to prohibit left-hand into the existing driveway on Union Square, which provides access to the project site. Final design subject to review and approval by the Union City Public Works Department.

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CITY OF UNION CITY, CALIFORNIA

Station District Block 7 Medical/Office Building Project

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

JULY 2017



U.S. Pipe and Foundry Retention Basin Project Mitigation Monitoring and Reporting Program (MMRP)

1. Introduction

Assembly Bill (AB) 3180, enacted by the California Legislature in 1988, requires lead agencies to prepare and adopt a program to monitor and/or report on all mitigation measures required in conjunction with certification of an Environmental Impact Report (EIR) or adoption of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA).

A public agency must certify an EIR or adopt a Mitigated Negative Declaration when approving a discretionary project that could significantly affect the environment in an adverse manner. The monitoring or reporting program is intended to ensure the successful implementation of measures that public agencies impose to reduce or avoid the significant adverse impacts identified in an environmental document. Adoption of the monitoring program is to occur when a public agency makes the findings to approve a project requiring an EIR or when adopting a Mitigated Negative Declaration. There is no statutory requirement for a lead agency to circulate a monitoring program for public review prior to adopting the program.

The monitoring program should specify the steps whereby implementation of project mitigation measures can be verified during project construction and operation. Typically, the monitoring program should, for each mitigation measure, identify the entity responsible for implementing the measure and an individual, qualified professional, or agency responsible for ensuring compliance. The monitoring program should also identify: the action or actions required to ensure compliance; when and how frequently monitoring should occur; a mechanism for reporting compliance or non–compliance; and an agency that receives and monitors the reports on compliance. AB 3180, as promulgated in Public Resources Code Section 21081.6, does not require a mitigation monitoring program to include measures imposed to mitigate the environmental effects of less–than–significant impacts.

AB 3180 does not provide State reimbursement for implementing the mitigation monitoring requirements because local agencies have the authority to levy fees sufficient to pay for such programs. Local agencies may recover the monitoring and reporting costs through charging a service fee pursuant to Government Code sections 65104 and 66000 *et seq*.

2. Monitoring Program

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to present a thorough approach for monitoring the implementation of the measures required to mitigate the significant and potentially significant impacts identified in the *Station District Block 7 Medical/Office Building Project Mitigated Negative Declaration*. The monitoring program identifies each mitigation measure for a significant impact and specifies the means for verifying successful implementation Failure to comply with all required mitigation measures will constitute a basis for withholding building permits or undertaking legal enforcement actions.

Project Approvals

Prior to each successive approval during development of the proposed project, the City of Union City Economic and Community Development Department shall confirm via the MMRP table (included in this document) proper implementation of all mitigation measures required to that point in time. If any mitigation measures have not been implemented as required, the

permit or other approval shall be withheld until successful implementation of the measure has been confirmed by the City. If noncompliance of required mitigation measures occurs following completion of construction and project occupancy, the failure shall be grounds for revocation of the occupancy permit(s) for the project, or other enforcement action by the City Attorney.

MMRP Table

The heart of this document is the MMRP table, which identifies the monitoring and reporting requirements for each mitigation measure identified in the Mitigated Negative Declaration. More specifically, the table provides the following information for each mitigation measure:

- Impact Summary— a brief one—sentence summary statement of the impact being mitigated.
- Mitigation Measure— the verbatim text of the mitigation measure as adopted by the City. In some cases, the measure may differ slightly from the language presented in the Mitigated Negative Declaration circulated for public review.
- Implementation Responsibility— the entity responsible for implementing the mitigation measure.
- Monitoring Responsibility— the person or agency responsible for physically verifying that the mitigation measure has been implemented and for recording the verification in the MMRP table. In some cases, an outside regulatory agency may be involved in determining or ensuring mitigation compliance, but reporting of compliance in the MMRP table is the responsibility of City staff in all cases.
- Monitoring Activity— all activities necessary to verify successful implementation of the mitigation measure. Where certain monitoring activities are verified during the normal course of project review and approvals (e.g., verification of compliance with building codes), such verification has been noted but has not been incorporated into the MMRP, and no separate reporting is required beyond that which normally occurs.
- Timing/Frequency of Monitoring— the phase of the project during which monitoring activities must occur and/or milestone(s) at which single—event monitoring activities must occur followed by how often monitoring activities must occur. Typically, the monitoring occurs once, weekly, or monthly.
- Date & Monitor's Initials/Status/Comments— the initials of the Responsible Monitor verifying that implementation of the mitigation measure has been satisfactorily completed. A notation shall be provided for each required occurrence of monitoring and/or verification, as stipulated in the MMRP table for each mitigation measure. The notation by the proper monitor should be dated and initialed, and should note any irregularities or problems in compliance. When final implementation of a mitigation measure has been verified by the designated monitor, a notation of full and completed implementation shall be made in this space.

Reporting

Reporting shall be satisfied by a written notation in the space provided for each mitigation measure in the MMRP table, as noted above. The MMRP table shall be maintained on file at the offices of the Economic and Community Development Department until, at a minimum, all mitigation measures have been successfully implemented and verified.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
AIR QUALITY					
Impact: Generation of airborne particulate matter during construction. Mitigation Measure AQ-1: The project applicant shall require the construction contractor to reduce the severity of project construction period dust impacts by complying with the following control measures: • All exposed building pad surfaces shall be watered two times per day. Other unpaved areas—such as parking areas, staging areas, soil piles, graded areas, and unpaved access roads—shall either be watered three times per day, be paved, or have non-toxic soil stabilizers applied, per City requirements. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-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 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified visible emissions	Project Sponsor and Construction Contractor	Bay Area Air Quality Management District (BAAQMD), City of Union City Economic & Community Development Department	Monthly site visits shall be made by City staff to verify compliance with requirements. Additional site visits shall be promptly made in response to any complaints received by the City or BAAQMD. Any excessive dust observed shall be discussed with the project sponsor and reported in the MMRP table.	During construction/ Monthly and in response to complaints	
evaluator. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall					

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.					
BIOLOGICAL RESOURCES					
Impact: Potential adverse effects on nesting birds. Mitigation Measure BR-1: If any site grading or project construction will occur during the general bird nesting season (February 1 through August 31), a bird nesting survey shall be conducted by a qualified raptor biologist prior to any grading or construction activity. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of grading/construction activities, due to the higher probability that new nest construction could be initiated during this time. If conducted during the late part of the breeding season (May to August), when the potential for new nest creation is much lower, the survey shall be performed no more than 30 days prior to initiation of these activities. If active nests are identified, a 250-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Wildlife) shall be established around the nest tree and the site shall be protected until September 1 st or until the young have fledged. A biological monitor shall be present during earth-moving activity near the buffer zone to make sure that grading does not enter the buffer area.	Project Sponsor	City of Union City Economic & Community Development Department Biological Monitor	A qualified biologist hired by the City of Union City and paid for by the project sponsor shall conduct and document the required preconstruction bird surveys. If nesting birds are found, Planning staff shall receive written verification from the biological monitor that protective fencing is installed in accordance with CDFW requirements and remains in place for the required time.	Verification of bird surveys: Prior to issuance of grading permit/ Once Verification of confirmation from Biological Monitor that protective measures were observed during tree removal: Prior to issuance of grading permit/ Once	
CULTURAL RESOURCES					
Impact: Potential damage to significant archaeological or historical resources or buried human remains. Mitigation Measure CR-1: City Staff shall advise the Project Construction Superintendent, Project Inspector, and Building Inspector at a pre-construction conference of the potential for encountering cultural resources during construction and the applicant's responsibilities per CEQA should resources be encountered. This advisory shall also be printed on the Plans and Specification Drawings for this project.	City of Union City Economic & Community Development Department Project Engineer	City of Union City Economic & Community Development Department	City staff shall conduct preconstruction meeting as indicated and record the date and participants on this MMRP table. City staff shall verify the inclusion on construction plans and specification drawings the advisory to stop work in the event buried archaeological resources are encountered during construction, following by notification of City staff.	Prior to grading or ground disturbance/ Once	
Impact: Potential damage to significant archaeological or	Project Sponsor/	City of Union City	City staff shall verify the inclusion	Verification of	

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
historical resources or buried human remains. Mitigation Measure CR-2: If any cultural artifacts are encountered during site grading or other construction activities, all ground disturbance within 100 feet of the find shall be halted until the City of Union City is notified, and a qualified archaeologist can identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). The results of any additional archaeological effort required through the implementation of Mitigation Measures CR-2 or CR-3 shall be presented in a professional-quality report, to be submitted to the project sponsor, the Union City Economic and Community Development Department, and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)-(f) of the CEQA Guidelines and Public Resources Code Section 21083.2.	Project Construction Superintendent Archaeological Monitor	Economic & Community Development Department	in all construction contracts pertaining to grading or other ground-disturbing activities the provisions for work stoppage stipulated in Mitigation Measure CR-2. If cultural resources are encountered during construction, City staff shall conduct weekly (or more frequent) site inspections to verify implementation of any mitigation recommended by the archaeologist. Inspections shall continue until mitigation implementation is deemed complete by the archaeologist. City staff shall ensure the find is evaluated by a qualified archaeologist and shall verify submittal of archaeological report.	contract provisions: Prior to issuance of grading permit/ Once Site inspections: During construction/ Weekly, or more frequently Report submittal: Within 3 weeks of completion of mitigation requirements/ Once	
Impact: Potential damage to significant archaeological or historical resources or buried human remains. Mitigation Measure CR-3: In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and a qualified archaeologist shall notify the Office of the Alameda County Coroner and advise that office as to whether the remains are likely to be prehistoric or historic period in date. If determined to be prehistoric, the Coroner's Office will notify the Native American Heritage Commission of the find, which, in turn, will then appoint a "Most Likely Descendant" (MLD). The MLD in consultation with the archaeological consultant and the project sponsor, will advise and help formulate an appropriate plan for treatment of the remains, which might include recordation, removal, and scientific study of the remains and any associated artifacts. After completion of analysis and preparation of the report of findings, the remains and associated grave goods shall be returned to the MLD for reburial.	Project Sponsor/ Grading Contractor Archaeological Monitor	Archaeological Monitor City of Union City Economic & Community Development Department	If human remains are encountered during construction, City staff shall receive written verification from the Archaeological Monitor that proper notification, treatment, documentation, and return of remains occurred.	Within 3 weeks of completion of mitigation requirements/ Once	
Impact: Potential damage to paleontological resources. Mitigation Measure CR-4: If any paleontological	Project Sponsor/ Grading Contractor	Project Construction Superintendent	City staff shall verify the inclusion in all construction contracts pertaining to grading or other	Verification of contract provisions: Prior	

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology (UCMP).		City of Union City Economic & Community Development Department	ground-disturbing activities the provisions for work stoppage stipulated in Mitigation Measure CR-4. If paleontological resources are encountered during construction, City staff shall conduct weekly (or more frequent) site inspections to verify implementation of any mitigation recommended by the paleontologist. Inspections shall continue until mitigation implementation is deemed complete by the paleontologist. City staff shall ensure the find is evaluated by a qualified paleontologist.	to issuance of grading permit/ Once Site inspections: During grading or ground disturbance/ Weekly, or more frequently	
HAZARDS AND HAZARDOUS MATERIALS					
Impact: Potential for exposure of construction workers to hazardous asbestos during building demolition. Mitigation Measure HM-1: Prior to issuance of a demolition permit for the existing buildings on the site, a comprehensive survey for asbestos-containing building materials (ACBM) shall be conducted by a qualified asbestos abatement contractor. Sampling for ACBM shall be performed in accordance with the sampling protocol of the Asbestos Hazard Emergency Response Act (AHERA). If ACBM is identified, all friable asbestos shall be removed prior to building demolition by a State-certified Asbestos Abatement Contractor, in accordance with all applicable State and local regulations, including Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2 pertaining to demolition, removal, and disposal of ACBM. BAAQMD shall be notified at least ten business days in advance of building demolition, in compliance with Regulation 11, Rule 2. To document compliance with the applicable regulations, the project sponsor shall provide the City of Union City Building Division with a copy of the notice required by BAAQMD for asbestos abatement work, prior to and as a condition of issuance of the demolition permit.	Project Sponsor	City of Union City Building Division	Building Inspection staff shall confirm receipt of BAAQMD notice prior to issuance of a demolition permit.	Prior to issuance of Demolition Permit/ Once	
Impact: Potential for exposure of construction workers to	Project Sponsor	City of Union City	Building Inspection staff shall	Prior to issuance	

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
hazardous lead-based paint during building demolition. Mitigation Measure HM-2: Prior to issuance of a demolition permit for the existing buildings on the site, a survey for lead-based paint (LBP) shall be conducted by a qualified lead assessor. If LBP is identified, lead abatement shall be performed in compliance with all federal, State, and local regulations applicable to work with LBP and disposal of lead-containing waste. A Statecertified Lead-Related Construction Inspector/Assessor shall provide a lead clearance report after the lead abatement work in the buildings is completed. The project sponsor shall provide a copy of the lead clearance report to the City of Union City Building Division prior to issuance of a demolition permit.		Building Division	confirm receipt of lead clearance report prior to issuance of a demolition permit.	of Demolition Permit/ Once	
HYDROLOGY AND WATER QUALITY					
Impact: Potential degradation of surface water due to site erosion during construction. Mitigation Measure WQ-1: Prior to issuance of a grading permit the project sponsor shall obtain National Pollutant Discharge Elimination System (NPDES) construction coverage as required by Construction General Permit (CGP) No. CAS000002, as modified by State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ. Pursuant to the Order, the project applicant shall electronically file the Permit Registration Documents (PRDs), which include a Notice of Intent (NOI), a risk assessment, site map, signed certification, Stormwater Pollution Prevention Plan (SWPPP), and other site-specific PRDs that may be required. At a minimum the SWPPP shall incorporate the standards provided in the Association of Bay Area Governments' Manual of Standards for Erosion and Sedimentation Control Measures (2005), the California Stormwater Quality Association's California Stormwater Best Management Practices Handbook (2009), the prescriptive standards included in the CGP, or as required by the Clean Water Program Alameda County, whichever are applicable and more stringent. Implementation of the plan will help stabilize graded areas and reduce erosion and sedimentation. The SWPPP shall identify Best Management Practices (BMPs) that shall be adhered to during construction activities. Erosion-minimizing efforts such as hay bales, water bars, covers, sediment fences,	Project Sponsor/ Grading Contractor	City of Union City Environmental Programs Division and/or Public Works Department	Prior to issuance of a grading permit, the Union City Environmental Programs Division shall verify preparation of the SWPPP and confirm its adequacy. During site grading and earthwork, the Environmental Programs Division and/or Public Works staff shall conduct weekly (or more frequent) site inspections to verify proper implementation of all required BMPs.	Verification of SWPPP: Prior to issuance of grading permit/ Once Monitoring of Construction: During construction/ Weekly, or more frequently	

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds shall be installed before extensive clearing and grading begins. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities. The SWPPP shall also be reviewed and approved by the Union City Public Works Department.					
Impact: Potential degradation of surface water due to site erosion during construction. Mitigation Measure WQ-2: All cut-and-fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15th and April 15th unless approved erosion control measures are in place.	Project Sponsor/ Grading Contractor	City of Union City Environmental Programs Division City of Union City Economic & Community Development Department	Prior to issuing a grading permit, City staff shall verify that the construction contract prohibits grading activities outside the stipulated summer construction season, unless authorized by the City. Staff shall conduct periodic site inspections to verify grading does not occur outside the permitted period and to verify proper stabilization of cut-and-fill slopes.	Verification of Plans: Prior to issuance of grading permit/ Once Monitoring of Construction: During construction/ Periodically, or consistent with standard City practice	
Impact: Potential degradation of surface water due to site erosion during construction. Mitigation Measure WQ-3: Prior to issuance of a grading permit, the project applicant shall prepare a C.3 Stormwater Control Plan in accordance with current construction and post-construction requirements specified by State Water Resource Control Board (SWRCB) Order No. 2009-0009-DWQ and the post-construction requirements specified by National Pollutant Discharge Elimination System (NPDES) Order No. R2-2015-0049 and the Alameda Countywide Clean Water Program (ACCWP). The C.3 Stormwater Control Plan shall be developed in accordance with the provisions of ACCWP's C.3 Stormwater Technical Guidance manual (Version 5.1, May 2, 2016). Additionally, as required by the C.3 Provisions, building permit applications must be accompanied by a Stormwater Control Plan, for review and approval by the City Engineer, which specifies the treatment measures and appropriate source control and site design features that will be incorporated into project design and construction to reduce the pollutant load in stormwater discharges and manage runoff flows. The C.3 Stormwater Control Plan shall be submitted for	Project Sponsor/ Project Engineer and/or Landscape Architect	City of Union City Environmental Programs Division City of Union City Building Division City of Union City Public Works Department City of Union City Economic & Community Development Department	Prior to issuance of a grading permit, Union City Environmental Programs Division/UCCWP staff shall verify preparation of the C.3 Stormwater Control Plan and confirm its adequacy. During site grading and earthwork, Planning staff and/or Building Division staff shall conduct unannounced weekly site inspections to verify proper implementation of all required stormwater control measures. Building Division staff shall verify installation of all required stormwater control and treatment features and facilities following project construction. Planning staff shall verify recording of maintenance agreement prior to issuance of occupancy permits. Public Works Department shall verify annual certificates of compliance.	Verification of stormwater treatment system design: Prior to issuance of grading permit/ Once Verification of compliance with Stormwater Control Plan during project construction: During construction/ Weekly, or more frequently Verification of installation of stormwater treatment system: Prior to issuance of occupancy	

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
review and approval by the Union City Clean Water Program (UCCWP). The plan and a Stormwater Requirements Checklist shall be prepared by a qualified civil engineer or landscape architect. The applicant shall demonstrate to UCCWP via drawings and engineering calculations that the proposed project includes site design features sufficient to capture and treat on site all stormwater runoff from the project site, in compliance with Provision C.3 of the ACCWP. Landscape features shall be used in lieu of structural features to the degree feasible. As part of compliance with the ACCWP, the applicant shall execute and implement a maintenance agreement with the City of Union City to provide for the maintenance of all onsite stormwater treatment features and devices in perpetuity, including specification of how the maintenance will be financed. Prior to issuance of the building permit, the applicant shall provide proof of recording this agreement from the Alameda County Clerk Recorder's Office. The applicant shall submit to the Union City Public Works Department annual certificates of compliance with the operations and maintenance requirements stipulated in the maintenance agreement.				permits/ Once Verification of maintenance agreement with City: Prior to issuance of occupancy permits/ Once Verification of ongoing maintenance of stormwater treatment system: Prior to Fire Department signoff on annual fire code inspections/ Annually	
TRANSPORTATION/TRAFFIC					
Impact: Potential traffic safety hazard from illegal left turns from Station Way into Union Square Professional Center. Mitigation Measure T-1: Extend the existing raised median on Union Square at the intersection with Decoto Road to prohibit left-hand into the existing driveway on Union Square, which provides access to the project site. Final design subject to review and approval by the Union City Public Works Department.	Project Sponsor/ Construction Contractor	City of Union City Public Works Department City of Union City Building Division	Prior to issuing a building permit, Building Division staff shall verify that the Public Works Department has approved plans for extension of the raised median on Union Square. Prior to issuance of an occupancy permit, Building Division staff shall verify that the median and any associated improvements have been constructed in accordance with the approved plans.	Verification of Plans: Prior to issuance of building permit/ Once Verification of installation of median: Prior to issuance of occupancy permit/ Once	

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PLANNING COMMISSION RESOLUTION NUMBER XX-17

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UNION CITY RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVAL OF GENERAL PLAN AMENDMENT, AG-17-002, ASSOCIATED WITH SITE DEVELOPMENT REVIEW, SD-17-002, USE PERMIT, UP-17-004, TENTATIVE PARCEL MAP, TPM-17-001 TO DEMOLISH ALL EXISTING STRUCTURES AND CONSTRUCT AN APPROXIMATELY 31,381 SQUARE FOOT MIXED-USE OFFICE BUILDING AND ASSOCIATED SITE IMPROVEMENTS AT 1320 AND 1328 DECOTO ROAD (APNS 87-19-18 AND 87-19-19)

WHEREAS, by Resolution No. 286-62, duly adopted by the City Council of Union City on October 1, 1962, there was adopted documents consisting of text, maps, and charts, entitled Union City General Plan, dated 1962, which included the reports in support thereof as a General Plan of Union City;

WHEREAS, by Resolution Nos. 5590-86 and 5591-86, duly adopted by the City Council of Union City on November 3, 1986, the Council did amend and adopt the City of Union City General Plan, which included the reports in support thereof as a General Plan of Union City; and

WHEREAS, by Resolution Nos. 2108-02 and 2109-02, duly adopted by the City Council of Union City on February 12, 2002, a comprehensive update of the seven mandatory elements of the General Plan of Union City was updated; and

WHEREAS, Woodstock Development, as applicant, has submitted applications for a General Plan Amendment (AG-17-002), Zoning Text Amendment (AT-17-001), Site Development Review (SD-17-002), Use Permit (UP-17-004), and Tentative Parcel Map (TPM-17-001) to redevelop property located at 1320 and 1328 Decoto Road (APNs 87-19-18 and 87-19-19) with a new 31,381 square foot mixed-use office building; and

WHEREAS, the applicant has applied for General Plan Amendment, AG-17-002, to amend Table LU-1 and page LU-4, prescribing an acceptable range for the floor area ratio in the Station Mixed Use Commercial land use designation in the Land Use Element of the City of Union City General Plan; and

WHEREAS, the recommended changes to the General Plan text is labeled Exhibit A, attached hereto and made part hereof; and

WHEREAS, the City provided notification to California Native American tribes and local and regional agencies/entities potentially impacted by the proposed development consistent with Government Code §65352 and § 65352.3, and received no comments from the notified parties; and

Planning Commission Resolution No. XX-17 General Plan Amendment, AG-17-002 Block 7 Development, 1320 and 1328 Decoto Road Page 2 of 4

WHEREAS, a draft Mitigated Negative Declaration was prepared for the project, which determined that the project would not result in any significant impacts with the incorporation of mitigation measures. The draft Mitigated Negative Declaration can be viewed in the Union City Planning Division Office located at 34009 Alvarado-Niles Road, Union City, California during normal business; and

WHEREAS, pursuant to Section 65353 of the Government code, the Planning Commission held a duly noticed public hearing on the proposed General Plan Amendment on July 20, 2017 at which time all interested parties had the opportunity to be heard. The Planning Commission considered a staff report dated July 20, 2017 and all written and oral testimony.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing recitals are true and correct and made a part of this Resolution.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Union City hereby recommends that the City Council adopt a resolution General Plan Amendment, AG-17-002, to amend Table LU-1 and page LU-4, prescribing an acceptable range for the floor area ratio in the Station Mixed Use Commercial land use designation in the Land Use Element of the City of Union City General Plan, and does hereby find as follows:

- That the Mitigated Negative Declaration (MND) reflects the lead agency's independent judgment and analysis, that the document has been completed in compliance with the requirements of the California Environmental Quality Act and, on the basis of the whole record, there is no substantial evidence that the project will have a significant effect on the environment; and
- 2. That the proposed General Plan Amendment to Table LU-1 and the prescribed range of the floor arear ratio on page LU-4 of Station Mixed Use Commercial land use designation is necessary and desirable because it promotes flexibility in development of the Station Mixed Use Commercial land use. This flexibility helps meet the goals of the General Plan because it promotes an increased intensity of development in the Station Mixed Use Commercial land use.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Union City hereby recommends approval of the proposed General Plan Amendment, AG-17-002, to the City Council.

Planning Commission Resolution No. XX-17 General Plan Amendment, AG-17-002 Block 7 Development, 1320 and 1328 Decoto Road Page 3 of 4

	Planning Co	mmission of the City of Union City held on July 20
AYES: NOES: ABSTAINED: ABSENT:	0 0 0 0	
MOVED: SECONDED:		
		APPROVED
		HARPAL MANN, CHAIRPERSON
ATTEST:		

JOAN MALLOY, SECRETARY

Exhibit A AG-17-002

TABLE LU-1 UNION CITY GENERAL PLAN LAND USE DESIGNATIONS AND DEVELOPMENT INTENSITY STANDARDS								
Land Use Designation Label Residential Intensity (Intensity Inten								
Commercial								
Station Mixed Use	SMU	45-165 Units/acre	1.0* – 4.0	n/a	264 sq. ft. minimum (res), 5,000 sq. ft. (com)			

^{*} The FAR may be reduced to a minimum of 0.5 on previously developed sites that do not meet the minimum 1.0 FAR and where the previously developed sites are proposed for redevelopment at a higher FAR than the previous development.

Page LU-4

Station Mixed Use-Commercial (CSMU) (Section updated November 2010, AG-01-08)

This designation is applied to the immediate vicinity of the intermodal facility because the opportunity to connect with regional and subregional transportation providers would support a higher density of uses. The minimum site area per dwelling unit is 264 square feet for residential and the minimum parcel size is 5,000 square feet for commercial. The floor area ratio (FAR) for buildings in this area is between 1.0 and 4.0 (with an average of 2.0), and increasing density as the parcels near the BART station. The FAR may be reduced to a minimum of 0.5 on previously developed sites that do not meet the minimum 1.0 FAR and where the previously developed sites are proposed for redevelopment at a higher FAR than the previous development.

PLANNING COMMISSION RESOLUTION NUMBER XX-17

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UNION CITY RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVAL OF ZONING TEXT AMENDMENT, AT-17-001, ASSOCIATED WITH SITE DEVELOPMENT REVIEW, SD-17-002, USE PERMIT, UP-17-004, TENTATIVE PARCEL MAP, TPM-17-001 TO DEMOLISH ALL EXISTING STRUCTURES AND CONSTRUCT AN APPROXIMATELY 31,381 SQUARE FOOT MIXED-USE OFFICE BUILDING AND ASSOCIATED SITE IMPROVEMENTS AT 1320 AND 1328 DECOTO ROAD (APNS 87-19-18 AND 87-19-19)

WHEREAS, Woodstock Development, as applicant, has submitted applications for a General Plan Amendment (AG-17-002), Zoning Text Amendment (AT-17-001), Site Development Review (SD-17-002), Use Permit (UP-17-004), and Tentative Parcel Map (TPM-17-001) to redevelop property located at 1320 and 1328 Decoto Road (APNs 87-19-18 and 87-19-19) with a new 31,381 square foot mixed-use office building; and

WHEREAS, the applicant has applied for Zoning Text Amendment, AT-17-001, to amend Sections 18.38.020 and 18.38.030 to update the Station District Commercial Mixed Use (CSMU) zoning district list of permitted and conditionally permitted uses to clarify that the term "mixed use" means both residential and commercial mixed use developments; and

WHEREAS, Zoning Text Amendment, AT-17-001, would also amend Section 18.38.080 to change the Floor Area Ratio (FAR) requirements in the CSMU; and

WHEREAS, proposed zoning text amendment language is labeled Exhibit A, attached hereto and made part hereof; and

WHEREAS, a draft Mitigated Negative Declaration was prepared for the project, which determined the project would not result in any significant impacts with the incorporation of mitigation measures. The draft Mitigated Negative Declaration can be viewed in the Union City Planning Division Office located at 34009 Alvarado-Niles Road, Union City, California during normal business; and

WHEREAS, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the health, safety, welfare, and morals of their citizens; and

WHEREAS, pursuant to Section 65854 of the Government code, a duly advertised public hearing was held before the Planning Commission of the City of Union City on July 20, 2017 at which time all interested parties had the opportunity to be heard. The Planning Commission considered a staff report dated July 20, 2017 and all written and oral testimony; and

Planning Commission Resolution No. XX-17 Zoning Text Amendment, AT-17-001 Block 7 Development, 1320 and 1328 Decoto Road Page 2 of 5

NOW, THEREFORE, BE IT RESOLVED, that the foregoing recitals are true and correct and made a part of this Resolution.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Union City hereby recommends that the City Council adopt an ordinance amending Chapter 18.38.020, Chapter 18.38.030, and Chapter 18.38.080 of the Municipal Code to update the Station District Commercial Mixed Use (CSMU) zoning district list of permitted and conditionally permitted to clarify that the term "mixed use" means both residential and commercial mixed use developments, and to amend the Floor Area Ratio (FAR) requirements, and does hereby find as follows:

- That the Mitigated Negative Declaration (MND) reflects the lead agency's
 independent judgment and analysis, that the document has been completed in
 compliance with the requirements of the California Environmental Quality Act
 and, on the basis of the whole record, there is no substantial evidence that the
 project will have a significant effect on the environment; and
- 2. That the proposed zoning text amendments are necessary and desirable to achieve the purpose of Title 18 because the amendments to Section 18.38.020 and 18.38.030 allow for greater flexibility in determining allowable uses to meet the goals of the General Plan. The proposed amendment to Section 18.38.080 provides consistency with the intensity requirement of the General Plan.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Union City hereby recommends approval of the proposed text amendments, AT-17-001, to the City Council.

Planning Commission Resolution No. XX-17 Zoning Text Amendment, AT-17-001 Block 7 Development, 1320 and 1328 Decoto Road Page 3 of 5

	I HEREBY CERTIFULATION IN ITEMS IN ITEM	lanning Comm			
	AYES: NOES: ABSTAINED: ABSENT: MOVED: SECONDED:	0 0 0 0			
APPROVED					
HARPAL MANN, CHA			, CHAIRPERSON		
ATTE:	ST:				

JOAN MALLOY, SECRETARY

Exhibit A AT-17-001

18.38.020 Permitted uses.

The following uses shall be permitted:

A.Commercial Uses as Part of a Residential or Office Mixed Use project development.

- 1. Apparel and accessory stores, excluding thrift stores;
- Bakeries with retail sales;
- 3. Banks/savings and loans, excluding check cashing businesses;
- 4. Business services, such as photocopying services and small printing shops, computer and data processing, graphic design, sign shops;
- 5. Food stores, up to twenty-five thousand (25,000) square feet, excluding convenience markets:
- 6. Health clubs:
- 7. General merchandise/retail stores, excluding adult business stores, clearance center/dollar stores, pawn shops, second hand/thrift stores, and retail tobacco stores:
- 8. Health services, such as medical, dental, optical, physical therapy and pharmacies;
- 9. Live music (non-amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(A);
- 10. Professional offices;
- 11. Restaurants and cafés, in-line only (not as stand-alone buildings);
- 12. Retail food outlets, such as bagel, coffee, candy and tea stores (with minimal or no seating), in-line only (not as stand-alone buildings);
- 13. Specialty wine shops.

18.38.030 Conditional uses.

The following conditional uses shall be permitted in the CSMU district upon the granting of a use permit:

A. Approval by Zoning Administrator (refer to Chapter 18.54 for a detailed description of the administrative use permit process).

- 1. Adult and child day care facilities;
- 2. Educational and instructional uses, such as business, beauty, computer, dance, martial arts, tutorial services;
- 3. In-line fast food restaurants;
- Sidewalk cafés per Section 18.36.190;
- 5. Exterior sidewalk ATMs (automated teller machines), when there is adequate security and lighting and adequate queuing area that does not impede pedestrian or vehicular traffic flow (drive-thru ATMs are not permitted);
- 6. Live music (amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(B);

Planning Commission Resolution No. XX-17 Zoning Text Amendment, AT-17-001 Block 7 Development, 1320 and 1328 Decoto Road Page 5 of 5

- 7. Outdoor displays, such as flowers or newspapers, in conjunction with an existing adjacent business;
- 8. Personal services, such as laundry, dry cleaning, beauty parlor, barbershop, nail salon, shoe repair, travel agency, tailor, photography studio, and similar uses; and
- 9. All other uses determined by the Zoning Administrator to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed.

B. Approval by City Council (refer to Chapter 18.56 for a detailed description of the use permit process).

- 1. Bars and nightclubs;
- 2. Commercial recreation facilities, excluding video arcades;
- 3. Convenience markets:
- 4. Farmers' markets, when in conjunction with the City or the Chamber of Commerce;
- 5. Mixed use residential or office developments;
- 6. Lodging, hotels and motels;
- 7. Research and development (R and D)/flex space with no nuisance characteristics;
- 8. Residential uses:
 - a. High-density residential development,
 - b. Senior housing,
 - c. Live/work units (specific uses allowed in the live/work units are set forth in Section 18.38.032);
- 9. Transportation facilities, such as heliports and bus transfer facility or passenger rail facilities; and
- 10. Any other use determined by the Planning Commission to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed.

18.38.080 Site floor area ratio.

For all nonresidential uses, the minimum floor area ratio (FAR) shall be 1.0, however the FAR may be reduced to a minimum of 0.5 on previously developed sites that do not meet the minimum 1.0 FAR and where the previously developed sites are proposed for redevelopment at a higher FAR than the previous development, and the maximum shall be 4.0. However, no FAR minimum is required for nonresidential uses in live/work units and for nonresidential uses as part of a mixed use development.