



CITY OF SAN LEANDRO

MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of San Leandro finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

- I. PROJECT NAME:** San Leandro Downtown Technology Campus/Westlake Development Partners, LLC., Development Agreement Lot Line Adjustment/Planned Development/Site Plan Review. Planning Case File: PLN2013-00045
- II. PROJECT APPLICANT:** Gary Wong, President, Westlake Development Partners, LLC., 520 El Camino Real, 9th Floor, San Mateo, California 94402-1722
- III. PROJECT LOCATION:** The subject property encompasses an area totaling 331,500 square feet, or approximately 7.6 acres (including 1.8 acre of City right-of-way to be vacated). The site is located generally at 1333 Martinez Street and bounded by West Estudillo Avenue to the north, Thornton Street on the south, Alvarado Street on the west and Martinez Street on the east. The western boundary is adjacent to the Southern Pacific Railroad right of way. (Alameda County Assessor Parcel Numbers: 75-47-2, 75-47-7, 75-47-3-2; and 75-42-2-1)

IV. PROJECT DESCRIPTION:

The proposed project is a multi-phase, transit-oriented development project located adjacent to the Downtown San Leandro BART Station. The project will be the first development to implement the City's Transit Oriented Development Strategy (TOD Strategy) and is being evaluated under the Downtown Transit Oriented Strategy (TOD) EIR that was certified on September 4, 2007.

The 7.6-acre project site encompasses four separate parcels, identified as 1333 Martinez Street in this document. The project site is surrounded by professional office building to the north, industrial uses to the south, light industrial to the west and the San Leandro BART Station to the east. The site is vacant, relatively flat and has been previously graded and disturbed.

The proposed project includes the development of an Office/Technology Campus with up to a maximum of 500,000 square feet of office and other uses located in multiple buildings. The proposed Development Agreement, Lot Line Adjustment, Planned Development, and Site Plan Review Permit applications are the subjects of this review. It is expected that development will occur in three or more phases with a 132,000 square foot, six-story technology-focused office building and related site improvements are proposed in Phase I. The project will be designed to meet LEED "Gold" requirements. Formal certification may or may not occur.

Phase I will also include on-site and off-site improvements including landscaping, bike path, pedestrian path and utilities. Surface parking will be provided for the development of Phase I while future phases will require the construction of a multi-level parking structure. On-site parking is expected to be provided at a maximum ratio of four (4) spaces per 1,000 square feet of building area during Phase 1. The parking ratio for future phases may be potentially reduced if reduced demand is demonstrated.

Pursuant to the Downtown TOD Strategy (Page 74 – Abandoned Streets), Martinez Street between Thornton Street and West Estudillo Avenue will be vacated as part of this proposal. The development plan for the vacated portion of the street includes pedestrian, bicycle, street, sidewalk, landscaping and utility improvements. As part of the overall development phasing plan, it may become necessary to record one or more Lot Line Adjustments to accommodate the buildings and parking layout on the site.

The project also includes the relocation of the existing at-grade railroad pedestrian crossing (currently located northeasterly of the Martinez Street terminus at West Estudillo Avenue between the subject property and the BART station) further south to provide more convenient access for pedestrians to access the BART fare gates. Public access to the crossing will be provided by a landscaped “Paseo” that will bisect the site in an east-west direction.

V. MANDATORY FINDINGS OF SIGNIFICANCE

The Planning and Housing Manager finds, based on the initial study, that the proposed project as described above will not have a significant effect on the environment and therefore does not require an environmental impact report. The mitigation measures identified herein would reduce all impacts to a less than significant level. Therefore, there is no substantial evidence, in light of the whole record before the agency, that the project, with mitigations, may have a significant effect on the environment.

VI. IDENTIFICATION OF ENVIRONMENTAL EFFECTS

An Initial Study conducted by the City of San Leandro (including an attached checklist) determined that the proposed project, with incorporated mitigation measures, will reduce any project impacts to a less than significant level. This Mitigated Negative Declaration has been prepared in accordance with Section 15070 of the State of California Environmental Quality Act (CEQA) Guidelines.

- A. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared with a determination that the project will not have a significant impact on the environment and as long as the applicant complies with all identified mitigation measures.
- B. The project area is located within the seismically-active Bay Area. Therefore, the project applicant would be required to comply with all applicable State and City regulations to address geologic hazards. The mitigation measures are conditions of approval.

VII. SUMMARY OF MITIGATION MEASURES

Mitigation Measure #1: The applicant shall cooperate with the appropriate regional, state and federal agencies to implement the regional Clean Air Plan and enforce air quality standards in compliance with General Plan Policy 31.01.

Mitigation Measure #2: The applicant shall promote strategies that help improve air quality by reducing the necessity of driving, such as programs for carpooling and vanpooling, better

provisions for bicyclists and pedestrians, and implementing mixed use and higher density development around transit stations in compliance with General Plan Policy 31.02.

Mitigation Measure #3: The applicant shall conduct pre-construction surveys for the presence of nesting birds within each of the project sites. The project applicant shall retain a qualified biologist to conduct a pre-construction breeding-season survey (approximately February 1 through August 31) to determine if any birds are nesting on or directly adjacent to the project area. The survey shall be conducted during the same calendar year that construction is planned to begin. If no nesting birds are found, no further action would be required.

If nesting birds are found within the trees on or directly adjacent to the project area, the project applicant shall avoid all birds nest sites located in the project area during the breeding season (approximately February 1 through August 31), or until it is determined by a qualified biologist that all young have fully fledged (left the nest). If the construction cannot be delayed, avoidance shall include the establishment of a non-disturbance buffer zone around the nest site. The size of the buffer zone will be determined in consultation with the CDFG. The buffer zone shall be delineated by highly visible temporary construction fencing, and shall remain in place until it is determined by a qualified biologist that all young have fully fledged (left the nest).

Mitigation Measure #4: The applicant shall cease any grading or construction activities and shall consult with appropriate representatives of the Native American Heritage Commission if human remains are discovered, in accordance with State Law and Section 7050.5 of the Health and Safety Code, Section 15064.5 (e) of the State CEQA Guidelines and Section 5097.98 of the Public Resources Code.

Mitigation Measure #5: The City of San Leandro has incorporated the 2012 International Building Code into its municipal building code (Title 7, Chapter 7-5). The project applicant would be required to comply with all applicable State and City regulations to address potential geologic hazards associated with the proposed project, including ground shaking and liquefaction. Geotechnical and seismic design criteria must conform to engineering recommendations in accordance with the seismic requirements of the 2013 San Leandro Building Code. Additionally, because the project site is in a liquefaction Seismic Hazard Zone, the project applicant will be required to comply with the guidelines set forth by California Geological Survey Special Publication 117.

Mitigation #6: Applicant shall be required to excavate, remove and recompact potentially liquefiable soil. In-site ground densification, for example, compaction with vibratory probes, dynamic consolidation, compaction piles, compaction grouting, etc., shall be conducted. Ground modification techniques, such as permeation grouting, columnar jet grouting, deep soil mixing, stone columns, gravel or other drains shall be implemented, and deep foundations shall be put in place to mitigate potential liquefaction-induced settlement impacts. Implementation of Mitigation Measure #6 reduces potential impacts to a less than significant level.

Mitigation Measure #7: (Subsurface Investigations)

Subsurface investigations are required prior to development of the San Leandro Downtown Tech Campus. The sampling and analysis programs will be specific to each site based on the prior uses of that site. Additional groundwater sampling and analysis program will be implemented if

necessary for chemical constituents that could have migrated onto the sites from off-site upgradient sources, if identified during due diligence. Detection limits for the analytical program will be sufficiently low to allow assessment of risks to human health under construction worker and residential exposure scenarios.

If the subsurface investigation programs yield data suggesting that there could be unacceptable risks to future construction workers or residents, a California state environmental regulatory agency will be consulted to provide its opinion on the findings of the subsurface investigations and the assessment of risk. This opinion would be sought prior to initiating construction.

Mitigation Measure #8: (Pre Development Mitigation Measures)

If the subsurface investigation programs yield data suggesting that there could be unacceptable risks to future construction workers or residents and a California state environmental regulatory agency determines that an active remedial response is warranted, the following mitigation measures listed below include methods that may be employed to mitigate unacceptable risks to human health of construction works and future residents.

- Remove the impacted soil and dispose of off-Site;
- Install a cap to prevent contact with the contamination;
- Install a physical barrier for vapors such as a vapor barrier or passive venting system, to prevent the accumulation of vapors in indoor environment;
- Stockpile soil and aerate on-Site, or in a staging area as may be appropriate, in compliance with all applicable laws and regulations;
- Conduct in situ bioremediation measures; or
- Implement liquid or vapor extraction measures.

The appropriateness of one of the above management measures over another will depend on many factors, such as the type of constituent detected, the size of the identified impacted area, and the estimated cost of implementing the remedy.

Results of the sampling activities and the proposed course of action, e.g., no action necessary, soil excavation and off-site disposal, on-site treatment and soil reuse, shall be reported to a State environmental regulatory agency and the contractor shall obtain concurrence before implementing the remedial measures.

Remedial action plans would be approved in advance by a state environmental regulatory agency. Any cleanup or remediation would be required to meet applicable federal, state and local laws, regulations and requirements.

Mitigation Measure #9: (Risk Management Measures for Construction Phases)

The following are risk management procedures to be followed by future contractors during site preparation and construction activities. General soil management protocols are presented; as well as, protocols for managing fill soils that may be brought to the Sites during filling operations.

- **Pre-Construction Planning and Notification:** Prior to the start of construction activities involving below-ground work, information regarding known areas of contamination shall be provided to the contractor by the Site owner.
- **Site-Specific Health and Safety Worker Requirements:** Each contractor will be responsible for the health and safety of their own workers, including, but not limited to, preparation of their own health and safety plan (HSP) and injury and illness prevention plan (IIPP). The purpose of these documents is to provide general guidance to the work hazards that may be encountered during each phase of construction activities
- Contractors are also required to determine the requirements for worker training, based on the level of expected contact to soil, soil vapor, and groundwater associated with the contractor's activities and locations. The HSP shall contain provisions for limiting and monitoring chemical exposure to construction workers, chemical and non-chemical hazards, emergency procedures, and standard safety protocols. Depending upon known conditions at the time of site development, employees conducting earthwork activities at the Site may be required to complete a 40-hour HAZWOPER training course (29 CFR 1910.120 (e)), including respirator and personal protective equipment training.
- **Construction Impact Mitigation Measures:** During construction, measures shall be taken by contractors to minimize dust generation, storm water runoff and tracking of soil off the Sites. In addition, measures will be taken to reduce the potential for the creation of preferential pathways (vertical or horizontal) for COPCs detected at the Sites during the planned subsurface investigations of soil, soil gas and/or groundwater beneath the Sites. Construction impact mitigation measures are described below.
- **Site Control:** Site control procedures shall be implemented to control the flow of personnel, vehicles and materials in and out of the Sites while working in known contaminated areas. (Currently, there are no known contaminated areas.) The control measures described below will help control the spread of COPCs.
- The perimeter of the sites shall be fenced. Access and egress shall be controlled at the appropriate locations. Signs will be posted instructing visitors to sign in at the project support areas at all site entrances.
- **Equipment Decontamination:** Contractors whose vehicles and construction equipment contact soil that is suspected of being contaminated shall be required to clean the equipment upon leaving the contaminated area. A decontamination area will be established near the construction exit of each area. Soil will be removed from the equipment and vehicles before leaving the contaminated area. Cleaning methods used may include dry methods, such as brushing, scraping, or vacuuming. If dry methods are not effective, wet methods, such as steam cleaning or pressure-washing, should be used. The contractor will contain, manage, and collect samples of the rinse water for analytical testing by a state certified laboratory prior to appropriate disposal. Decontamination procedures shall be developed and implemented by the construction contractor to minimize the possibility that equipment

releases contaminated soil onto public roadways or to on-Site areas containing “clean” cover materials or new paving.

- **Personal Protective Equipment:** Personal Protective Equipment (PPE) and clothing shall be used to isolate workers from COPCs and physical hazards. The minimum level of protection for workers coming into direct contact with contaminated materials will be Level D:
 - Coveralls or similar clothing,
 - Reflective safety vests,
 - Work gloves, as necessary,
 - Steel-toed boots,
 - Safety glasses, as necessary,
 - Hard hat, and
 - Hearing protection, as necessary.

- **Dust Control:** Construction operations will be conducted to minimize the creation and dispersion of dust, including the following measures:
 - Application of water while grading, excavating, and loading, as needed;
 - Limiting vehicle speeds to 15 miles per hour on unpaved portions of the Sites;
 - Minimizing drop heights while loading/unloading soil; and,
 - Soil that is suspected of being contaminated will be covered by an impermeable layer.
 - Additional dust control measures may be identified and implemented by contractors, as necessary, especially if dry and windy conditions persist during periods of earthwork.
 - Compliance with all Bay Area Air Quality Management District rules and regulations.

- **Vertical and Horizontal Preferential Pathways:** If development plans include the construction of deep foundations, the foundation of the buildings shall incorporate measures to help reduce the potential for the downward migration of contaminated groundwater. These measures shall be identified in the site-specific geotechnical investigation reports. Appropriate measures shall be implemented to reduce vapor migration through trench backfill and utility conduits. Such measures may include placement of low-permeability backfill “plugs” at intervals on-site and where utilities extend off current parcel boundaries.

- **Storm Water Pollution Controls:** A storm water pollution prevention plan (SWPPP) will be required to be prepared for the site. Storm water pollution controls shall be based on best management practices (BMPs), such as those described in “Guidelines for Construction Projects” and

“Erosion and Sediment Control Field Manual” published by the San Francisco Regional Water Quality Control Board.

- **Excavation De-Watering:** Although not anticipated, if excavation de-watering is required, the water will be sampled and analyzed prior to pumping to evaluate discharge alternatives. The developer’s environmental consultant shall collect a sample of the water for laboratory analyses for COPCs; other analyses may be required, based on the intended disposal or re-use of the water.
- **Additional Soil Management Protocols During Construction Activities:** Soil with residual COPCs may be present on-site. Subsurface investigations planned for the Sites will determine the presence or absence of COPCs in soils. Once soils are tested, a Site specific soil management plan (SMP) will be prepared. At the present time, there are no known chemical source areas or areas of soil contamination on either Site. The protocols to be followed in the event that unknown areas of contamination are identified during development are described in this section.
- **Procedures for Discovery of Unknown Areas of Contamination:** Site development activities may result in the identification of previously unknown areas or types of contamination. Unknown conditions which may trigger contingency monitoring procedures during site development include, but are not limited to, the following:
 - Oily, shiny, or chemical saturated soils;
 - Soil with a significant chemical or hydrocarbon-like odor; or
 - Significantly discolored soils.

Upon the discovery of one of the conditions identified above, the contractor will conduct the contingency monitoring. Contingency monitoring, if conducted, will consist of the following steps: If unknown areas of potential discolored soils are encountered, additional analyses should be conducted for the suspected constituents to assess the actual composition of the suspected contamination. A State environmental regulatory agency should be contacted for assistance in determining if additional sampling and potential mitigation is necessary. If the encountered materials are suspected to contain volatile organic chemicals, the following contingency monitoring procedures may be followed:

Conduct contingency monitoring by taking organic vapor readings using an organic vapor meter (OVM) or an organic vapor analyzer (OVA) to screen for the presence of fuel, oil, or solvents. If the OVM/OVA indicates that an unknown area of fuel, oil, or solvents has been detected, then a State environmental regulatory agency should be notified to determine if additional sampling is appropriate prior to continuing construction in that

area. OVM or equivalent screening methods will be conducted by experienced personnel only.

If an unknown area of soil contamination has been identified, and the State environmental regulatory agency requests additional characterization, the following steps will be taken:

- Soil samples will be collected from the identified area and analyzed for the likely COPC, depending on the suspected type of contamination. The sampling strategy will be discussed with a State environmental regulatory agency prior to the initiation of the sampling activities. Analytical results collected from the suspected source will be compared to the health-based screening levels and results discussed with a State environmental regulatory agency. If the levels are below the relevant health-based screening levels and the State environmental regulatory agency concurs, no additional action may be necessary.
- If the soil contains COPCs at levels that exceed the relevant health-based screening levels, or if the State regulatory agency concludes that an unacceptable risk to construction worker or future residents may be present, then management measures, such as the following, will be undertaken:
 - Remove the impacted soil and dispose of off-Site;
 - Install a cap to prevent contact with the contamination;
 - Install a physical barrier for vapors such as a vapor barrier or passive venting system, to prevent the accumulation of vapors in indoor environment;
 - Stockpile soil and aerate on-Site, or in a staging area as may be appropriate, in compliance with all applicable laws and regulations;
 - Conduct in situ bioremediation measures; or
 - Implement liquid or vapor extraction measures.

The appropriateness of one of the above management measures over another will depend on many factors, such as the type of constituent detected, the size of the identified impacted area, and the estimated cost of implementing the remedy.

Results of the sampling activities and the proposed course of action, e.g., no action necessary, soil excavation and off-site disposal, on-site treatment and soil reuse, shall be reported to a State environmental regulatory agency and the contractor shall obtain concurrence before implementing the remedial measures. Construction activities in the specific area where the unknown conditions were identified will resume following the completion of the additional sampling activities and the implementation of any required responses.

Any cleanup or remediation shall be required to meet applicable federal, state and local laws, regulations and requirements.

- **Imported Fill:** To minimize the potential introduction of contaminated fill, all imported fill shall have adequate documentation so it can be verified that the fill source is appropriate for the site's intended use. Documentation shall include detailed information on previous land use of the fill source, any Phase I Environmental Site Assessments performed and the findings, and the results of any analytical testing performed. If no documentation is available or the documentation is inadequate or if no analytical testing has been performed, samples of the potential fill material shall be collected and analyzed. The analyses selected shall be based on the fill source and knowledge of the previous land use as determined by the developer's environmental consultant. The sample frequency for potential fill material shall be in accordance with that outlined in the Department of Toxic Substances Control technical document titled, "Information Advisory on Clean Imported Fill Material". The developer's environmental consultant shall approve the use of imported fill.

Mitigation Measure #10: Prior to issuance of a grading permit, the project applicant must prepare and implement an erosion and sediment control plan (ESCP) including interim and permanent erosion and sediment control measures, and a pollutant control plan (PCP).

Mitigation Measure #11: Prior to issuance of a grading permit, the project applicant shall file the required documentation to the State Water Resources Quality Board and prepare a Storm Water Pollutant Prevention Plan (SWPPP) which will be reviewed and approved by the City Engineer. The City Engineer must conduct inspections prior to issuing a certificate of occupancy, to ensure that requirements are complied with.

Mitigation Measure #12: The applicant will comply with applicable waste discharge requirements and municipal code requirements including preparation of a SWPPP for construction activities and compliance with the Alameda Countywide Clean Water Program (ACCWP). These permit programs are designed to prevent violation of water quality standards through mitigation and control of pollutant transport in storm water runoff and infiltrating waters. The City of San Leandro Municipal Code ensures that permit conditions are met.

Mitigation Measure #13: Applicant shall be required to demonstrate adequacy of the existing storm drain system to handle existing run-off from the drainage basin as well as run-off from the project, upgrade the storm drain system to handle existing run-off from the drainage basin as well as run-off from the project, or meter run-off from the site so that it leaves the site at the same rate as it currently does.

Mitigation Measure #14: Applicant shall remove pollutants from storm water prior to discharging the water from the site per the current NPDES permit

Mitigation Measure #15: All commercial construction shall comply with the City's existing building codes related to sound attenuation.

Mitigation Measure #16: All construction activity shall comply with the City's Noise Ordinance (Municipal Code Chapter 4-1, Section 11) so as not to make or cause disturbing, excessive or offensive noise which causes annoyance or discomfort to persons.

Mitigation Measure #17: The minimum levels of service standards for police and fire response times shall be maintained in accordance with General Plan Policy 45.01.

Mitigation Measure #18: The applicant shall incorporate lighting, landscaping and other design features that reduce the potential for crime and facilitate rapid response to emergency calls in accordance with General Plan Policy 45.06.

Mitigation Measure #19: The significant impact at this intersection during the PM peak hour can be mitigated by restriping the eastbound approach to be two lanes, a shared left through lane and a shared through-right lane. These improvements would occur within the existing right-of-way. This mitigation measure results in the intersection operating at LOS E during the PM peak-hour. Therefore, this impact is less than significant.

Mitigation Measure #20: The applicant shall promote the efficient use of existing water supplies through a variety of water conservation measures, including evaluating the potential for the use of recycled water for landscaping in accordance with General Plan Policy 27.02.

Mitigation Measure #21: The applicant shall conserve water through the use of such measures as low-flow plumbing fixtures and water-saving appliances in accordance with General Plan Policy 27.04.

Mitigation Measure #22: The applicant shall be required to pay its fair share of the cost of improving the water, sewer, drainage and other infrastructure systems needed to serve the development through use fees or other appropriate forms of mitigation in accordance with General Plan Policy 52.02.

VIII. PERSON WHO PREPARED INITIAL STUDY:



Tom Liao, Planning and Housing Manager

Date: January 16, 2014

IX. REVIEW PERIOD:

The review period is from January 20, 2014 to February 19, 2014. All written comments regarding this Mitigated Negative Declaration must be received by the City of San Leandro, Planning Services Division, 835 East 14th Street, San Leandro, California 94577, no later than 4:00 p.m., February 19, 2014.

The City of San Leandro Planning Commission will review the Proposed Initial Study and Mitigated Negative Declaration, and provide a recommendation to the City of San Leandro City Council, the Decision Making Authority, regarding this project.

The Planning Commission Public Hearing is scheduled for 7:00 p.m., February 20, 2014, in the City Council Chambers, 1st Floor of City Hall, 835 East 14th Street, San Leandro, California.

The City Council Public Hearing to consider action on this Mitigated Negative Declaration and this project is scheduled for 7:00 p.m., March 17, 2014, City Council Chambers, 1st Floor of City Hall, 835 East 14th Street, San Leandro, California.

COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of San Leandro, Planning Services Division, 835 East 14th Street, San Leandro, California 94577, Telephone (510) 577-3314, or e-mail ependaranda@sanleandro.org
