Cal State East Bay Hayward Campus Master Plan

CEQA Findings of Fact and Statement of Overriding Considerations

(Pursuant to Public Resources Code Sections 21081 and 21081.6 and CEQA Guidelines Sections 15091 and 15093)

Final Revised Environmental Impact Report
(State Clearinghouse Number 2008042100)

Project Files May be Reviewed at:
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CEQA FINDINGS OF FACT
AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE REVISED FINAL EIR FOR THE CAL STATE EAST BAY HAYWARD CAMPUS MASTER PLAN

1.0 INTRODUCTION

1.1 Purpose

This statement of findings and overriding considerations addresses the environmental effects associated with the proposed Cal State East Bay Hayward Campus Master Plan ("the project"), located on the campus of CSUEB Hayward, in the City of Hayward. This statement is made pursuant to the California Environmental Quality Act ("CEQA"), specifically Public Resources Code sections 21081 and 21081.6, and the CEQA Guidelines, specifically California Code of Regulations, title 14, sections 15091 and 15093. The potentially significant effects of the project were first identified in 2009 in the Draft and the Final Environmental Impact Report ("EIR") for the project (collectively "2009 Final EIR"). The 2009 Final FEIR was challenged in court by the City of Hayward ("City") and two local neighborhood groups. The Court of Appeal upheld the 2009 Final EIR in all respects, with the exception of the 2009 Final EIR's analysis of impacts to parklands. The Court of Appeal also directed the Board of Trustees to reconsider the feasibility of funding the California State University's ("University's") fair-share contribution of off-campus traffic mitigation measures.

Accordingly, in 2017, the University prepared a Partial Recirculated Draft and Final Environmental Impact Report (collectively "2017 PR-EIR") which updates and replaces the parkland analysis from the 2009 Final EIR, including an expanded analysis of the project's impacts on nearby parklands in accordance with the opinion of the Court of Appeal and the peremptory writ of administrative mandamus. The 2017 PR-EIR concludes, consistent with the 2009 FEIR, that the project would not result in a significant adverse impact to parklands. The 2009 Final EIR and the 2017 PR-EIR are collectively referred to herein as the "Revised Final EIR."

In accordance with the peremptory writ of mandate issued by the Alameda County Superior Court following the Court of Appeal's opinion, by the resolution referencing these findings the Board of Trustees has set aside and vacated its September 22, 2009 resolution (RCPG 09-09-14) approving the project and certification of the 2009 FEIR. The Board of Trustees, by the same resolution, has also certified the 2009 FEIR as modified by the 2017 PR-EIR (together the Revised Final EIR) and re-approved the project. In addition, as further set forth herein, the Board of Trustees hereby adopts the revised findings

from the September 2009 Board of Trustees approval of the project to address the University's commitment to funding its fair share of off-campus traffic mitigation measures.

Public Resources Code section 21081 and CEQA Guidelines section 15091 require that the lead agency, in this case the California State University ("University") Board of Trustees, prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. CEQA Guidelines section 15091 states, in part, that:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with Public Resource Code section 21081 and CEQA Guidelines section 15093, whenever significant impacts cannot be mitigated to below a level of insignificance, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines.

The Revised Final EIR for the project, which was prepared in accordance with section 15132 of the CEQA Guidelines, identified potentially significant effects that could result from project implementation. The Board of Trustees finds that the inclusion of certain mitigation measures as part of the project approval will reduce most, but not all, of those effects to less than significant levels. Those impacts that are not reduced to less than significant levels are identified and overridden due to specific project benefits. (See **Section 9.0**, Statement of Overriding Considerations, below).

In accordance with CEQA and the CEQA Guidelines, the Board of Trustees adopts these findings as part of its certification of the Revised Final EIR for the project. Pursuant to Public Resources Code section

21082.1, subdivision (c)(3), the Board of Trustees also finds that the Revised Final EIR reflects the Board's independent judgment as the lead agency for the project.

1.2 Organization/Format Of Findings

Section 1.0 contains a summary description of the project and background facts relative to the environmental review process. **Section 2.0** identifies the significant impacts of the project that cannot be mitigated to a less than significant level (even though all feasible mitigation measures have been identified and incorporated into the project), while **Section 3.0** identifies the potentially significant effects of the project that would be mitigated to a less than significant level with implementation of the identified mitigation measures. **Section 4.0** identifies the project's potential environmental effects that were determined not to be significant. **Section 5.0** discusses the feasibility of the project alternatives. **Section 6.0** addresses the absence of significant new information requiring recirculation of the Revised Final EIR, and **Section 7.0** addresses the CEQA-mandated Mitigation Monitoring and Reporting Program prepared for the project. **Section 8.0** identifies the custodian of the record of proceedings for the project, and **Section 9.0** presents the Statement of Overriding Considerations.

1.3 Summary of Project Description

The proposed Cal State East Bay Hayward Campus Master Plan (Master Plan) outlines all aspects of physical development and planned land use to support the academic and enrollment goals of California State University East Bay (CSUEB) for its Hayward campus over the next 21 to 22 years, through 2030. The proposed Master Plan is intended to allow the Campus to accommodate its Master Plan Ceiling as approved by the California Postsecondary Education Commission of 18,000 Full-Time Equivalent Students (FTES)[1] (a headcount of 25,000 individual students), and a commensurate number of faculty and staff (about 1,060 faculty FTE or 1,525 faculty members, and about 1,540 staff FTE or 1,685 staff members). The proposed Master Plan includes a land use plan and additional policies that will guide existing academic programs and support services as they modernize, expand, and improve.

Existing facilities on the campus can support a student enrollment of up to 12,586 FTES and 1,300 student beds. Therefore, the proposed Master Plan would allow the campus academic facility capacity to increase in order to serve about 5,400 FTES more than it can accommodate with existing facilities. To accommodate the projected growth in enrollment and academic activities, the proposed Master Plan includes a building program that envisions the development of an additional 1.1 million square feet of non-residential building space on the campus, and the development of approximately 3,700 additional student beds and up to 220 faculty and staff housing units on the CSUEB Hayward campus.

The proposed Master Plan includes a land use map that locates major uses and buildings to guide the siting of future campus facilities. The land use map proposes to maintain the current general configuration of land uses on the campus, which consists of an academic core surrounded by other campus uses, open space, and residential uses. The Master Plan includes eight planning components: Sustainable Campus Framework; Facilities Development Framework; Open Space Framework; Access, Circulation, and Parking Framework; Infrastructure and Utilities Framework; and Special Area Plans.

1.4 Project Objectives

The primary objective of the Hayward Campus Master Plan is to comply with the CSU system-wide requirement to maintain a master plan for guiding campus development and meeting the educational mission of the University, as defined in the California Education Code. The following project objectives are based on the physical planning principles derived from the long-term academic vision for the campus as established in the CSUEB Strategic Plan and Hayward Campus Master Plan:

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1 Current Master Plan Ceiling

- Enhance the campus learning environment within a walkable campus core by providing adequate sites for planned and future programs and to accommodate growth in campus enrollment up to the CPEC-approved Master Plan ceiling of 18,000 FTES.

- Create supportive student neighborhoods that would help create a sense of community for both residents and commuting students, and increase on-campus housing to accommodate 5,000 students. In addition, identify locations on campus for faculty and staff housing to strengthen the sense of campus community.

- Plan for other design improvements, including improved campus entry and image to help orient visitors and make destination finding easier; special landmark building sites to create a memorable impression of the campus; and improved campus pedestrian promenades

- Implement comprehensive environmentally sustainable development and operations strategies, including land use and transportation, as well as resource consumption and waste generation.

- Continue the planning and design criteria from the original campus master plan that aim at preserving views of the bay and the hills; creating a clear design vocabulary; and protecting the users from the elements.

1.6 Environmental Review Process

In accordance with the requirements of CEQA and the *State CEQA Guidelines*, the University determined that an Environmental Impact Report (EIR) must be prepared to evaluate and disclose the potential significant environmental effects associated with the development of the Hayward Campus under the Campus Master Plan. To determine the number, scope and extent of environmental issues to be addressed in Master Plan EIR, a Notice of Preparation (NOP) of the Draft EIR was mailed to state and local agencies and circulated for public review for a period of 30 days, beginning on April 18 and ending on May 20, 2008. A second NOP was issued on September 12, 2008 to notify the agencies and the public that the Draft EIR would also include an evaluation of the environmental impacts of two specific development projects proposed for near term implementation by the University under the proposed Master Plan and to solicit comments on the scope of the project-level impact analysis for the two development projects. Based on initial review of the proposed Master Plan and the comments received at the scoping meeting and in response to the NOP, it was determined that the EIR would evaluate the following environmental topics in further detail:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Material
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Traffic, Circulation, and Parking
- Utilities and Service Systems

Based on CSUEB's review and input provided by the public and the agencies in response to the revised NOP, it was determined that the project-level analysis for the two projects would evaluate the following topics in further detail:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hydrology and Water Quality
- Noise
- Public Services
- Traffic, Circulation, and Parking
- Utilities and Services Systems

For all other resource topics, CSUEB determined that the topics were adequately addressed by the program-level analysis and no additional project or site-specific analysis was needed.

On November 10, 2008, the University issued the 2009 Draft EIR on the CSUEB Hayward Campus Master Plan. As mandated by state law, a 45-day public comment period (November 10, 2008, through December 24, 2008) was provided by the University. During this period, CSUEB held two public meetings on the Draft EIR on November 18 and December 9, 2008, to receive verbal comments. Transcripts of the meetings were prepared based on a recording of the meeting proceedings. During the 2009 Draft EIR public review period, the University also received written comments on the 2009 Draft EIR.

Section 15088 of the CEQA Guidelines requires that the Lead Agency responsible for the preparation of an EIR evaluate comments on the draft EIR related to environmental issues and prepare a written response addressing each of the comments. The intent of the final EIR is to provide a forum to air and address comments pertaining to the information and analysis contained within the draft EIR, and to provide an opportunity for clarifications, corrections, or minor revisions to the draft EIR as needed.

The 2009 Final EIR includes a summary of the verbal comments and the written comments received on the 2009 Draft EIR. The 2009 Final EIR also includes changes to the 2009 Draft EIR. The Board of Trustees certified the 2009 Final EIR and approved the project on September 22, 2009. As described above, the City and two neighborhood groups filed a petition for writ of mandamus challenging the 2009 EIR and project approval under CEQA. On November 30, 2015, the Court of Appeal issued and published a revised opinion which affirmed the 2009 Final EIR and project approval was consistent with CEQA with the exception of the 2009 Final EIR's analysis of the project's potential impacts on adjacent parklands. *See City of Hayward v. Trustees of the California State University*, 242 Cal.App.4th 833 (2015) ("*City of Hayward*"). The Court of Appeal also directed the Board of Trustees to reconsider its findings on the feasibility of funding the University' fair share of off-campus traffic mitigation measures in light of the guidance provided by the California Supreme Court in *City of San Diego v. Board of Trustees of the California State University* (2015) 61 Cal.4th 945 ("*City of San Diego*"). The Court of Appeal then remanded the case back to the Alameda County Superior Court for issuance of a peremptory writ of mandamus in accordance with the Court of Appeal's opinion.

On October 17, 2016, the Alameda County Superior Court entered two judgments (one for the City case, and one for neighborhood group case) and a peremptory writ of mandamus directing the Board of Trustees to set aside and vacate its 2009 approval of the 2009 Final EIR and the project. With respect to the Board of Trustees future reconsideration of the project, the writ directed the Board of Trustees to (1) undertake further studies and proceedings the opinion of the Court of Appeal in *City of Hayward* and CEQA to consider project impacts on two adjacent regional parks, and (2) to reconsider the feasibility of

funding its fair share contribution of traffic mitigation at off-campus intersections consistent with *City of San Diego*.

Accordingly, the University undertook a new analysis of potential project impacts on adjacent parklands. The University then prepared the draft 2017 PR-EIR which replaces in full the 2009 FEIR's recreation and parkland impact analysis. The draft 2017 PR-EIR was circulated for agency review and public comment for a 45-day period that ended May 11, 2017. The University then prepared the 2017 PR-EIR which is comprised of the final 2017 PR-EIR, including the comments and responses to comments, and the draft 2017 PR-EIR. The University then compiled the 2009 FEIR and the 2017 PR-EIR, which together comprise the 2017 Revised EIR. The Revised Final EIR consists of the following:

a. The 2009 Draft EIR.

b. Comments and recommendations received on the 2009 Draft EIR either verbatim or in summary form.

c. A list or persons of the persons, organizations, and public agencies commenting on the 2009 Draft EIR.

d. The response of the Lead Agency to significant environmental points raised in the review and consultation process. Items a. through d. constitutes the 2009 Final EIR.

e. The 2017 Partial Recirculated Draft Environmental Impact Report (2017 Draft PR-EIR)

f. Comments and recommendations received on the 2017 Draft PR-EIR.

g. A list of persons of the persons, organizations, and public agencies commenting on the 2017 PR-EIR.

h. The response of the Lead Agency to significant environmental points raised in the review and consultation process.

i. Any other information added by the Lead Agency.

2.0 FINDINGS ON SIGNIFICANT UNAVOIDABLE IMPACTS OF THE PROJECT

This section identifies the significant unavoidable impacts that require a statement of overriding considerations to be issued by the Board of Trustees if the CSUEB Hayward Master Plan is approved. Based on the analysis contained in the Revised Final EIR, the following impacts have been determined to fall within this category of "significant unavoidable impacts."

2.1 Aesthetics Impacts

2.1.1 Unavoidable Significant Impacts

The analysis in the Revised Final EIR indicates that the project would result in potential significant impacts on a scenic vista from Grandview Avenue (MP Impact AES-1).

2.1.2 Mitigation Measures

The Board of Trustees finds that there are no feasible measures available to mitigate impacts of the project to scenic vistas from Grandview Avenue to a level less than significant. However, the following measure is identified to partially reduce the impact at the affected viewpoint:

MP Mitigation Measure AES-1: If the potential site located along Grandview Avenue is chosen by California State University East Bay for faculty/staff housing, structures within the complex shall not exceed two stories in height. Additionally, prior to approval by the Board of Trustees, a visual resources impact analysis shall be prepared that includes visual simulations of the proposed faculty housing faculty/staff housing complex to confirm that the proposed design would not result in obstruction of views from the northern side of Grandview Avenue.

2.1.3 Findings

The Board of Trustees finds that since no additional feasible mitigation measures are currently available to substantially reduce the impact to a scenic vista from Grandview Avenue, the impact will be significant and unavoidable. Pursuant to Section 21081(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the Board of Trustees has determined that specific economic, legal, social, technological, or other benefits, make infeasible the alternatives identified in the EIR and that the identified aesthetics impact is thereby acceptable because of specific overriding considerations (see Section 9.0, Statement of Overriding Considerations, below).

2.2 Air Quality Impacts (Project-specific and Cumulative)

2.2.1 Unavoidable Significant Impacts

Campus development under the proposed Master Plan would generate operational criteria pollutant emissions from increased vehicular trips to and from the campus and from on-site stationary (e.g., a 25,000–35,0000-square-foot campus central heating and cooling plant that would house centralized chillers, cooling towers, boilers, and pumps) and area sources (e.g., consumer products and landscape

maintenance equipment). In addition, construction activity would occur almost continuously on the campus through buildout of the proposed Master Plan and would therefore be a constant source of criteria pollutant emissions. Ongoing emissions associated with the day-to-day activities of the campus under the proposed project, including on-going construction, would exceed the BAAQMD thresholds of emissions for ROG, NO_X, and PM_{10} and could therefore conflict or obstruct with implementation of the regional air quality plan (MP Impact AIR-2). In addition, the proposed Master Plan would result in a cumulatively considerable net increase of these criteria pollutants for which the project region is in nonattainment under an applicable federal or state ambient air quality standard (MP Impact AIR-6).

2.2.2 Mitigation Measures

The Board of Trustees finds that there are no feasible measures available to mitigate impacts of the project related to criteria pollutants to a level less than significant. However, the following mitigation measures are identified to partially reduce the project-specific and cumulative impacts:

MP MM AIR-2a: Implement MP Mitigation Measure TRANS-1. (Refer to Section 2.4.2 of this document)

MP MM AIR-2b: To the extent feasible, future development within the campus shall incorporate the strategies to reduce energy demand and associated air emissions as listed in Table 4.2-11 (in the Revised Final EIR).

MP MM AIR-2c*:* The Campus will work with ABAG to ensure that campus growth is accounted for in the regional population forecasts and with the BAAQMD to ensure that campus growth-related emissions are accounted for in future air quality planning efforts.

MP MM AIR-6: Implement **Mitigation Measures AIR-1, AIR-2a**, and **AIR-2b**. (Refer to Section 3.2.2 of this document for Mitigation Measure AIR-1)

2.2.3 Findings

The Board of Trustees finds that no additional feasible mitigation measures are currently available to substantially reduce emissions of criteria pollutants that could result in conflicting or obstruction implementation of the regional air quality plan. In addition the Board of Trustees finds that no additional feasible mitigation measures are currently available to substantially reduce cumulative impacts to an applicable federal or state ambient air quality standard for which the project is in nonattainment. Therefore, the impacts will be significant and unavoidable. Pursuant to Section 21081(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the Board of Trustees has determined that specific economic, legal, social, technological, or other benefits, make infeasible the

alternatives identified in the EIR and that the identified air quality impacts are thereby acceptable because of specific overriding considerations (see Section 9.0, Statement of Overriding Considerations below).

2.3 Cultural Resources

2.3.1 Unavoidable Significant Impacts

Implementation of the proposed Campus Master Plan could cause a substantial adverse change in the significance of a historical building or structure, as a result of alteration, removal, or demolition of the building, or alteration of the site associated with project development (MP Impact CULT-2).

2.3.2 Mitigation Measures

The Board of Trustees finds that there are no feasible measures available to mitigate impacts of the project to historical resources on the campus to a level less than significant. However, the following measure is identified to partially reduce impacts to historical resources.

MP MM CULT-2a: Potential historic structures present on the campus will be evaluated as follows in conjunction with specific development projects:

- Before altering or otherwise affecting a building or structure 50 years old or older, the University shall retain a qualified architectural historian to assess it based on professional standards and State CEQA Guidelines Section 15064.5. The evaluation process shall include the development of appropriate historical background research as context for the assessment of the significance of the structure in the history of the California State University system, the campus, and/or the region. For historic buildings, structures, or features that do not meet the CEQA criteria for a historical resource, no further mitigation is required.

- For a building or structure that qualifies as a historic resource, the architectural historian and the University shall consider measures that would enable the project to avoid direct or indirect impacts to the building or structure. These measures could include preserving a building on the margin of the project site, using it "as is," or other measures that would not alter the building. If the project cannot avoid modifications to a significant building or structure, the University shall implement MP Mitigation Measure CULT-2b.

MP MM CULT-2b: For a structure or building that has been determined by a qualified architectural historian to qualify as a historical resource, and where avoidance is not feasible, documentation and treatment shall be carried out as described below:

- If the building or structure can be preserved on site, but remodeling, renovation or other alterations are required; this work shall be conducted in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Building.

- If a significant historic building or structure is proposed for major alteration or renovation, or to be moved and/or demolished, the University shall ensure that a qualified architectural historian thoroughly documents the building and associated landscaping and setting. Documentation shall include still and video photography and a written documentary record of the building to the standards of the Historic American Building Survey (HABS) or Historic American Engineering Record (HAER), including accurate scaled mapping, architectural descriptions, and scaled architectural plans, if available. A copy of the record shall be deposited with the CSUEB Hayward Library. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site specific and comparative archival research, and oral history collection as appropriate.

- If preservation and reuse at the site are not feasible, the historical building shall be documented as described above and, when physically and financially feasible, be moved and preserved or reused.

- If the nature and significance of the building is such that its demolition or destruction cannot be fully mitigated through documentation in the opinion of the qualified architectural historian, the University shall reconsider project plans in light of the high value of the resource, and implement modifications to the proposed project that would allow the structure to be preserved intact. These could include project redesign, relocation, or abandonment.

2.3.3 Findings

The Board of Trustees finds that MP Mitigation Measures CULT-2a and CULT-2b are feasible, are adopted, and will reduce some of the project's impacts to historical resources. However, there are some circumstances where documentation of a historical resource will not mitigate the effects of demolition of that resource to a less than significant level. For instance, an impact could be significant and unavoidable if a historic building derives significance from its association with a significant event or person not represented elsewhere, or because a building has exceptional architectural merit or construction. Some values of this kind are not fully preserved through documentation or data recovery. Therefore, there are no feasible mitigation measures that would reduce the identified significant impacts to a level below significant. The impact to historical resources must be considered significant and unavoidable even after implementation of all feasible mitigation measures. Pursuant to Public Resources Code section 21081, subdivision (a)(3), as described in the Statement of Overriding Considerations, the Board of Trustees has

determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR and the identified impact to historical resources is thereby acceptable because of specific overriding considerations. (See Section 9.0, Statement of Overriding Considerations below.)

2.4 Transportation and Traffic

2.4.1 Unavoidable Significant Impacts

The analysis in the Revised Final EIR indicates that full buildout of the campus under the proposed Master Plan, with and without the Third Entrance (on Hayward Boulevard), will contribute to sub-standard intersection operations at eight study intersections, in either the AM peak hour or PM peak hour, or both peak hours (MP Impact TRANS-1). The projected poor service levels are the result of substantial cumulative traffic growth, in addition to project traffic. As for vehicle trips generated by campus growth under the proposed Master Plan, the travel demand management programs and policies outlined in the proposed Master Plan are intended to reduce the net new vehicle trips generated by campus growth, which would in turn lessen the significance of the intersection impacts. In addition, the analysis in the Revised Final EIR finds that campus development under the proposed Master Plan will substantially increase volumes on several segments of the Congestion Management Program (CMP) or Metropolitan Transit System (MTS) networks (MP Impact TRANS-5).

2.4.2 Mitigation Measures

The University Board of Trustees finds that there are no feasible measures available to mitigate impacts of the proposed Master Plan to intersection operations at eight study intersections. However, the following mitigation measure is identified to partially reduce the impact at the affected intersections and affected segments of the CMP or MTS networks:

MP MM TRANS-1a: The University shall prepare a comprehensive TDM Implementation Plan that includes the steps necessary to plan for, fund, implement, and monitor the effectiveness of the measures outlined in the Master Plan TDM section and listed below.

Improved Transit Service

- Enhanced AC Transit Route 92 service to the Downtown Hayward BART station, ensuring frequent headways from 6 AM to 11 PM; that are coordinated with BART arrival times to meet passenger demand, provided free to University staff, faculty, and students.

Alternative Mode Use Incentives

- Discounted or free AC Transit passes for all students, faculty and staff
- Discounted BART tickets for students, faculty and staff through the Commuter Check program or a similar program; or a 'Clean Air Cash' program where those choosing to commute by BART receive a cash payment and are not allowed to purchase a normal parking permit
- Carpool matching service and vanpool program
- Preferential parking for carpools and vanpools
- Continued participation in the Alameda County Congestion Management Agency's Guaranteed Ride Home program for alternative mode users
- Provision of a flexible car rental service program (carsharing) on campus to provide access to vehicles for those who choose not to commute to campus by car or residents who do not maintain a car on campus
- Provision for participants in alternative mode programs to purchase a certain number of single-day parking permits to allow for commute flexibility and promote alternative mode use for those who may occasionally need to use a car.

Parking Management

- Provide a scaled parking permit pricing structure that ties the cost of parking to the level of use and location, and that provides the funding needed to maintain and operate the parking system, including provision of new parking lots/structures. In planning for future permit price changes, aim to increase parking costs to a level even with the costs of commuting by bus or BART to the campus to the extent feasible within the context of CSU collective bargaining agreements and equity for students.
- Manage the campus parking supply to achieve a peak occupancy level of 85 percent, to avoid over-supply when new lots/structures are provided and undersupply when new buildings are constructed on sites identified in the Hayward Campus Master Plan.

TDM Implementation Plan Development

As part of its TDM Implementation Plan for the Hayward campus, the University will undertake an alternative transportation and parking study to fully evaluate the cost and projected effectiveness of the strategies listed by the City along with others identified in the Hayward Campus Master Plan. The

study will identify alternative combinations of strategies, recommend a preferred combination, and identify specific targets for trip reduction, transit ridership, carpooling, parking provision, and parking permit pricing at regular intervals, scaled to projected enrollment growth and campus building plans. The TDM Implementation Plan will include a monitoring program at three-year intervals tied to the phasing of capital construction and enrollment growth. The monitoring program will include detailed counts at all entrances to assess the relationship between automobile use, other modes of access, and enrollment growth. A critical aspect of the monitoring program will be to ascertain the elasticity of demand for transit in relation to students' and employees' travel patterns, the level of transit service available, cost of automobile use, and parking management. The TDM Implementation Plan will also consider how the provision of additional housing, food service, and convenience services on campus will reduce the need for off-campus trips, particularly at peak hours. This study and implementation plan will be completed within two years of the adoption of the Master Plan. Based on the TDM Implementation Plan, the University will review its congestion management analysis and revise as warranted. The University will provide an annual report to the City regarding progress on the implementation of the TDM Plan as well as the results of the monitoring, the strategies being implemented, and the effectiveness of these strategies in reducing vehicular traffic.

The City and University will develop a plan and enter into a Memorandum of Understanding (MOU) to address the deficiencies at City intersections and/or roadway segments significantly impacted by the implementation of the Hayward Campus Master Plan and determine appropriate cost sharing based on a fair share analysis. The MOU will include a timetable for improvements at relevant City intersections and a schedule for University contributions tied to capital improvements that support enrollment growth that significantly increases traffic.

MP MM TRANS-1b: The University will conduct periodic traffic counts at the primary gateways (Harder Road, Carlos Bee Boulevard, and the new Third Entrance if and when constructed) to monitor the effectiveness of new TDM programs as they are implemented. This information will be helpful in fine-tuning the TDM programs to ensure maximum effectiveness at reducing growth in single-occupant vehicle travel.

MP MM TRANS-5: The City of Hayward should review the projected volume growth on the CMP and MTS networks within the City and prepare a deficiency plan to address future projected deficiencies. If, as a result of the implementation of the Master Plan, any of the CMP facilities fall to LOS F as part of the LOS Monitoring Program, then the University will work with the City to prepare a deficiency plan that will include mitigation measures to eliminate the deficiency and determine appropriate funding based on a fair share analysis.

2.4.3 Findings

The Board of Trustees finds that further physical improvements to the intersections significantly and adversely affected by buildout of the Master Plan are not feasible. An assessment of the potential effectiveness of full implementation of the TDM measures listed above indicates that peak hour vehicle trips could be reduced by approximately 300 AM peak hour trips and 400 PM peak hour trips, or about 24 percent and 20 percent of the total peak hour trip generation in the AM and PM peak hours, respectively. While this would reduce the additional delay caused by the proposed project at the impact locations, it would not reduce the impacts to a less than significant level. There are no feasible mitigation measures that would reduce the identified significant impacts to a level below significant. Therefore, the potential impacts to traffic must be considered unavoidably significant even after implementation of all feasible mitigation measures. Pursuant to Public Resources Code section 21081, subdivision (a)(3), as described in the Statement of Overriding Considerations, the Board of Trustees has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR and the identified impacts to traffic are thereby acceptable because of specific overriding considerations. (See Section 9.0, Statement of Overriding Considerations, below.)

If, as a result of the implementation of the Master Plan, any of the CMP facilities fall to LOS F as part of the LOS Monitoring Program, then the University will work with the City to prepare a deficiency plan that will include mitigation measures to eliminate the deficiency and determine appropriate funding based on a fair share analysis.

In addition, the University has committed to contributing $2,331,618.00 to the City to cover the project's fair share contribution for off-site traffic mitigation. This figure is based on certain traffic improvements identified by and within the jurisdiction of the City in order to improve traffic conditions near campus. This off-site traffic mitigation will not mitigate the project's cumulatively significant and unavoidable traffic impacts to the eight intersections and seven roadway segments identified in the Revised Final EIR, as it is physically infeasible to construct further improvements to these intersections and segments. The additional off-campus traffic mitigation improvements will require funding over a period of 20-30 years.

The Board of Trustees hereby approves the project traffic mitigation fair share calculation of $2,331,618.00. The funds are expected from future state capital or operating budget funding, the CSU, self-support entities and/or other entities to address an addition of academic space generating FTES capacity. The Board of Trustees will include the proportional share of the off-site fair share mitigation payment in the budget for each individual Master Plan project that adds academic space generating capacity for an increase in FTES. The fair share mitigation funds would be deposited into a restricted account whereby funds would be released to the City when the designated traffic improvement has been designed, budgeted and approved by the City for construction, and the City has secured all remaining funds and approvals necessary to proceed with and complete the construction of the traffic improvement. This process would be documented in a memorandum of understanding with the City consistent with project mitigation measures TRANS-1a and TRANS-5. This process is designed and intended to comply with the California Supreme Court's directions and guidance in *City of Marina v. Board of Trustees of California State University*, 39 Cal.4th 341 (2009), *City of San Diego, City of Hayward*, the peremptory writ of mandamus and University policy.

There are no feasible mitigation measures that would reduce the identified significant impacts to a level below significant. Therefore, the potential impacts to traffic must be considered unavoidably significant even after implementation of all feasible mitigation measures. Pursuant to Public Resources Code section 21081, subdivision (a)(3), as described in the Statement of Overriding Considerations, the Board of Trustees has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR and the identified impacts to traffic are thereby acceptable because of specific overriding considerations.

3.0 FINDINGS ON SIGNIFICANT BUT MITIGATED IMPACTS

This section identifies significant adverse impacts of the project that require findings to be made under Public Resources Code section 21081 and CEQA Guidelines section 15091. The Board of Trustees finds that, based upon substantial evidence in the record, adoption of the mitigation measures set forth below will reduce the identified impacts to less than significant levels.

3.1 Aesthetics

3.1.1 Potential Significant Impacts

The analysis in the Revised Final EIR finds that implementation of the proposed Master Plan would create a new source of substantial light or glare which could adversely affect day or nighttime views in the area. Projects located along the edges of the campus would introduce new light and glare into areas

that are generally dark at night. Without careful planning of outdoor lighting in these areas, the impact related to nighttime light and glare would be potentially significant (MP Impact AES-4).

3.1.2 Mitigation Measures

The Board of Trustees finds that, based on substantial evidence in the record, the potentially significant aesthetics impacts of the project will be reduced to less than significant levels by implementation of the following mitigation measure.

MP MM AES-4: All future projects along the outer edge of existing campus development will be reviewed by the University for their potential to result in light spill and glare and measures such as use of downward directed lighting, cut-off type lighting, and minimal lighting for safe operations will be incorporated into the projects.

3.1.3 Findings

The Board of Trustees finds that the above mitigation measure is feasible, is adopted, and will reduce the potential aesthetics-related impact of the project to a less than significant level. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081, subdivision (a)(1), and CEQA Guidelines section 15091, subdivision (a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant aesthetics-related impacts of the project as identified in the Revised Final EIR.

3.2 Air Quality

3.2.1 Potential Significant Impacts

The analysis in the Revised Final EIR finds that construction of the CSUEB Hayward Campus Master Plan would generate short-term emissions of fugitive dust and asbestos that could adversely affect local air quality in the vicinity of the construction site. BAAQMD does not require quantification of construction emissions; rather it emphasizes effective and comprehensive control measures to minimize the generation of PM_{10} fugitive dust. If all of the appropriate dust-control measures specified in the *BAAQMD CEQA Guidelines*, Table 2, Feasible Control Measures for Construction Emissions of PM_{10}, are implemented, the district considers the impact related to construction emissions to be less than significant (BAAQMD 1999, p. 14). In addition to the fugitive dust control measures, the University would also be subject to the requirements of Regulation 11, Rule 2 (Asbestos Demolition, Renovation, and Manufacturing), which would reduce asbestos exposure impacts to a less than significant level. In the event that campus development projects did not implement BAAQMD recommended dust control

measures or the requirements of Regulation 11, Rule 2, campus construction would result in a significant impact related to construction emissions (MP Impact AIR-1).

The Revised Final EIR also finds that the proposed Master Plan could expose individuals to toxic air contaminants. Sources of toxic air contaminants (TACs) around and within the campus include diesel buses and trucks, laboratory emissions, central plant generators and boilers, water heaters/boilers in individual buildings, and emergency generators. The BAAQMD is responsible for administering federal and state regulations related to TACs. In compliance with federal law, BAAQMD Regulation 11, Hazardous Pollutants, implements federal national emissions standards for hazardous air pollutants (NESHAPs) and maximum achievable control technology (MACT) requirements through the federal operating permit program. The BAAQMD will grant a permit for a new or modified stationary sources if the sources meet either of the following impact criteria (1) the estimated incremental cancer risk from the project is less than 1 in one million; or (2) the estimated incremental risk is less than 10 in one million, and the toxics best available control technology (TBACT), which are standards to reduce TAC emissions, will be implemented. Therefore, compliance with BAAQMD permit requirements for stationary sources of TACs would ensure that the impact would not be significant (MP Impact AIR-5).

3.2.2 Mitigation Measures

The Board of Trustees finds that, based on substantial evidence in the record, the potentially significant air quality impacts of the project will be reduced to less than significant levels by implementation of the following mitigation measure.

MP MM AIR-1a: The control measures contained in Table 2 of the *BAAQMD CEQA Guidelines* listed below shall be implemented, as appropriate and feasible, during construction of each project under the proposed Campus Master Plan.

The following Basic Control Measures shall be implemented at all construction sites:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials *or* require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Pave, apply water three times daily (or as sufficient to prevent dust from leaving the site), or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.

- Sweep daily or as appropriate (with water sweepers using reclaimed water if possible) all paved access roads, parking areas, and staging areas at construction sites.

- Sweep streets daily or as appropriate (with water sweepers using reclaimed water if possible) if visible soil material is carried onto adjacent public streets.

In addition to the Basic Control Measures, the following Enhanced Control Measures shall be implemented at construction sites greater than 4 acres in area:

- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more).

- Enclose, cover, water twice daily (or as sufficient to prevent dust from leaving the site), or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).

- Limit traffic speeds on unpaved roads to 15 miles per hour.

- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

- Replant vegetation in disturbed areas as quickly as possible.

The following Optional Control Measures are strongly encouraged at construction sites that are large in area or located near sensitive receptors, or may, for any other reason, warrant additional emissions reductions:

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

- Install windbreaks or plant trees/vegetative windbreaks at the windward side(s) of construction areas.

- Suspend excavation and grading activity when sustained winds exceed 25 mph.

MP MM AIR-1b: The Campus shall consult with the BAAQMD's Enforcement Division prior to commencing demolition of a building containing asbestos building materials and implement any control measures required by the BAAQMD.

MP MM AIR-5: Prior to issuance of any permit for installation of boilers, chillers, and/or cooling towers within the CSU Hayward Campus, Campus officials shall work with the BAAQMD to ensure that environmental review of projects that will result in new

TACs (e.g., installation of boilers, chillers, and/or cooling towers, laboratories) is closely coordinated with the BAAQMD's permitting process. The analysis of TACs from these new sources shall be conducted in accordance with the *BAAQMD CEQA Guidelines* and appropriate and feasible mitigation measures shall be developed as necessary to ensure that impacts are reduced to a less-than-significant level. In the event the cancer risk exceeds 10 in one million, BAAQMD will require implementation of measures that would reduce this risk to less than significant. Mitigation measures that could be incorporated into future projects include, but are not limited to, the establishment of buffer zones, the installation of control devices on equipment, and changes to operational practices.

3.2.3 Findings

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the potential air quality-related impacts of the project to less than significant levels. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081, subdivision (a)(1), and CEQA Guidelines section 15091, subdivision (a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant air quality-related impacts of the project as identified in the Revised Final EIR.

3.3 Biological Resources

3.3.1 Potential Significant Impacts

Implementation of the proposed Master Plan could have a substantial adverse effect on special status species. Most development associated with the implementation of the proposed Master Plan would occur within the developed/landscaped areas. However, the potential faculty/staff housing locations are within either grassland or mixed scrub areas that generally border the developed/landscaped portions of the campus. There is some potential that special status plant species could occur within the grassland and mixed scrub habitats that occur in the potential faculty/staff housing locations. Additionally, three special status bird species (i.e., burrowing owl, Cooper's hawk, white-tailed kite) and five special status bat species (i.e., pallid bat, fringed myotis, long-legged myotis, yuma myotis, and hoary bat) have potential to occur within the central campus and/or the grasslands and mixed scrub area within or bordering the development areas (MP Impact BIO-1).

Implementation of the proposed Master Plan could also have a substantial adverse effect on a riparian habitat or other sensitive natural community. The small drainage and associated bay woodland in the far western portion of the campus is located near a potential faculty/staff housing location. The bay

woodland is considered to be riparian habitat as it is associated with the drainage and likely falls under the jurisdiction of the CDFG. As the final design of faculty/staff housing at this location is not known, there is potential that associated construction activities could result in the loss of riparian vegetation associated with the nearby drainage (MP Impact BIO-2).

The analysis in the Revised Final EIR also finds that implementation of the proposed Master Plan could have a substantial adverse effect on a federally protected wetland. No creeks, wetlands, or other resources potentially under the jurisdiction of the USACE are present directly within the locations of building sites and other infrastructure improvements associated with the implementation of the Master Plan. However, the small drainage in the far western portion of the campus is near a potential faculty/staff housing location. This drainage is expected to fall under the jurisdiction of the USACE. As the final design of faculty/staff housing at this location is not known, there is potential that associated construction activities and infrastructure (e.g., storm drains) could affect areas of the drainage under the jurisdiction of the USACE (MP Impact BIO-3).

3.3.2 Mitigation Measures

The Board of Trustees finds that, based on substantial evidence in the record, the potentially significant biological resources impacts of the project will be reduced to less than significant levels by implementation of the following mitigation measure.

MP MM BIO-1a: Appropriately timed surveys for locally occurring special-status plant species shall be conducted prior to the commencement of construction activities within grassland and mixed scrub habitats (see **Figure 4.3-1**). The surveys shall occur during the blooming period of the target species (see **Table 4.3-2**). Should any special-status plant species be identified, if feasible, the proposed campus project shall be relocated to avoid the construction-related loss of special-status plants. Alternatively, a mitigation plan shall be developed to offset the loss of special-status plants. At a minimum, the plan may include transplanting individual plants (if feasible), collecting seed and reestablishing the population, or protecting and enhancing other populations of the same species of special-status plants.

MP MM BIO-1b: If a construction project is proposed on the campus that would commence anytime during the nesting/breeding season of native bird species potentially nesting/roosting on the site (typically February through August in the project

region), a pre-construction survey of the project vicinity for nesting birds shall be conducted.

This survey shall be conducted by a qualified biologist (i.e., experienced with the nesting behavior of bird species of the region) within two weeks of the commencement of construction activities that would occur during the nesting/breeding season. The intent of the survey shall be to determine if active nests of special status bird species or other species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present within the construction zone or within 500 feet of the construction zone. The survey area shall include all trees and shrubs, as well as grassland habitats (which could be utilized by burrowing owls) in the construction zone and a surrounding 500 feet area. The surveys shall be timed such that the last survey is concluded no more than two weeks prior to initiation of construction or tree removal. If ground disturbance activities are delayed following a survey, then an additional pre-construction survey shall be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground disturbance activities.

If active nests are found in areas that could be directly affected or are within 500 feet of construction and would be subject to prolonged construction-related noise, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them will be determined through consultation with the CDFG, taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- Distance and amount of vegetation or other screening between the construction site and the nest; and
- Sensitivity of individual nesting species and behaviors of the nesting birds.

Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or another appropriate barrier, and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a

construction monitor during those periods when construction activities would occur near active nest areas of special status bird species to ensure that no impacts on these nests occur.

MP MM BIO-1c: Prior to the commencement of construction activities within grassland habitats occurring during the non-nesting season of burrowing owl (typically September through January), a qualified biologist shall conduct a clearance survey for wintering burrowing owls. The survey shall be conducted no more than 14 days prior to commencement of construction activities. If non-breeding burrowing owls are observed within the disturbance footprint, they would be excluded from all occupied burrows through the use of exclusion devices placed in occupied burrows in accordance with CDFG protocols (CDFG 1995). Specifically, exclusion devices, utilizing one-way doors, shall be installed in the entrance of all active burrows. The devices shall be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows would then be excavated by hand and refilled to prevent reoccupation. Exclusion shall continue until the owls have been successfully excluded from the site, as determined by a qualified biologist.

MP MM BIO-1d: If trees or buildings are to be removed/demolished during the nesting season of native bat species in California (generally April 1 through August 31), the presence of active maternity roosts in trees or buildings shall be evaluated by a qualified biologist prior to their removal. If it is determined that the trees or structures to be removed provide potential bat roosting habitat, a focused survey shall be conducted by a qualified bat biologist to determine if active maternity roosts of special status bats are present. Should an active maternity roost of a special status bat species be identified, the roost shall not be disturbed until the roost is vacated and juveniles have fledged, as determined by the biologist. Once all young have fledged, the tree or structure may be removed or demolished.

MP MM BIO-2: Should it be determined that faculty/staff housing would be developed in the grassland in the far western portion of the campus, the following measures would be implemented: (1) the boundaries of the riparian woodland associated with the nearby drainage shall be delineated and the faculty/staff housing shall be designed, to the extent feasible, to avoid the woodland; (2) should avoidance of the woodland not be possible, then a riparian restoration plan shall be prepared and implemented. The plan shall outline the procedures to be

implemented that would ensure that no net loss of riparian habitat occurs. A Streambed Alteration Agreement would also be required from the CDFG and all conditions of that Agreement shall be complied with; and (3) a lighting plan shall be designed to prevent substantial light spillage (above current levels) into the nearby woodland.

MP MM BIO-3: Should it be determined that faculty/staff housing would be developed in grassland in the far western portion of the campus and that the project may involve alterations to the nearby drainage, the following measures would be implemented: (1) a jurisdictional delineation shall be conducted of the nearby drainage and the faculty/staff housing shall be designed, to the extent practical, to avoid affecting jurisdictional areas; (2) should avoidance of the jurisdictional resources not be practical, then a creek restoration plan shall be prepared and implemented. The plan shall outline the procedures to be implemented that would ensure that no net loss of riparian and aquatic habitat occurs (this plan may be part of the plan potentially required by **MP Mitigation Measure BIO-2**, above). A Section 404 permit would also be required from the USACE and all conditions of that permit shall be complied with.

3.3.3 Findings

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the potential biological resources-related impacts of the project to less than significant levels. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081, subdivision (a)(1), and CEQA Guidelines section 15091, subdivision (a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant biological resources-related impacts of the project as identified in the Revised Final EIR.

3.4 Cultural Resources

3.4.1 Potential Significant Impacts

The analysis in the Revised Final EIR finds that implementation of the proposed Master Plan could cause a substantial adverse change in the significance of an archaeological resource through damage or destruction that could occur as a result of grading, excavation, ground disturbance or other project development. There are no known archaeological sites on the campus. Because of the extensive grading and disturbance that has already occurred within the central campus, the potential to encounter intact archaeological resources in conjunction with future development is very low. However, since no surveys

are known to have been conducted, it is assumed that there is potential for such resources to exist on those portions of the campus that have not been previously graded or disturbed in a substantial manner or even within the central campus in areas where the previous grading was not substantial. Future campus projects to be implemented especially on the edges of the central campus that would involve ground disturbance, increased traffic, erosion, vibrations, or other activities have the potential to affect the physical integrity of archaeological deposits or features and result in a substantial adverse change to an historical or unique archaeological resource, which would be considered a significant impact (MP Impact CULT-1).

Implementation of the proposed Master Plan could disturb human remains, including those interred outside of formal cemeteries. Although no human remains have been encountered during the construction of buildings and other improvements on the campus, development under the proposed Master Plan that includes excavation and grading has the potential to uncover, displace, and destroy human remains, a potentially significant impact. Avoidance of disturbance of archaeological sites may reduce the potential for such impacts (MP Impact CULT-3).

3.4.2 Mitigation Measures

The Board of Trustees finds that, based on substantial evidence in the record, the potentially significant cultural resources impacts of the project will be reduced to less than significant levels by implementation of the following mitigation measure.

MP MM CULT-1a: During the planning and environmental review of specific development projects under the proposed Master Plan, for projects proposed on previously undisturbed campus lands, the University shall retain a qualified archaeologist to conduct a pedestrian survey of the site to evaluate the potential for archaeological resources to occur on the project site. If archaeological resources are encountered, MP Mitigation Measure CULT-1c will apply.

MP MM CULT-1b: Regardless of the location of the project on the campus, all construction contracts for campus projects shall include a standard inadvertent discovery clause, which requires that if an archaeological resource is discovered during construction (whether or not an archaeologist is present), all soil-disturbing work within 100 feet of the find shall cease, and the University shall implement MP Mitigation Measure CULT 1c.

MP MM CULT-1c: For an archaeological site that is encountered during the pedestrian survey conducted on a project site or during construction, the University shall:

- Retain a qualified archaeologist to determine whether the resource qualifies as an historical resource or a unique archaeological resource.

- If the resource is determined to be a historical resource or a unique archaeological resource, the qualified archaeologist, in consultation with the University, shall prepare a research design and archaeological data recovery plan for the recovery of the categories of data for which the site is significant, and implement the data recovery plan prior to or during development of the site. The archaeologist shall also perform appropriate technical analyses, prepare a full written report and file it with the appropriate information center, and provide for the permanent curation of recovered materials.

MP MM CULT-3a: The University shall implement MP Mitigation Measure CULT-1 to minimize the potential for disturbance or destruction of human remains in an archaeological context and to preserve them in place, if feasible.

MP MM CULT-3b: The University shall arrange for a representative of the local Native American community to monitor any excavation (including archaeological excavation) within the boundaries of a known Native American archaeological site.

MP MM CULT-3c: In the event of a discovery of human bone, suspected human bone, or a burial, all excavation in the vicinity will halt immediately and the area of the find will be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist determines the bone is human, or if a qualified archaeologist is not present, the University will notify the County of Alameda Medical Examiner before additional disturbance occurs. The University will ensure that the remains and vicinity of the find are protected against further disturbance until the Coroner has made a finding with regard to PRC 5097 procedures, in compliance with California Health and Safety Code Section 7050.5(b). If it is determined that the find is of Native American origin, the University will comply with the provisions of PRC Section 5097.98 regarding identification and involvement of the Native American Most Likely Descendant (MLD).

MP MM CULT-3d: If human remains cannot be left in place, the University shall ensure that the qualified archaeologist and the MLD consult regarding archaeological treatment of human remains, and that appropriate studies, as identified through this consultation, are carried out prior to interring the remains. The University shall provide results of all such studies to the local Native American community, and shall provide an opportunity for local Native American involvement in any

interpretative reporting. As stipulated by the provisions of the California Native American Graves Protection and Repatriation Act, the University shall ensure that human remains and associated artifacts recovered from campus projects on state lands are repatriated to the appropriate local tribal group if requested.

3.4.3 Findings

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the potential cultural resources-related impacts of the project to less than significant levels. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081, subdivision (a)(1), and CEQA Guidelines section 15091, subdivision (a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant cultural resources-related impacts of the project as identified in the Revised Final EIR.

3.5 Geology and Soils

3.5.1 Potential Significant Impacts

Development under the proposed Master Plan would not expose people and structures on campus to substantial adverse effects associated with fault rupture, but could result in substantial adverse effects related to seismic ground shaking or seismic-related ground failure, including liquefaction, lateral spreading, landslides, and/or settlement. Severe seismic ground shaking and related ground failure is a possibility in the area of the Hayward campus. As discussed above, portions of the campus have potential for ground failure related to liquefaction and landsliding. To address these types of concerns, the Hayward campus routinely performs geotechnical investigations to evaluate the potential for liquefaction and other types of ground failure at each building site. These reports include recommendations applicable to foundation design, earthwork, and site preparation to minimize or avoid the potential for building damage and injury (MP Impact GEO-1).

In addition, the analysis in the Revised Final EIR finds that expansive soils are present on the project site and could result in unstable conditions where buildings are proposed (MP Impact GEO-3).

3.5.2 Mitigation Measures

The Board of Trustees finds that, based on substantial evidence in the record, the potentially significant geology and soils impacts of the project will be reduced to less than significant levels by implementation of the following mitigation measure.

MP MM GEO-1: Where existing geotechnical information is not adequate, detailed geotechnical investigations shall be performed for areas that will support buildings or foundations. Such investigations for building or foundation projects on the CSUEB Hayward Campus will comply with the California Geological Survey's Guidelines for Evaluating and Mitigating Seismic Hazards in California (Special Publication 117), which specifically address the mitigation of liquefaction and landslide hazards in designated Seismic Hazard Zones (CGS 2003). All recommendations of the geotechnical investigations will be incorporated into project designs. Recommendations for buildings located near mapped faults, shall be reviewed by the California State University Seismic Review Board prior to project design.

MP MM GEO-3: The University shall implement **MP Mitigation Measure GEO-1**.

3.5.3 Findings

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the potential geology and soils-related impacts of the project to less than significant levels. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081, subdivision (a)(1), and CEQA Guidelines section 15091, subdivision (a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant geology and soils-related impacts of the project as identified in the Revised Final EIR.

3.6 Hazards and Hazardous Materials

3.6.1 Potential Significant Impacts

The analysis in the Revised Final EIR finds that construction and demolition activities under the proposed Master Plan in one area of the campus could expose construction workers, campus occupants, or the public to contaminated soil or groundwater, resulting in a potentially significant impact. The governmental databases search indicated that a leaking underground storage tank (LUST) released approximately 750 gallons of diesel fuel before removal in 1988. Records do not indicate if the contaminated site was remediated. Excavation and other ground disturbing activities in conjunction with the construction of a new facility on the campus in the area of the previous LUST could encounter contaminated soils or groundwater, and potentially expose construction workers, campus occupants or the public to these materials (MP Impact HAZ-3).

Demolition or renovation of buildings under the proposed Master Plan could expose construction workers, campus occupants or the public to contaminated building materials. Hazardous materials could be encountered in campus buildings when they are demolished or remodeled under the proposed Master Plan. These hazardous materials could be related to lead-based paints or asbestos used in the construction of the buildings, or to past spills and other releases of hazardous materials (such as chemicals) in laboratories during research activities (MP Impact HAZ-4).

3.6.2 Mitigation Measures

The Board of Trustees finds that, based on substantial evidence in the record, the potentially significant hazards and hazardous materials impacts of the project will be reduced to less than significant levels by implementation of the following mitigation measure.

MP MM HAZ-3: As and when a project is proposed in the vicinity of the LUST site, the University shallconduct a Phase I Environmental Site Assessment (ESA) and if necessary a Phase 2 ESA of the contaminated site. Based on the results of the investigation, the University in conjunction with the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) and DTSC shall determine if remediation is required. Remediation will be implemented before the site is excavated or otherwise disturbed for construction.

MP MM HAZ-4: The University shall develop a procedure for the demolition of contaminated laboratory space. These provisions shall ensure the removal of hazardous materials; the decontamination of surfaces and equipment; proper characterization, storage and shipment of hazardous materials removed from laboratories; and proper worker training and safety procedures. These procedures shall provide for the following:

- Removal of all hazardous materials.
- User inspection for contamination.
- Performance of a site audit to determine likelihood of chemical spills.
- Performance of sampling for potential chemical contamination, if site audit finds that this is warranted.
- Use of survey meters or wipe samples to detect lingering radioactivity, if radioactive materials were present.

- Communication with workers to ensure any remaining risk and health and safety procedures are understood and followed during demolition.

- Following proper procedures for characterizing, storing, and shipping hazardous wastes, if necessary.

3.6.3 Findings

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the potential hazards and hazardous materials-related impacts of the project to less than significant levels. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081, subdivision (a)(1), and CEQA Guidelines section 15091, subdivision (a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant hazards and hazardous-related impacts of the project as identified in the Revised Final EIR.

3.7 Noise

3.7.1 Potential Significant Impacts

The analysis in the Revised Final EIR finds that construction on the campus pursuant to the proposed Campus Master Plan could expose existing and future noise-sensitive receptors to elevated construction noise levels. A significant impact would occur if construction activity is predicted to result in a sound level that is more than 6 dB above the ambient sound level at the nearest sensitive receptor between the hours of 7:00 PM and 7:00 AM on weekdays and Saturdays or between the hours of 10 AM and 6 PM on Sundays and holidays. Sensitive receptors include residences, classrooms, libraries, and other places on campus used for learning and research. At places where construction takes place within a distance of about 500 feet from the nearest sensitive receptor, construction noise is likely to increase sound levels at residences by 6 dB or more. Some of the off-site residences along Campus Drive would be located within 500 feet of the proposed faculty and staff housing on Hayward Boulevard, and the residences along Grandview Avenue would be located within 500 feet of subsequent phases of Pioneer Heights student housing (Phases V and VI) and less than 100 feet of the potential faculty and staff housing site along Grandview Avenue. In addition, as student residences are constructed on the campus, occupants of these residences would be exposed to high noise levels from construction of later phases of the campus. Similarly, classroom buildings may be within 500 feet of construction sites on the campus. This impact would be considered significant for construction activities occurring between the hours of 7:00 PM and 7:00 AM on weekdays and Saturdays or between 10 AM and 6 PM on Sundays and holidays. There is no policy in the proposed Campus Master Plan that would limit the hours of construction on the campus. Therefore, construction activities if conducted within 500 feet of a sensitive receptor during the hours of 7:00 PM and 7:00 AM would result in a significant noise impact on those receptors (MP Impact NOI-3).

3.7.2 Mitigation Measures

The Board of Trustees finds that, based on substantial evidence in the record, the potentially significant noise impacts of the project will be reduced to less than significant levels by implementation of the following mitigation measure.

MP MM NOI-3a: Construction activities on campus shall be restricted to between the hours of 7:00 AM and 7:00 PM on weekdays and Saturdays and 10:00 AM to 6:00 PM on Sundays and holidays.

MP MM NOI-3b: Prior to initiation of campus construction within 500 feet of a noise sensitive receptor, the University shall approve a construction noise mitigation program including but not limited to the following.

- All noise-producing project equipment and vehicles using internal combustion engines shall be equipped with exhaust mufflers and air-inlet silencers where appropriate, in good operating condition that meet or exceed original factory specification.
- Mobile or fixed "package" equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.
- All mobile or fixed noise producing equipment used on the project, which is regulated for noise output by local, state or federal agency, shall comply with such regulation while engaged in project-related activities.
- Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where practicable.
- Material stockpiles and mobile equipment staging, construction vehicle parking and maintenance areas shall be located as far as practicable from noise-sensitive land uses.
- Stationary noise sources such as generators or pumps shall be located away from noise-sensitive land uses as feasible.
- The use of noise-producing signals, including horns, whistles, alarms, and bells shall be for safety warning purposes only. No project-related public address loudspeaker, two-way radio, or music system shall be audible at any adjacent noise-sensitive receptor except for emergency use.
- The erection of temporary noise barriers shall be considered where project activity is unavoidably close to noise-sensitive receptors.

- The noisiest construction operations shall be scheduled to occur together to avoid continuing periods of the greatest annoyance, wherever possible.

- Construction vehicle trips be routed as far as practical from existing residential uses.

- The loudest campus construction activities, such as demolition, blasting, and pile driving, shall be scheduled during summer, Thanksgiving, winter, and spring breaks when fewer people would be disturbed by construction noise.

- Whenever possible, academic, administrative, and residential areas that will be subject to construction noise shall be informed a week before the start of each construction project.

3.7.3 Findings

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the potential noise-related impacts of the project to less than significant levels. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081, subdivision (a)(1), and CEQA Guidelines section 15091, subdivision (a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant noise-related impacts of the project as identified in the Revised Final EIR.

3.8 Transportation and Traffic

3.8.1 Potential Significant Impacts

Campus gateway intersections will operate at unacceptable levels of service in the future. Addition of project traffic under future conditions will cause operations at the Carlos Bee Boulevard/West Loop Road intersection to degrade from acceptable LOS E to unacceptable LOS F in the PM peak hour. In addition, the intersections of Carlos Bee Boulevard/West Loop Road, Harder Road/West Loop Road, and the new intersection of Hayward Boulevard and New Campus Entry (Third Entrance, if implemented) are projected to meet the peak hour signal warrant under 2025 conditions (MP Impact TRANS-2).

The analysis in the Revised Final EIR finds that pedestrian safety on Harder Road in the vicinity of the student housing area could be affected by traffic volumes and speeds, with the provision of the third entrance on Hayward Boulevard. Table 4.12-11, Peak Hour Volumes on Harder Road With and Without the Third Entrance, in the Revised Final EIR, compares the peak hour traffic volumes on Harder Road east of West Loop Road with and without the third entrance on Hayward Boulevard. The difference in volumes is primarily due to non-campus, cut-through traffic, although some is due to the rerouting of campus trips. The additional trips are not projected to cause a capacity problem for automobiles on the

campus roadways. The volume growth would, however, have a potentially significant impact for pedestrians crossing Harder Road (MP Impact TRANS-4).

Implementation of the proposed Master Plan will increase bus transit demand, particularly for connections between the campus and the Downtown Hayward and Castro Valley BART stations. While BART has capacity available to serve the projected increase in transit riders, the increase would overload AC Transit's Route 92. The impact would be potentially significant (MP Impact TRANS-7).

Walking and bicycling trips to the campus may increase moderately with implementation of the proposed Master Plan. The potential addition of a third campus entrance on Hayward Boulevard would draw walking and bicycling trips from students, faculty and staff living in neighborhoods to the east. Unless the intersection is designed with appropriate facilities for pedestrians, there potentially could be a significant safety impact related to pedestrians (MP Impact TRANS-8).

The proposed Master Plan could result in overflow parking on nearby neighborhood streets, if the supply is not managed to meet demand as the campus grows. The proposed Master Plan projects that up to 8,750 total parking spaces may be needed by buildout based on continuation of current parking demand characteristics. As described in MP Impact TRANS-9, in the Revised Final EIR, the proposed Master Plan also contains travel demand management policies and programs, including parking pricing management, to reduce vehicle trip generation and associated parking demand, with the overall goals of creating a more sustainable campus, reducing the negative environmental effects of vehicle traffic growth, and conserving campus lands for their highest and best use. The parking demand management measures may create demand for unregulated off-campus spaces within walking distance of the campus. Thus, it will be necessary for the University to work with surrounding neighborhoods should they experience campus parking overflow as a result of the University' efforts to minimize vehicle trips by controlling the number of parking spaces on campus and by parking price management (MP Impact TRANS-9).

3.8.2 Mitigation Measures

The Board of Trustees finds that, based on substantial evidence in the record, the potentially significant transportation and traffic impacts of the project described above will be reduced to less than significant levels by implementation of the following mitigation measure.

MP MM TRANS-2: The University shall monitor traffic volumes and conditions periodically at Carlos Bee Boulevard/West Loop Road and Harder Road/West Loop Road, and retain a registered traffic engineer to conduct a full warrant study when peak hour volumes reach the level of the peak hour volume warrant. If the study indicates the need for a signal at either location, the University will construct the

new signal. The University will also ensure that the new campus gateway intersection on Hayward Boulevard, if approved by the City and constructed, is signalized and provides a left turn lane to serve traffic turning into the campus.

MP MM TRANS-4: If the Third Entrance on Hayward Boulevard is constructed, the University will design and construct traffic calming measures along Harder Road and retain the traffic signal serving pedestrian crossings between the student housing and the core campus, in order to maintain a pedestrian-friendly environment and manage the volume and speed of traffic along this roadway.

MP MM TRANS-7: The University shall implement MP Mitigation Measure TRANS-1, which includes enhancing AC Transit Route 92 service to the Downtown Hayward BART station, ensuring frequent headways from 6 AM to 11 PM that are coordinated with BART arrival times to meet passenger demand, provided free to University staff, faculty, and students.

MP MM TRANS-8: The University will ensure that the third campus entrance, if constructed, is designed with crosswalks and pedestrian call buttons to serve pedestrians and bicycles entering the campus from neighborhoods to the east.

MP MM TRANS-9a: The University shall monitor parking occupancy in all campus lots/structures on a yearly basis, and will also monitor participation in its TDM programs to determine how many single-occupant-vehicle trips are being diverted to carpools, transit, bicycle, and pedestrian trips. Based on these surveys, and the traffic counts noted in MP Mitigation Measure TRANS-2, the parking supply management plan will be periodically re-evaluated to ensure that construction of new parking keeps pace with demand.

MP MM TRANS-9b: If overflow parking in surrounding neighborhoods becomes a problem, the University will work with neighborhood representatives to develop strategies to mitigate the problem. Strategies could include a campus education program to discourage off-campus parking, parking restrictions during peak commute times on affected streets, or institution of residential permit parking programs.

3.8.3 Findings

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the potential transportation and traffic-related impacts of the project to less than significant

levels. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081, subdivision (a)(1), and CEQA Guidelines section 15091, subdivision (a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant transportation and traffic-related impacts of the project as identified in the Revised Final EIR.

3.9 Utilities and Services Systems

3.9.1 Potential Significant Impacts

Growth and development under the proposed CSUEB Hayward Campus Master Plan would result in a demand for water currently not anticipated in the City's 2005 UWMP. As described in MP Impact UTIL-1, the water supply and infrastructure demands associated with the Master Plan would result in potentially significant impacts to water services from the City of Hayward.

3.9.2 Mitigation Measures

The Board of Trustees finds that, based on substantial evidence in the record, the potentially significant utilities and service systems impacts of the project will be reduced to less than significant levels by implementation of the following mitigation measure.

MP MM UTIL-1: The CSUEB Hayward Campus shall implement water conservation measures included in the Hayward Campus Master Plan Sustainability Framework and Infrastructure and Utilities Framework and achieve a 20 percent reduction in average and peak water demand compared to business as usual by 2015 and a 35 percent reduction in average and peak water demand compared to business as usual by 2030.

3.10.3 Findings

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the potential utilities and service systems-related impact of the project to a less than significant level. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081, subdivision (a)(1), and CEQA Guidelines section 15091, subdivision (a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant utilities and service systems-related impacts of the project as identified in the Revised Final EIR.

4.0 FINDINGS ON IMPACTS DETERMINED NOT TO BE SIGNIFICANT OR LESS THAN SIGNIFICANT

4.1 Impacts Less than Significant with Additional Mitigation

The Board of Trustees finds that, based upon substantial evidence in the record, the following impacts associated with the project are less than significant and mitigation measures are proposed only to further reduce the impact:

4.1.1 Cultural Resources

Implementation of the proposed Master Plan would not disturb or destroy unique paleontological or geologic resources (MP Impact CULT-4). To ensure that the impact remains less than significant, **MP Mitigation Measure CULT-4** is included which requires that construction contracts for projects on the fringes of the central campus include an inadvertent discovery clause for the protection of paleontological resources.

MP Mitigation Measure CULT-4a: As part of the construction contract, the University shall inform construction contractors to watch for paleontological resources during grading and excavation and to inform The University immediately if such resources are encountered.

MP Mitigation Measure CULT-4b: If paleontological resources are discovered, all ground-disturbing activities within 100 feet of the find will be halted and a qualified paleontologist will be retained by the University to evaluate the find and recommend appropriate handling and treatment of the find. If the find is determined to be significant or potentially significant, the paleontologist will design and carry out a data recovery plan consistent with the Standards of the Society of Vertebrate Paleontologists. Adequate recordation and recovery would, at a minimum, include the following:

- Development of a site specific environmental and contextual information
- Archival research
- Excavation of the resource and its accurate recordation
- For a significant major find, identification of a museum or repository for curation of the resource

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the less than significant cultural resources impact of the project. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081, subdivision (a)(1), and CEQA Guidelines section 15091, subdivision (a)(1), changes or alterations have been required in, or incorporated into the project which further reduce less than significant cultural resources-related impacts of the project as identified in the Revised Final EIR.

4.1.2 Hazards and Hazardous Materials

Campus development under the proposed Master Plan would not interfere physically with the University's Emergency Operations Plan (EOP) (MP Impact HAZ-5). To ensure that the impact remains less than significant, **MP Mitigation Measures HAZ-5a** and **5b** are included.

MP Mitigation Measure HAZ-5a: The University shall require new construction under the Master Plan to adhere to the following standards already established by Facilities Planning & Operations:

- Construction work shall be conducted so as to ensure the least possible obstruction to traffic.
- Contractors shall notify the University Representative at least two weeks before any road closure.
- When paths, lanes, or roadways are blocked, detour signs shall be installed to clearly designate an alternate route.
- Fire hydrants shall be kept accessible to fire fighting equipment at all times.
- To ensure adequate access for emergency vehicles when construction projects will result in temporary lane or roadway closures, campus police and dispatchers shall be notified of the closures and alternative travel routes.

MP Mitigation Measure HAZ-5b: New or updated building and/or department-specific EOPs shall be developed for any new development project.

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the less than significant hazards and hazardous materials-related impact of the project. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081, subdivision (a)(1), and CEQA Guidelines section 15091, subdivision (a)(1), changes or alterations have been required in, or incorporated into the project which further reduce less than significant hazards and hazardous materials-related impacts of the project as identified in the Revised Final EIR.

4.1.3 Hydrology and Water Quality

Compliance with NPDES requirements and campus stormwater management policies would result in a less than significant impact to water quality, including erosion and sedimentation, during operation (MP Impact HYDRO-2). To ensure that the impact remains less than significant, **MP Mitigation Measure HYDRO-2** is included.

MP MM HYDRO-2: During the design review phase of each future development project on the campus, the University will verify that the stormwater BMPs were evaluated for the proposed project and those determined to be appropriate were incorporated into the proposed project. The University will also verify that post-development runoff from the project site will approximate pre-development runoff volumes.

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the less than significant hydrology and water quality-related impact of the project. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081, subdivision (a)(1), and CEQA Guidelines section 15091, subdivision (a)(1), changes or alterations have been required in, or incorporated into the project which further reduce less than significant hydrology and water quality-related impacts of the project as identified in the Revised Final EIR.

4.2 Impacts Less Than Significant without Mitigation

The Board of Trustees finds that, based upon substantial evidence in the record, the following impacts associated with the project are less than significant and no mitigation is required:

Aesthetics	The following impact was found to be less than significant on a project-specific and cumulative basis: • Implementation of the proposed Master Plan would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. • Implementation of the proposed Master Plan would not substantially degrade the existing visual character or quality of the site and its surroundings.
Air Quality	The following impacts were found to be less than significant on a project-specific and cumulative basis: • The proposed Master Plan would increase carbon monoxide concentrations at busy intersections and along congested roadways in the project vicinity but would not expose sensitive receptors to substantial pollution concentrations. • The proposed Master Plan would not create objectionable odors affecting a substantial number of people. • Although the proposed Master Plan would result in greenhouse gas emissions, its contribution to the significant cumulative impact associated with greenhouse gas emissions would not be cumulatively considerable.

Biological Resources	The following impacts were found to be less than significant on a project-specific and cumulative basis: • The implementation of the proposed Master Plan would not interfere substantially with the movement of wildlife. • The implementation of the proposed Master Plan would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. • The implementation of the proposed Master Plan would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
Geology and Soils	The following impacts were found to be less than significant on a project-specific and cumulative basis: • Development under the proposed Master Plan would not result in substantial erosion of soils during construction.
Hazards and Hazardous Materials	The following impacts were found to be less than significant on a project-specific and cumulative basis: • Campus development and activities under the proposed Master Plan would not create significant hazards to the public or the environment from the use, storage and transport of hazardous materials under routine or upset conditions. • Campus development and activities under the proposed Master Plan would not create significant hazards to the public or the environment, such that existing or proposed adjacent schools may be affected. • Campus development under the proposed Master Plan would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires.
Hydrology and Water Quality	The following impacts were found to be less than significant on a project-specific and cumulative basis: • Compliance with NPDES requirements and campus stormwater management policies would result in a less than significant impact on water quality, including erosion and sedimentation, during construction. • Development of the campus under the proposed Master Plan would not substantially alter the existing drainage patterns in a way that would result in on- or off-site flooding. • Implementation of the proposed Master Plan would not substantially deplete groundwater 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. • Implementation of the proposed Master Plan would not place housing or structures that would impede or redirect flood flows within a 100-year flood hazard area or levee or dam inundation zone. • Development on the Hayward campus under the proposed Master Plan would not be affected by inundation associated with a tsunami or seiche event due to elevation and location relative to the Pacific Ocean and enclosed water bodies.
Land Use and Planning	The following impacts were found to be less than significant on a project-specific and cumulative basis: • Growth and development under the proposed Master Plan would not physically divide an established community. • Growth and development under the proposed Master Plan would not conflict

	with applicable land use plans, policies, or regulations of an agency with jurisdiction over the project adopted for the purposes of avoiding or mitigating an environmental effect.
Noise	The following impacts were found to be less than significant on a project-specific and cumulative basis: • Campus development under the proposed Hayward Campus Master Plan would result in increased vehicular traffic on the regional road network, which would not significantly increase ambient traffic noise levels at existing on- and off-site noise sensitive uses. • Daily operations within the campus would not expose existing off-site and future on-site noise sensitive receptors to significant elevated noise levels.
Population and Housing	The following impacts were found to be less than significant on a project-specific and cumulative basis: • Implementation of the proposed Master Plan would not substantially increase the population of the City of Hayward or Alameda County such that additional housing would be required, the construction of which could cause significant environmental impacts. • Implementation of the proposed Master Plan would not displace existing housing or population.
Public Services and Recreation	The following impacts were found to be less than significant on a project-specific and cumulative basis: • Campus development under the proposed Master Plan would not require the construction of new or physically altered fire protection facilities, which could cause significant environmental impacts. • The proposed Master Plan would not require the construction of new or physically altered law enforcement facilities, which could cause significant environmental impacts. • The proposed Master Plan would not result in impacts to parks or other recreational facilities. • Campus development under the proposed Master Plan would not result in impacts to City of Hayward schools.
Transportation and Traffic	The following impacts were found to be less than significant on a project-specific and cumulative basis: • Traffic added by the proposed project would not adversely affect intersection operations at Hayward Boulevard and Civic Avenue. • Campus development under the proposed Master Plan will increase BART ridership, but will not lead to over-capacity conditions in the peak commute hours.
Utilities and Service Systems	The following impacts were found to be less than significant on a project-specific and cumulative basis: • Growth and development under the proposed Master Plan would not require the construction or expansion of wastewater conveyance or treatment facilities. • The proposed Master Plan would result in the construction of new electrical, natural gas, and heating water facilities, which would not cause significant environmental impacts. • Growth and development under the proposed Master Plan would require minor expansion of the storm water conveyance system, which would not cause significant environmental impacts.

- The proposed Master Plan would not conflict with applicable solid waste regulations, nor would it result in solid waste requiring disposal that would exceed the landfill capacity.

5.0 FEASIBILITY OF PROJECT ALTERNATIVES

Based on the entire record, the Board of Trustees finds that the Revised Final EIR identified and considered a reasonable range of feasible alternatives to the proposed project which are capable, to varying degrees, of reducing identified impacts. The EIR considered the following three alternatives:

5.1 Project Alternatives

The alternatives section of the Revised Final EIR contains an analysis of alternatives to the project, including the "No Project" alternative. Based on the analysis, the Board of Trustees finds as follows:

5.1.1 Alternative 1: Reduced Faculty/Staff Housing

The Reduced Faculty/Staff Housing alternative would implement most aspects of the proposed Master Plan. Similar to the proposed project, this alternative would modernize, expand, and improve campus facilities to accommodate a student population of 18,000 FTES and house 5,000 students on campus. It would include new building construction and renovation, and the reconfiguration of campus open space amenities, entry sequences, parking facilities, and circulation.

This alternative would develop faculty and staff housing at the Carlos Bee Boulevard/Bunker Hill Boulevard and the Hayward Boulevard/Campus Drive sites for a maximum of 110 housing units, but, unlike the proposed project, would not develop any faculty and staff housing at the Grandview Avenue site. This housing site would remain as undeveloped hillside (in contrast, the proposed project would develop 110 additional faculty and staff housing units at the Grandview Avenue site, for a maximum of 220 units on all three faculty and staff housing sites). As a result, approximately 110 more faculty and staff households at campus buildout would live off campus.

The Reduced Faculty/Staff Housing alternative would reduce impacts related to aesthetics, biological resources, cultural resources, geology and soils, hydrology and water quality, and land use. Impacts related to traffic, air quality, noise, and population and housing would be comparable or slightly greater than those of the proposed project. Impacts on public services, public utilities, and hazards and hazardous materials would be comparable or slightly lesser than those of the proposed project.

By not developing faculty and staff housing at the Grandview Avenue site, this alternative would not achieve the key objective to the same extent as the proposed project which is to identify locations on campus for faculty and staff housing to strengthen the sense of campus community.

The Reduced Faculty/Staff Housing alternative is infeasible because it does not fully achieve the project objective of identifying locations on campus for faculty and staff housing to strengthen the sense of campus community. In addition, it would not provide benefits outlined in the Statement of Overriding Considerations (**Section 9.0**) to the same extent as the proposed project.

5.1.2 Alternative 2: Reduced Enrollment Capacity

The Reduced Enrollment Capacity alternative would allow the campus to increase its enrollment capacity to 15,000 FTES and student housing to 4,200 beds. Based on the current enrollment capacity of about 12,586 FTES, this alternative would increase enrollment capacity by about 2,414 FTES. In comparison, the proposed project would allow the campus enrollment capacity to increase by 5,400 FTES. No faculty and staff housing would be developed on campus under this alternative.

The Reduced Enrollment Capacity alternative would reduce impacts related to aesthetics, air quality, biological resources, hazards and hazardous materials, hydrology and water quality, land use, noise, population and housing, public services, traffic, and public utilities. Impacts related to cultural resources and geology and soils would be comparable to those of the proposed project.

By reducing enrollment capacity and not developing faculty and staff housing on campus, this alternative would not achieve the following key objectives to the same extent as the proposed project:

- Enhance the campus learning environment within a walkable campus core by providing adequate sites for planned and future programs and to accommodate growth in campus enrollment up to the CPEC-approved Master Plan ceiling of 18,000 FTES.
- Identify locations on campus for faculty and staff housing to strengthen the sense of campus community.

The Reduced Enrollment is not feasible because the University would not fully achieve the objective to accommodate growth in the campus enrollment or strengthen the sense of campus community. Further, the alternative would not provide many of the benefits outlined in the Statement of Overriding Considerations (**Section 9.0**).

5.1.3 Alternative 3: No Project

Under the No Project Alternative, the proposed Master Plan would not be implemented. The Hayward campus would not grow beyond the capacity of its existing facilities or those which have been approved for construction or are currently under construction. This alternative therefore includes a recreation and wellness center that has been approved but not yet built. Based on current and pending campus facilities, enrollment capacity and the corresponding campus employment under this alternative would be approximately 12,586 FTES (17,600 headcount), 740 FTE faculty (1,070 headcount), and 1,085 FTE staff (1,185 headcount).

The No Project alternative would reduce impacts related to aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, land use, noise, population and housing, public services, traffic, and all public utilities except energy. Impacts related to energy use, hydrology and water quality, and geology and soils would be comparable to or greater than those of the proposed project.

By not implementing the proposed Master Plan, this alternative would not achieve any of the following objectives:

- Enhance the campus learning environment within a walkable campus core by providing adequate sites for planned and future programs and to accommodate growth in campus enrollment up to the CPEC-approved Master Plan ceiling of 18,000 FTES.
- Create supportive student neighborhoods that would help create a sense of community for both residents and commuting students, and increase on-campus housing to accommodate 5,000 students. In addition, identify locations on campus for faculty and staff housing to strengthen the sense of campus community.
- Plan for other design improvements, including improved campus entry and image to help orient visitors and make destination finding easier; special landmark building sites to create a memorable impression of the campus; and improved campus pedestrian promenades
- Implement comprehensive environmentally sustainable development and operations strategies, including land use and transportation, as well as resource consumption and waste generation.
- Continue the planning and design criteria from the original campus master plan that aim at preserving views of the bay and the hills; creating a clear design vocabulary; and protecting the users from the elements.

The continuation of the current Master Plan pursuant to the No Project alternative is not feasible because it does not provide for the facilities and programs needed to support 18,000 FTES. This alternative would prevent attainment of basic project objectives as identified in **Section 1.4**, above, and it would not provide any of the benefits outlined in the Statement of Overriding Considerations (**Section 9.0**).

6.0 ABSENCE OF SIGNIFICANT NEW INFORMATION

The CEQA Guidelines require a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the EIR for review but before certification. (Cal. Code Regs., tit. 14, §15088.5.) New information can include: (i) changes to the project; (ii) changes in the environmental setting; or (iii) additional data or other information. (Ibid.) The CEQA Guidelines further provide that "[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." (Ibid.)

Here, the Revised Final EIR does not modify the prior 2009 FEIR with the exception of replacing the parkland analysis with the analysis set forth in the 2017 PR-EIR. The draft 2017 PR-EIR was circulated for public review and comment, and the final 2017 PR-EIR incorporated comments and responses to comments on the draft 2017 PR-EIR. However, as indicated in final 2017 PR-EIR, these comments and responses to comments do not constitute significant new information under CEQA Guideline § 15088.5. (Cal. Code Regs., tit. 14, §15088.5.) The information in the final 2017 PR-EIR merely clarifies or amplifies the information in the draft 2017 PR-EIR, and therefore circulation of the final 2017 PR-EIR for additional public review and comment is not required. In addition, the Revised Final EIR, including the 2009 Final EIR, does not contain new information except to the extent set forth in the 2017 PR-EIR and therefore the Revised Final EIR does not require re-circulation for public review and comment.

Lastly, all feasible mitigation measures are included in the Mitigation Monitoring and Reporting Program, which is hereby adopted and incorporated into the project. Therefore, having reviewed the information in the Revised Final EIR, the administrative record, the requirements of the CEQA Guidelines, and applicable judicial authority, the Board of Trustees hereby finds that no new significant information was added following public review and thus, recirculation of the Revised Final EIR is not required by CEQA.

7.0 MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to Public Resources Code section 21081.6, the Board of Trustees is required to adopt a Mitigation Monitoring and Reporting Program ("MMRP") for the project in order to ensure compliance with the adopted mitigation measures during project implementation. (See also Cal. Code Regs., tit. 14, §15091, subd. (e).) The Board of Trustees finds that the impacts of the project have been mitigated to the

extent feasible by the mitigation measures identified in the Revised Final EIR and MMRP. Further, by these findings, the Board of Trustees adopts the MMRP that accompanies the Revised Final EIR.

The Board of Trustees reserves the right to make amendments and/or substitutions to the mitigation measures, if it is determined that the amended or substituted measure will mitigate the identified potential environmental impact to at least the same degree as the original measure, and where the amendment or substitution would not result in a new significant impact on the environment which cannot be mitigated.

8.0 CUSTODIAN OF RECORD

Public Resources Code section 21081.6, subdivision (a)(2), requires the lead agency (*i.e.*, the Board of Trustees) to specify the location and custodian of the documents or other material that constitute the record of proceedings upon which the decision is based. (See also Cal. Code Regs., tit. 14, §15091, subd. (e).) Here, the custodian of the record for the project is CSUEB Hayward. The documents constituting the record are available to the public during ordinary business hours at CSUEB Hayward's Office of Facilities Management and Planning, which is located at 25800 Carlos Bee Boulevard, Hayward, California 94542-3022.

9.0 STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits of the project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable." (Cal. Code Regs., tit. 14, §15093, subd. (a).) CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Revised Final EIR or elsewhere in the administrative record. (*Id.* at subd. (b).)

In accordance with the requirements of CEQA and the CEQA Guidelines, the Board of Trustees finds that the mitigation measures identified in the Revised Final EIR and the Mitigation Monitoring and Reporting Program, when implemented, will avoid or substantially lessen virtually all of the significant effects identified in the Revised Final EIR for the Cal State Hayward Campus Master Plan. However, certain significant impacts of the project are unavoidable even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are:

- project-specific impacts to aesthetics;
- project-specific and cumulative impacts to air quality;
- project-specific impacts to cultural resources; and
- project-specific impacts to transportation and traffic.

(See **Section 2.0**, Findings On Significant Unavoidable Adverse Impacts Of The Project, *supra*.)

The Board of Trustees finds that all feasible mitigation measures identified in the Revised Final EIR that are within the purview of the University will be implemented with the project, and that the remaining significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits, including the increased access to higher education, provision of employment opportunities for highly trained workers, and affordable housing for faculty and staff, based upon the facts set forth above, the Revised Final EIR, and the record, as follows:

- The Cal State Hayward Campus Master Plan will enhance the campus learning environment within a walkable campus core by providing adequate sites for planned and future programs and to accommodate growth in campus enrollment up to the CPEC-approved Master Plan ceiling of 18,000 FTES.

- The Cal State Hayward Campus Master Plan guides the development to create supportive student neighborhoods that would help create a sense of community for both residents and commuting students, and increase on-campus housing to accommodate 5,000 students. In addition, identify locations on campus for faculty and staff housing to strengthen the sense of campus community.

- The Cal State Hayward Campus Master Plan plans for other design improvements, including improved campus entry and image to help orient visitors and make destination finding easier; special landmark building sites to create a memorable impression of the campus; and improved campus pedestrian promenades.

- The Cal State Hayward Campus Master Plan will implement comprehensive environmentally sustainable development and operations strategies, including land use and transportation, as well as resource consumption and waste generation.

- The CSUEB Hayward Campus Master Plan continues the planning and design criteria from the original campus master plan that aim at preserving views of the bay and the hills; creating a clear design vocabulary; and protecting the users from the elements.