California State University, East Bay Hayward
Harder Road Parking Structure

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 Numg[( )] TETBT1 0 0 1 g5 54ETBT1 0 0355.2 351006 Tm[( )] TET EMC

1.3 Summary of Project Description

The Harder Road Parking Structure Project would provide approximately 1,100 parking spaces on the campus, including 400 replacement parking spaces that would be needed in the future when existing surface parking lots are developed with campus buildings and 700 spaces to serve the growth in campus population and to serve on-campus housing through 2017. The structure would be located at the northwest corner of the Harder Road and West Loop Road intersection, and the entrance to the structure would be on the east side of the garage from West Loop Road. The parking structure would have a split-level design and would consist of three enclosed levels and the roof level in the eastern portion of the parking structure and five enclosed levels and the roof level in the western portion of the parking structure.

All of the objectives of the CSUEB Hayward Campus Master Plan would also apply to the Harder Road Parking Structure Project. The objectives of the CSUEB Hayward Master Plan are 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.

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.

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:

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.

the peak commute hours: drivers may shift to other modes of travel, they may shift their time of travel, or they may choose not to make the trip at all. These changes would reduce the volumes and projected poor service levels, although the extent of the reductions cannot be predicted.

Mitigation Measures

The Board of Trustees finds that there are no feasible measures available to mitigate impacts of the proposed Harder Road Structure to intersection operations at three study intersections to a level less than significant. However, the following measure is identified to partially reduce the impact at the intersections:

HPS Mitigation Measure TRANS-1a: The Campus shall implement MP Mitigation Measure TRANS-1.

1. The Campu198(T8385/P ss Enhanc 1 72 72A)1C 72 78(Tr19sS)T 72 601 0 0u 1 51179(e)72 60s-2(gh)-4h)7(nB)1AR72.98(htJ(0TJET EMC /P 98

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

and the identified impacts to traffic are thereby acceptable because of specific overriding considerations. (See Section 9.0, below)

3.0

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

MP MM CULT-3a:

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.

3.3 Hydrology and Water Quality

3.3.1 Potential Significant Impacts

Development of the proposed Harder Road Parking Structure Project would not substantially alter the existing drainage patterns in a way that would result in on-

been required in, or incorporated into, the project which mitigate or avoid potentially significant hydrology and water quality-related impacts of the project as identified in the Revised Final EIR.

3.4 Transportation and Traffic

3.4.1 Potential Significant Impacts

The construction and full utilization of the Harder Road Parking Structure project may result in the need for signalization or provision of traffic capacity improvements at Harder Road/West Loop Road. The addition of project traffic to the Harder Road/West Loop Road intersection to projected traffic flows would result in a projected LOS E for the all-way-stop-controlled intersection of Harder Road and West Loop Road (HPS Impact TRANS-2). A signal may be required at or before this point, depending on several factors, including how effective the campus TDM programs are at limiting trip growth and how much traffic accesses the structure from Carlos Bee vs. Harder Road. The intersection should be signalized when a full signal warrant study indicates that a signal is needed. The University should conduct periodic traffic counts and observations of the intersection and retain a registered traffic engineer to assess the need for and appropriate design of new traffic signals, when traffic volumes or apparent congestion indicate the need for improvements.

3.4.2 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 will be reduced to less than significant levels by implementation of the following mitigation measure.

HPS Mitigation Measure TRANS

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-

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.

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the less than significant geology and soils 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 geology and soils-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 in the environmental review:

Implementation of the proposed Harder Road Parking Structure Project would not have a substantial adverse effect on visual character of the area, including views from Harder Road.

Air Quality — The following impacts were found to be less than significant on a project-specific and cumulative basis in the environmental review:

The Harder Road Parking Structure Project would generate long-term operational emissions of criteria pollutants from increases in traffic that would not adversely affect air quality.

The Harder Road Parking Structure Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard.

Biological Resources — The following impacts were found to be less than significant on a project-specific and cumulative basis in the environmental review:

The construction of the proposed Harder Road Parking Structure Project would not have a substantial adverse effect on special status plant species.

The construction of the proposed Harder Road Parking Structure Project would not result in the loss of an active maternity roost of a special-status bat species.

be provided, those persons unable to find parking on the campus would be forced to park on neighboring streets.

The Smaller Parking Structure alternative would slightly reduce impacts to aesthetics and avoid the proposed project's significant traffic impact at three

Heights. Replacement surface parking lots would need to be constructed, and paved. This alternative would not achieve any of the objectives of the proposed project.

Therefore, the No Project alternative is not feasible because it does not meet any of the 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, below).

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 Final EIR 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.

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 Harder Road Parking Structure Project. 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 of the Harder Road Parking Structure project related 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 provision of employment opportunities for highly trained workers, increased access to higher education, and affordable housing for faculty and staff, based upon the facts set forth above, the Revised Final EIR, and the record, as follows:

Implementation of the Harder Road Parking Structure Project will:

Provide parking spaces to replace those that would be lost as a result of the development of new buildings on the campus;

Serve the projected demand for parking in the near term; and

Conserve the Campus's limited land resources by providing parking in structures.

The Harder Road Parking Structure will also meet the objectives for the CSUEB Hayward Campus Master Plan.

The CSUEB 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 (Full-Time Equivalent Students).

The CSUEB 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 CSUEB 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 CSUEB 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.