

**California State University, East Bay
Pioneer Heights Phase IV Student Housing Project**

CEQA Findings of Fact

(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:
**California State University, East Bay
Facilities Development & Operations
25800 Carlos Bee Boulevard
Hayward, California 94542 3022**

**CEQA FINDINGS OF FACT
REGARDING THE FINAL REVISED EIR FOR THE PIONEER HEIGHTS PHASE IV
STUDENT HOUSING PROJECT**

1.0 INTRODUCTION

1.1 Purpose

This statement of findings addresses the environmental effects associated with the proposed Pioneer Heights Phase IV Student Housing Project (the “project”) located on the campus of California State University,

Public Resources Code section 21081 and CEQA Guidelines section 15091 require that the lead agency, in this case the 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

or

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 potentially significant effects of the project that would be mitigated to a less than significant level with implementation of the identified mitigation measures. **Section 3.0** identifies the project's potential environmental effects that were determined not to be significant. **Section 4.0** discusses the feasibility of the project alternatives. **Section 5.0** addresses the absence of significant new information requiring recirculation of the EIR, and **Section 6.0** addresses the CEQA mandated Mitigation Monitoring and Reporting Program prepared for the project. **Section 7.0** identifies the custodian of the record of proceedings for the project.

1.3 Summary of Project Description

The proposed Pioneer Heights Phase IV Project would develop the fourth phase of the Pioneer Heights student housing neighborhood and would provide 600 beds in mostly double units within four structures. The buildings would be four to six stories high with elevations ranging from 45 to 65 feet. An open space area would be developed in the middle of the complex. For a detailed discussion of the project description and setting, please see Volume II of the Final Revised EIR (specifically, Volume II of the 2009 Draft EIR).

The environmental review under CEQA was conducted in conjunction with the review for the CSUEB Hayward Campus Master Plan. Findings regarding the environmental review of the CSUEB Hayward Campus Master Plan were previously adopted by the Board of Trustees and are readopted here.

1.4 Project Objectives

Section 15124 (b) of the CEQA Guidelines states that a clearly written statement of project objectives sought by the project proponent, including the underlying purpose of the project, shall be included in the project description of the EIR. Project objectives are intended to assist the lead agency develop a reasonable range of alternatives to evaluate in the EIR and to aid the decision makers in preparing findings.

The specific need for the Pioneer Heights Phase IV Project is to construct the next four buildings within the existing Pioneer Heights student housing neighborhood to provide additional on campus housing for students. Additionally, the specific objectives are to:

- House more students on campus while providing a safe environment, one that is supportive of the

- 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

it is concluded that the impact related to light and glare would be potentially significant (PH Phase IV Impact AES 2).

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.

PH Phase IV MM AES 2a: The University shall carefully design the buildings for Pioneer Heights Phase IV Project to make sure that light and glare along the project's eastern and northern façade is minimized. Landscaping for the eastern portion of the project site shall be selected to include fast growing tall trees and to ensure that it aesthetically screens

project site provide potential nesting habitat for special status raptors, including Cooper's hawk and white tailed kite. The suitability of the nesting habitat is enhanced by the presence of adjacent grassland foraging habitat. The project-related loss of potential nesting habitat would not be substantial given the abundance of oak trees and extent of woodlands in the surrounding open space area. 1

This survey

PH Phase IV MM BIO 3: The University shall implement **MP Mitigation Measure BIO 1d.**

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

- 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 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 in**div**ision

The Board of Trustees finds that, based on substantial evidence in the record, the potentially significant hydrology and water quality

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.

PH Phase IV MM NOI 2: The University shall implement **MP Mitigation Measure NOI 3a** through **3b**.

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. (Project Level)

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

- 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

Pioneer Heights Phase IV Project. However, the impact (PH Phase IV Impact TRANS 2) would be potentially significant.

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.

PH Phase IV MM TRANS 2: The

related to seismic ground shaking or seismic related ground failure, including liquefaction, lateral spreading, landslides, and/or settlement (PH Phase IV Impact GEO 1).

PH Phase IV Mitigation Measure GEO 1: No mitigation required other than MP Mitigation Measure GEO 1.

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 University 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 measure is feasible, is adopted, and will reduce the less than significant geology and soils 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 geology and soils related impact of the project as identified in the Revised Final EIR.

3.2 Impacts Less Than Significant without Mitigation

The Board of Trustees finds that, based upon substantial eviden5150TD.001Tc[(60TD(/TTs0009Tc(Less)Tj/TT56(e)2.3(d)]

sources that

degrade to an

By not developing Pioneer Heights Phase IV with 600 beds, this alternative would not achieve the campus target of 3,000 beds in the Pioneer Heights complex, and would make it difficult for the University to achieve its goal of providing 5,000 beds on campus at buildout of the proposed Master Plan. Development of a Reduced Student Housing alternative would not represent the most efficient use of the limited land area that the University has for development. Additionally, this alternative would not achieve the following objectives to the same extent as the project:

- Provide on campus housing for students
- Implement the Master Plan vision concept of student neighborhoods of housing more students on campus while providing a safe environment, and one that is supportive of the learning experience

The Reduced Project Alternative is not feasible because it would impede attainment of all project objectives.

Under the No Project Alternative, the proposed Pioneer Heights Phase IV Project would not be built. The No Project alternative would avoid impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services, traffic, and utilities and service systems. Compared to the proposed project, under the No Project Alternative about 600 students could require housing in the City of Hayward and other Bay Area communities. Traffic and traffic related air quality and noise impacts would worsen in conjunction with the housing impacts. 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 identified in **Section 1.5**.

5.0 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, §15087.4.) 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. ()

(e.) Here,