INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION

MODIFIED TRACT MAP, MTR-7337

ALAMEDA COUNTY PLANNING DEPARTMENT
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INTRODUCTION / SUMMARY

MITIGATED NEGATIVE DECLARATION

This Initial Study and Draft Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA) found in California Public Resources Code Section 21000 et seq., and the CEQA Guidelines found in California Code of Regulations Title 14, Chapter 3, Section 15000 et seq., as amended. A Mitigated Negative Declaration is prepared for a project when the Initial Study has identified potentially significant effects on the environment, but revisions are made by or agreed to by the applicant that would avoid or mitigate the effects to a less-than-significant level, and there is no substantial evidence in light of the whole record before the public agency that the project as revised may have a significant effect on the environment.

Project Application

The Alameda County Planning Department has received an application for the modification of Tentative Map, Tract 7337, which has been assigned the application number MTR–7337. The subject application, dated August 6, 2003, is for the modification of a previously approved tentative subdivision map located in the western portion of the unincorporated Fairview Area of Alameda County, California. Additional description is provided below.

Project Applicant

The project applicants are Mr. Vijay Agarwal and Mr. Hal Balthazar. Mr. Jitender Makkar of Edge Concepts Inc. is the contact person. His telephone number is 510/792-7220.

Lead Agency / Contact Person

The Lead Agency for this Mitigated Negative Declaration is the Alameda County Planning Department, which is responsible for reviewing the application, preparing the environmental analysis, and conducting the public review process. The County Planning Commission is the designated decision-making body, and will therefore determine whether to adopt the Mitigated Negative Declaration and approve the Project. The decision of the Planning Commission is appealable to the Board of Supervisors, whose decision is final.

Mr. Steven Buckley, Assistant Planning Director, is the contact person for the County Planning Department. The Planning Department is located at 224 West Winton Avenue, Room 111, Hayward, CA 94544. Mr. Buckley's direct telephone line is 510/670-6120.

Project Location

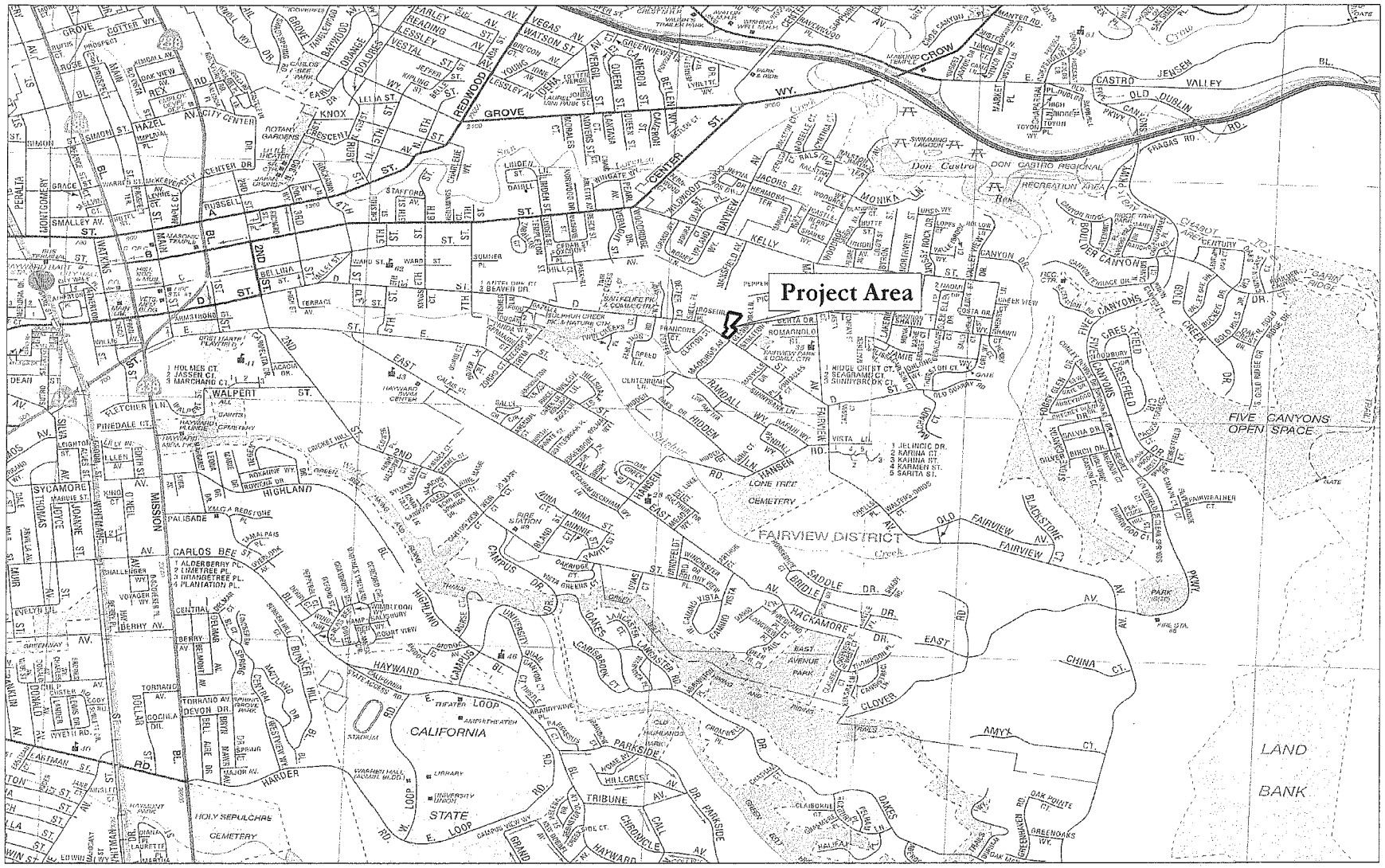
The Project site and its vicinity are shown in **Figure 1-1**. The site consists of two adjacent parcels (APN 0416-0200-019-02 and 022-01) located just east of the City of Hayward in the unincorporated Fairview area of Alameda County, at 2492 and 2512 "D" Street (north side), just west of the intersection with Madeiros Avenue.

General Plan Designation and Zoning

The Alameda County Board of Supervisors adopted the Fairview Area Specific Plan on September 4, 1997. The Plan provides detailed planning policy for the Fairview sub-area of the County and is consistent with the policies of the adopted General Plan. According to the Fairview Area Specific Plan, the Project Site is zoned as an R-1 District. The R-1 zoning calls for Single Family Residences with a 5,000-square-foot minimum building site area. Additionally, a density limitation of six units per gross developable acre applies to the Project Site.

PROJECT DESCRIPTION

The Applicant has submitted an amended tentative subdivision map for a previously approved subdivision of Tract 7337. The Applicant's previous Tentative Map for Tract 7337 was approved by Alameda County on October 23, 2001. The Applicant now proposes to amend this previously approved tentative map to address certain site constraints and more refined building plans. An amended tentative map requires the submission of a new subdivision application to Alameda County, which, in turn, requires a discretionary approval process by the County in consideration of that subdivision application. The "Project" as defined in this Draft Mitigated Negative Declaration is the amended Tentative Tract Map, MTR-7337, and the associated site development including demolition, clearing, grading, infrastructure improvements, paving, building, landscaping, and all other necessary actions to develop and sell the proposed homes. Additional information is provided in Chapter 2.



Source: Monk & Associates

FIGURE 1-1
PROJECT AREA VICINITY

OTHER PUBLIC AGENCY APPROVALS

The project may require review and/or approval from several other agencies, which would rely on this Mitigated Negative Declaration as the environmental review for the project. Responsible and Trustee Agencies are those with discretionary permitting authority or with jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State.

The agencies involved with this project may include:

- United States Dept. of the Interior, Fish and Wildlife Service
- California Department of Fish and Game
- California Native American Heritage Commission
- California EPA, Department of Toxic Substances Control
- State Water Resources Control Board
- Regional Water Quality Control Board
- Bay Area Air Quality Management District
- Oro Loma Sanitary District
- East Bay Municipal Utility District
- Pacific Gas & Electric
- Other County Agencies (Public Works, Fire Dept., Flood Control)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

Environmental factors that may be affected by a project, as defined by the California Environmental Quality Act (CEQA), are listed alphabetically below. Factors which are unmarked (□) have been determined to not be significantly affected by the Project, based on discussion provided in Chapter 3. Factors marked with a filled in block (■) have been determined to be potentially affected by the Project, involving at least one impact that has been identified as potentially significant, as indicated in the Environmental Checklist (Chapter 3) and related discussion that follows. The potentially significant impacts and associated mitigation measures are summarized below. There are no impacts that would remain significant after mitigation. However, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent, as enumerated in the mitigation measures.

■ Aesthetics	■ Hazards and Hazardous Materials	■ Public Services
□ Agriculture Resources	■ Hydrology and Water Quality	■ Recreation
■ Air Quality	□ Land Use and Planning	■ Transportation
■ Biological Resources	□ Mineral Resources	□ Utilities and Service Systems
■ Cultural Resources	■ Noise	■ Cumulative Impacts
■ Geology and Soils	□ Population and Housing	■ Effects on Human Beings

POTENTIALLY SIGNIFICANT IMPACTS AND REQUIRED MITIGATION MEASURES

The following is a summary of the potentially significant impacts of the Project and mitigation measures that would reduce the impacts to a less-than-significant level. These impacts and mitigation measures address Project-specific conditions at the 2492/2512 "D" Street Project site and cumulative conditions in the vicinity. Additional discussion is provided in Chapter 3.

Potential Impact 3-1: Night-time Light and Glare. The addition of 15 new homes on the Project Site would add several new sources of light to the area. Light from the homes and street lighting could adversely affect nighttime views of nearby neighbors within the area.

> **Mitigation Measure 3-1: Lighting Design Plan.** The Applicant shall design lighting to be sensitive to neighboring land uses and to minimize energy use, according to standard County lighting guidelines. The Alameda County Planning Department shall review the design plans to ensure compatibility of the Project with all applicable guidelines. The general lighting guidelines for County projects include the following items:

- Applicant shall design public area lighting so as to evenly illuminate areas of concern, but so as not to intrude upon private areas any more than necessary. Public areas not essential to security should be illuminated only when necessary for occupation by use of timers or motion detector circuits.
- Applicant shall use the lowest wattage lamps reasonable for illumination of the area of concern.
- Applicant shall install only full cutoff-shielded lights for illumination of public areas.
- Applicant shall design and place night time lighting and security lighting so that it is no higher than necessary to illuminate the area of concern for security or visual comfort.
- Applicant shall not position night lighting to illuminate areas beyond the site boundaries, nor shall the applicant position general lighting to radiate above the horizontal, but shall place lights or install shielded lights to illuminate only the area of concern.
- Residents shall extinguish any lights not required for onsite security.
- The Homeowners Association shall enforce these conditions through CC&Rs for the Project.
- Applicant shall submit a lighting plan for review and approval by the Planning Director prior to issuance of building permits.

Potential Impact 3-2: Generation of Particulate Matter During Construction. Demolition of one of the existing houses, site grading, and the construction of 15 new homes would have a short-term effect on regional air quality, primarily due to the generation of particulate matter (PM_{10}). PM_{10} is normally generated by the disturbance of soils through excavation and grading, construction vehicle travel on unpaved surfaces, and the tracking of soils onto paved roads. Heavy equipment exhaust and demolition activities also contribute to PM_{10} emissions.

Mitigation Measure 3-2A: Implement Site-Specific Dust Abatement Programs. The Project shall demonstrate compliance with all applicable County regulations and operating procedures prior to issuance of building or grading permits, including standard dust control measures consistent with the Bay Area Air Quality Management District CEQA Guidelines:

- During excavation, the construction area shall be watered using equipment and staff that are provided by the Project Applicant or prime contractor, as needed, to avoid visible dust plumes. Appropriate non-toxic dust palliative or suppressant, added to water before application, may be used.
- All trucks hauling soil, sand and other loose materials shall be covered or shall maintain at least two feet of freeboard.
- All unpaved access roads, parking areas and construction staging areas shall be either paved, watered as necessary to avoid visible dust plumes, or subject to the application of (non-toxic) soil stabilizers.

- All paved access roads, parking areas and staging areas at the construction site shall be swept daily with water sweepers as necessary to control visible dust plumes.
- If visible soil material is carried onto adjacent public streets, these streets shall be swept at least daily with water sweepers.
- All stockpiles of debris, soil, sand or other materials that can be blown by the wind shall either be covered or watered as necessary to avoid visible dust plumes.
- An off-pavement speed limit of 15 miles per hour for all construction vehicles shall be incorporated into the construction contract and enforced by the prime contractor.
- All inactive portions of the Project Site (those areas which have been previously graded, but inactive for a period of ten days or more) shall be watered with an appropriate dust suppressant, covered or seeded.
- All earth-moving or other dust-producing activities shall be suspended when the above dust control measures prove ineffective in avoiding visible dust plumes during periods of high winds. The wind speed at which this suspension of activity will be required may vary, depending on the moisture conditions at the Project Site, but suspension of such activities shall be required in any case when the wind speed exceeds 25 miles per hour.

Mitigation Measure 3-2B: Implement Site-Specific Diesel Reduction Programs. The Project Applicant shall adhere to the following diesel reduction efforts:

- Diesel powered equipment shall be maintained in good working condition, with manufacturer-recommended mufflers, filters, and other equipment.
- Diesel powered equipment shall not be left inactive and idling for more than ten minutes, and shall comply with applicable BAAQMD rules.
- Alternative fuels shall be used in heavy construction equipment to the extent feasible.
- Hours of operation of heavy-duty equipment and/or the amount of equipment in use shall be limited to weekdays, 7:00 a.m. to 7:00 p.m. unless authorized by the Public Works Agency for purposes of necessary activity.

Potential Impact 3-3: Exposure of Sensitive Receptors to Substantial Pollution Concentrations During Construction. Demolition of one of the existing houses and the construction 15 new homes would have a short-term effect on air quality, primarily due to the generation of particulate matter (PM_{10}). Excessive PM_{10} concentrations could affect nearby sensitive receptors.

Mitigation Measure 3-3A: Implement Site-Specific Dust Abatement Programs. (See MM 3-2A, above)

Mitigation Measure 3-3B: Implement Site-Specific Diesel Reduction Programs. (See MM 3-2B, above)

Potential Impact 3-4: Disturbance of Raptors. Removal of eucalyptus trees within the Project Area could disturb nesting raptors during their breeding season (February through August).

> **Mitigation Measure 3-4: Raptor Survey and Buffer Zones.** If tree removal activities occur between February and August, a qualified wildlife biologist shall conduct a survey to determine the presence or absence of nesting raptors. If occupied nests are observed, the tree removal activity shall not proceed until the biologist has confirmed that the nest is no longer in use and the young have fledged. In addition, tree removal or other activities shall be prohibited within a 500-foot buffer zone around the nest tree while the nest is in use.

Potential Impact 3-5: CNPS-Listed Plant Species. No CNPS-listed plant species were observed during the July 2, 2004 focused botanical survey. However, there is still a potential for CNPS-listed species to occur within the project area due to the fact that marginally suitable habitat is present. Species that retain the potential to occur on site include bent-flowered fiddleneck (*Amsinckia lunaris.* CNPS List 1B), round-leaved filaree (*Erodium macrophyllum,* CNPS List 1B), fragrant fritillary (*Fritillaria liliacea*, CNPS List 1B), and Mt. Diablo cottonweed (*Micropus amphibolus*, CNPS List 3). Loss of these species as a result of Project construction would be a ***potentially significant impact***..

> **Mitigation Measure 3-5: CNPS-Listed Plant Species.** The Applicant shall provide for two additional focused surveys of the Project Site by a qualified botanist to determine the presence or absence of CNPS-listed plant species during the blooming periods of the remaining potentially-occurring target species. These focused surveys should be conducted in early-spring (March) and mid-spring. If the plants are found, construction in that portion of the project area will be delayed until the plants reach the appropriate point in their growth, phenologically and physiologically, to be re-located. Either the plants would set seed that would be collected, or in the case of the species which is a bulb, the bulbs would be collected when the plants reach dormancy. Plants would be moved to a suitable location on-site or off-site for planting.

Potential Impact 3-6: Loss of Riparian Habitat and Wetlands. Construction of a new road through the middle of the Project Site would impact a total of approximately 0.03 acres of wetlands and 0.03 acres of intermittent drainage areas where the proposed new road would cross the existing drainages.

> **Mitigation Measure 3-6: Compliance with U.S. Army Corps of Engineers Guidelines for Wetland Mitigation.** The Applicant shall mitigate wetland impacts according to the U.S. Army Corps of Engineers guidelines, and shall obtain necessary certification or permits from the S.F. Bay Regional Water Quality Control Board. Mitigation

may include the enhancement of existing wetlands on-site, creation of wetlands off-site, or contribution to a wetland mitigation bank. Mitigation ratios are based on the quality of the impacted wetland and typically are at a 1:1 ratio or better to be determined in coordination with State and Federal agencies. In addition, any work within the drainages on the Project Site will be subject to requirements of a California Department of Fish and Game Section 1600 agreement. This agreement and other permits and mitigation agreements shall be completed prior to issuance of a grading permit from Alameda County.

Potential Impact 3-7: Tree Removal. The Project will remove 12 mature trees from the Project Site.

Mitigation Measure 3-7: Tree Replacement. The Applicant shall conform to the requirements of the Fairview Area Specific Plan to re-establish at least five, 15-gallon sized trees or one boxed, native specimen tree for every large tree removed. The species, location and method of installation shall be approved by the County Planning Director.

Potential Impact 3-8: Disturbance of Archaeological Resources. Although none are known to exist and sensitivity is low, archaeological, paleontological or prehistoric resources, as well as interred human remains could be discovered during the demolition, site preparation and construction of the Project.

Mitigation Measure 3-8: Cultural Resource Protection Procedures. The developer shall inform all personnel connected with the Project of the possibility of finding archaeological resources (e.g. human remains, artifacts, bone or shell). If during construction such resources are encountered, all work shall be halted within a 100-foot radius of the findings and a qualified archaeologist shall be retained to ascertain the nature of the discovery. Mitigation measures recommended by the archaeologist and approved by the Planning Director shall be implemented.

Additionally, if human remains are found within the Project Area, State law (Public Resources Code Section 15064.5 and the Health and Safety Code Section 7050.5) requires the following steps to be taken:

- There shall be no further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie human remains until the County Coroner is contacted;
- If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours;
- The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent;
- The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods.

Potential Impact 3-9: Seismically Induced Ground Shaking. Development of the Project would increase the number of structures and people potentially exposed to hazards associated with a major earthquake in the region.

Mitigation Measure 3-9: Conformance with Uniform Building Code. The Project shall be designed in accordance with all seismic provisions of the Uniform Building Code (UBC) (the most currently adopted revision), and with County of Alameda and State of California Standards for residential construction.

Potential Impact 3-10: Soil Erosion During Construction. The grading and construction associated with constructing the new access road and building 15 new homes are activities that could lead to substantial erosion of topsoil.

Mitigation Measure 3-10: Conformance With the County Grading Ordinance. The Project shall conform to all requirements and provisions of the Alameda County Grading Ordinance, Watercourse Protection Ordinance, and applicable State permit requirements.

Potential impact 3-11: Expansive Soils. The Project Site contains expansive soils. The expansion and contraction of expansive soils can cause damage to pavement sections, concrete slabs, and foundations.

Mitigation Measure 3-11A: Conformance with Geotechnical Report. The Project shall incorporate the recommendations of the Geotechnical Report into the design and construction of the Project.

Mitigation Measure 3-11B: Development Plan Review and Approval. The final development plan for the Project shall be reviewed and approved by the Alameda County Public Works Agency to ensure that the applicant has incorporated the recommendations of the Geotechnical Report into the design and construction of the Project.

Potential Impact 3-12: Presence of Asbestos and Lead-Based Paint. Demolition of the existing single family residence could present a health risk associated with possible asbestos-containing materials and lead based paint existing on and within the buildings.

Mitigation Measure 3-12: Protection Procedures. Lead and asbestos surveys shall be prepared by the Applicant and a Demolition Plan for safe demolition of existing structures at the Project site shall be prepared as necessary. All transportation of hazardous or contaminated materials from the site shall be performed in accordance with an approved Demolition Plan and Remedial Action Workplan. The Demolition Plan shall address both on-site worker protection and off-site resident protection from both chemical and physical

hazards. All contaminated building materials shall be disposed of at appropriate licensed landfill facilities. Prior to demolition, hazardous building materials such as peeling, chipping and friable lead-based paint and asbestos containing building materials shall be removed in accordance with all applicable guidelines, laws and ordinances. The Demolition Plan shall include a program of air monitoring for dust particulates and attached contaminants. Dust control and suspension of work during dry windy days shall be addressed in the Demolition Plan.

A licensed asbestos contractor must perform all asbestos related work if there is more than 100 square feet of asbestos involved. If less than 100 square feet is involved, the contractor is not legally required to have the asbestos licensing. However, the contractor must have proper training and utilize the same controls, protective equipment, exposure monitoring, etc. that are required of a licensed asbestos contractor. For this reason, it is recommended that licensed asbestos contractors perform any asbestos related work regardless of the quantity.

For flaking and peeling lead-based paint the requirements of Title 8, California Code of Regulations, Section 1532.1 (T8 CCR 1532.1) must be followed. These requirements include (but are not limited to) the following:

- Loose and peeling lead-containing paint should be removed prior to building demolition. Workers conducting removal of lead paint must receive training in accordance with T8 CCR 1532.1;
- The lead paint removal project should be designed by a DHS certified lead project designer, project monitor or supervisor;
- Workers conducting removal of lead paint must be certified by DHS in accordance with T8 CCR 1532.1;
- Workers that may be exposed above the Action Level must have blood lead levels tested prior to commencement of lead work and at least quarterly thereafter for the duration of the Project. Workers that are terminated from the Project should have their blood lead levels tested within 24 hours of termination;
- A written exposure assessment must be prepared in accordance with T8 CCR 1532.1; and
- Any amount of lead waste generated from painted building components must be characterized for proper disposal in accordance with Title 22, Section 66261.24.

Potential Impact 3-13: Wildland Fires. The Project is located near the wildland/urban interface where the potential for the exposure of people and structures to wildland fires is high.

Mitigation Measure 3-13: Conformance with the Uniform Fire Code. The Project shall be designed in accordance with all provisions of the Uniform Fire Code (UFC) (the most

currently adopted revision), and with County of Alameda, City of Hayward, and State of California Standards for fire safety.

Potential Impact 3-14: Construction Impacts to Water Quality. Demolition, grading and associated construction activities increase the amount of sediment in runoff water, and increase the amount of pollution in receiving waters, which would violate storm water quality regulations.

Mitigation Measure 3-14A: Storm Water Pollution Prevention Plan. The following measure shall be used prior to commencement of construction activities:

- The developer shall submit a Notice of Intent (NOI) to the State and prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), as required by the National Pollutant Discharge Elimination System General Permit.
- The SWPPP shall be consistent with the terms of the General Permit, the Manual of Standards for Erosion and Sedimentation Control Measures by the Association of Bay Area Governments (ABAG), policies and recommendations of the local urban runoff program (County of Alameda), and the Staff Recommendations of the RWQCB.
- The SWPPP shall incorporate specific measures to reduce and treat runoff from developed areas of the site by means of vegetative buffers, grassy swales, or other means, to be effective for the life of the Project, and shall incorporate Best Management Practices (BMPs) to control sediment and erosion, both during the building process and in the long-term.
- A copy of the SWPPP shall be made available at the Project site, but is not required to be submitted to the RWQCB.

Mitigation Measure 3-14B: Storm Water Quality Control Plan (SWQCP). Best Management Practices (BMPs) shall be utilized during construction to ensure that erosion, runoff, and the alteration of existing drainage patterns from grading activities and construction will be minimized. The applicant shall submit a SWQCP Plan to the County for review, which shall include details on the BMPs appropriate for this type of construction. Stormwater drainage connections and runoff controls shall be designed and constructed prior to beginning demolition in order to control any additional stormwater runoff created during construction activities. Connections and flow controls shall be established based on estimated natural or current runoff, if needed. The following practices have shown to be efficient, cost effective, and versatile for small construction site operators to implement. The practices are divided into two categories: non-structural and structural. This list is intended as an outline summary; additional requirements may be imposed by the Alameda County Clean Water Division.

Non-Structural BMPs

- Minimizing Disturbance
- Preserving Natural Vegetation (where possible)
- Good Housekeeping

Structural BMPs

- Erosion Controls
- Mulch
- Grass
- Stockpile Covers
- Sediment Controls
  - Silt Fence
  - Inlet Protection
  - Check Dams
  - Stabilized Construction Entrances
  - Sediment Traps

Potential Impact 3-15: Increased Impervious Surfaces. The Project would increase the amount of impervious surface area on the Project Area. The increase in impervious surface area would increase the amount of surface runoff and concentrate pollutants into the creek channel and storm drain system.

Mitigation Measure 3-15A: Post-Construction BMPs. The Project shall implement Tier 2 post-construction best management practices (BMPs) as defined in Table 2 of the *Regional Board Staff Recommendations for New and Redevelopment Controls for Stormwater Programs* section of Alameda County's *Stormwater Management Plan.* Under Tier 2 BMPs, drainage from all paved surfaces, including streets, parking lots, driveways and roofs should be routed through an appropriate treatment mechanism before being discharged into the storm drain system. The BMPs are designed to meet the maximum extant practicable definition of treatment specified in the Federal Clean Water Act. Specific post-construction BMPs to be implemented at the Project Site should include, but not be limited to the following:

1. Minimizing Directly Connected Impervious Area at Residential Lots. All rainfall from residential rooftops and in-lot impervious surfaces should be routed through lawn areas or other pervious surfaces within yards, where infiltration can filter pollutants through the soil before such runoff is "connected" to the storm drain system.

2. Biofilters for Street Runoff, where practical. Runoff from streets and "directly-connected" driveways should be routed through biofilters or vegetated swales prior to allowing the runoff to enter storm drain inlets, where such features can be incorporated into the Project design.

3. Manufactured Treatment Systems. Where there are no opportunities for infiltration systems to provide adequate filtering and treatment of directly connected impervious areas (primarily on-site roadways), manufactured treatment systems should be incorporated into the storm drain system prior to its outfall. Generally such systems may include catch basins or inlet inserts, separators, and media filters.

Mitigation Measure 3-15B: Post-Construction BMP Design Criteria. The Tier 2 post-construction BMPs shall be constructed to incorporate, at a minimum, the following hydraulic sizing design criteria to treat stormwater runoff:

1. Volume Hydraulic Design Basis: Treatment BMPs whose primary mode of action depends on volume capacity, such as detention/retention units or infiltration structures, shall be designed to treat stormwater runoff equal to:

- the maximized stormwater quality capture volume for the area, based on historical rainfall records, determined using the formula and volume coefficients set forth in *Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87*, (1998), pages 175-175 (e.g., approximately the 85th percentile 24-hour storm runoff event); or

- the volume of annual runoff required to achieve 80% or more capture, determined in accordance with the methodology set forth in Appendix D of the *California Stormwater Best Management Practices Handbook*, (1993), using local rainfall data.

2. Flow Hydraulic Design Basis: Treatment BMPs whose primary mode of action depends on flow capacity, such as swales, sand filters or wetlands shall be sized to treat:

- 10% of the 50-year peak flow rate; or

- the flow of runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or

- the flow of runoff resulting from a rain event equal to at least 0.2 inches per hour.

Potential Impact 3-16: Off-site Flooding. During a peak runoff event, the increase in impervious surface area could create a surge in the volume of runoff released into the storm drain system, which could overwhelm the capacity of downstream storm drainpipes, resulting in off-site flooding.

Mitigation Measure 3-16: Storm Drain Design. The Applicant shall design the storm drain system to slow and detain runoff so that storm water is released into the drainage system at a rate no greater than the existing, pre-Project peak flow rate.

Potential Impact 3-17: Construction Noise. Noise due to demolition, grading and other construction activities, as well as construction traffic along "D" Street would exceed County noise standards.

Mitigation Measure 3-17A: Construction Equipment. Mufflers shall be used on all heavy equipment during construction activities.

Mitigation Measure 3-17B: Construction Hours. The Project shall limit the operation of excessively noisy tools or equipment use in construction to the period between 7:00 a.m. and 7:00 p.m. on weekdays (except legal holidays) and between 8:00 a.m. and 5:00 p.m. on weekends. Additionally, the Project developer shall provide adequate muffling and proper maintenance of all construction equipment in use at the Project site. Signs shall be posted to notify the adjacent residents of the period of construction with a name and phone number to call for excessive noise complaints, including the contractor, developer, and County agencies.

Potential Impact 3-18: Cumulative Park Demand. An increase of approximately 42 additional park patrons would contribute to the cumulative demand for more park and recreation facilities.

Mitigation Measure 3-18: Alameda County Park Dedication Ordinance Fee. The Applicant shall pay the required park fee in order to ensure that the Project bears the cost of the individual incremental share of improvements to accommodate the cumulative demand for park and recreation facilities resulting from the increase in population.

Potential Impact 3-19: Construction Traffic. During construction of the Project, large construction vehicles could impact operations at intersections and roadways near the Project Area.

Mitigation Measure 3-19A: Routing Plan. The Applicant shall develop and submit a precise route of access to the property for construction vehicles for the term of construction. Alternative routes that minimize traffic past local residences and passive recreation area should be used if available.

Mitigation Measure 3-19B: Conformance with County Construction Traffic Policy. The Applicant shall comply with all County requirements with regard to construction traffic, such as warning signage and flag-person controls, as well as pilot cars / escorts for oversize loads.

Potential Impact 3-20: Design Hazard. The proposed Project driveway is located immediately adjacent to an existing tree which could partially obstruct the easterly view for drivers exiting the Project Site, particularly views of vehicles traveling westbound on "D" Street.

Mitigation Measure 3-20: Remove the Visual Obstruction (Tree). The tree currently located just east of the proposed driveway should be removed if it is found to obstruct the easterly view of drivers exiting the Project Site.

APPLICANT'S AGREEMENT

Project Sponsor, acting on behalf of all present and future property owners and Permittees, understands the mitigation measures set forth above and agrees to be bound by them if they are adopted as a result of project approval, and agrees to provide monitoring reports to the Planning Director and Director of Public Works at appropriate stages in the development process demonstrating continuous compliance with these requirements.

Agarwal

Project Sponsor's Signature

8/20/04

Date

Vijay Agarwal (Owner)

Project Sponsor's Printed Name and Title

LEAD AGENCY'S DETERMINATION

On the basis of the evaluation in this Initial Study / Draft Mitigated Negative Declaration:

I find that the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

✓ I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Steven Buckley, Assistant Planning Director

8/20/04
Date

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PROJECT DESCRIPTION

VICINITY

The Project Site is located in the unincorporated Fairview area of Alameda County. The Fairview area is located just east of the City of Hayward and on the west-facing slopes of the Hayward Hills, within the urbanized East Bay area of the San Francisco Bay Area. The Project Area is located approximately 15 miles southeast of downtown Oakland and 30 miles north of downtown San Jose. U.S. Interstates I-580, I-238 and I-880, and State Highway 92 provide regional access to the Project Area. The Project's regional context is illustrated in **Figure 2-1**.

The landscape of the Fairview area encompasses the transitional foothills between the flatlands of the City of Hayward and the rising Hayward hills to the east. Most of the area consists of gently rolling hills. Conditions in this area are similar to other portions of the Bay Region along the coast and closest to the Bay where marine-influenced climactic conditions make for relatively verdant landscapes. The Project vicinity is developed at typical suburban densities as a result of large parcel subdivision in the early 20th century, followed by tract development in the post-WWII period and continuing to the present. Surrounding land uses consist primarily of single-family residential uses.

PROJECT SITE

The subject property consists of two parcels totaling 3.66-acres (Assessors Parcel Numbers 0416-0200-019-02 and 0416-0200-022-01). The site is largely vacant except for two existing single-family residences on the site. One fronts "D" Street and the other is located approximately in the middle of the property. A temporary dirt access road runs from "D" Street to the residence in the middle of the property. The topography is generally characterized by rounded hills and smooth contours, with areas of steep slopes with grades ranging from 14% to 40% and elevations ranging from 280 feet to 340 feet. For the most part, vegetation on the site consists of non-native grasses. A grove of mature eucalyptus trees inhabits the southwest portion of the site.

Two drainage swales traverse the site in an east-west direction. One is located approximately 220 feet north of "D" Street and the other is located 450 feet north of "D" Street. Drainage #1, 220 feet north of "D" Street, flows onto the site from the east out of an existing storm drain system in the adjacent Glenbrook neighborhood. It then traverses the site to the west where it flows off-site and then eventually re-enters the public storm drain system. The existing temporary road that runs north to south crosses Drainage #1 on the Project Site. East of the temporary road the drainage is characterized as a grassy swale that flows into a culvert beneath the temporary road. West of the temporary road the swale takes on the configuration of a channel with dense trees along the slopes providing nearly complete canopy cover, and a channel that is about 1 foot wide, on average.

The second drainage feature, Drainage #2, located 405 feet north of "D" Street, is a swale. It also flows east-to-west and enters the site from a storm drain culvert located on the eastern boundary in the landscaped common area of the adjacent Glenbrook subdivision. The swale is densely vegetated with non-native vegetation and with emergent vegetation typical of seasonal and perennial wetlands. Flows from this drainage merge with the other drainage on the parcel to the west, and re-enter a storm drain system approximately 300 feet after leaving the Project Site.

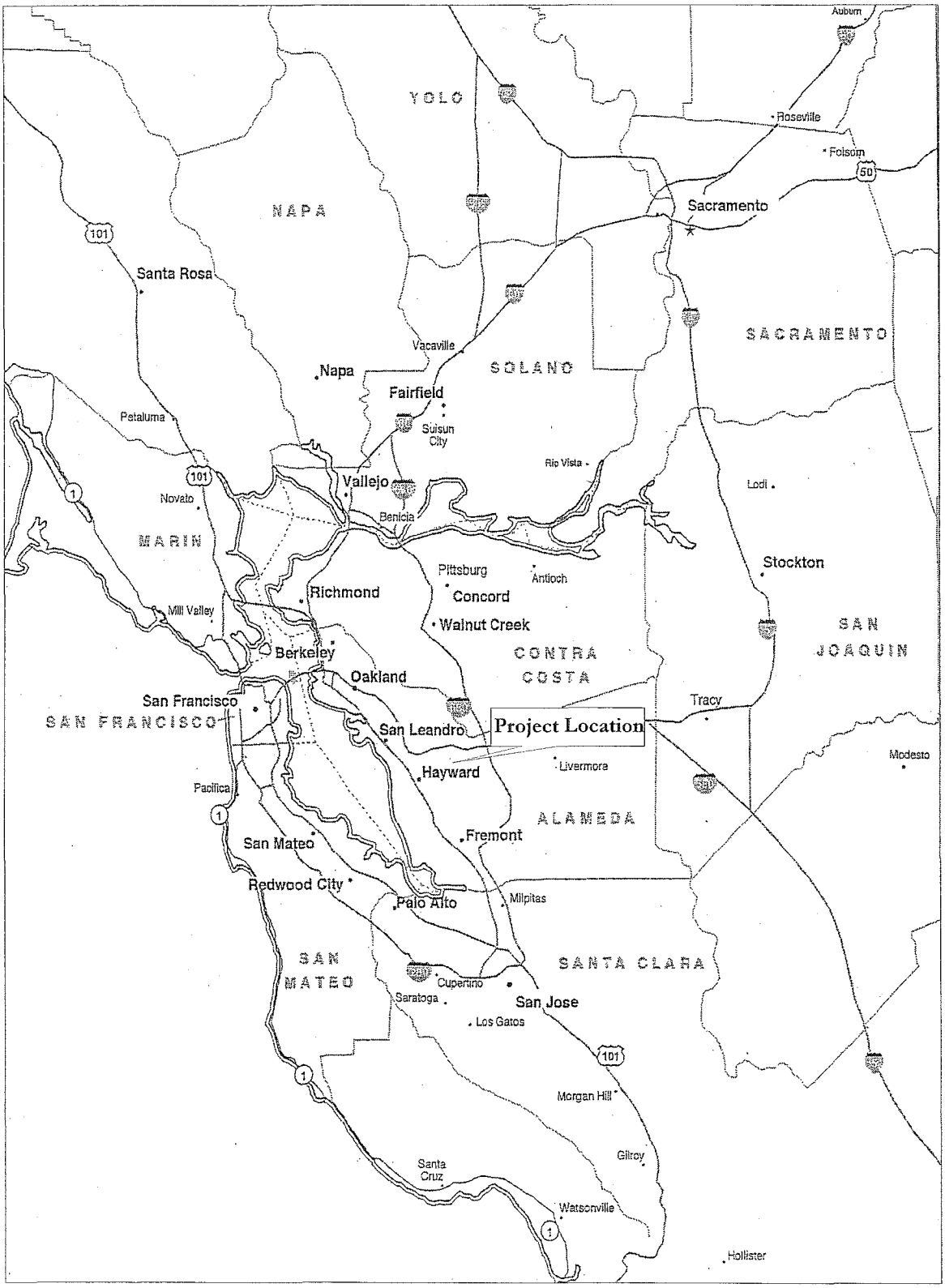
Access to the Project Area is provided by "D" Street, with the southern boundary of the Project Site fronting the street. "D" Street serves as one of the primary access routes to the Fairview area, especially from downtown Hayward. **Figures 2-2** through **2-8** show the existing conditions on the Project Site and immediately neighboring properties.

Existing Planning Designations

The Fairview Area Specific Plan provides detailed planning policy for the Fairview area consistent with the policies of the adopted County General Plan. The Fairview Area Specific Plan provides the zoning designations for all parcels within the Plan's boundaries and development policies for existing and subdivided properties. The Fairview Area Specific Plan zones the Project Site "R-1". The Alameda County General Ordinance Code defines the intent of the R-1 district as, "Single-family residence districts... established to provide for and protect established neighborhoods of one-family dwellings, and to provide space in suitable locations for additional development of this kind... ."[1] All policies contained in the Fairview Area Specific Plan are intended to preserve existing residential areas, protect and preserve important environmental resources and significant natural features of the Fairview area, and to promote development that is sensitive to the variations in topography and rural residential character of the area.[2]

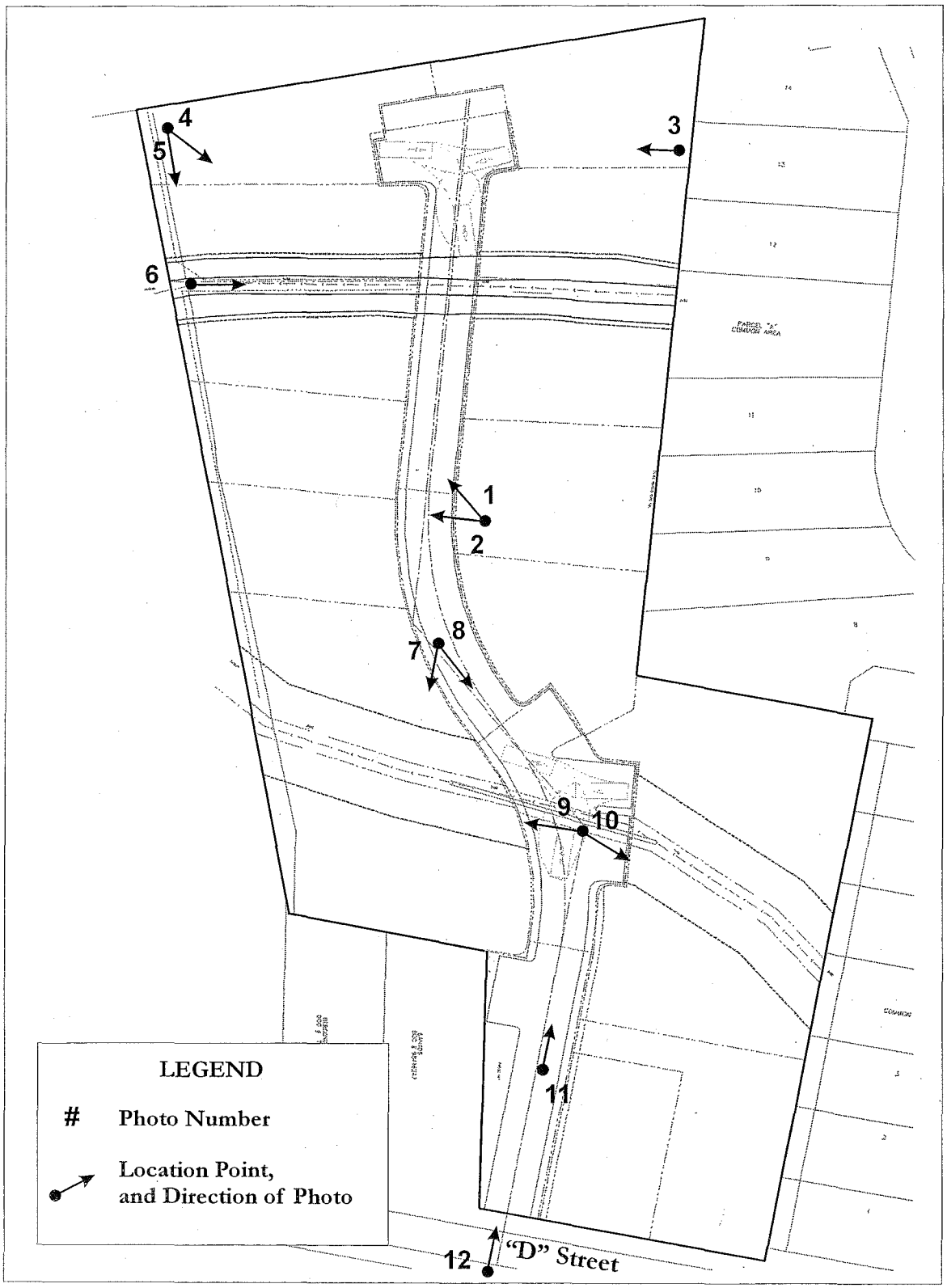
[1] Alameda County, *General Ordinance Code* , Section 17.08.010.

[2] Alameda County, *Fairview Area Specific Plan*, Approved by the Alameda County Board of Supervisors on September 4, 1997, page 1.



Source: Lamphier-Gregory

FIGURE 2-1
REGIONAL CONTEXT



Source: Lamphier-Gregory

FIGURE 2-2
CONTEXT PHOTO VIEWPOINT LOCATIONS

Context Photo: Viewpoint 1

Context Photo: Viewpoint 2

Source: Lamphier-Gregory

FIGURE 2-3
CONTEXT PHOTOS, VIEWPOINTS 1 AND 2

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Context Photo: Viewpoint 3

Context Photo: Viewpoint 4

Source: Lamphier-Gregory

FIGURE 2-4
CONTEXT PHOTOS, VIEWPOINTS 3 AND 4

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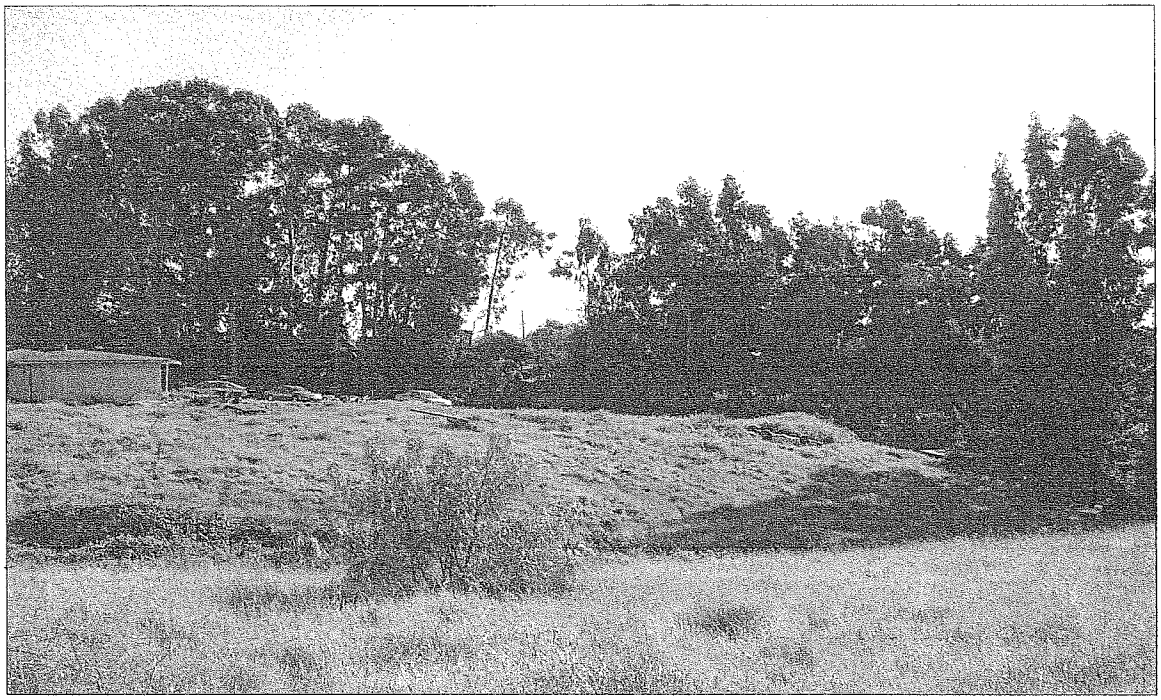

Context Photo: Viewpoint 5

Context Photo: Viewpoint 6

Source: Lamphier-Gregory

FIGURE 2-5
CONTEXT PHOTOS, VIEWPOINTS 5 AND 6

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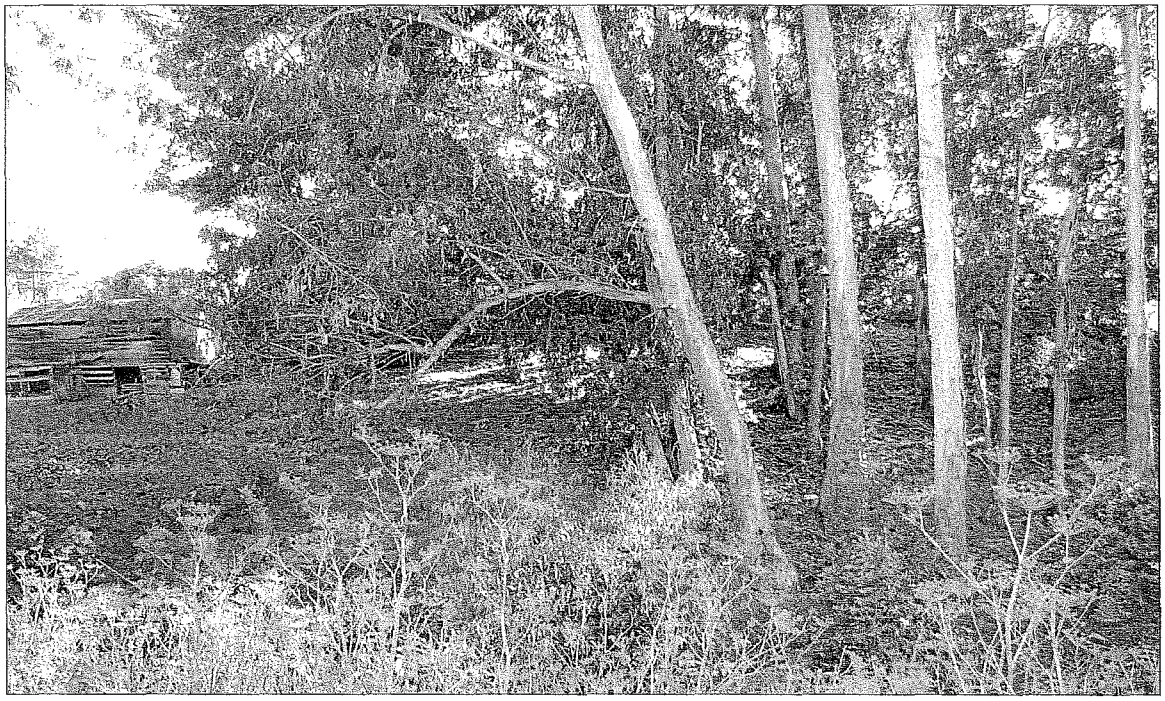
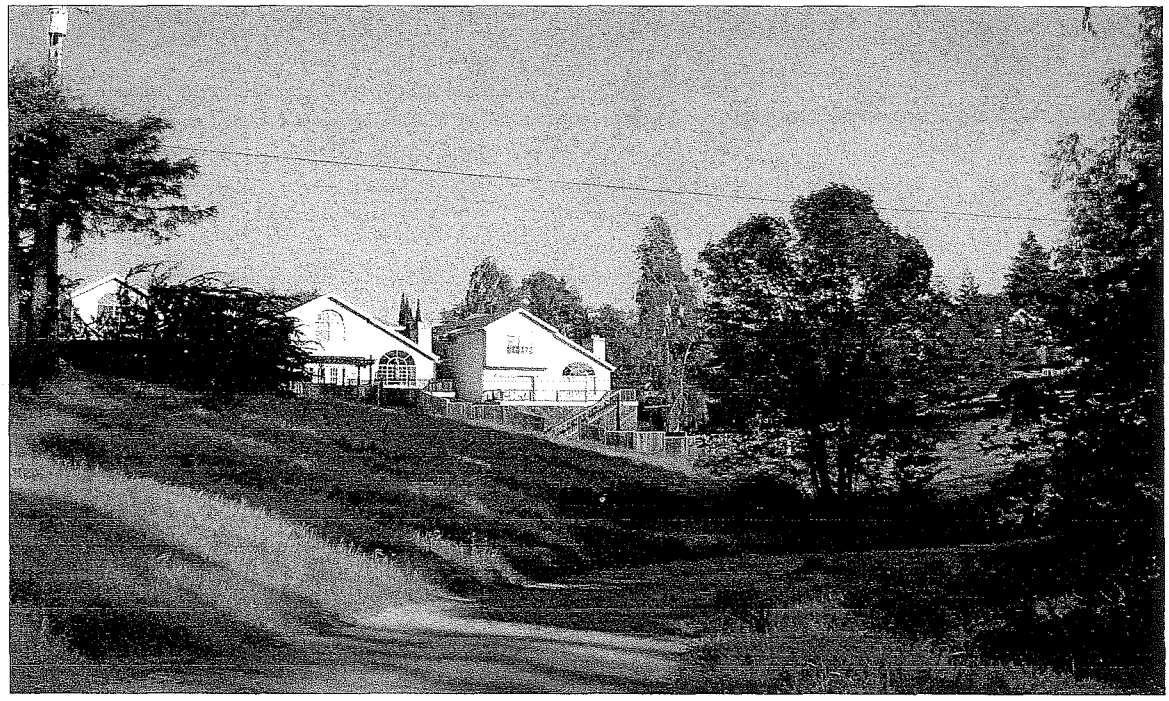


Context Photo: Viewpoint 7



Context Photo: Viewpoint 8

Source: Lamphier-Gregory

FIGURE 2-6
CONTEXT PHOTOS, VIEWPOINTS 7 AND 8

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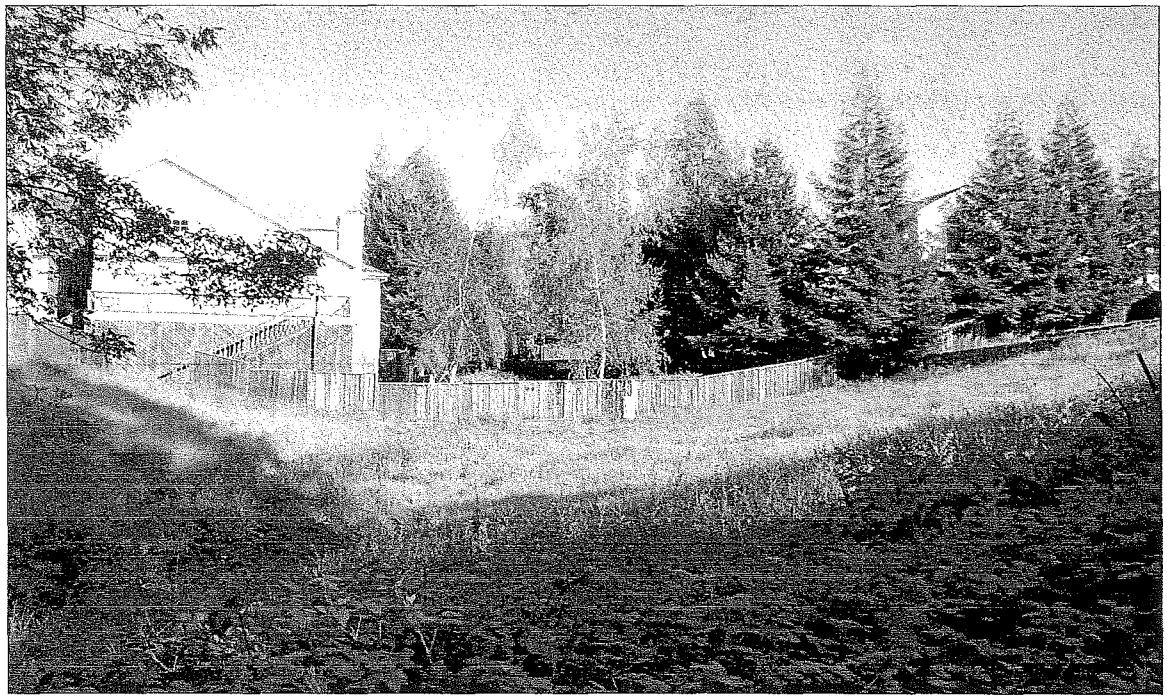
Context Photo: Viewpoint 9



Context Photo: Viewpoint 10

Source: Lamphier-Gregory

FIGURE 2-7
CONTEXT PHOTOS, VIEWPOINTS 9 AND 10

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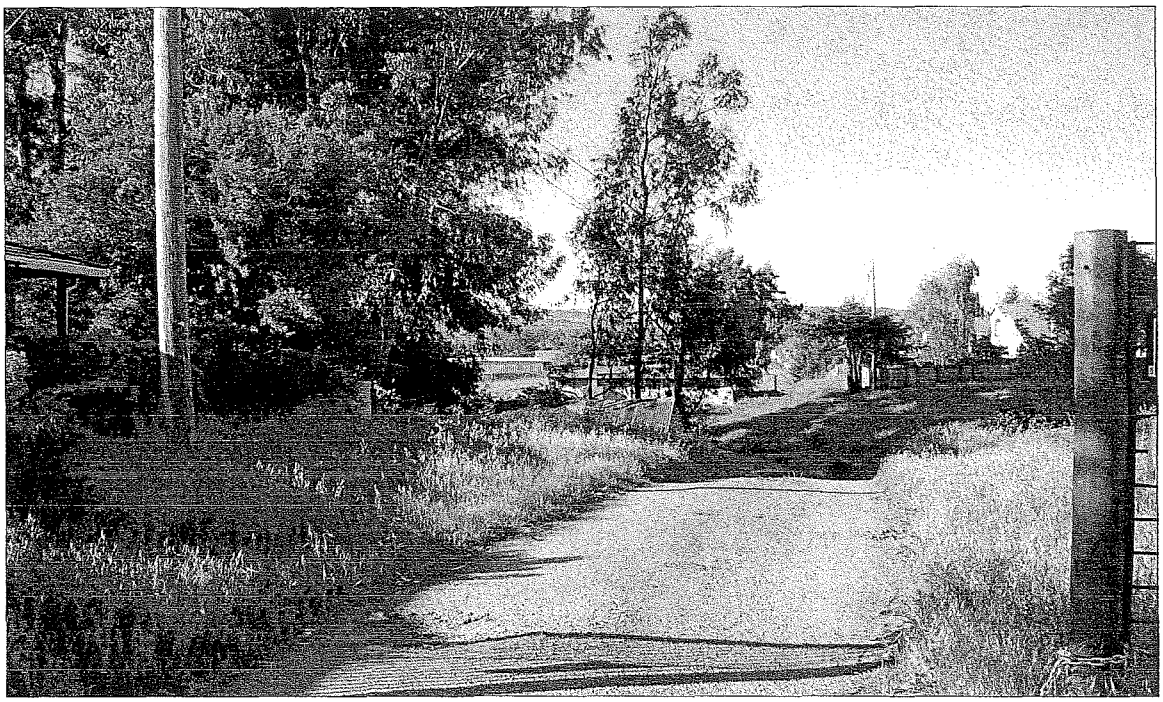
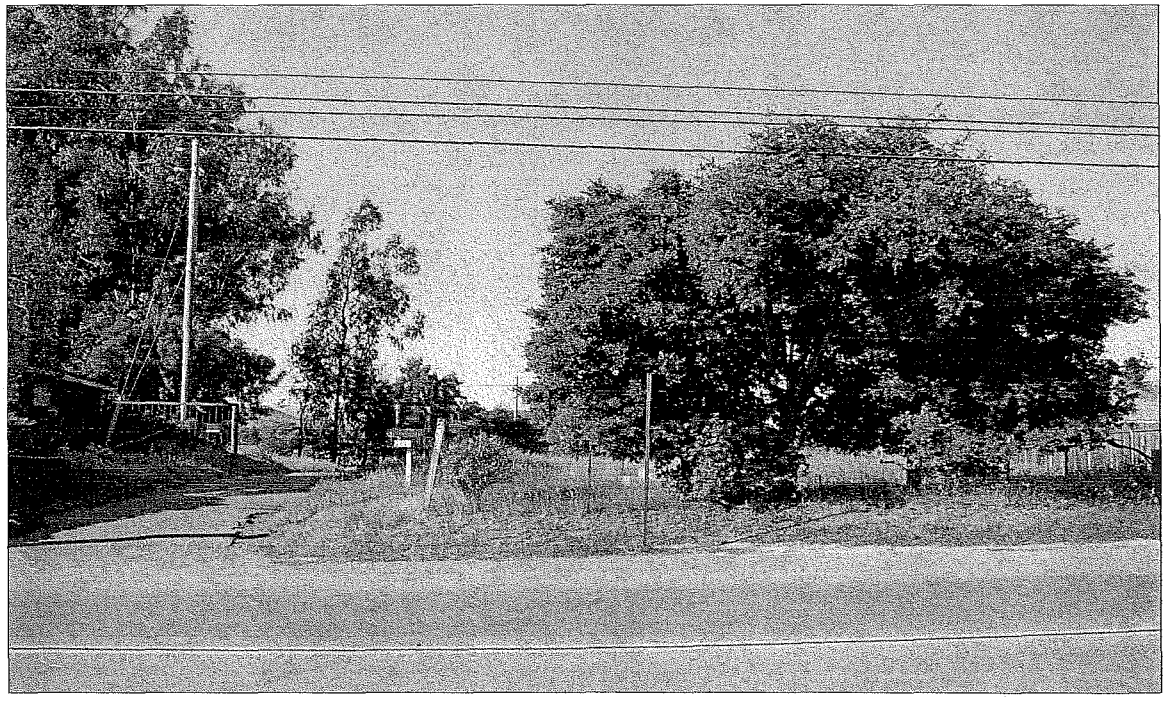


Context Photo: Viewpoint 11



Context Photo: Viewpoint 12

Source: Lamphier-Gregory

FIGURE 2-8
CONTEXT PHOTOS, VIEWPOINTS 11 AND

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THE PROJECT

The Applicant has submitted an amended tentative subdivision map for a previously approved subdivision of Tract 7337. The Applicant's previous Tentative Map for Tract 7337 was approved by Alameda County on October 23, 2001. The Applicant now proposes to amend this previously approved tentative map to address certain site constraints and more refined building plans. An amended tentative map requires the submission of a new subdivision application to Alameda County, which, in turn, requires a discretionary approval process by the County in consideration of that subdivision application. Such discretionary actions are subject to review under the California Environmental Quality Act. The "Project" as defined in this Draft Mitigated Negative Declaration is the amended Tentative Tract Map, MTR-7337, and the associated site development including demolition, clearing, grading, infrastructure improvements, paving, building, landscaping, and all other necessary actions to develop and sell the proposed homes.

Project Objective

Consistent with CEQA, a clear statement of the underlying purposes for the project shall be discussed. The Applicant's desired project objectives are:

- To gain approval of the proposed Modified Tentative Tract Map to subdivide the Project Site into 16 single-family residential lots, including related roads and infrastructure.

- To develop those subdivided lots into a residential subdivision based upon the plans contained in the proposed Tentative Tract Map.

Physical Project Characteristics

The Project would subdivide two parcels totaling 3.66-acres (APN 0416-0200-019-02 & 022-01) into a total of 16 lots, as shown in **Figure 2-9**. Lot sizes would range from 5,400 square feet to 11,900 square feet. Each new lot, with the exception of Lot 16 where one of the existing single-family homes would remain intact, would be developed with a custom-built single family home. The new homes would be constructed on stepped building pads so that the existing topography on each lot would generally be preserved.

A new private street measuring 29 feet wide, including a 4-foot wide sidewalk on one side, and approximately 600 feet long would be constructed to provide access to the new development from "D" Street. All homes will front this private street, with the exception of Lot 16, which will be a flag lot behind Lot 1. None of the proposed new homes would have direct access to "D" Street; all new homes would access this private street. Eighteen on-site parking spaces would be provided along the private street. The street would not be a through street; instead it would "hammerhead" at the end. A turnaround space also would be incorporated approximately 250 feet from "D" Street. Both

the hammerhead and the middle turnaround would provide sufficient room for emergency vehicles to perform a three-point turn.

The Project would preserve the majority of both drainage areas. Currently, Drainage #1, the southernmost drainage, is routed through a culvert where the existing temporary road crosses overhead. The Project would expand this culvert by approximately 100 feet, to accommodate the proposed private street as well as the middle turnaround area. The Project would provide a 20-foot setback from the 100-year flood hazard line on the remaining non-culverted area of Drainage #1. No structures would be built within these setback limits. The setback would establish a riparian area approximately 50 feet across that would remain undisturbed by the Project.

Drainage #2 would also largely be preserved. The Project would place part of this drainage where it crosses under the proposed private street into a culvert. This culvert would be approximately 70 feet long. A setback of between 13 feet and 16 feet from the center of the drainage channel would be enforced along the remaining non-culvert section of the drainage area. The placement of the setback line would be determined by the extent of the delineated wetland area, and would be placed just outside of the wetland. No structures would be built within this setback. The setback would establish an undisturbed wetland and riparian area around Drainage #2 of between 26 feet and 32 feet wide.

Proposed Construction

The Project would create 16 single-family lots, including 15 new single-family residences, a private access road and required infrastructure. Implementation of the Project would include the demolition of the existing single-family home located near the middle of the site. The other home, located adjacent to "D" Street would remain as is with the addition of a detached garage and access driveway from the proposed private road, on a lot reconfigured as a result of the subdivision. Construction of the other proposed homes would involve individual lot grading for the proposed house, driveways, and useful yard areas. The applicant is specifically utilizing this technique to avoid mass grading the entire Project Site. Construction of the private street would utilize standard grading techniques and would require two areas of substantial fill approximately 10 feet in depth, and up to 120 feet in width where the proposed road would cross the two on-site drainage areas.

The proposed fifteen new homes would be custom-designed to fit the unique topography of each lot. Each home would be between approximately 1,800 square feet and 3,800 square feet plus an attached garage, built upon a stepped building pad to preserve the natural slope of the site. All of the proposed homes would be two stories tall, and would conform to the County zoning height limit. Yards of varying sizes would be incorporated in the final design according to the individual aspects of each lot. Utilities for the Project would be accessed from "D" Street and run through the Project Site underground via the private street. Storm drainage for the Project would be directed into the natural drainage swales present on the site. Construction would take place in 3 to 4 phases, with grading first, then 2 to 3 phases of home construction, and is estimated to take approximately 24 months.

Source: Monk & Associates

FIGURE 2-9
THE PROJECT

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3

ENVIRONMENTAL CHECKLIST

This Environmental Checklist provides the technical analysis and discussion of environmental impacts and mitigation measures in support of the County of Alameda's determination regarding the appropriateness of a Negative Declaration as the environmental review process for the Project. The mitigation measures identified in this chapter would be included in the Project as part of design, construction and operations, would be made conditions of approval for the Project, and would be subject to the monitoring and reporting requirements of the California Environmental Quality Act (CEQA) and the terms of the County's Land Use permit.

ENVIRONMENTAL CHECKLIST

The following checklist is consistent with CEQA Guidelines, Appendix G. A "***no impact***" response indicates that the Project would not result in an environmental impact in a particular area of interest, either because the resource is not present, or the Project does not have the potential to cause an effect on the resource. A "***less-than-significant***" response indicates that, while there may be potential for an environmental impact, the significance of the impact would not exceed established thresholds and/or that there are standard procedures or regulations in place that would apply to the Project and hence no mitigation is required. Responses that indicate that the impact of the Project would be "***less-than-significant with mitigation***" mean that, although there is the potential for a significant impact, feasible mitigation measures are available and have been agreed to by the Project Applicant to reduce the impact to a level of "***less-than-significant.***" No "***potentially significant impact***" responses are identified, indicating that the Project would not exceed established thresholds and that therefore no impact that could not be avoided by utilizing standard operating procedures and regulations, program requirements, or design features as identified in this checklist as being incorporated into the Project.

Information sources for the analysis presented in this chapter are listed in **Chapter 4, References.**

I. AESTHETICS

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the Project:					
a)	Have a substantial adverse effect on a scenic vista?	[ ]	[ ]	[✓]	[ ]
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state [or local] scenic highway?	[ ]	[ ]	[ ]	[✓]
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	[ ]	[ ]	[✓]	[ ]
d)	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	[ ]	[✓]	[ ]	[ ]

Setting

The Project is located in the Fairview area of Alameda County. The Fairview area is located just east of the City of Hayward and on the west-facing slopes of the Hayward Hills. The landscape of the Fairview encompasses the transitional foothills between the flatlands of the City of Hayward and the rising Hayward hills to the east. Most of the area consists of gently rolling hills. Conditions in this area are similar to other portions of the Bay Region along the coast and closest to the Bay where marine-influenced climactic conditions make for relatively verdant landscapes.

The Project Area landscape is generally characterized by rounded hills and smooth contours, with portions of steep slopes with grades ranging from 14% to 40%. For the most part, vegetation on the site consists of non-native grasses. There is a group of eucalyptus trees on the southwest portion of the site, as well as riparian growth in the two drainage swales that cross the site. Two single-family homes currently exist on the site, the home in the middle of the site would be demolished while the home facing "D" Street would remain. Additionally, a paved access road leads to the middle house. **Figures 2-2 through 2-8** show the current aesthetic, visual setting for the Project Site.

A) Scenic Vistas

Significance Criteria: For the purpose of assessing impacts of a proposed Project on scenic vistas, the threshold of significance is exceeded when a Project would result in the obstruction of a designated public vista, or in the placement of an arguably offensive or negative-appearing project within such a vista.

The only public view of the Project Area is from "D" Street, as shown in **Figure 2-8**. As shown in the picture, the majority of the Project Area is hidden from public view. The Project, when built, would be further hidden by the construction of a new house on the lot fronting "D" Street. The

public view of the Project Area from "D" Street is not designated a public vista, nor does it meet the requirements for such a designation. Therefore, the Project's impact on scenic vistas would be ***less-than-significant.***

The Project would impact private views from those homes in the Glenbrook subdivision which abut Lots 9, 10 and 11 of the Project. Many of the homes in the Gelnbrook subdivision were built with variances to the Fairview guidelines regarding height regulations and are built on 10 feet to 14 feet high stilts. Each of these homes has a first floor balcony and second story window that overlooks the Project Site. Sight lines from these balconies and windows extend over the currently vacant Project Site, through a grove of existing trees and continue down to the Bay. **Figures 3-1 through 3-3** give an approximation of the current private views from these homes. Upon completion of the Project, it is unlikely that residents of these homes would continue to be able to see the Bay from their balconies. Additionally, most of the sight lines for viewing the surrounding landscape would also be obstructed by the Project. However, the homes of the proposed Project would not be so large as to block out the sky or adjacent treetops. The existing homes would still receive the same amount of light as they do currently. Also, views from the second story windows would not be as impacted as the views from the first floor balconies.

Under CEQA guidelines the obstruction of individual private view does not rise to the level of a significant effect on the environment unless the Project is inconsistent with adopted rules, regulations or policies specifically adopted by the County to mitigate such effects. In the case of this Project, the proposed houses meet the standards of the Fairview area Specific Plan design guidelines intended to address this issue, including:

- Custom-built homes with stepped building pads, which avoid tall downhill facades to reduce visual bulk while retaining the natural slopes of the Project Site;
- Compliance with average height rules, which ensure that structures built on slopes remain within the Fairview Area Specific Plan height limits;
- Preservation of natural grades, which ensure that the natural, hilly topography of the site are preserved; and
- Riparian area preservation, which ensures that the natural drainage areas and associated wildlife are preserved.

All of the above design steps taken by the applicant have reduced the aesthetic impact on the neighbors views in a manner consistent with County policy and regulations.

B) Scenic Resources and Scenic Routes

Significance Criteria: For the purposes of assessing impacts of the Project on scenic resources, the threshold of significance is exceeded by any Project-related action that would substantially damage scenic resources (i.e., trees, rock outcroppings, and historic buildings within a state [or local] scenic highway).

The Project Area cannot be seen from, nor is it located within, any designated scenic highway and therefore would have ***no impact*** on any scenic resources and routes.

C) Visual Character

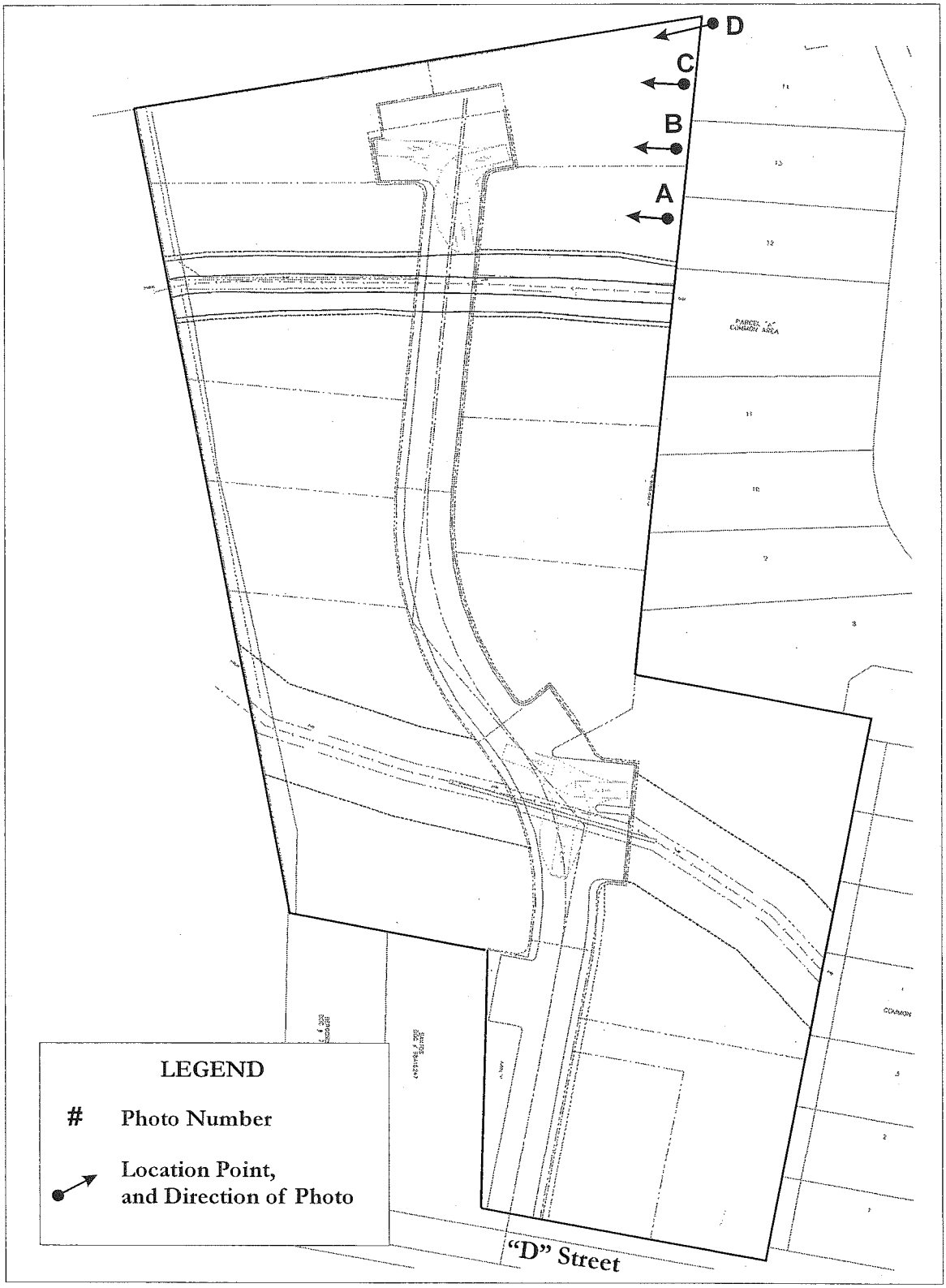
Significance Criteria: The Project would have a significant environmental impact if it were to substantially degrade the existing visual character or quality of the site and its surroundings.

The visual character of the Project Site consists of a largely vacant 3.66-acre lot. There are two existing single-family residences on the site. One fronts "D" Street and the other is located approximately in the middle of the property. An access road runs from "D" Street to the residence not fronting the street. The topography of the site consists of low, rolling hills, slopes of 18% to 40% and elevations ranging from 280 feet to 340 feet. Two intermittent drainage swales traverse the site in an east west direction. One is located approximately 220 feet north of "D" Street and the other is located 450 feet north of "D" Street. For the most part, vegetation on the site consists of grasses. There is a group of eucalyptus trees on the southwest portion of the site, as well as riparian growth in the two drainage swales that cross the site.

The Project would build homes on the site. These homes would be built on stepped pads specifically designed to retain the natural grades of the site. The riparian corridors would be preserved, with the exception where the access roads cross them. Construction of the residence on Lot 2 would require removal of approximately 9 eucalyptus trees of that grove, with approximately 12 of those trees to be preserved. Although the Project would change the visual characteristics of the site, it is located in a residential area with several subdivisions and many other private homes in the immediate vicinity. To ensure conformity with the surrounding neighborhood, the Fairview Area Specific Plan contains the following policy regarding "prevailing lot size" compliance for residential projects:

Policy III.B.1 ...New single family parcels must be consistent with the existing land use pattern of the surrounding neighborhood. Even though subdivision proposal may meet the minimum requirements for lot size or median lot width, they may not create lots substantially smaller or narrower than the prevailing lots in the neighborhood...

According to the Fairview Area Specific Plan, the required minimum lot size is 5,000 square feet. The Project would create lots that range in size from 5,400 square feet to 11,900 square feet with a median lot size of approximately 7,550 square feet. Lots of this size would be within the "prevailing lot size" of the surrounding neighborhood as compared to the homes on Glenbrook Lane and Stratton Court. The Project's conformance with Policy III.B.1 policy ensures that the Project would be in accord with the surrounding visual character of this section of the Fairview area.



Source: Lamphier-Gregory

FIGURE 3-1
APPROXIMATED VIEW PHOTO LOCATIONS

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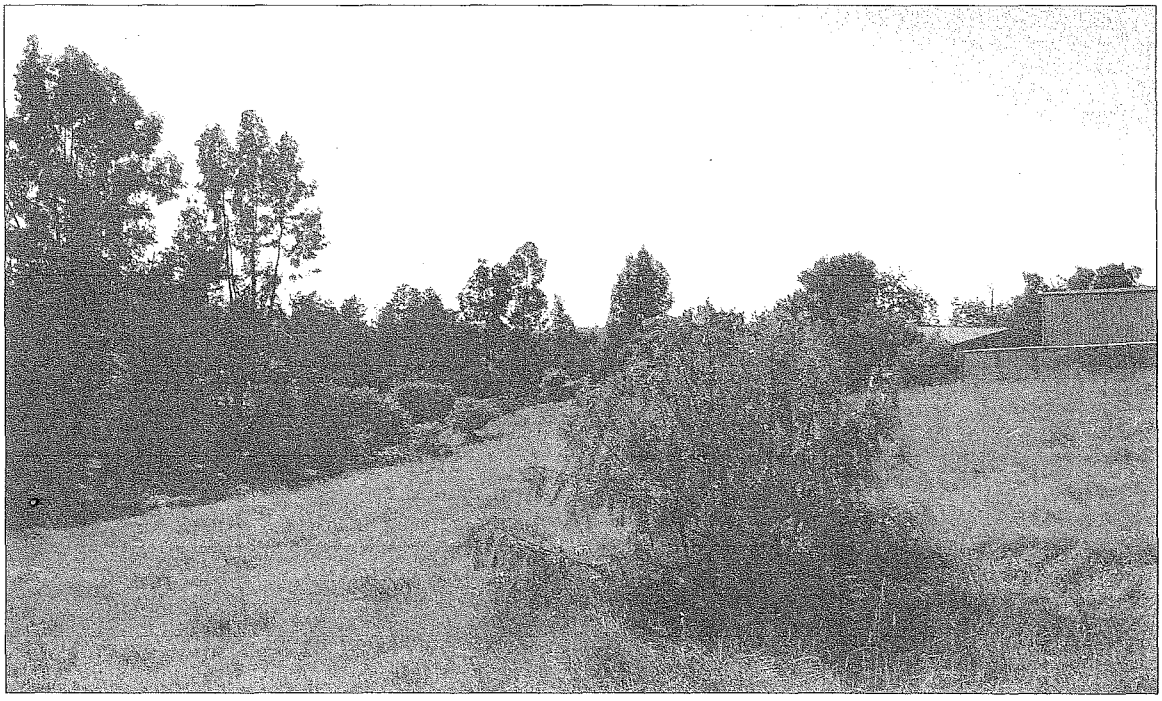
Approximated View: Photo A



Approximated View: Photo B

Source: Lamphier-Gregory

FIGURE 3-2
APPROXIMATED VIEW, PHOTOS A AND B

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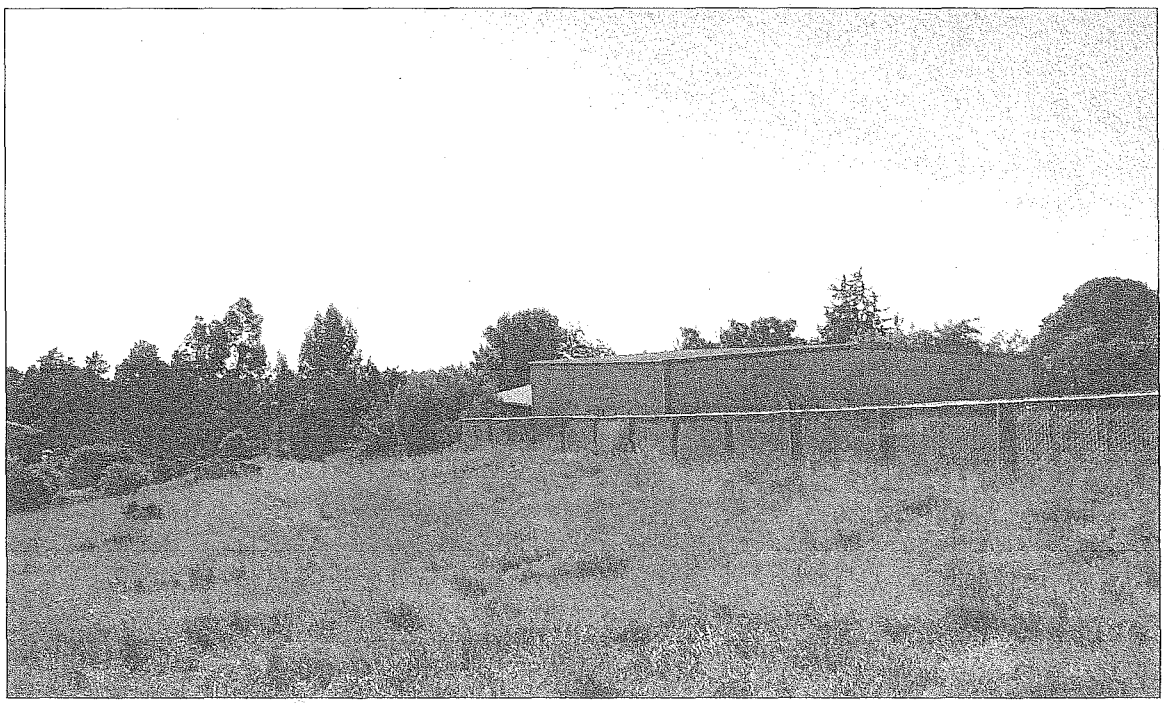
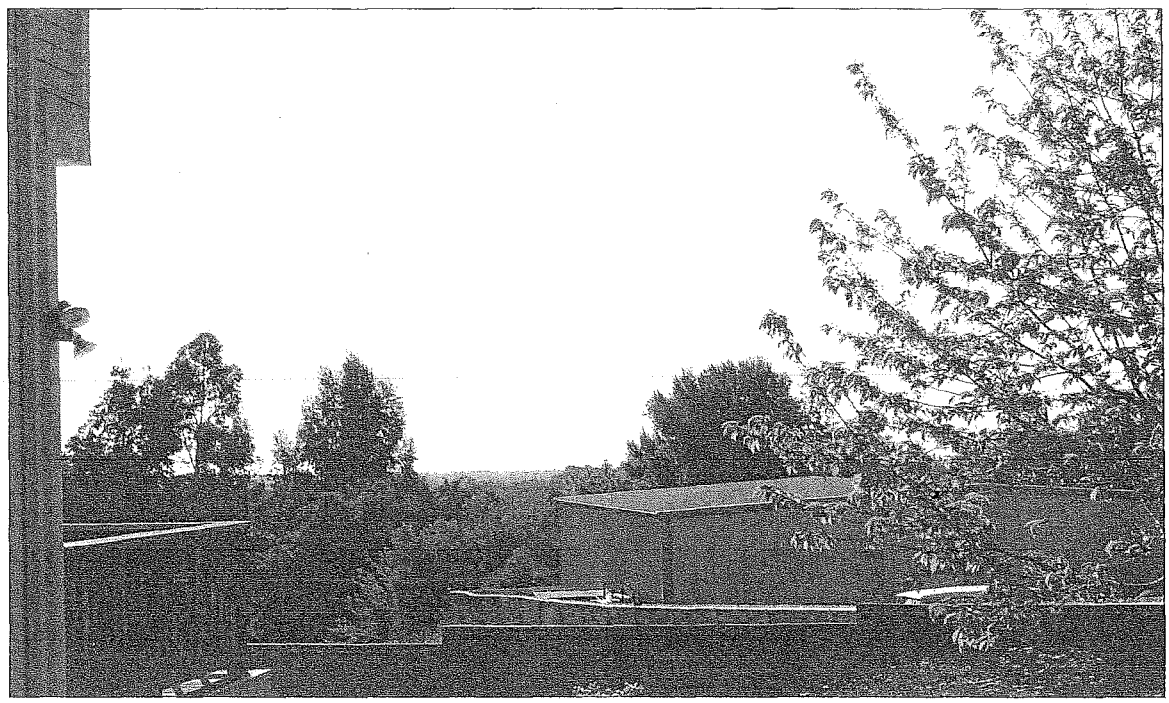


Approximated View: Photo C



Approximated View: Photo

Source: Lamphier-Gregory

FIGURE 3-3
APPROXIMATED VIEW, PHOTOS C AND D

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Additionally, the Project Area is surrounded by other single-family homes. The addition of 15 new single-family homes to a residential area would complement the residential character of the surrounding neighborhood.

The Project would put homes on a mostly vacant lot, and as a result would change the visual characteristics of the site. However, because the Project preserves many of the visual qualities which make this site unique, and the Project is in accord with the surrounding visual context of the area, the Project would not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore the impact of the Project on visual character is ***less-than-significant.***

D) Light or Glare

Significance Criteria: The Project-related creation of any new source of substantial light or glare that would adversely affect day or nighttime views in the area would be regarded as a significant environmental impact.

> **Potential Impact 3-1: Nighttime Light and Glare.** The addition of 15 new homes on the Project Area would add several new sources of light to the area. Light from the homes and street lighting could adversely affect nighttime views of nearby neighbors within the area. This impact is considered to be ***potentially significant.***

The following mitigation measure is recommended to reduce the impact of the Project on nighttime views:

> **Mitigation Measure 3-1: Lighting Design Plan.** The Applicant shall design lighting to be sensitive to neighboring land uses and to minimize energy use, according to standard County lighting guidelines. The Alameda County Planning Department shall review the design plans to ensure compatibility of the Project with all applicable guidelines. The general lighting guidelines for County projects include the following items:
>
> - Applicant shall design public area lighting so as to evenly illuminate areas of concern, but so as not to intrude upon private areas any more than necessary. Public areas not essential to security should be illuminated only when necessary for occupation by use of timers or motion detector circuits.
> - Applicant shall use the lowest wattage lamps reasonable for illumination of the area of concern.
> - Applicant shall install only full cutoff-shielded lights for illumination of public areas. Non-shielded lighting presently in place shall be replaced when required only with shielded fixtures.
> - Applicant shall design and place night time lighting and security lighting so that it is no higher than necessary to illuminate the area of concern for security or visual comfort, and that the lighting is directed toward the area of concern, and always below the horizontal.

- Applicant shall not position night lighting to illuminate areas beyond the site boundaries, nor shall the applicant position general lighting to radiate above the horizontal, but shall place lights or install shielded lights to illuminate only the area of concern.
- Residents shall extinguish any lights not required for onsite security reasons.
- For any lighting on areas nonessential for security or active operations, applicant shall place lights on a motion detector circuit so illumination only occurs when required for occasional visibility.
- The Homeowners Association shall enforce these conditions through CC&Rs for the Project.
- Applicant shall submit a lighting plan for review and approval by the Planning Director prior to issuance of building permits.

Implementation of the above mitigation measure would reduce this impact to a level of ***less-than-significant.***

II. AGRICULTURE RESOURCES

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the Project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	[ ]	[ ]	[ ]	[✔]
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	[ ]	[ ]	[ ]	[✔]
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use?	[ ]	[ ]	[ ]	[✔]

A-C) Farmland Impacts

Significance Criteria: The Project would have a significant environmental impact if it would result in the conversion of farmland to non-agricultural use, conflict with current zoning for agricultural use or the provisions of a current Williamson Act contract, or involve any environmental changes that could result in the conversion of farmland currently in agricultural uses to non-agricultural uses.

According to the Alameda County Important Farmland Map (1998), produced by the California Department of Conservation, the site does not contain Farmland, nor does a Williamson Act contract exist on the property. Therefore, the Project would have ***no impact*** on agricultural resources.

III. AIR QUALITY

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the Project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	[ ]	[ ]	[✔]	[ ]
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	[ ]	[✔]	[ ]	[ ]
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	[ ]	[ ]	[✔]	[ ]
d) Expose sensitive receptors to substantial pollutant concentrations?	[ ]	[✔]	[ ]	[ ]
e) Create objectionable odors affecting a substantial number of people?	[ ]	[ ]	[ ]	[✔]

Setting

The 2492/2512 "D" Street Project is located within the Fairview area of Alameda County, which is located within the San Francisco Air Basin, a large, shallow air basin ringed by hills that taper into a number of sheltered valleys around the perimeter.

Winds in the Fairview area generally blow from the northwest and west, and often carry pollutants into the Fairview area from upwind areas, particularly during the summer months. Winds are lightest on the average in fall and winter. Summer months in the area are characterized by temperature inversion conditions, where a layer of warm air traps cooler air closer to the surface. Temperature inversions prevent the vertical mixing of air, which often leads to a buildup of pollutants in the surface layer. Additionally, the higher elevations of the Hayward Hills to the east of the Fairview area work to prevent horizontal dilution of the surface layer. The combined effects of moderate ventilation, frequent temperature inversions, and terrain that restricts horizontal dilution give the Fairview area a moderate potential for atmospheric pollution.

Air Quality Standards

State and national ambient air quality standards have been established for the following pollutants: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter (PM_{10}) and lead. For some of these pollutants, notably ozone and PM_{10}, the State standards are more stringent than the national standards. The State has also established ambient air quality standards for sulfates,

hydrogen sulfide, vinyl chloride and visibility reducing particles. These pollutants are generally known as "criteria pollutants". In addition to the criteria pollutants discussed above, Toxic Air Contaminants (TACs) are another group of pollutants of concern in the Bay Area. TACs are injurious in small quantities and are regulated despite the absence of criteria documents. The identification, regulation and monitoring of TACs is relatively recent compared to that for criteria pollutants.

Current Air Quality

The Fairview area of Alameda County is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which regulates air quality in the San Francisco Bay Area. The BAAQMD operates a regional monitoring network that measures the ambient concentrations of the six criteria pollutants. Existing and probable future levels of air quality in the Fairview area can generally be inferred from ambient air quality measurements conducted by the BAAQMD at its monitoring stations. BAAQMD's closest monitoring site is located in Hayward. However, the Hayward monitoring site only measures a single pollutant, ozone. The closest multi-pollutant monitoring sites are located in downtown Oakland and in Fremont, both of which are more than 10 miles away from the Project site.

Table 3-1 summarizes recent data for state and federal standards at all three monitoring stations nearest to the Project Area. The tables show that the ambient air quality standards are exceeded on occasion for the 1-Hour State and the 8-Hour Federal standards for ozone, and the State standard for PM_{10}.

Under the federal Clean Air Act, the Bay Area is considered as having attained all federal ambient air quality standards except for ozone. Under the California Clean Air Act, the Bay Area is considered a nonattainment area for ozone and PM_{10}.

The CEQA environmental checklist provides thresholds regarding air quality impact significance. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the determinations of significance. *BAAQMD CEQA Guidelines*[1] provide the following definitions of a significant air quality impact:

- A project contributing to carbon monoxide (CO) concentrations exceeding the State Ambient Air Quality Standard of 9 parts per million (ppm) averaged over 8 hours or 20 ppm for 1 hour would be considered to have a significant impact.
- A project that generates criteria air pollutant emissions in excess of the BAAQMD annual or daily thresholds would be considered to have a significant air quality impact. The current thresholds are 15 tons/year or 80 pounds/day for Reactive Organic Gases (ROG), Nitrogen Oxides (NOx) or PM_{10}. Any proposed project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact.

[1] Bay Area Air Quality Management District, *BAAQMD CEQA Guidelines*, 1999.

- Any project with the potential to frequently expose members of the public to objectionable odors would be deemed to have a significant impact.
- Any project with the potential to expose sensitive receptors or the general public to substantial levels of toxic air contaminants would be deemed to have a significant impact. The term "substantial levels" is further defined as an exposure associated with an excess cancer risk of 10 in one million.

TABLE 3-1
AIR QUALITY DATA SUMMARY, 2001-2002[2]

Pollutant	Standard[3]	Monitoring Station	Days Standard Exceeded		
			2001	2002	2003
Ozone	Federal 1-Hour	Hayward	0	0	0
		Fremont	0	0	0
		Oakland	0	0	0
Ozone	State 1-Hour	Hayward	2	0	3
		Fremont	3	3	4
		Oakland	0	0	0
Ozone	Federal 8-Hour	Hayward	1	0	1
		Fremont	0	0	1
		Oakland	0	0	0
PM_{10}	Federal 24-Hour	Fremont	0	0	0
PM_{10}	State 24-Hour	Fremont	2	1	0
PM2.5	Federal 24-Hour	Fremont	0	0	0
Carbon Monoxide	State/Federal 8-Hour	Fremont/ Oakland	0	0	0
Nitrogen Dioxide	State 1-Hour	Fremont/ Oakland	0	0	0

A) Conflict with Air Quality Plan

Significance Criteria: The Project would be considered to have a significant impact if it were to be in conflict with the current air quality plan.

The San Francisco Bay Area Air Basin is currently non-attainment for ozone (state and federal ambient standards) and PM_{10} (state ambient standard). While air quality plans exist for ozone, none exists (or is currently required) for PM_{10}. The *Final San Francisco Bay Area Ozone Attainment Plan for*

[2] California Air Resources Board, Air Quality Statistics, Top 4 Summary. http://www.arb.ca.gov/adam/cgi-bin/db2www/adamtop4b.d2w/start , Accessed April 12, 2003.

[3] PM_{10} is only sampled every sixth day, therefore the *calculated* days shown in the tables are estimated.

the 1-Hour National Ozone Standard[4] is the current ozone air quality plan required under the Federal Clean Air Act. The state-mandated regional air quality plan is the *Bay Area 2000 Clean Air Plan.*[5] These plans contain mobile source controls, stationary source controls and transportation control measures to be implemented in the region to attain the state and federal ozone standards within the Bay Area Air Basin.

The population growth estimates used for air quality plans are based upon the population growth assumptions of local general plans. The Project is located in an area zoned for residential use by the Fairview Area Specific Plan, which is the General Plan governing the land use and zoning designations for the Project Area. The fact that the Fairview Area Specific Plan has zoned the Project Area for residential use indicates that the Project Area has been targeted for population growth. Because population growth assumptions of local general plans are used for air quality plans, the population growth of the Project has been included in the assumed growth estimate of BAAQMD's Air Quality Plan. Therefore, the Project would have a ***less-than-significant*** effect on any of the growth assumptions made in the preparation of these plans, and would not obstruct implementation of any of the proposed control measures contained in these plans.

B, C) Air Quality Standards

Significance Criteria: The Project would have a significant environmental impact if it would exceed BAAQMD's mass emission rate threshold or result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).

Currently, the BAAQMD mass emission rate threshold considers projects which generate over 550 pounds per day of CO, or 80 pounds per day of reactive organic gases (ROG, which contributes to the formation of ozone), nitrogen oxides (NO_X, such as NO_2), or PM_{10} as having significant ***direct*** and ***cumulative*** air quality impacts (i.e., contributing substantially to the current exceedances of air quality standards for ozone and PM_{10}). Consistent with CEQA, BAAQMD requires all phases of a project to be evaluated for potential impacts, including impacts associated with construction activity (grading, exhaust from construction equipment, and any required demolition) and with the operation of the completed project (related to vehicle exhaust or stationary sources such as from industrial sources). BAAQMD regards emissions of PM_{10} and other pollutants from construction activity to be less than significant if dust and particulate control measures are implemented, instead of requiring quantitative analysis of construction activity to determine significance.

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4 Bay Area Air Quality Management District, *Proposed Final San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard*, October 2001.

5 Bay Area Air Quality Management District, *Bay Area 2000 Clean Air Plan and Triennial Assessment*, December 20, 2000.

PM_{10} Emissions from Construction Activities

Potential Impact 3-2: Generation of Particulate Matter During Construction. Demolition of the existing house, site grading and the construction new homes would have a short-term effect on air quality, primarily due to the generation of particulate matter (PM_{10}). PM_{10} is normally generated by the disturbance of soils through excavation and grading, construction vehicle travel on unpaved surfaces, and the tracking of soils onto paved roads. Equipment exhaust emissions and demolition activities also contribute to PM_{10} during construction activity. This impact is considered to be ***potentially significant.***

Demolition of the existing building, site clearing, grading, excavation and other earth-moving activities comprise the major sources of construction dust and diesel equipment emissions. Construction-related traffic and the general disturbance of soil and the movement or application of construction materials can also generate a significant amount of dust and particulate matter. During construction activities fugitive dust would be emitted by equipment and vehicles, as a result of wind passing over exposed earth surfaces, and as a result of particulate matter being emitted from diesel powered equipment. The effects of construction activities at the Project site would include the settling of dust on horizontal surfaces in the vicinity of the construction sites, and locally elevated levels of PM_{10} downwind of construction activity that could be inhaled by sensitive receptors.

Effects on adjacent uses could include increased soiling, requiring more frequent cleaning and/or maintenance activities, as well as effects on the health and comfort of neighboring residents. These impacts would be directly linked to the phasing and construction schedule associated with the Project. The following mitigation measures shall be implemented by the Project to reduce this impact:

Mitigation Measure 3-2A: Implement Site-Specific Dust Abatement Programs. The Project shall demonstrate compliance with all applicable County regulations and operating procedures prior to issuance of building or grading permits, including standard dust control measures. The effective implementation of dust abatement programs, incorporating all of the following dust control measures, would reduce the temporary air quality impact associated with construction dust.

- During excavation, the construction area shall be watered using equipment and staff that are provided by the Project applicant or prime contractor, as needed, to avoid visible dust plumes. Appropriate non-toxic dust palliative or suppressant, added to water before application, may be used.
- All trucks hauling soil, sand and other loose materials shall be covered or shall maintain at least two feet of freeboard.
- All unpaved access roads, parking areas and construction staging areas shall be either paved, watered as necessary to avoid visible dust plumes, or subject to the application of (non-toxic) soil stabilizers.
- All paved access roads, parking areas and staging areas at the construction site shall be swept daily with water sweepers.

- If visible soil material is carried onto adjacent public streets, these streets shall be swept daily with water sweepers.
- All stockpiles of debris, soil, sand or other materials that can be blown by the wind shall either be covered or watered as necessary to avoid visible dust plumes.
- An off-pavement speed limit of 15 miles per hour for all construction vehicles shall be incorporated into the construction contract and enforced by the prime contractor.
- All inactive portions of the Project site (those areas which have been previously graded, but inactive for a period of ten days or more) shall be watered with an appropriate dust suppressant, covered or seeded.
- All earth-moving or other dust-producing activities shall be suspended when the above dust control measures prove ineffective in avoiding visible dust plumes during periods of high winds. The wind speed at which this suspension of activity will be required may vary, depending on the moisture conditions at the Project site, but suspension of such activities shall be required in any case when the wind speed exceeds 25 miles per hour.

Mitigation Measure 3-2B: Implement Site-Specific Diesel Reduction Programs. The Project shall demonstrate compliance with all applicable County regulations and operating procedures prior to issuance of building or grading permits, and shall use its best efforts to adhere to the following diesel reduction efforts:

- Diesel powered equipment shall be maintained in good working condition, with manufacturer-recommended mufflers, filters, and other equipment.
- Diesel powered equipment shall not be left inactive and idling for more than ten minutes, and shall comply with applicable BAAQMD rules.
- Use alternative fueled construction equipment.
- Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.

The BAAQMD significance thresholds for construction dust impacts are based on the appropriateness of construction dust controls. The BAAQMD guidelines provide feasible control measures for construction emission of PM_{10}. With implementation of the above construction controls, air pollutant emissions for construction activities would be considered less than significant. In dust control efforts, watering alone is estimated to reduce dust emissions by approximately 50 percent. The combined effect of the above measures, including the use of a dust suppressant, would have a control efficiency of 70 to 80 percent, which would be expected to reduce site-specific construction-related impact to a level of ***less-than-significant.***

Emissions of Hazardous Materials during Demolition

County Assessor records indicate that the house proposed to be demolished was constructed in 1966. Buildings constructed prior to 1980 often include materials containing asbestos. Demolition of the existing house could release asbestos fibers into the air. Airborne asbestos fibers pose a serious health threat. The demolition, renovation or removal of asbestos-containing building

materials is subject to the limitations of District Regulation 11, Rule 2: Hazardous Materials: Asbestos Demolition, Renovation and Manufacturing.

Please refer to the Hazards and Hazardous Materials section of the Environmental Checklist, Sections A and B where the potential impact is discussed in detail. The conclusions and mitigation measures as required in that section also apply here. This impact is considered to be ***potentially significant***, but it can be reduced to a level of ***less-than-significant with mitigation***.

Air Pollutants from Operational Activities

The Project would generate new emissions through new regional vehicle trips. The BAAQMD has developed criteria to determine if a development project could result in potentially significant regional emissions. The District has recommended that 2,000 daily vehicle trips be used as a threshold for quantifying Project regional impacts. The number of vehicle trips that would be generated by residents is the primary source of potential future air pollution for Project operations. The estimate of future trips is based on the trip generation rate given in the by BAAQMD, which indicates 9.4 daily trips per single-family residence. Thus, the total average daily trip generation from the Project would be approximately 150 trips (16 X 9.4). On this basis, the Project would be expected to have a ***less-than-significant*** impact on regional air quality and cumulative air quality due to emissions.

D) Exposure of Sensitive Receptors to Substantial Pollution Concentrations

Significance Criteria: For the purpose of assessing impacts of a proposed Project on exposure of sensitive receptors to substantial pollution concentrations, the threshold of significance is exceeded when the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million. A quarter mile radius is an adequate distance within which to consider potential impacts to sensitive receptors due to operation. Examples of sensitive receptors include schools, hospitals, residential areas with children, and convalescent facilities.

> **Potential Impact 3-3: Exposure of Sensitive Receptors to Substantial Pollution Concentrations during Construction.** Demolition of the existing house and the construction of new homes would have a short-term effect on air quality, primarily due to the generation of particulate matter (PM_{10}). Excessive PM_{10} concentrations could affect nearby sensitive receptors. This impact is considered to be ***potentially significant***.

The existing nearby neighborhood enclave on Glenbrook Lane, as well as the homes on "D" Street would be considered sensitive receptors. The proposed Project would not expose these receptors to any long term air quality impacts, odors or toxic air contaminants. However, during Project construction, construction-related dust and increased emissions from construction equipment would potentially impact these sensitive receptors. Implementation of **Mitigation Measures 3-2A and 3-**

2B as required above would reduce the temporary air quality impact of the Project on sensitive receptors to a level of ***less-than-significant.***

E) Odors

Significance Criteria: The Project would result in a significant environmental impact if it were to create objectionable odors affecting a substantial number of people.

The Project would not create any odors, and would have ***no impact.***

IV. BIOLOGICAL RESOURCES

Environmental Factors and Focused Questions for Determination of Environmental Impact		Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the Project:					
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	[ ]	[✓]	[ ]	[ ]
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	[ ]	[✓]	[ ]	[ ]
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	[ ]	[✓]	[ ]	[ ]
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	[ ]	[✓]	[ ]	[ ]
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	[ ]	[✓]	[ ]	[ ]
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	[ ]	[ ]	[ ]	[✓]

Setting

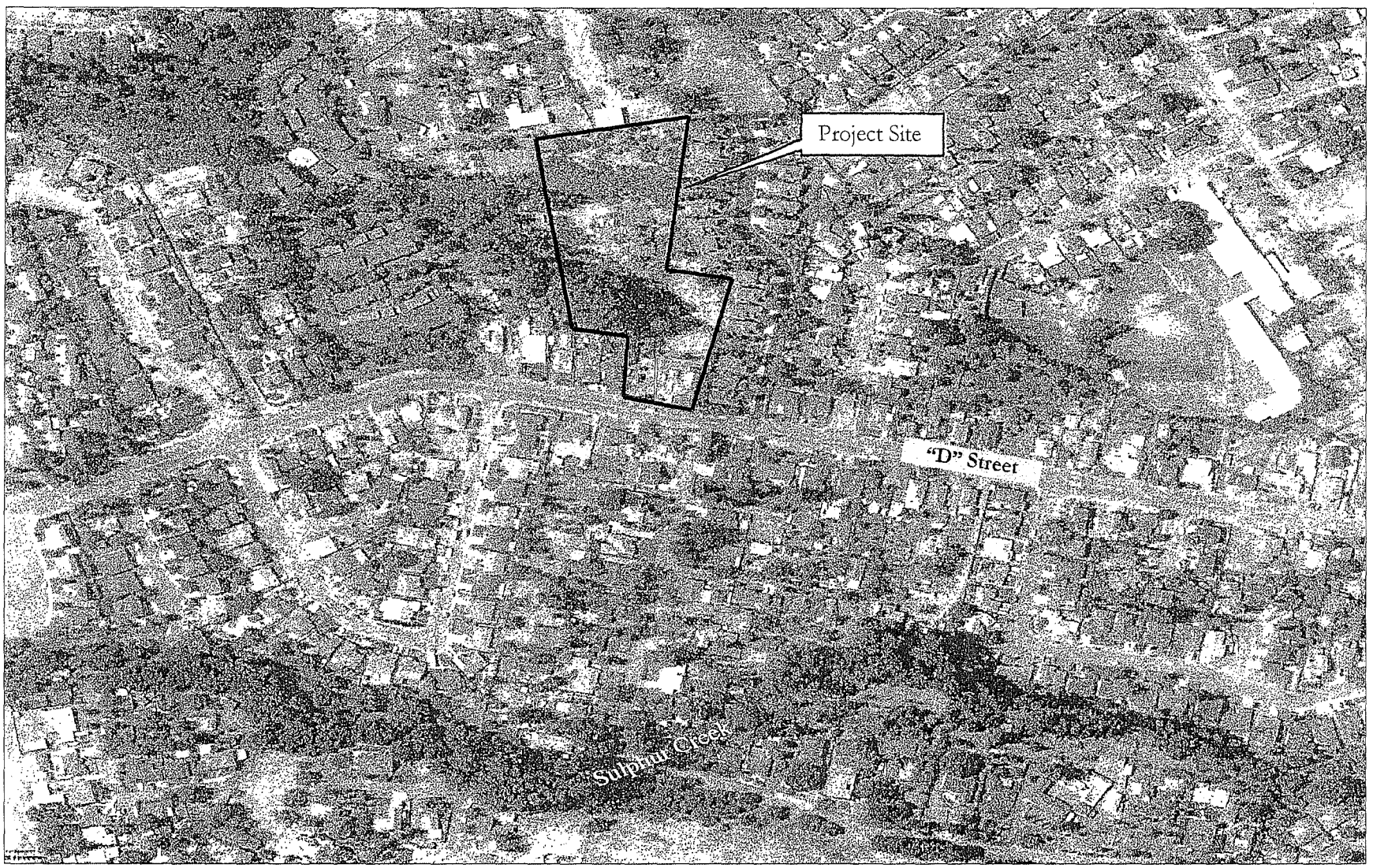
A biological impact evaluation of the proposed Project was conducted on behalf of the Applicant and the Alameda County Planning Department by Natural Resources Management, a consulting firm. This checklist discussion incorporates excerpts from this report; the full report is provided in **Appendix A**. The consulting firm also obtained a California red-legged frog Habitat Assessment performed by Monk & Associates, provided in **Appendix B**, and a Wetland Delineation Report prepared by Jones and Stokes Inc., attached as **Appendix C**. The consulting firm LSA provided a supplementary evaluation of potential impacts on special-status bird species (**Appendix D**), and a Botanical Reconnaissance and Single-Season Focused Botanical Survey was prepared by Bear Republic Ecological Consulting for the Natural Resources Management firm (**Appendix E**). Lastly, Bear Republic prepared a draft stream enhancement plan to address impacts on identified wetlands on the project site (**Appendix F**). Each of these reports include descriptions of the methods used

and the results of their studies and provide recommendations to avoid or minimize potential impacts on sensitive biological resources that are located or may be located in the Project Area. The following discussion of biological resources describes the general features of the site and its watercourses, the regulatory setting which dictates the parameters of the biological analyses, and then assesses the potential project impacts according to the six topics set forth by the checklist questions: a) special-status species (divided into a-1 and a-2 sections for animal and plant species respectively); b) riparian habitat (under state and federal regulations); c) wetlands (as regulated by Section 404 of the Clean Water Act); d) movement of fish or wildlife; e) local policies on biological resources; and f) Habitat Conservation Plans.

The proposed 3.7-acre property is undeveloped with the exception of two single-family residences on the site. The Project Site is bordered by "D" Street to the south and suburban residential development to the south, east and portions of the western perimeter adjacent to "D" Street. An undeveloped area of roughly two acres, comprised of the deep rear yards of three separate parcels, lies directly west of the northern three-quarters of the Project Site. A roughly ten-acre area north of the Project Site consists of large parcels with a mixture of undeveloped areas and concentrated development. An aerial photo, **Figure 3-4**, shows the adjacent land uses in more detail. The primary vegetation cover type in the study area consists of ruderal (non-native, exotic species) vegetation that has previously been disturbed.

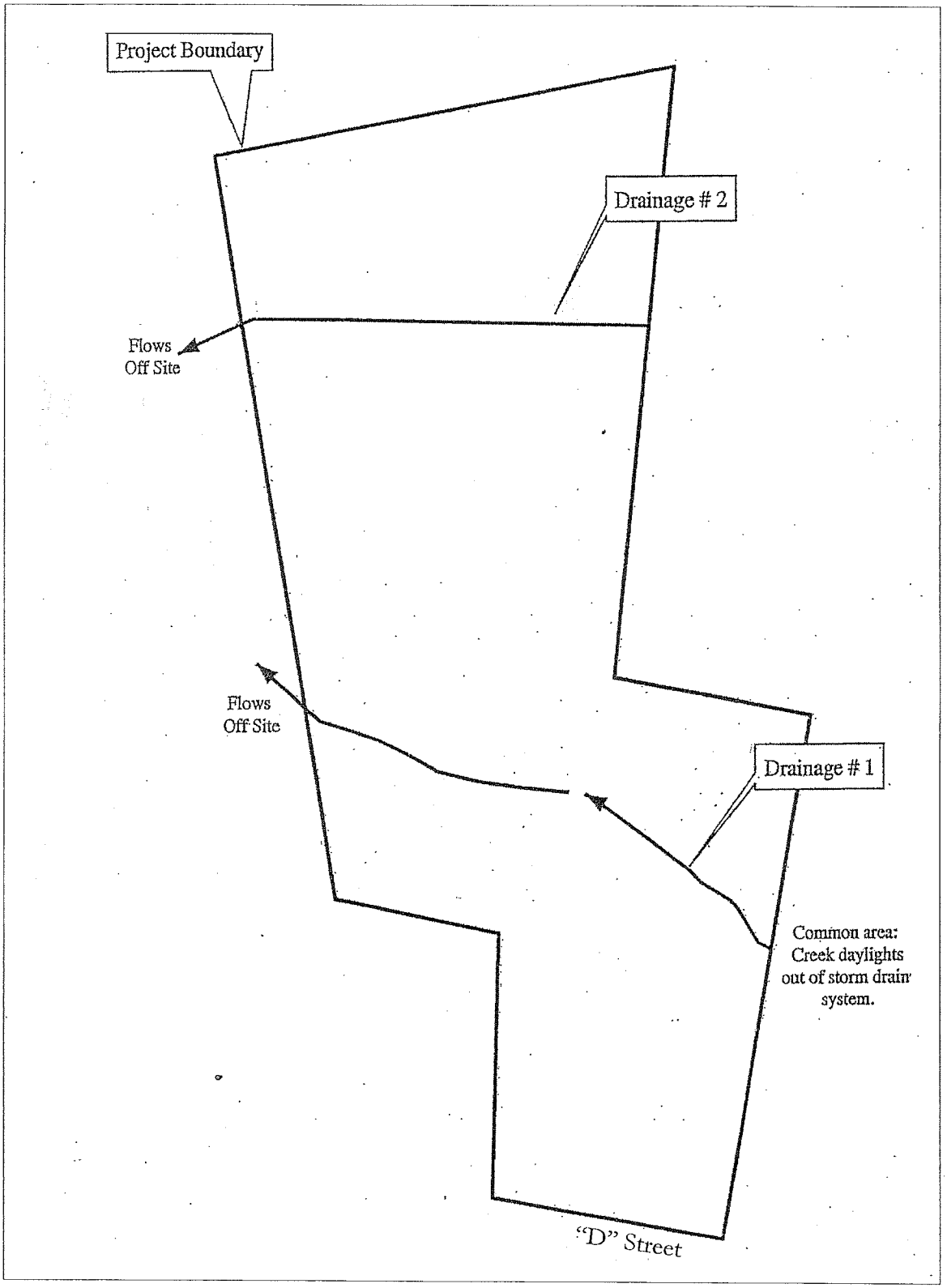
Two drainage features occur on the Project Site, as shown in **Figure 3-5**, both of which flow from east to west. Drainage #1, in the southern portion, flows onto the site out of a short open stream channel and storm drain system that serves the single family residential subdivisions along Stratton Court and Glenbrook Lane, and also accommodates drainage from Fairview Park, east of Stratton Court. Drainage #1 traverses the Project Site for a distance of about 250 feet where it flows off-site, continuing as an open channel into the adjacent undeveloped parcels to the west. An existing driveway that runs north to south crosses Drainage #1 on the Project Site. East of the driveway the drainage is characterized as a grassy swale that flows into a culvert beneath the driveway. West of the driveway the swale takes on the configuration of a channel with dense trees along the slopes providing nearly complete canopy cover, and a channel that is about 1 foot wide, on average. The tree species include redwoods, live oaks (*Quercus agrifolia*) and eucalyptus (*Eucalyotus sp.*).

A second drainage feature, identified as Drainage #2 in **Figure 3-5**, is a swale located in the northern portion of the site. It also flows east-to-west and enters the site from a storm drain culvert located on the eastern boundary in the landscaped common area of the adjacent Glenbrook subdivision. The swale is densely vegetated with non-native vegetation such as Himalayan black berry (*Rubus sp.*) and with emergent vegetation typical of seasonal and perennial wetlands including cattails (*Typha sp.*) and watercress (*Rorippa nasturtium-aquaticum*). Flows from this drainage flow westward to join Drainage #1 about 100 feet west of the Project Site, which continues as an open stream course for about 300 more feet to the northwest where it enters a storm drain conduit within the Monte Vista condominium development. Below the Monte Vista condominiums the stream flows again as an open channel for approximately 800 feet, after which it continues underground as part of the storm drainage system connecting to San Lorenzo Creek, about half a mile from the Project Site. The watershed upstream from the site is an area of approximately 24 acres.



Source: Monk & Associates

FIGURE 3-4
DEVELOPMENT CONTEXT, AERIAL PHOTO



Source: Monk & Associates

FIGURE 3-5
DRAINAGES

The most extensive habitat on the site is weedy non-native grassland dominated by ripgut brome (*Bromus diandrus*) and wild oat (*Avena fatua*). Weedy plants species such as prickly lettuce (*Lactuca serriola)* and sweet fennel.(*Foeniculum vulgare*) are scattered among the grasses, and large clumps of an unidentified thistle are also present. Coyote bush (*Baccharis pilularis*), a native shrub, is also scattered through the non-native grassland in the northern portion of the project site.

Thickets of Himalayan blackberry (*Rubus discolor*) interspersed with clumps of cattails (*Typha sp.*) and sedges (*Carex sp.)* dominate the northern drainage. Himalayan blackberry is also present along the southern drainage, along with various non-native tree species including several large blue gum (*Eucalyptus globulus*). Several small coast live oaks (*Quercus agrifolia*) are also scattered along this drainage.

Regulatory Considerations

This section provides an overview of the laws and regulations that influence biological resources. Many of these regulations would not apply to the Project if sensitive biological resources are avoided as part of the Project.

California Department of Fish and Game (CDFG)

CDFG has jurisdiction over species listed as threatened or endangered under the California Endangered Species Act. Proponents of a project affecting a state-listed species are required to consult with DFG, which issues a management authorization and incidental take permit under Section 2081 of the California Fish and Game Code.

CDFG also regulates activities that would interfere with the natural flow of, or substantially alter the channel, bed, or bank of a lake, river, or stream. These activities are regulated under California Fish and Game Code Section 1601 for public agencies and Section 1603 for private entities. Requirements to protect the integrity of biological resources and water quality are often conditions of streambed alteration agreements.

While CDFG does not specifically regulate the discharge of fill material into wetlands (or waters of the state), impacts on these sensitive habitats could be considered significant under the California Environmental Quality Act (CEQA), depending on the magnitude of impact. CDFG, as a trustee agency under CEQA, could require mitigation if the Project results in significant impacts on wetlands.

Federal Endangered Species Act

The U.S. Fish and Wildlife Service (USFWS) has jurisdiction over species listed as threatened or endangered under the federal Endangered Species Act (ESA). Section 9 of the Act protects listed species from *take*, which is broadly defined as actions to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in an such conduct." For any project involving a federal agency in which a listed species could be affected, the federal agency must consult the USFWS in accordance with Section 7 of the ESA. USFWS issues a biological opinion (BO) and, if the Project does not jeopardize the continued existence of the listed species, issues an incidental take

permit. When no federal context is present, proponents of a project affecting a listed species must consult with USFWS and apply for an incidental take permit under Section 10 of the ESA. Section 10 requires an applicant to submit a habitat conservation plan (HCP) that specifies project impacts and mitigation measures.

Section 404 of the Clean Water Act

The U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA) regulate the discharge of dredged or fill material into waters of the United States, including wetlands, under Section 404 of the Clean Water Act (CWA). Waters of the United States include wetlands; lakes; and rivers, streams, and their tributaries. Wetlands are defined for regulatory purposes as areas "inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR 328.3; 40 CFR 230.3). Project proponents must obtain a permit from USACE for all discharges of fill material into waters of the United States, including wetlands, before proceeding with a proposed action.

If wetlands are jurisdictional and could be filled as part of the Project, USACE may issue either an individual permit or general permit. Individual permits are prepared on a project-specific basis for projects that are expected to have adverse effects on the aquatic environment. If federally listed species are associated with the wetlands, USACE is more likely to require an individual permit. General permits are prior-authorized permits issued to cover similar activities that are expected to cause only minimal individual and cumulative adverse environmental effects. Nationwide permits (NWPs) are a type of general permit that have been issued to cover particular fill activities. NWPs must conform to a set of general conditions for the permits to apply to a given project, as well as specific conditions that apply to each NWP.

A Section 404 permit may not be required if the Project avoids the discharge of any fill material into waters of the United States, including wetlands. If the Project cannot be designed to avoid the discharge of fill or excavating in waters of the United States, including wetlands, a Section 404 permit must be obtained.

The following conditions would need to be met as part of the Section 404 permitting process:

- procurement of Section 401 water quality certification from the Regional Water Quality Control Board;
- compliance with the federal ESA, involving consultation with USFWS if the Project is likely to jeopardize the continued existence of a threatened or endangered species or its critical habitat; and
- compliance with the requirements of Section 106 of the National Historic Preservation Act.

Regional Water Quality Control Board

California Water Code Section 13260 requires "any person discharging waste, or proposing to discharge waste, within any region that could affect the 'waters of the state' to file a report of

discharge (an application for waste discharge requirements)." Under the Porter-Cologne definition, the term "waters of the state" is defined as "any surface water or groundwater, including saline waters, within the boundaries of the state." While all waters of the United States that are within the borders of California are also waters of the state, the converse is not true: waters of the United States is a subset of waters of the state. Thus, California retains authority to regulate discharges of waste into any waters of the state, regardless of whether USACE has concurrent jurisdiction under Section 404. If wetlands are not avoided as part of the Project, the Applicant would need to file an application for waste discharge requirements with the Regional Water Quality Control Board (RWQCB) regardless of the regulatory authority of the USACE.

California Environmental Quality Act

CEQA is the regulatory framework by which California public agencies identify and mitigate significant environmental impacts. A project normally would have a significant environmental effect if it substantially affects a rare or endangered species or the habitat of that species; substantially interferes with the movement of resident or migratory fish or wildlife; or substantially diminishes habitat for fish, wildlife, or plants. CEQA guidelines define rare, threatened, or endangered species as those listed under ESA or CESA, as well as any other species that meets the criteria set by the resource agencies or by local agencies (e.g., DFG-designated *species of special concern*). The State CEQA Guidelines state that the lead agency preparing an EIR must consult with and receive written findings from CDFG concerning project impacts on species that are listed as endangered or threatened. The effects of proposed projects on special-status species and sensitive biological communities occurring on a project site are important in determining whether a project has significant environmental impacts under CEQA.

A-1) Special-Status Animal Species

Significance Criteria: The Project would have a significant environmental impact if it were to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Although the Project Site is located within a developed suburban area (primarily for residential uses), special status plant and animal species have the potential to occur. Special status species are those species listed as "threatened" or "endangered" by the Federal or State Endangered Species Acts. In addition, the California Environmental Quality Act (CEQA) requires that impacts to "locally rare" species also be addressed. For the purposes of this analysis, a target list of species of special concern with the potential to occur in the Project Area were determined based on the following:

- California Natural Diversity Database
- US Fish and Wildlife Service Database
- California Department of Fish and Game designated species of special concern
- California Native Plant Society Inventory or Rare and Endangered Plants of California

In addition, the Biological Resources Constraints Analysis developed by Jones & Stokes Associates was used for reference.

The Natural Resources Management report evaluated the potential presence on the Project Site of amphibians (specifically the California red-legged frog), western burrowing owl and avian raptors in general. The report also discussed the effects on wetlands as habitat. The discussion of special-status raptors was updated with the analysis by the consulting firm LSA, which evaluated the potential for special-status birds, of which 13 bird species were identified, including 12 species that have recently been raised as potential issues for other projects in the Hayward hills and one additional species, the western burrowing owl. One of the 12 species discussed, the rufous hummingbird, does not meet the standard definition of a special-status species, but is included in the report because it was raised as an issue on another Hayward hills project.

California Red-legged frog (Rana aurora draytonii).

The California red-legged frog is federally listed as threatened, and is a state species of concern. This species requires permanent or semi-permanent riparian and upland habitat. Adults prefer dense, shrubby or emergent vegetation closely associated with deep (depths greater than 2 feet) still or slow moving water. The largest densities of California red-legged frogs are associated with deep-water pools with dense stands of overhanging willows and an intermixed fringe of cattails. California red-legged frogs have been found to disperse up to 3 miles from water sources during warm rainy nights. Where water sources dry during the summer months, California red-legged frog may use upland areas that contain small mammal burrows and moist leaf litter for aestivation or refuge.

There are records of this species within 5 miles of the Project Area. Most occurrences are located north of I-580, the closest is approximately 2.25 miles northwest of the Project Site in Hollis Canyon.[7] There are two more records of this species east of Palomares Road in the Sunol Ridge.

A Habitat Assessment was developed for the Project Site according to the methods included in the U.S. Fish and Wildlife Service guidelines for California red-legged frog Habitat Assessments. The full text of the Habitat Assessment can be found in **Appendix B**. The conclusion of the assessment is that the Project Site drainages do not support high quality habitat for the California red-legged frog and the species would not occur. Therefore, the Project would have ***no impact*** on the California red-legged frog.

Western Burrowing Owl (Athene cunicularia hypugaea)

The CDFG has designated the western burrowing owl as a species of special concern at its nest and burrow sites. Western burrowing owls occur in arid and semi-arid, relatively flat open habitats, including grasslands, prairie country, rangelands, and deserts (Grinnell and Miller 1944, Haug et al. 1993). They also inhabit open human-modified landscapes such as agricultural lands, fallow fields, airports, and levees. Suitable open habitat for western burrowing owls is typically quite barren or supports sparse, low vegetation. An important habitat component for these owls is the presence of mammal burrows or alternative cavities such as in rock piles. In cismontane California, burrowing owls are often associated with the California ground squirrel (*Spermophilus beecheyi*), and in the Bay Area these owls use California ground squirrel burrows as nest-sites as well as retreats during the winter. The burrowing owl was historically common throughout the arid and semi-arid lowlands of

California (Grinnell and Miller 1944) but has greatly declined in many areas, including the Bay Area, due to urban development (Center for Biological Diversity et al. 2003). Ground squirrel eradication programs have probably contributed to the decline of these owls in California.

California ground squirrels appear to be absent from the project site. These mammals were not observed during field visits by LSA and other biologists, and no evidence of California ground squirrels (e.g., burrows, tracks, or scat) was observed on the project site. In addition, no suitable burrows or retreats for burrowing owls were found on the site. The small size of the project site, lack of suitable burrows (or other suitable cavities), presence of potential predators (e.g. domestic cats), extensive area of surrounding urban development, and proximity of tall dense vegetation (e.g. blue gum grove) combine to render the project site unsuitable for burrowing owls. This species is not expected to nest or forage in the project vicinity, and the proposed development would not result in a significant impact to burrowing owls.

Due to the lack of suitable nesting or wintering habitat for the western burrowing owl on the Project Site, and the very low likelihood that this species would occur there even as a transient, the Project would have no impact on the western burrowing owl. Although the original Natural Resources Management report indicated that western burrowing owls could colonize the site, the LSA staff, which conducted more extensive site observation, determined that there is extremely little potential for western burrowing owl to inhabit the Project Site. No additional surveys or mitigation for the potential presence of this species is required. The Project would have ***no impact*** on this species.

Special-Status Bird Species

The LSA evaluation of potential Project-related impact on 13 special-status bird species determined that these birds are either: (1) unlikely to occur on the project site on more than an incidental basis; or (2) may occur more regularly on the site, but are unlikely to be significantly affected by the proposed project. To support these conclusions LSA provided an extensive discussion of the habitat characteristics of the 13 bird species, and compared these characteristics with on-site conditions. The objective of the LSA report was to assess whether any of these species could potentially nest or forage on the project site during the breeding season and, if so, whether the species would be subject to a significant adverse effect from the Project (including direct and indirect impacts).

> **Potential Impact 3-4: Raptors.** Removal of eucalyptus trees within the Project Area could disturb nesting raptors during their breeding season (February through August). This impact is considered to be *potentially significant.*

Subsequent sections discuss potential impacts during the non-breeding season and potential cumulative impacts on the 13 species. The LSA evaluation also incorporates a description of the site observation, and a table identifying bird species that were observed on the site, none of which were special status species. The list of observed bird species is provided below in **Table 3-2**.

[7] Center for Natural Diversity Database, 2003.

Non-Breeding Season Impacts

During the non-breeding ("wintering") season, birds require suitable cover and foraging habitat, but do not require nesting habitat. As a result, most bird species are less restricted in their habitat requirements than during the breeding season. In addition, because individual birds are not tied to a specific nest location, they are free to move around in response to environmental changes, such as a lack of sufficient food.

Table 3-2:
Bird Species Observed by LSA on or Adjacent[8] to the D Street (Hayward) Project Site, July 2004. Observers were Eric Lichtwardt (July 12) and Steve Granholm (July 14).

SPECIES	JULY 12	JULY 14
Turkey vulture	x	x
Red-shouldered hawk	x	x
American kestrel		x
Mourning dove	x	x
Rock (feral) pigeon		x
Anna's hummingbird	x	x
Nuttall's woodpecker	x	x
Pacific-slope flycatcher	x	x
Black phoebe		x
Steller's jay		x
Western scrub-jay	x	x
American crow	x	x
Oak titmouse	x	
Bewick's wren	x	x
American robin	x	x
Northern mockingbird	x	x
European starling	x	
Spotted towhee	x	x
California towhee	x	x
Brown-headed cowbird	x	x
Hooded oriole	x	
House finch	x	x
Lesser goldfinch		x
American goldfinch	x	x

Seven of the special-status bird species discussed in the LSA evaluation (white-tailed kite, northern harrier, prairie falcon, long-eared owl, burrowing owl, loggerhead shrike, and California horned lark) forage most of the time in open habitats. However, given the limited amount of open habitat available on the project site and the surrounding urban landscape it is unlikely that these species

[8] "Adjacent" is defined here as "within 300 feet."

would forage on or adjacent to the project site, except perhaps rarely on an incidental basis. Rather, these species would seek out larger areas of open habitat. Thus, the loss of a small area (less than 3.66 acres) of grassland habitat on the site would not have a significant adverse impact on these species. In addition (as noted above), none of these species are likely to occur in the project vicinity except perhaps rarely on an incidental basis.

Four other species (Cooper's hawk, sharp-shinned hawk, purple martin, and rufous hummingbird) forage part of the time in open habitats, but also forage among or over urban plantings. Thus, the loss of grassland foraging habitat on the site would not have a significant adverse impact on these species. In addition (as noted above) the purple martin is unlikely to occur in the project vicinity except perhaps rarely on an incidental basis.

The other two species (yellow warbler and yellow-breasted chat) typically forage within riparian woodlands. Thus, the loss of grassland foraging habitat on the site would not have a significant adverse impact on these species. In addition (as noted above) these species are unlikely to occur in the project vicinity except perhaps rarely during migration. The two drainages present on the project site do not support suitable habitat for the yellow warbler or yellow-breasted chat and thus, any impacts to these areas (which would be minimal according to the development plan) would have no negative effect on these species.

Cumulative Impacts

As noted above, the CEQA Guidelines state that a project would have a potentially significant impact if it would have an impact that is "individually limited, but cumulatively considerable." According to the Guidelines, "cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of other past, current, and probable future projects.

Based on the discussion above, the project would not result in a significant cumulative impact on any of the 13 special-status bird species, because the incremental effect of the proposed development (if any) would be so minor. In other words, the incremental effect of the proposed project would not be "considerable" when viewed in connection with the effects of other past, current, and probable future projects.

Because the Project would remove a minimal amount of the riparian habitat on the site (see subsequent discussion of wetlands), and due to the small site (less than 3.66 acres) and isolation of the grassland habitat to be removed, LSA concluded that the project would not result in a significant impact to any of the 13 special-status bird species (including direct, indirect, and cumulative impacts). Although several of these 13 bird species nest in open habitats, and could perhaps occur rarely on the Project Site, it is highly unlikely that these species would nest on this small (3.66-acre) site, due to the limited area of open habitat available and the extensive urban landscape surrounding the site. The consultants also concluded that the Project would not have a significant impact on foraging habitat for the 13 special-status bird species, for the following reasons:

- Due to the small amount of open habitat at the project site and vicinity (less than 3.66 acres), the seven species that forage primarily in open habitats are unlikely to forage on the project site, except rarely on an incidental basis.
- Four of the other species forage part of the time in open habitats, but also forage in residential subdivisions, and thus would not be significantly affected by the project.
- The other two species typically forage within riparian woodlands and thus would not be significantly affected by loss of open habitat.

In addition, based on LSA's experience, prior CEQA documents prepared for the County of Alameda have generally concluded that a significant impact on a bird species of special concern, or a fully protected species, would not occur unless the project would have a potential impact on *nesting* of such species. As mitigation for impacts on bird species of special concern or fully protected bird species, the County's CEQA documents have typically required pre-construction surveys and protection of any nests (along with an appropriate buffer) until nesting has been completed. Such mitigation has typically been considered adequate to reduce impacts on special-status bird species to below a level of significance.

> **Mitigation Measure 3-4: Raptor Survey and Buffer Zones.** If tree removal activities occur between February and August, a qualified wildlife biologist will be required to conduct a bird species survey to determine the presence or absence of nesting raptors and passerines. If occupied nests are observed, the tree removal activity will not proceed until the biologist has confirmed that the nest is no longer in use and the young have fledged. In addition, tree removal or other activities would be prohibited within a 200-foot buffer zone around the nest tree while the nest is in use.

Implementation of Mitigation Measure 3-4 would reduce the impact of the Project on avian raptor species to a level that is ***less-than-significant.***

A-2) Special-Status Plant Species

Habitat types

Non-native annual grassland is the dominant vegetation community on the Project Site. Other vegetation communities within the property include freshwater marsh, and eucalyptus woodland. In scattered locations, tree species such as Peruvian pepper tree (*Schinus molle*), coast live oak (*Quercus agrifolia*), English walnut (*Juglans regia*), and various ornamental species are present. Vegetation communities are described in more detail below. A list of plant species observed within the property during the present survey is provided in **Appendix D**.

Non-Native Annual Grassland

Non-native annual grassland is generally found in valleys and foothills throughout California, except for the north coastal and desert regions. This community usually occurs below 3,000 feet, but reaches 4,000 feet in the Tehachapi Mountains and interior San Diego County, and intergrades with coastal prairie along the Central Coast (Holland 1986). It typically occurs on soils consisting of fine-

textured loams or clays that are somewhat poorly drained. This vegetation type is dominated by a sparse to dense cover of non-native annual grasses and weedy annual and perennial forbs, primarily of Mediterranean origin, that have replaced native perennial grasslands as a result of human disturbance. However, where not completely out-competed by weedy non-native plant species, scattered native wildflower species considered remnants of the original vegetation may also be common.

Onsite, non-native annual grassland intergrades with ruderal (weedy) habitat which establishes areas following disturbance related to roadsides and occupied dwellings. Non-native grass species typical of this community and of ruderal areas on site include wild oats (*Avena fatua*), hare barley (*Hordeum murinum sp. leporinum*), Italian ryegrass (*Lolium multiflorum*), and ripgut brome (*Bromus diandrus*), amid others. Common non-native herbs include wild radish (*Raphanus sativus*), sweet fennel (*Foeniculum vulgare*), bull thistle (*Cirsium vulgare*), black mustard (*Brassica nigra*), prickly lettuce (*Lactuca serriola*), field bindweed (*Convolvulus arvensis*), English plantain (*Plantago lanceolata*), and milk thistle (*Silybum marianum*), amid others. Common native species present within this community include creeping wildrye (*Leymus triticoides*), California poppy (*Eschscholzia californica*), and coyote brush (*Baccharis pilularis*).

Non-native annual grassland follows the California annual grassland series, as described in Sawyer and Keeler-Wolf (1995) and would be classified as an upland, following Cowardin, *et al.* (1979).

Freshwater Marsh

Freshwater marsh and spring typically occur along the coast and in coastal valleys near river mouths and around margins of lakes, stock ponds, and springs throughout California, although now much reduced in range. This community is most extensive in the upper portion of the Sacramento-San Joaquin River Delta. Freshwater marsh and spring consist of areas with permanent or prolonged saturation of soils that can lack measurable surface flows. The community supports few to several perennial and annual herbaceous hydrophytic plant species.

Hydrologic characteristics adequate to support this vegetation community are usually found where the water table is at or near the surface, or where subsurface seepage percolates and collects near the surface, such as along the edge of stream banks, on the lower portions of steep slopes, along fault lines or geological contacts, or at the upper portion of small swales. This vegetation community characteristically forms a dense vegetative cover dominated by perennial, emergent monocots 1-15 feet high that reproduce by underground rhizomes.

Within the site, typical freshwater marsh vegetation is present along the bottom of the eastern portion of drainage #1 and the entirety of drainage # 2. Species characteristic of this community on site include narrow-leaved cattail (*Typha angustifolia*), watercress (*Rorippa nasturtium-aquaticum*), Dallis grass (*Paspalum dilatatum*), curly dock (*Rumex crispus*), Himalayan blackberry (*Rubus discolor*), umbrella sedge (*Cyperus eragrostis*), and rabbitfoot grass (*Polypogon monspeliensis*), among others.

On site, portions of this vegetation community follow the bulrush-cattail series as described by Sawyer and Keeler-Wolf (1995). It would be classified as a palustrine seasonally or permanently flooded wetland following Cowardin, et al. (1979).

Eucalyptus Woodland

Eucalyptus trees have become naturalized in California following their arrival in the 1880s. Importation of this genus to California was undertaken for the potential they held as a marketable hardwood due to their accelerated maturation time and the similarity of the California climate to that of eucalyptus' native Australia. This favorable climate supported the persistence and radiation of eucalyptus species throughout the state. Tasmanian blue gum (*Eucalyptus globulus*) is the most common and widely distributed species in California. Due to the physiology and chemical makeup of eucalyptus trees along with the large amount of bark and leaf litter they deposit on the ground, a paucity of shrub and herbaceous species are able to persist in the understory.

Within the site, eucalyptus woodland is present along the western portion of drainage #1. Tasmanian blue gum is the dominant overstory species. The presence of plant species within the understory is sparse, however it is characterized by species such as English ivy (*Hedera helix*), German ivy (*Senecio mikanioides*), smilo grass (*Piptatherum miliaceum*), hedge parsley (*Torilis arvensis*), Torrey melic (*Melica torreyana*), and ripgut brome, amid others. On the outer edges of the canopy, species such as blue elderberry (*Sambucus mexicanus*), Himalayan blackberry, pampas grass and California bay (*Umbellularia californica*) are also present.

Eucalyptus woodland is not a native plant community and is not described in Sawyer and Keeler-Wolf (1995); it would be classified as an upland following Cowardin, *et al.* (1979).

Special-status plants

Plant species that garner regulatory protection are given elevated status based on their rarity and endangerment through all or portions of their range. Such plant species are referred to as special-status plants or "target species." Special-status plant species include those listed by the U.S. Fish and Wildlife Service as Candidates for listing, Rare, Threatened, or Endangered (USFWS 1999), CDFG (2004a), and the CNPS (2001). The California Native Plant Society (CNPS) has developed a list of rare and endangered plants of California. This listing is endorsed by the CDFG and effectively serves as their list of "candidate" plant species. CNPS List 1B and List 2 species are considered eligible for state listing as Endangered or Threatened under CDFG Code. Such species should be fully considered during preparation of environmental documents subject to the California Environmental Quality Act (CEQA). CNPS List 3 and List 4 species are considered to be either plants about which more information is needed or uncommon enough that their status should be regularly monitored. Such plants may be eligible or may become eligible for state listing, and CNPS and CDFG recommend that these species be evaluated for consideration during the preparation of CEQA documents (CNPS 2001). In addition, CEQA requires that impacts to "locally rare" species also be addressed.

Based on a review of special-status plant species literature and databases, and familiarity with the regional flora, a total of 43 target species were determined to have at least some potential to occur within the region of the property. A summary of the status, habitat affinities, flowering phenology, and potential for occurrence on site for each of the target plant species is presented in Table 1.

No federally or state listed Endangered or Threatened plant species were detected during the July 2 survey of the project site. Likewise, no plant species listed by CNPS were detected.

Of the 43 potentially-occurring special-status plant species, 39 can be ruled out because 1) they would have been detectable during the July focused survey, 2) they are likely to be out of range; and/or 3) suitable habitat is not present. Additionally, alteration of the site may have reduced the potential for occurrence of special-status plant species. Onsite alterations include habitat fragmentation, invasive exotic weed infestation, conversion of vegetation communities to eucalyptus woodland, and previous disturbances related to home and road building on-site and in the project area.

Four outstanding potentially-occurring target species could not be ruled out due to the timing of the single-season focused survey, and the presence of marginally suitable habitat at the project site. These species are bent-flowered fiddleneck (*Amsinckia lunaris,* CNPS List 1B), round-leaved filaree (*Erodium macrophyllum,* CNPS List 1B), fragrant fritillary (*Fritillaria liliacea*, CNPS List 1B), and Mt. Diablo cottonweed (*Micropus amphibolus*, CNPS List 3)

Sensitive natural plant communities

Sensitive natural communities are characterized as plant assemblages that are unique in constituent components, restricted in distribution, considered locally rare, potentially support special-status plant or wildlife species, and/or receive regulatory protection from municipal, county, state, and/or federal entities. Regulatory protection of sensitive natural communities originates from sources such as city or county codes, §404 of the Clean Water Act, and/or §1600 *et seq.* of the California Fish and Game Code. Administration and enforcement of these regulations includes entities such as the U.S. Army Corps of Engineers, California Department of Fish and Game, the California Regional Water Quality Control Board, and/or Alameda County. The CNDDB has assigned a number of communities as rare; these communities are given the highest inventory priority (Holland 1986; CDFG 2003b).

The project site supports a single sensitive natural community. Freshwater marsh is a wetland that provides important ecological functions such as water filtration, temperature regulation of streams, and nursery habitat to aquatic species. Freshwater marsh may be considered a sensitive natural community as it may fall under the jurisdiction of the Regional Water Quality Control Board and/or U.S. Army Corps of Engineers as a wetland or waters of the United States.

Special-status plant species impacts

Federally-Listed Species

No federally-listed plant species were observed during the July 2, 2004 focused botanical survey and none are expected. There would be ***no impact*** on federally-listed plant species.

State-Listed Species

No state listed plant species were observed during the July 2, 2004 focused botanical survey and none are expected. There would be ***no impact*** on state-listed plant species.

California Native Plant Society-Listed Plants

Potential Impact 3-5: CNPS-Listed Plant Species. No CNPS-listed plant species were observed during the July 2, 2004 focused botanical survey. However, there is still a potential for CNPS-listed species to occur within the project area due to the fact that marginally suitable habitat is present. Species that retain the potential to occur on site include bent-flowered fiddleneck (*Amsinckia lunaris.* CNPS List 1B), round-leaved filaree (*Erodium macrophyllum,* CNPS List 1B), fragrant fritillary (*Fritillaria liliacea*, CNPS List 1B), and Mt. Diablo cottonweed (*Micropus amphibolus*, CNPS List 3). Loss of these species as a result of Project construction would be a ***potentially significant impact.***.

Sensitive Natural Communities

Freshwater marsh, a sensitive natural vegetation community, was identified on site. The U.S. Army Corps of Engineers has taken jurisdiction over the areas identified as freshwater marsh, therefore designating it as a special-status natural community. Additionally, Freshwater marsh may fall under the jurisdiction of the CDFG and the state RWQCB as wetlands, waters, or riparian habitats as defined under their respective regulations, codes, and policies, and therefore receive regulatory protection under applicable state or federal laws.

Additional Surveys

It should be noted that a single season study does not conform to the guidelines set forth by California Department of Fish and Game (2000) which state that "rare, threatened, or endangered plant surveys should be conducted in the field at the proper time of year when rare, threatened, or endangered species are both evident and identifiable". In addition, "a sufficient number of visits spaced throughout the growing season are necessary to accurately determine what plants exist on the site. In order to properly characterize the site and document the completeness of the survey, a complete list of plants observed on the site should be included in every botanical survey report". A single-season - botanical survey for the Agarwal property would therefore be considered incomplete. There remains a potential for 4 special-status plant species to occur within the project area.

Mitigation Measure 3-5: CNPS-Listed Plant Species. The Applicant shall provide for two additional focused surveys of the Project Site by a qualified botanist to determine the presence or absence of CNPS-listed plant species during the blooming periods of the remaining potentially-occurring target species. These focused surveys should be conducted

in early-spring (March) and mid-spring. If the plants are found, construction in that portion of the project area will be delayed until the plants reach the appropriate point in their growth, phenologically and physiologically, to be re-located. Either the plants would set seed that would be collected, or in the case of the species which is a bulb, the bulbs would be collected when the plants reach dormancy. Plants would be moved to a suitable location on-site or off-site for planting.

Implementation of Mitigation Measure 3-5 will reduce the impact on CNPS-listed plant species to a level that is ***less-than-significant.***

B,C) Riparian Habitats and Wetlands

Significance Criteria: The Project would have a significant environmental impact if it were to have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service or if it were to have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

The discussion above includes identification of non-wetland and non-riparian sensitive habitats that also potentially support special-status species. The same mitigation measures would apply.

Wetland and Riparian Habitat

Potential Impact 3-6: Riparian Habitat and Wetlands. Construction of a new road through the middle of the Project Site would impact a total of approximately .03 acres of wetlands and .03 acres of intermittent drainage areas where the proposed new road would cross Drainages #1 and #2. This impact is considered to be ***potentially significant.***

The U.S. Army Corps of Engineers defines wetlands as areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. For a wetland to qualify as a jurisdictional aquatic site and be, therefore, subject to regulation under Section 404 of the Clean Water Act, the site must support a prevalence of hydrophytic vegetation, hydric soils, and wetland hydrology.[9] Additionally, for the purposes of this section, intermittent drainage areas are considered riparian habitat.

Waters of the United States within the Project Area were identified in January 2004 according to the standards of the U.S. Army Corps of Engineers. The preliminary wetland delineation report can be found in **Appendix C**. The report found a total of .13 acres of jurisdictional wetlands as well as .12 acres of intermittent drainages are present on the Project Site. All .13 acres of wetland are located

[9] Environmental Laboratory, *Corps of Engineers Wetland Delineation Manual (Technical Report Y-81-1)*, Vicksburg, MS: Waterways Experiment Station, 1987.

along both banks of Drainage #2, while the .12 acres of intermittent drainage area are located in both Drainage #1 and Drainage #2.

The Project includes plans to confine the section of the northern most drainage (Drainage #2) to a culvert under the road. This would impact approximately .03 acres of wetland and .014 acres of intermittent drainage area. In addition, approximately .016 acres of intermittent drainage area would be impacted within Drainage #1 due to the necessary widening of the existing culvert and driveway. The following mitigation measure would reduce the impact to wetlands and riparian areas:

> **Mitigation Measure 3-6: Compliance with U.S. Army Corps of Engineers Guidelines for Wetland Mitigation.** The Applicant shall mitigate wetland impacts according to the U.S. Army Corps of Engineers guidelines and will also be subject to review by the SF Bay Regional Water Quality Control Board. Mitigation may include the enhancement of existing wetlands on-site, creation of wetlands off-site, or contribution to a wetland mitigation bank. Mitigation ratios are based on the quality of the impacted wetland and typically are at a 1:1 ratio or better to be determined in coordination with State and Federal agencies. In addition, any work within the drainages in the Project area will be subject to requirements of the California Department of Fish and Game 1600 agreement. This agreement will be completed as part of the permitting phase of the proposed project.

Implementation of the above mitigation would reduce the impact of the Project on wetlands and riparian areas to a level of ***less-than-significant.***

The Applicant has chosen to meet the above requirements by enhancing the existing wetlands onsite. This enhancement would include plantings, garbage removal and dirt removal among other requirements. Additionally, no structures will be built within any of the areas designated as wetland habitat or an intermittent drainage area. Should the U.S Army Corps of Engineers and the SF Bay Regional Water Quality Control Board agree that these efforts fulfill the mitigation requirement listed above, the impact would be considered ***less-than-significant.***

D) Wildlife Movement/Nursery Sites

Significance Criteria: The Project would have a significant environmental impact if it were to interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native nursery sites.

As previously discussed in Section A) Special Status Species, nursing sites may be potentially affected during construction of the Project. The impact analysis can also be found in that section with regards to the western burrowing owl and avian raptor species. This impact is considered to be ***potentially significant*** but can be reduced to a level of ***less-than-significant with mitigation.***

No known migration corridors exist on or near the Project site. The Project would have ***no impact*** on such resources.

E) Conflict with Biological Resource Protection Policies

Significance Criteria: The Project shall have a significant environmental impact if it were to conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

> **Potential Impact 3-7: Tree Removal.** The Project will remove 12 mature trees from the Project Site. This impact is considered to be ***potentially significant.***

The Fairview Area Specific Plan contains a tree preservation policy that is intended to preserve large, mature, natural and introduced trees as much as possible. The Project proposes to eliminate 12 mature trees, primarily eucalyptus trees. The following mitigation measure would reduce the impact on trees:

> **Mitigation Measure 3-7: Tree Replacement.** The Applicant shall conform with the requirements of the Fairview Area Specific Plan to reestablish at five, 15-gallon sized trees or one boxed, native specimen tree for every large tree removed. The species, location and method of installation shall be approved by the County Planning Director.

Implementation of the above mitigation measure would reduce the impact on trees and County biological resource protection policies to a level of ***less-than-significant.***

F) Conflict with Habitat Conservation Plans

Significance Criteria: The Project would have a significant environmental impact if it were to result in a conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

No adopted HCP, NCCP, or other approved conservation plan applies to the Project Area. Therefore, the Project would not hinder the implementation of such an HCP or NCCP and would have ***no impact.***

V. CULTURAL RESOURCES

Environmental Factors and Focused Questions for Determination of Environmental Impact		Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the Project:					
a)	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	[ ]	[ ]	[ ]	[✓]
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	[ ]	[✓]	[ ]	[ ]
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	[ ]	[✓]	[ ]	[ ]
d)	Disturb any human remains, including those interred outside of formal cemeteries?	[ ]	[✓]	[ ]	[ ]

Setting

Prehistoric Period

Alameda County and the Bay Area have been inhabited for the greater part of the last 10,000 years BP (before present). Early inhabitants were nomadic Paleo Indians who used tools for hunting and gathered seafood. Later as acorn-processing techniques were developed, trade, tool and ornament use increased as people established large villages along the shoreline and inland permanent streams throughout the Bay Area. The area around Hayward occupied by a group known as the Costanoan. One of their main settlements was located near what is today the present site of downtown Hayward with archaeological evidence indicating that sustained use of the area occurred over the last 5,000 years.[15] It is theoretically possible that at any given time during the prehistoric period, the Project Area was inhabited by the Costanoan, or one of the above mentioned Native American groups.

Historic Period

The Spanish, and then subsequently Mexico presided over Alameda County, as well as most of California south of Sonoma, from western settlement to 1848 when the territory was ceded to the United States. In 1833-34, the Mexican government secularized the Spanish missions and many

15 City of Hayward, *Draft Program EIR, Circulation Element Update of the City of Hayward General Plan*, October 28, 1997, page III.L-1.

mission lands were subsequently granted to individuals who established vast estates known as ranchos. The Hayward area was originally part of Mission San Jose.

The Gold Rush of 1849 brought many English-speaking people to the area, including William Hayward, for whom the City of Hayward is named. From 1860, the area around Hayward grew rapidly, spurred by the development of fruit orchards, other produce, and flower cultivation. The pastoral character of Hayward and its surrounding spawned a resort trade, and the area became a destination for recreation and leisure. From 1900 to present, including the housing boom resulting from World War II, much of the development in and around Hayward has been focused in residential subdivisions.[16]

A) Historical Resources

Significance Criteria: The Project would have a significant environmental impact if it were to cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.

County Assessment records indicate that the existing house on the site was constructed in 1966. Planning Staff has inspected the site and determined that the existing house does not qualify as a historical resource as defined in Section 15064.5. Therefore, the Project will have *no impact* on historical resources.

B - D) Archaeological Resources

Significance Criteria: The Project would have a significant environmental impact if it were to cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5, directly or indirectly destroy a unique paleontological resource or unique geologic feature, or disturb any human remains, including those interred outside formal cemeteries.

> **Potential Impact 3-8: Disturbance of an Archaeological Resource.** It is possible that archaeological, paleontological or prehistoric resources, as well as interred human remains could be discovered during the demolition, site preparation and construction of the Project. If that were to occur, the impact would be considered ***potentially significant.***

Currently, there are no known archaeological, paleontological or prehistoric resources, or known internment of human remains located on the Project Site. However, according to the archaeological sensitivity map produced by Alameda County, the archaeological sensitivity of the Project Site is described as "High."[17] Inherent in this designation is a high probability for uncovering such resources during the demolition, site preparation and construction of the Project. To address the potential impacts of uncovering archaeological, paleontological or prehistoric resources, or human remains, the following mitigation measures shall be implemented:

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[16] Ibid, page III.L-1 – III.L-3

[17] Alameda County, *The Map of Archaeological Sensitivity in Alameda County*, 1976.

Mitigation Measure 3-8: Cultural Resource Protection Procedures. The developer shall inform all personnel connected with the Project of the possibility of finding archaeological resources (e.g. human remains, artifacts, bedrock, bone or shell). If during construction such resources are encountered, all work will be halted with a 30-foot radius of the findings and a qualified archaeologist shall be retained to ascertain the nature of the discovery. Mitigation measures recommended by the archaeologist and approved by the Planning Director will be implemented.

Additionally, if human remains are found within the Project Area, State law (CEQA Section 15064.5 and the Health and Safety Code Section 7050.5) requires the following steps to be taken:

- There shall be no further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie adjacent human remains until the County Coroner is contacted;
- If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours;
- The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent;
- The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods.

Compliance with these and the other requirements set forth in CEQA Section 15064.5 and the Health and Safety Code Section 7050.5 would ensure that the Project has a ***less-than-significant*** impact on any archaeological, paleontological or prehistoric resources, or human remains, should they be found within the Project Site.

VI. GEOLOGY

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the Project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	[ ]	[ ]	[ ]	[✓]
ii) Strong seismic ground shaking?	[ ]	[✓]	[ ]	[ ]
iii) Seismic-related ground failure, including liquefaction?	[ ]	[ ]	[✓]	[ ]
iv) Landslides?	[ ]	[ ]	[✓]	[ ]
b) Result in substantial soil erosion or the loss of topsoil?	[ ]	[✓]	[ ]	[ ]
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	[ ]	[ ]	[✓]	[ ]
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	[ ]	[✓]	[ ]	[ ]
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	[ ]	[ ]	[ ]	[✓]

Setting

A geotechnical investigation of the proposed Project Site was conducted on behalf of a former property owner and the Alameda County Planning Department by Cleary Consultants. The report presents the methods and results of their studies and provides recommendations to avoid or minimize potential impacts of the underlying geology in the Project Area. Excerpts of the Cleary Consultants report are included in this checklist. The full report can be found in **Appendix D**.

The report indicates that the site is underlain by the Panoche Formation, which is composed of highly weathered siltstone and sandstone, coupled with occasional shale and claystone interbeds. Bedrock is exposed in cuts for the existing dwelling and access road at the site. The soil and

bedrock materials have variable plasticity characteristics (plasticity index = 8 to 30) and have varying levels of low to high expansion potentials.

No active or inactive faults are known to pass through the site. However, the property is located approximately 1½ miles northeast of the Hayward fault, 20 miles northeast of the San Andreas fault and 7 miles southwest of the Calaveras fault, all of which are historically active.

A) Seismic Hazards

Seismic hazards are generally classified as two types, primary and secondary. Primary geologic hazards include surface fault rupture. Secondary geologic hazards include ground shaking, liquefaction, dynamic densification, and seismically induced ground failure.

i) Surface Fault Rupture

Significance Criteria: The Project would have a significant environmental impact if it were to expose people or structures to potential substantial adverse effects associated with the surface rupture of a known earthquake fault.

According to the Geotechnical Investigation, as well as the Alquist-Priolo Earthquake Fault Zoning Act, no active faults are located within the Project Area. Therefore, the Project would have ***no impact*** on exposing people or structures to danger from surface rupture of a known earthquake fault.

ii) Strong Seismic Ground Shaking

Significance Criteria: The Project would have a significant environmental impact if it were to expose people or structures to potential substantial adverse effects associated with strong seismic ground shaking.

Given that there in no active fault within the Project Area, damage from a seismic event is most likely to occur from the secondary impact of strong seismic ground shaking originating on a nearby fault. Estimates of actual ground shaking intensity at a particular location are made according to the Modified Mercalli Intensity Scale, which accounts for variables such as the size and distance from the earthquake. For the Project Area, Mercalli Intensity estimates indicate that earthquake-shaking intensity would vary depending upon where the seismic event originates. For the Maximum Credible Earthquake (MCE) along the southern Hayward fault (Richter Magnitude 6.7) the shaking intensity would be IX to X, violent to very violent in the Project Area. For the MCE (Richter Magnitude 8.5) equivalent to the 1906 San Francisco earthquake along the San Andreas fault the shaking intensity would be VI to VII, moderate to strong. The MCE along the Calaveras fault (Richter Magnitude 6.8) the shaking intensity would by VII to VIII, strong, to very strong.[18]

[18] Association of Bay Area Governments, internet site, 2002, http://www.abag.ca.gov/bayarea/eqmaps/pickcity.html, Assessed April 13, 2004.

Potential Impact 3-9: Seismically Induced Ground Shaking. Development of the Project would increase the number of structures and people potentially exposed to hazards associated with a major earthquake in the region. This impact is considered to be ***potentially significant.***

To reduce the effect of seismic groundshaking the following mitigation measure shall be implemented:

Mitigation Measure 3-9: Conformance with Uniform Building Code. The Project shall be designed in accordance with all seismic provisions of the Uniform Building Code (UBC) (the most currently adopted revision), and with County of Alameda and State of California Standards for seismic construction.

Conformance with the latest UBC would ensure that the impact of seismic ground-shaking is reduced to a level of ***less-than-significant.***

iii) Liquefaction

Significance Criteria: The Project would have a significant environmental impact if it were to expose people or structures to potential substantial adverse effects associated with seismic-related ground failure, including liquefaction.

Liquefaction is a secondary seismic hazard involving saturated cohesionless sand and silty sand sediments located close to the ground surface. Liquefaction occurs when the strength of a soil decreases and pore pressure increases as a response to strong seismic shaking and cyclic loading. During the loss of strength, the soil becomes mobile, and can move both horizontally and vertically. The Association of Bay Area Governments indicates liquefaction hazard for the Fairveiw Area as "very low" to "low."[19] This relatively low threat of liquefaction risk, and compliance with the standard building practices of Alameda County ensures that potential liquefaction hazard is a ***less-than-significant*** impact.

iv) Landslides

Significance Criteria: The Project would have a significant environmental impact if it were to expose people or structures to substantial hazards from landslides.

A landslide is a mass of rock, soil, and debris displaced down slope by sliding, flowing or falling. The Association of Bay Area Governments indicates the landslide susceptibility history for the Project Area as "few landslides."[20] This relatively low threat of landslides, and compliance with the

[19] Association of Bay Area Governments, http://gis.abag.ca.gov/website/liq/viewer.htm, Accessed April 13, 2004.
[20] Association of Bay Area Governments, http://gis.abag.ca.gov/website/Landslides/viewer.htm. Accessed April 13, 2004.

standard building practices of Alameda County ensures that potential landslide hazard is a ***less-than-significant*** impact.

B) Erosion or Loss of Topsoil

Significance Criteria: The Project would result in a significant environmental impact if it were to result in substantial soil erosion or in the loss of topsoil.

> **Potential Impact 3-10: Soil Erosion during Construction.** The grading and construction associated with building 15 new homes as well as the access road into the site are activities that could lead to the substantial erosion of topsoil. This impact is considered to be ***potentially significant***.

The proposal of the Project to build new homes on a vacant lot would involve activities that would potentially result in substantial soil erosion. These activities include the grading and construction associated with building 15 new homes as well as the access road into the site. The following mitigation measure is recommended to reduce this impact:

> **Mitigation Measure 3-10: Conformance with the County Grading Ordinance.** The Project shall conform to all requirements and provisions of the Alameda County Grading Ordinance, State of California.

Compliance with the policies and regulations of the County Grading Ordinance would ensure that the Project would have a ***less-than-significant*** impact on erosion.

The Project developer would also be required, as part of a grading permit, to obtain a water quality certification or waiver from the Regional Water Quality Control Board. This process ensures conformance to best management practices during construction to control wind and water erosion that could affect surface and ground water quality.

C) Geologic Instability

Significance Criteria: The Project would have a significant environmental impact if located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Please see the discussion of landslides, in section A)-iv, above, for a description of potential Project impacts and policies that address these similar geologic hazards.

The relatively low threat of landslides, and compliance with the standard building practices of Alameda County ensures that potential landslide hazard is a ***less-than-significant*** impact.

D) Expansive Soils or Bedrock

Significance Criteria: The Project would have a significant environmental impact if located on expansive soil, creating substantial risks to life or property.

> **Potential impact 3-11: Expansive Soils.** The Project Site is underlain by expansive soils. The expansion and contraction of expansive soils can cause damage to pavement sections, concrete slabs, and foundations. This is a ***potentially significant*** impact.

The Geologic Investigation of the Project Site (**Appendix G**) found that the soil and bedrock materials have variable plasticity characteristics (plasticity index = 8 to 30) and have varying levels of low to high expansion potentials. Expansive soils have a strong tendency to expand and contract during episodes of wetting and drying, such as those experienced during seasonal moisture variations. This can cause damage to pavement sections, concrete slabs, and foundations. The report concluded that although the site does contain expansive soils, the site "is suitable for the proposed tract development provided the recommendations contained in this report are incorporated into the design and construction of the Project."[21] The following mitigation measures are recommended to reduce this impact:

> **Mitigation Measure 3-11A: Conformance with Geotechnical Report.** The Project shall incorporate the recommendations of the Geotechnical Report into the design and construction of the Project.

> **Mitigation Measure 3-11B: Site Plan Review.** The finals site plan for the Project shall be reviewed by the appropriate regulatory agencies to ensure that the applicant has incorporated the recommendations of the Geotechnical Report into the design and construction of the Project.

Implementation of the above mitigation measures would ensure that impacts associated with expansive soils are ***less-than-significant.***

E) Capability of Soils to Support Septic Tanks

Significance Criteria: The Project would have a significant environmental impact if it involved construction of septic systems in soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems.

The Project does not propose to build any new septic tank or alternate waste disposal systems. Therefore, the Project would have ***no impact*** on soils due to septic systems.

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[21] Cleary Consultants, Inc., *Geotechnical Investigation, Tract 5965, s492 D Street, Alameda County, California*, July 7, 1989, page 6.

VII. HAZARDS AND HAZARDOUS MATERIALS

Environmental Factors and Focused Questions for Determination of Environmental Impact		Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the Project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	[ ]	[✓]	[ ]	[ ]
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	[ ]	[✓]	[ ]	[ ]
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	[ ]	[ ]	[ ]	[✓]
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	[ ]	[ ]	[ ]	[✓]
e)	For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project Area?	[ ]	[ ]	[ ]	[✓]
f)	For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project Area?	[ ]	[ ]	[ ]	[✓]
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	[ ]	[ ]	[ ]	[✓]
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	[ ]	[✓]	[ ]	[ ]

Setting

A hazardous material is a substance with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. Within typical construction sites, materials that could be considered hazardous may include fuels, motor oil, grease, various lubricants, solvents, soldering equipment, and glues.

A hazardous waste is any hazardous material that is discarded, abandoned or is to be recycled. If improperly handled, hazardous materials and waste can result in public health hazards if released

into the soil or groundwater or through airborne release in vapors, fumes or dust. The California Code of Regulations, Title 22, Sections 66261.20-24 contains technical descriptions of characteristics that could cause soil or groundwater to be classified as hazardous waste.

State Regulations

Statewide, the California Environmental Protection Agency's Department of Toxic Substances Control (DTSC) has primary regulatory responsibility for management of hazardous materials, with delegation of authority to local jurisdictions that enter into agreements with the state. EPA regulates the management of hazardous materials and wastes. The primary federal hazardous materials and waste laws are contained in the Resource Conservation and Liability Act (CERCLA), and the Toxic Substances Control Act (TSCA). These laws apply to hazardous waste management, soil and groundwater contamination, and the controlled use of particular chemicals. In California, the EPA has delegated most of its regulatory responsibilities to the state. Under Title 40, of the California Code of Regulations, Section 112.1(d)(2), a spill prevention plan is not needed for 1) underground storage of 42,000 gallons or less, or 2) above ground storage of 1,320 gallons or less, "provided no single container has a capacity in excess of 660 gallons."

The state agencies most involved in enforcing public health and safety laws and regulations include the DTSC, the California Occupational Safety and Health Administration (Cal/OSHA), the Office of Emergency Services, State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards, the Air Resources Board (ARB), and the California Integrated Waste Management Board. The California Governor's Office of Planning and Research annually publishes a listing of potential and confirmed hazardous waste sites throughout the State of California under Government Code Section 65962.5, known as the CORTESE List, based on input from the DTSC, SWRCB, ARB, and the California Integrated Waste Management Board.

A, B) Hazardous Materials

Significance Criteria: The Project would have a significant environmental impact if it were to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or if it were to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

> **Potential Impact 3-12: Presence of Asbestos and Lead-Based Paint.** Demolition of the existing single family residence could present a health risk associated with possible asbestos-containing materials and lead based paint existing on and within the buildings. This impact is considered ***potentially significant.***

County Assessment records indicate that the house to be demolished was constructed in 1966. Buildings constructed prior to 1980 often include materials containing asbestos. Additionally, buildings constructed prior to 1980 often contain lead-based paint. The demolition of the house, and transport of asbestos and lead containing materials offsite could accidentally release hazardous

materials into the environment if the proper precautions are not taken. The following mitigation measures would reduce this impact:

Mitigation Measure 3-12: Protection Procedures. Lead and asbestos surveys should be reviewed/performed and a Demolition Plan for safe demolition of existing structures at the Project site should be prepared. All transportation of hazardous or contaminated materials from the site shall be performed in accordance with an approved Demolition Plan and Removal Action Workplan. The Demolition Plan should address both on-site worker protection and off-site resident protection from both chemical and physical hazards. All contaminated building materials shall be disposed of at appropriate licensed landfill facilities. Prior to whole-scale demolition, hazardous building materials such as peeling, chipping and friable lead-based paint and asbestos containing building materials should be removed in accordance with all applicable guidelines, laws and ordinances. The Demolition Plan should include a program of air monitoring for dust particulates and attached contaminants. Dust control and suspension of work during dry windy days should be addressed in the Demolition Plan.

A licensed asbestos contractor must perform all asbestos related work if there is more than 100 square feet of asbestos involved. If less than 100 square feet is involved, the contractor is not legally required to have the asbestos licensing. However, the contractor must have proper training and utilize the same engineering controls, protective equipment, exposure monitoring, etc. that are required of a licensed asbestos contractor. For this reason, it is recommended that licensed asbestos contractors perform any asbestos related work regardless of the quantity. This is due to the fact that most of the non-asbestos contractors do not have trained asbestos workers or the specialized tools and equipment required to perform asbestos related work.

For the impact of flaking and peeling lead paint the requirements of Title 8, California Code of Regulations, Section 1532.1 (T8 CCR 1532.1) must be followed. These requirements include (but are not limited to) the following:

- Loose and peeling lead-containing paint should be removed prior to building demolition. Workers conducting removal of lead paint must receive training in accordance with T8 CCR 1532.1.
- The lead paint removal project should be designed by a DHS certified lead project designer, project monitor or supervisor,
- Workers conducting removal of lead paint must be certified by DHS in accordance with T8 CCR 1532.1,
- Workers that may be exposed above the Action Level must have blood lead levels tested prior to commencement of lead work and at least quarterly thereafter for the duration of the Project. Workers that are terminated from the Project should have their blood lead levels tested within 24 hours of termination,

- A written exposure assessment must be prepared in accordance with T8 CCR 1532.1, and
- Any amount of lead waste generated from painted building components must be characterized for proper disposal in accordance with Title 22, Section 66261.24.

Implementation of the above mitigation measure would reduce the impact of the Project to a level of ***less-than-significant.***

C, D) Hazardous Materials Presence

Significance Criteria: The Project would have a significant environmental impact if it were to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a quarter mile of an existing or proposed school, or if it was located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 ("Cortese List").

There are no existing or proposed schools within a quarter mile of the Project Area. Additionally, The Cortese List, which is maintained by the Department of Toxic Substances Control[22], does not list properties within the Project Area and there are also no properties listed on the Cortese List in the Project Area vicinity that could potentially affect it. Therefore, the Project would have ***no impact*** from the emission or handling of hazardous materials or wastes on schools or from any environmental contamination posed by the sites listed on the Cortese List.

E, F) Safety Hazards Due to Nearby Airport or Airstrip

Significance Criteria: The Project would have a significant environmental impact if it were located within an airport land use plan (or, where such a plan has not been adopted, within two miles of a public airport or public use airport), if it would result in a safety hazard for people residing or working in the Project area; or if it were located within the vicinity of a private airstrip, if it would result in a safety hazard for people residing or working in the Project area.

The closest airport to the Project Site is the Hayward Air Terminal, located approximately 3.5 miles to the west. The Project site is not within an airport land use plan, nor is the Project close enough for the airport to pose a safety hazard to residents or workers in the Project Area. The Project would have ***no impact*** due to nearby airports.

G) Conflict with Emergency Response Plan or Emergency Evacuation Plan

Significance Criteria: The Project would have a significant environmental impact if it were to impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

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[22] California Department of Toxic Substance Control, http://www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm. Accessed April 19, 2003.

There are no emergency response or evacuation plans in effect in the Project area. Therefore the proposed Project would have ***no impact*** on the implementation of any adopted emergency response plan or emergency evacuation plan.

H) Exposure of People or Structures to Wildland Fires

Significance Criteria: The Project would have a significant environmental impact if it were to expose people or structures to a significant risk of loss, injury or death involving wildland fires.

> **Potential Impact 3-13: Wildland Fires.** The Project is located near the wildland/urban interface where the potential for the exposure of people and structures to wildland fires is high. This impact is considered to be ***potentially significant.***

The Fairview area is located in what can be described as the wildland/urban interface. The "interface" is where human-made developments and wildland fuels meet at a well-defined boundary. It is also an area where, because of its dense fuels, wildland fires can and do occur. The impact of wildfires in the wildland/urban interface has increased proportionately with the dramatic surge of people moving to these areas, increasing the risk of a devastating fire such as the one that occurred in the Oakland Hills area in 1991.

Specific site conditions namely, the lack of dense vegetation coverage and surrounding residential development, lower the fire hazard potential of the Project Site compared to other parts of the Fairview area. However, in general the risk of wildland fire remains high in this area.

The following mitigation measure would reduce the impact of wildland fires:

> **Mitigation Measure 3-13: Conformance with the Uniform Fire Code.** The Project shall be designed in accordance with all provisions of the Uniform Fire Code (UFC) (the most currently adopted revision), and with County of Alameda and State of California Standards for fire safety.

Conformance with the UFC would ensure that the potential damage to people or structures from wildland fires as a result of the Project would reduce the impact to a level of ***less-than-significant.***

VIII. HYDROLOGY AND WATER QUALITY

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the Project:					
a)	Violate any water quality standards or waste discharge requirements?	[ ]	[✓]	[ ]	[ ]
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	[ ]	[ ]	[ ]	[✓]
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	[ ]	[✓]	[ ]	[ ]
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	[ ]	[✓]	[ ]	[ ]
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	[ ]	[✓]	[ ]	[ ]
f)	Otherwise substantially degrade water quality?	[ ]	[✓]	[ ]	[ ]
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	[ ]	[ ]	[✓]	[ ]
h)	Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	[ ]	[ ]	[✓]	[ ]
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	[ ]	[ ]	[ ]	[✓]
j)	Inundation by seiche, tsunami, or mudflow?	[ ]	[ ]	[ ]	[✓]

Setting

Climate

The Fairview area has a Mediterranean climate, moderated by the marine conditions associated with San Francisco Bay. The Climate is characterized by warm, dry summers and cool, wet winters. The mean annual precipitation is 20 inches, most of which falls in the period between October and April.

Topography

The Project Area contains rounded hills that have steep slopes with grades ranging from 14% to 40%. Two drainage features occur on the Project Site, as shown in **Figure 3-5**. Nearly all of the Project Area drains into these drainages with the exception of a small portion of the Project Area near "D" Street, which drains into the street.

Drainage #1, as indicated on **Figure 3-5**, flows onto the site from the east out of the existing storm drain system and traverses the site to the west where it flows off-site and then eventually re-enters the storm drain system. An existing driveway that runs north to south crosses Drainage #1 on the Project Site. East of the driveway the drainage is characterized as a grassy swale that flows into a culvert beneath the driveway. West of the driveway the swale turns into a channel that is about 1 foot wide, on average.

A second drainage feature, identified as Drainage #2 in **Figure 3-5**, is a swale located in the northern portion of the site. It also flows east-to-west and enters the site from a storm drain culvert located on the eastern boundary in the landscaped common area of the adjacent Glenbrook subdivision. Flows from this drainage enter the site from adjacent storm drains and then eventually reenter storm drains after leaving the site.

Nonpoint Source Pollution

Nonpoint source pollution has been identified as a major cause of water pollution throughout the United States, and the San Francisco Bay Region is no exception. Nonpoint sources of water pollution are generally defined as sources which are diffuse. These sources are not as easily regulated or controlled as are point sources. In order to address the nonpoint source pollution problem nationwide, the U.S. Congress incorporated Section 319 into the 1987 amendments to the Clean Water Act. These amendments require each state to develop a State Nonpoint Source Management Program describing the measures the state would take to address nonpoint sources of pollution. In California, the "Nonpoint Source Management Plan", Resolution 88-123, was adopted by the State Water Resources Control Board on November 15, 1988 pursuant to Section 319 of the Clean Water Act. The Plan identifies nonpoint source control programs and milestones for their accomplishment. It emphasizes cooperation with local governments and other agencies to promote the implementation of Best Management Practices and remedial projects.

Small Construction General Permit

The State of California carries out storm water regulations according to the California Water Code Section 13399.6. The purpose of these regulations is to prevent the discharge of pollutants to surface water bodies by preventing storm water runoff from acting as the vehicle for pollution. Permits are issued for three categories of potential pollution sources, including Construction Activities, Industrial Activities, and Municipalities. Construction activity that would disturb an area greater than one acre of land would be subject to permitting requirements.

A) Water Quality Standards, Waste Discharge Requirements

Significance Criteria: The Project would have a significant environmental impact if it were to result in any violation of existing water quality standards or waste discharge requirements.

Construction Impacts

Potential Impact 3-14: Construction Impacts to Water Quality. Demolition, grading and associated construction activities could generate increases in the amount of sediment dissolved in runoff water and increase the amount of pollution in receiving waters, which would violate Storm Water Quality Regulations. This impact is considered to be ***potentially significant.***

The proposal of the Project to build new homes on primarily undeveloped property would involve activities that could result in substantial soil erosion. Demolition, grading and associated construction activities would disrupt the Project area and expose soils to storm runoff, which would, in turn, generate temporary increases in sediment loads during its construction period. The following mitigation measures would reduce the impact of construction activities on water quality:

Mitigation Measure 3-14A: Storm Water Pollution Prevention Plan. The following measure should be used prior to commencement of construction activities:

- The developer shall submit a Notice of Intent (NOI) to the State and prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), as required by the National Pollution Discharge Elimination System General Permit.
- The SWPPP shall be consistent with the terms of the General Permit, the Manual of Standards for Erosion and Sedimentation Control Measures by the Association of Bay Area Governments (ABAG), policies and recommendations of the local urban runoff program (County of Alameda) and the Staff Recommendations of the RWQCB.
- The SWPPP shall incorporate specific measures to reduce and treat runoff from developed areas of the site by means of vegetative buffers, grassy swales, or other means, to be effective for the life of the Project, and shall incorporate Best Management Practices (BMPs) to control sediment and erosion, both during the building process and in the long-term.
- A copy of the SWPPP shall be made available at the Project site, but is not required to be submitted to the RWQCB.

Mitigation Measure 3-14B: Storm Water Quality Control Plan (SWQCP). Best Management Practices (BMPs) will be utilized during construction to ensure that erosion, runoff, and the alteration of existing drainage patterns from grading activities and construction would be minimized. The applicant would submit a SWQCP Plan to the County for review, which would include details on the BMPs appropriate for this type of construction. Stormwater drainage connections and runoff controls shall be designed and constructed prior to beginning demolition in order to control any additional stormwater runoff created during construction activities. Connections and flow controls shall be established based on estimated natural or current runoff, if needed. The following practices

have shown to be efficient, cost effective, and versatile for small construction site operators to implement. The practices are divided into two categories: non-structural and structural. This list is intended as an outline summary; additional requirements may be imposed by Alameda County Clean Water Division.

Non-Structural BMPs

- Minimizing Disturbance
- Preserving Natural Vegetation (where possible)
- Good Housekeeping

Structural BMPs

- Erosion Controls
- Mulch
- Grass
- Stockpile Covers
- Sediment Controls
  - Silt Fence
  - Inlet Protection
  - Check Dams
  - Stabilized Construction Entrances
  - Sediment Traps

Implementation of the above mitigation measures and Mitigation Measure 3-10 (County Grading Ordinance requirements) would reduce the impact of construction activities on water quality to a level of ***less-than-significant.***

Impervious Surfaces

Potential Impact 3-15: Increased Impervious Surfaces. The Project would increase the amount of impervious surface area on the Project Area. The increase in impervious surface area would increase the amount of surface runoff and prevent pollutants from being absorbed by the land and instead would in channel those pollutants into the storm drain system, thereby violating Storm Water Quality Regulations. This impact is considered to be ***potentially significant.***

Construction of homes and an access road would increase the amount of impervious surface area present on the site. Impervious surface area prevents storm water from being absorbed into the soil; instead the storm water flows over the impervious surfaces into the storm drainage system. As it flows over these surfaces, the water absorbs any pollutants, including sediment, grease, oils and other urban pollutants, which might be present on these surfaces. In this way, the storm water acts as a vehicle for pollution entering the storm water drainage system. This increase in pollutant levels in the storm water would violate Storm Water Quality Regulations.

Mitigation Measure 3-15A: Post-Construction BMPs. The Project shall implement Tier 2 post-construction best management practices (BMPs) as defined in Table 2 of the

Regional Board Staff Recommendations for New and Redevelopment Controls for Stormwater Programs section of Alameda County's *Stormwater Management Plan.* Under Tier 2 BMPs, drainage from all paved surfaces, including streets, parking lots, driveways and roofs should be routed through an appropriate treatment mechanism before being discharged into the storm drain system. The BMPs are designed to meet the maximum extant practicable definition of treatment specified in the Federal Clean Water Act. Specific post-construction BMPs to be implemented at the Project Site should include, but not be limited to the following:

1. Minimizing Directly Connected Impervious Area at Residential Lots. All rainfall from residential rooftops and in-lot impervious surfaces should be routed through lawn areas or other pervious surfaces within yards, where infiltration can filter pollutants through the soil before such runoff is "connected" to the storm drain system.

2. Biofilters for Street Runoff, where practical. Runoff from streets and "directly-connected" driveways should be routed through biofilters or vegetated swales prior to allowing the runoff to enter storm drain inlets, where such features can be incorporated into the Project design.

3. Manufactured Treatment Systems. Where there are no opportunities for infiltration systems to provide adequate filtering and treatment of directly connected impervious areas (primarily on-site roadways), manufactured treatment systems should be incorporated into the storm drain system prior to its outfall. Generally such systems may include catch basins or inlet inserts, separators, and media filters.

Mitigation Measure 3-15B: Post-Construction BMP Design Criteria. The Tier 2 post-construction BMPs shall be constructed to incorporate, at a minimum, the following hydraulic sizing design criteria to treat stormwater runoff:

1. Volume Hydraulic Design Basis: Treatment BMPs whose primary mode of action depends on volume capacity, such as detention/retention units or infiltration structures, shall be designed to treat stormwater runoff equal to:

- the maximized stormwater quality capture volume for the area, based on historical rainfall records, determined using the formula and volume coefficients set forth in *Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87*, (1998), pages 175-175 (e.g., approximately the 85th percentile 24-hour storm runoff event); or

- the volume of annual runoff required to achieve 80% or more capture, determined in accordance with the methodology set forth in Appendix D of the *California Stormwater Best Management Practices Handbook*, (1993), using local rainfall data.

2. Flow Hydraulic Design Basis: Treatment BMPs whose primary mode of action depends on flow capacity, such as swales, sand filters or wetlands shall be sized to treat:

- 10% of the 50-year peak flow rate; or

- the flow of runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or

- the flow of runoff resulting from a rain event equal to at least 0.2 inches per hour.

B) Depletion of Groundwater Supplies

Significance Criteria: The Project would have a significant environmental impact if it substantially depletes groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

The Project will not construct any wells, nor will it pump groundwater in any way. Additionally, the Project will retain the original, natural drainage features presently located on the Project Site. Therefore, despite the aforementioned increase in the amount of impervious surface area, surface runoff from the Project Area will drain into natural channels. These natural drainages would recharge the groundwater at a similar rate as they do currently. Thus, there will be ***no impact*** of the Project on the depletion of groundwater supplies.

C-F) Drainage

Significance Criteria: The Project would have a significant environmental impact if it were to substantially alter the existing drainage pattern of the site in a manner which would result in substantial erosion or siltation; if it were to substantially alter the existing drainage pattern of the site or area or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; if it were to create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or if it were to degrade water quality.

> **Potential Impact 3-16: Off-site Flooding.** During a peak runoff event, the increase in impervious surface area could create a surge in the volume of runoff released into the storm drain system, which could overwhelm the capacity of downstream storm drainpipes, resulting in off-site flooding. This impact is considered to be ***potentially significant.***

The following mitigation measure would reduce the impact of the Project on off-site flooding:

> **Mitigation Measure 3-16: Storm Drain Design.** The Applicant shall design the storm drain system to slow and detain runoff so that storm water is released into the drainage system at a rate no greater than the existing, pre-Project peak flow rate.

Implementation of the above mitigation measure would reduce the impact of the Project on drainage to a level of ***less-than-significant.***

G-I) Flood Hazards

Significance Criteria: The Project would have a significant environmental impact if it were to place any housing units within a designated 100-year flood hazard area; if it placed any structures in a manner which would impede or redirect flood flows; or if it were to result in the exposure of people or structures to flooding hazards.

According to the Federal Emergency Management Agency's Flood Insurance Rate Map (1981), the southernmost drainage area contains a designated 100-year flood hazard areas. The Project provides a 20-foot setback as required by the Alameda Watercourse Ordinance from the outside edges of the 100-year flood hazard areas. Additionally, the Project is set back from the northernmost drainage even though there is no 100-year flood hazard area located around that drainage. The Project does not propose to build any new structures or roads within those setbacks or the flood hazard areas. As such, the Project would have a ***less-than-significant*** impact on flood hazards.

J) Tsunami Hazards

Significance Criteria: The Project would have a significant environmental impact if it were to result in the exposure of people or structures to inundation by seiche, tsunami or mudflow.

The Project is not located within an area subject to tsunami, seiche or mudflows; there would be ***no impact*** from the Project on these inundation conditions.

IX. LAND USE AND PLANNING

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the Project:					
a)	Physically divide an established community?	[ ]	[ ]	[ ]	[✓]
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	[ ]	[ ]	[✓]	[ ]
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	[ ]	[ ]	[ ]	[✓]

Setting

The Project Area is located in the Fairview area, which is situated in the lower elevations of the Hayward Hills, just east of the City of Hayward. The Hayward Hills in this area are characterized by rolling hills. The surrounding land uses include Fairview Park, San Felipe Community Park. Sulphur Creek Nature Park, the Glenbrook subdivision and many other private residences. As such, the established community character is suburban residential.

Plans, policies and regulations applicable to the Project include the Fairview Area Specific Plan and the Alameda County Zoning Ordinance.

The Fairview Area Specific Plan provides detailed planning policy for the Fairview area consistent with the policies of the adopted County General Plan. The Fairview Area Specific Plan zones the Project Area R-1. The Alameda County General Ordinance Code defines the intent of the R-1 district as, "Single-family residence districts...established to provide for and protect established neighborhoods of one-family dwellings, and to provide space in suitable locations for additional development of this kind...."[23] Furthermore, the Project Area is located in a designated "hillside" area.[24] R-1 districts in hillside areas are subject to several development limits, including a minimum 5,000 square foot lot size and a density limit of 6 units per gross acre of developable site area.[25]

Additionally, the Fairview Area Specific Plan contains the following land use policies that have been adopted for the purposes of avoiding or mitigating potential environmental effects:

[23] Alameda County, *General Ordinance Code* , Section 17.08.010.

[24] Hillside areas are sites with an average slope exceeding 10% gradient, based on a formula established by the County Planning Director.

[25] The Fairview Area Specific Plan calculates density limits using a formula which excludes unbuildable areas, such as riparian corridors, existing private streets and areas in excess of 30% slope, from being included as developable land in the calculations.

Policy III.B.7 No dwelling shall have a height of more than two stories...nor shall any building or structure have a height in excess of 25 feet... . Provided the parcel has a median lot depth of 100 feet, a median lot width of 70 feet and effective lot frontage of 50 feet, the height of a dwelling may be increased by 2 feet for each full ten feet that the median lot width exceeds 70 feet up to a maximum of 30 feet.

Policy III.D.1.a The County shall encourage that existing riparian woodland habitat be protected.

Policy III.D.3.a Natural and man-made slopes of 30% gradient or greater should not be developed or altered. Exceptions may be granted for road construction if it is the only feasible access to a site, modifications of minor terrain features, and custom designed homes or lots that otherwise conform to the intent of these policies.

All policies contained in the Fairview Area Specific Plan are intended to preserve existing residential areas, protect and preserve important environmental resources and significant natural features of the Fairview area, and to promote development that is sensitive to the variations in topography and rural residential character of the area.[26]

A) Dividing an Established Community

Significance Criteria: The Project would have a significant environmental impact if it were to physically divide an established community.

The Project is located in the Fairview area, an unincorporated community of Alameda County. The community near the Project Area is primarily residential and suburban in nature. The Project is consistent with the character of the community and would complement the existing residential character of the neighborhood. Thus, the Project would have *no impact* on dividing an established community.

B) Conflicts with Land Use Plan or Zoning

Significance Criteria: The Project would have a significant environmental impact if it were to result in a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect.

The guiding planning document governing the Project Area is the Fairview Area Specific Plan, adopted by the Alameda County Board of Supervisors on September 4, 1997. The Specific Plan contains all applicable policies and regulations governing land uses in the Fairview area. The Specific Plan has zoned the area in and around the Project Site for single family residential units. The Specific Plan, in zoning an area for residential use, essentially targets that area for the growth and development of that specific use. Here, the Project would fulfill the intended use of the site and

[26] Alameda County, *Fairview Area Specific Plan*, Approved by the Alameda County Board of Supervisors on September 4, 1997, page 1.

would be in conformance with the existing zoning designations. The proposed Project meets those standards of the Fairview Area Specific Plan intended to either avoid or mitigate a potential environmental effect, including:

- Minimum Lot Sizes – The proposed lots range in size from 5,400 square feet to 11,900 square feet in size, which are all larger than the minimum 5,000 square foot lot size requirements of the R-1 zoning classification.

- Density Limits – The Project Area is approximately 158,994 square feet in size. To determine the gross developable site area of the Project, the total riparian area (10,608 square feet) and the area of land in excess of 30% slopes (26,267 square feet) are subtracted from the total site area (158,994 square feet). This calculation gives a total gross developable site area of approximately 122,119 square feet, or 2.8 acres. At the density limit of 6 units per gross developable site acre the density limit would enable 16.8 homes (16) to be developed on the Project Site. The Project proposes a total of 16 units, consistent with this interpretation.

- Height Limits – As per standard planning practice, heights are calculated as an average on sloping sights. All of the proposed homes would average 25 feet or below in height. Lots 2 and 14, according to Policy III.B.7, would be allowed a 27-foot height limit. However, the homes proposed on Lots 2 and 14 would also average 25 feet or below in height.

- Natural Grade Preservation – The Project would build on slopes in excess of 30%. However, in accord with Policy III.D.3.a, the Project would build custom-designed homes that would be placed on stepped building pads to preserve the natural topography of the Project Site.

- Riparian Area Preservation – The Project, in accordance with Policy III.D.1.a, would preserve the existing natural riparian areas present on the Project Site.

Additionally, all proposed site plans are subject to a final design review as part of the building permit process to check for compliance with all Fairview area policies, rules and regulations. Therefore, with regards to conformance with applicable land use plans, the impact of the Project is considered ***less-than-significant.***

C) Conflict with Conservation Plan

Significance Criteria: The Project would have a significant environmental impact if it were to result in a conflict with any applicable habitat conservation plan or natural community conservation plan.

There are no conservation plans either currently in force or proposed for application to the subject property. Therefore, the Project would have *no impact* on conservation plans.

X. MINERAL RESOURCES

Environmental Factors and Focused Questions for Determination of Environmental Impact		Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the Project:					
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	[ ]	[ ]	[ ]	[✓]
b)	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	[ ]	[ ]	[ ]	[✓]

Setting

The California Division of Mines and Geology (CDMG) has classifies lands within the San Francisco – Monterey Bay Region into Mineral Resource Zones (MRZs) based on guidelines adopted by the California State Mining and Geology Board, as mandated by the Surface Mining and Reclamation Act of 1974. CDMG mapping shows that there are no significant mineral resources located within the Project Area. The nearest mapped resources are known major deposits of sand and gravel located in the Fremont Area.

A, B) Loss of Mineral Resources

Significance Criteria: The Project would have a significant environmental impact if it were to result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, or if it were to result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

The proposed development on the Project Area would have *no impact* on any known mineral resource, or result in the loss of availability of any locally important resource recovery site.

XI. NOISE

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the Project:					
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	[ ]	[✓]	[ ]	[ ]
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	[ ]	[✓]	[ ]	[ ]
c)	A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	[ ]	[ ]	[✓]	[ ]
d)	A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	[ ]	[✓]	[ ]	[ ]
e)	For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project Area to excessive noise levels?	[ ]	[ ]	[ ]	[✓]
f)	For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project Area to excessive noise levels?	[ ]	[ ]	[ ]	[✓]

Setting

The Project Area is located within the Fairview area of Alameda County. The Fairview area, especially the area near the Project Site, is a suburban residential community. The surrounding noise environment is typical of such a setting, i.e. minimal noise levels.

As a guideline, the State of California Department of Health Services has identified L_{dn} or CNEL values of 60 dBA or less as normally acceptable outdoor levels for residential use. CEQA does not define what noise level increase would be considered "substantial". However, in CEQA noise analysis it is common to define a noise impact as significant if the pre-existing noise environment is greater than $L_{dn} = 55$, if the Project would increase noise levels by more than 3 dBA at noise-sensitive receptors. Where the existing noise level is lower than $L_{dn} = 55$, a somewhat higher increase is generally tolerated before a finding of significance is made.

As to local regulations the applicable documents are the Noise Element of the Alameda County General Plan and General Ordinance Code of Alameda County. The first of these, the Alameda County General Plan Noise Element, states that noise generated by new projects shall meet the acceptable exterior noise levels standards of the Noise and Land Use Compatibility Guidelines. Of

these standards, the levels for residential use are the lowest with a limit not to exceed 65 dB L_{dn} for one minute during the day (7 a.m. to 10 p.m.) or 60 dB L_{dn} for one minute during the evening (10 p.m. to 7 a.m.).

A, B, C and D) Exposure of Persons to or Generation of Noise Levels in Excess of Standards, Exposure of Persons to or Generation of Excessive Groundborne Noise Levels, a Substantial Temporary or Permanent Increase in Ambient Noise Levels in the Project Vicinity above Levels Existing Without the Project

Significance Criteria: The Project would have a significant environmental impact if it were to result in exposure of persons to or generation of noise levels in excess of standards established in the Alameda County General Plan or the County's Noise Ordinance.

Construction Noise

Potential Impact 3-17: Construction Noise. Noise due to demolition, grading and other construction activities, as well as construction traffic along "D" Street would exceed County noise standards. This impact is considered to be *potentially significant.*

Noise would be generated from the operation of onsite construction equipment for demolition and construction activities and for construction-related traffic. Noise from typical construction activities ranges from 75 to 85 dB at 50 feet, and could include an increase in ground vibration. There are several residences within 50 feet of the Project Area. Additionally, construction traffic would be routed primarily along "D" Street, which could adversely affect residents with additional traffic noise. The following mitigation measures are recommended to reduce the impact of construction noise:

Mitigation Measure 3-17A: Construction Equipment. Mufflers shall be used on all heavy equipment during construction activities.

Mitigation Measure 3-17B: Construction Hours. The Project should limit the operation of excessively noisy tools or equipment use in construction to the period between 7 a.m. and 7 p.m. on weekdays (except legal holidays) and between 8 a.m. and 5 p.m. on weekends. Additionally, adequate muffling and proper maintenance of all construction equipment use at the Project site shall be required. Signs shall be posted to notify the adjacent residents of the period of construction with a name and phone number to call for excessive noise complaints.

Implementation of the above mitigation measures would reduce the impact of construction noise to a level of ***less-than-significant.***

Operational Noise

The Project would increase the ambient noise levels associated with the Project Area, but only because the Project Area is currently undeveloped. Noise levels of the completed Project would be typical of noise associated with residential areas and would be similar to the noise levels in existing residential enclaves in the Fairview area. The impact on an increase in ambient noise levels as a result of the Project would be ***less-than-significant.***

E, F) Aircraft Noise

Significance Criteria: The Project would have a significant environmental impact if it were located within an airport land use plan (or, where such a plan has not been adopted, within two miles of a public airport or public use airport) or in the vicinity of a private airstrip and were to expose people residing or working in the Project area to excessive noise levels.

The closest airport to the Project Site is the Hayward Air Terminal, located approximately 3.5 miles to the west. The Project site is not enough for the airport to be affected by aircraft noise. Airport noise would have ***no impact*** on the Project.

XII. POPULATION AND HOUSING

Environmental Factors and Focused Questions for Determination of Environmental Impact		Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the Project:					
a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	[ ]	[ ]	[✓]	[ ]
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	[ ]	[ ]	[✓]	[ ]
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	[ ]	[ ]	[✓]	[ ]

Setting

The Project Site is located in a suburban, residential area. The Fairview Area Specific Plan has zoned the area in and round the Project Area for single family residences, thereby targeting this area for growth and development of that type.

A) Population Growth

Significance Criteria: The Project would have a significant environmental impact if it were to induce either directly of indirectly substantial population growth.

The Project would not result in significant increases in population, demand for housing, or expansion of public or private services within the Project Area. The Project would construct 15 new housing units. Based on the average of 2.78 persons per household in Alameda County, it is estimated that the Project would result in approximately 42 additional residents. The addition of 42 new residents in an area designated by the Fairview Area Specific Plan for population growth does not qualify as substantial increase in population. Therefore, the impact of the Project on population growth is ***less-than-significant***.

B, C) Displacement of Housing or People

Significance Criteria: The Project would have a significant environmental impact if it would result in the displacement of substantial numbers of existing housing units or people living at the Project site.

The Project would eliminate one housing unit, but fifteen housing units would be erected on the site. Despite the loss of that one housing unit, the addition of fifteen new housing units would adequately make up for the loss. The Project's impact on housing and population displacement would be ***less-than-significant***.

XIII. PUBLIC SERVICES

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the Project :				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	[ ]	[ ]	[✓]	[ ]
ii) Police protection?	[ ]	[ ]	[ ]	[✓]
iii) Schools?	[ ]	[ ]	[ ]	[✓]
iv) Parks?	[ ]	[✓]	[ ]	[ ]

Setting

The Project is located in the Fairview area, and is an unincorporated community of Alameda County. For the purposes of this section, the following significance criteria would hold for all impact assessments:

Significance Criteria: The Project would have a significant environmental impact if it were to result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks and recreational facilities, or other government facilities.

A) Fire Protection

Fire protection for the Project Area is provided by the Hayward Fire Department through a contract with the Fairview Fire Protection District.

As explained in Section V: Hazards and Hazardous Materials, the potential for wildland fires already exists within the Project Area. However, the Project itself would add approximately 42 new residents and 15 new structures to an area already adequately served by fire protection resources. The addition of such small number of residences would not affect fire department service ratios or response times, nor would any new fire protection facilities need to be provided. Additionally, the Project has been designed to include adequate access for three-point turns made by fire apparatus, as

shown in **Figure 3-6**. Thus, the Project would have ***less-than-significant*** impact on fire protection resources.

B) Police Protection

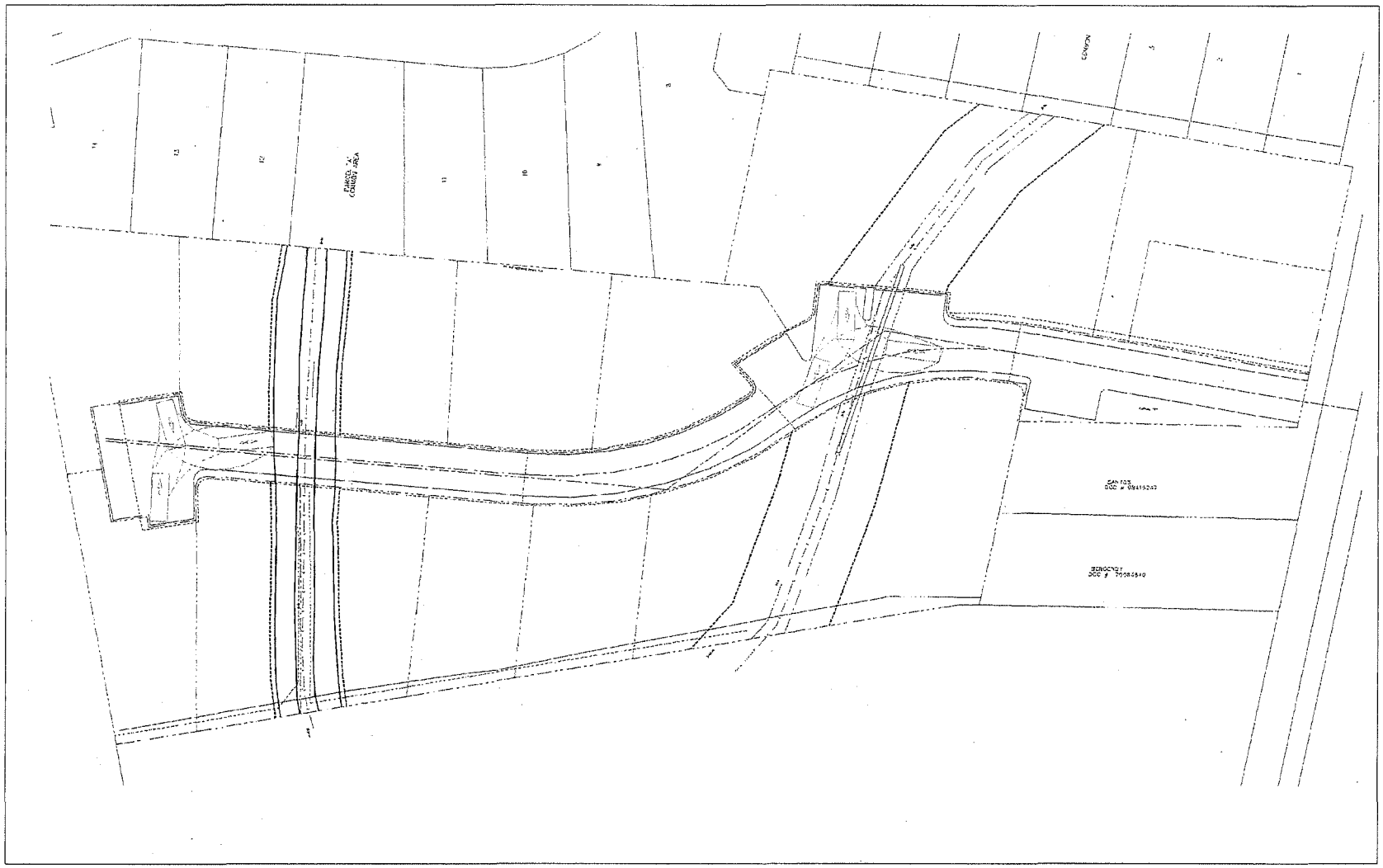
The Alameda County Sheriff is responsible for police services on all unincorporated lands within the County, including the Project Area. The Project would add approximately 42 new residents that would require police protection from the Sheriff. The addition of such small number of residences would not affect police department service ratios or response times, nor would any new police facilities need to be provided. Therefore the impact is to police protection resources is considered to be ***less-than significant.***

C) Schools

The Project Area is located within the Hayward Unified School District. The proposed development on the Project Area would not generate enough students to affect service the ratios of the school district, nor would it result in the need for additional schools to be built. The impact of the Project on schools would be ***less-than-significant.***

D) Parks

This impact is analyzed in **Section XII: Recreation**. The impact of the Project is be ***potentially significant*** but can be reduce to a level of ***less-than-significant with mitigation.***



Source: Monk & Associates

FIGURE 3-6
FIRE APPARATUS TURNING RADIUS

XIV. RECREATION

Environmental Factors and Focused Questions for Determination of Environmental Impact		Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the Project :					
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	[ ]	[✓]	[ ]	[ ]
b)	Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	[ ]	[✓]	[ ]	[ ]

Setting

The Project site does not support any recreational sites, nor does the Project propose to build any. However, there are three parks located within a ½ mile radius of the Project Area. Fairview Park is located approximately ¼ of a mile east of the Project Site and features a play area, a recreation center, rest rooms and an open lawn area. San Felipe Community Park is located approximately 1/3 mile west of the Project Site and features picnic tables, a group picnic area, barbecues, a play area, a parking lot, basketball courts, a community center building, meeting rooms, rest rooms and an open lawn area. The Sulphur Creek Nature Reserve is also located approximately 1/3 of a mile west of the Project Area, the park features picnic tables, barbecues, a parking lot, rest rooms, an open lawn area and a nature center.[27] Additionally, the Project is near the Don Castro Regional Recreation Center. This regional park features a swimming lagoon, fishing, and a local wildlife preserve.

A, B) Recreational Facilities

Significance Criteria: The Project would have a significant environmental effect if it would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

> **Potential Impact 3-18: Cumulative Park Demand.** An increase of 42 additional park patrons could lead potentially contribute to the cumulative demand for more park and recreation facilities. This impact is considered to be ***potentially significant.***

The Project would increase the use of neighborhood parks by increasing the population of park users in the area. Based on the average of 2.78 persons per household in Alameda County, it is estimated that the Project would result in approximately 42 additional residents. The corresponding

[27] Hayward Area Recreation and Park District, http://hard.dst.ca.us/index.html, Assessed April 19, 2004.

increase in park deterioration as a result of 42 additional park patrons would not directly result in substantially accelerated deterioration of park facilities, nor would it require the expansion or construction of new park facilities elsewhere. An increase of 42 additional park patrons could lead potentially contribute to the cumulative demand for more park and recreation facilities. The following mitigation measure would the cumulative impact of increased park demand:

> **Mitigation Measure 3-18: Alameda County Park Dedication Ordinance Fee.** The Applicant shall pay the required park fee in order to ensure that the Project bears the individual incremental share of improvements to accommodate the cumulative demand for park and recreation facilities resulting from the increase in population.

Payment of the above County Park Dedication fee would reduce the impact of the Project's 42 residents on park to a level of ***less-than-significant.***

XV. TRANSPORTATION AND TRAFFIC

Environmental Factors and Focused Questions for Determination of Environmental Impact		Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the Project:					
a)	Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	[ ]	[✓]	[ ]	[ ]
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	[ ]	[ ]	[✓]	[ ]
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	[ ]	[ ]	[ ]	[✓]
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	[ ]	[✓]	[ ]	[ ]
e)	Result in inadequate emergency access?	[ ]	[ ]	[✓]	[ ]
f)	Result in inadequate parking capacity?	[ ]	[ ]	[ ]	[✓]
g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	[ ]	[ ]	[ ]	[✓]

Setting

The Project is located in a suburban area of Alameda County, just outside the eastern city limits of the City of Hayward. Access to the Project Area is provided by "D" Street, a two-lane road near the Project Area. The Alameda County Public Works Agency has classified "D" Street as an arterial road; road classification is based on the amount of access provided by connecting streets and how the road is used to link residents to destinations. "D" Street serves as one of the primary access routes to the Fairview area, especially from downtown Hayward. "D" Street has 12-foot travel lanes and a posted speed limit of 30 miles per hour (mph) while passing the Project Area. The Project would connect to "D" Street through a private road. This road would not connect through to other public or private roads.

"D" Street carries an average of approximately 6,320 cars over a 24-hour period by the Project Area, with a peak hour volume of 429 eastbound and 313 westbound cars per peak hour.[28]

[28] Alameda County Public Works, *Traffic System: Traffic County Report*, date of latest count: 08/25/1999.

AC Transit provides bus service along "D" Street with the 95 Fairview route. The 95 Fairview route provides service to downtown Hayward where it connects with various other AC Transit lines as well as BART. An existing bus stop for the 95 Fairview route is located immediately east of the proposed Project driveway.

A) Increase in Traffic in Relation to Existing Traffic Load and Street System Capacity

Significance Criteria: The Project would have a significant environmental impact if it were to cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.

Construction Traffic

Potential Impact 3-19: Construction Traffic. During construction of the Project, large construction vehicles could impact operations at intersections and roadways near the Project Area. This impact is considered to be ***potentially significant.***

In order to build homes, large construction vehicles would be required to transport materials and equipment to the Project Sites. Access to the Project Area is limited to "D" Street. The presence of large construction vehicles entering and exiting onto "D" Street from the Project Site points may pose a temporary impact to operations at intersections and on roadways in the vicinity of the Project Area. The following mitigation measures are recommended to reduce the impact of construction traffic:

Mitigation Measure 3-19A: Routing Plan. The Applicant shall develop and submit a precise route of access to the property for construction vehicles for the term of construction. Alternative routes that minimize traffic past local residences and passive recreation area should be used if available.

Mitigation Measure 3-19B: Conformance with County Construction Traffic Policy. The Applicant shall conform with all County requirements with regard to construction traffic, such as warning signage and flag-person controls, as well as pilot cars / escorts for large loads.

Compliance with these requirements would ensure that construction equipment access to the site would be a ***less-than-significant*** impact on traffic nearby the Project Area.

Operational Traffic

The Project is expected to add 15 new single-family homes to the Fairview area. The average weekday trip generation rate for one single-family detached home is approximately ten trips. The Project is expected to generate an average of 150 new vehicle trips per day. "D" Street carries an average of approximately 6,320 vehicle trips per 24-hour period in the vicinity of the Project Site. Based on the existing levels of traffic and the anticipated additional traffic resulting form the Project,

the impact to congestion on "D" Street resulting from the Project would be considered ***less-than-significant*** (an approximately 2.4% increase in traffic levels).

B) Direct or Cumulative Increase in Traffic Which Causes a Congestion Management Agency Standard to be Exceeded

Significance Criteria: The Project would have a significant environmental impact if it were to result in a direct increase in traffic that would cause a Congestion Management Agency standard to be exceeded, or contribute substantially to a cumulative increase in traffic that would cause a Congestion Management Agency standard to be exceeded.

The Alameda County Congestion Management Agency (ACCMA), is an information and funding conduit for Alameda County and its cities, and operates numerous programs to address traffic congestion through planning and the use of federal and state transportation funds. Among the ACCMA's programs is the designation of a network of roadways on which Level of Service (LOS) E or better must be maintained, and providing land use review to ensure that new projects do not cause LOS for the network to be exceeded. The ACCMA considers projects which generate more than 100 evening commute peak period vehicle trips to have the potential to adversely impact the LOS on the CMA network. The average weekday evening commute peak period trip generation rate for one single family detached home is approximately 1.01 trips. The Project is expected to generate an average of 15.15 new evening commute peak period vehicle trips per day. Based on the anticipated number of additional vehicle trips generated, the impact of the Project on the CMA network LOS would be ***less-than-significant***.

C) Alter Air Traffic Patterns

Air Navigation Hazards are discussed in **Section V: Hazards and Hazardous Materials**. The Project would not alter any air traffic patterns that are already in place and, consistent with the previous discussion, the Project would have ***no impact***.

D) Hazards Due to Design Features or Incompatible Uses

Significance Criteria: The Project would have a significant effect if it were to increase traffic hazards due to its design or the introduction of incompatible traffic.

Design Features

Once the Project is developed the new private street driveway would have about eight vehicle trips entering and seven trips leaving during typical commute hours. This equates to one vehicle using the driveway every four minutes. This level of traffic is not considered to be significant and could be accommodated by the design of the proposed driveway.

Trips to and from the Project would likely be split evenly to the east and west. The most critical turn movement (based on sigh distance) would be from the Project entrance turning left (east) onto "D" Street. The sight distance for this proposed movement is measured to be about 400 feet to the

bend in "D" Street west of the Project Site, which equates to a safe stopping speed in excess of 30 mph. Since the posted speed limit on this road is 30 mph, this design would not result in a hazard related to turning movements at the site. The sight distance to the east is much greater (approximately a ¼ mile) for vehicles entering and exiting the driveway.

> **Potential Impact 3-20: Design Hazard.** The proposed Project driveway is located immediately adjacent to an existing tree which could partially obstruct the easterly view for drivers exiting the Project Site, particularly views of vehicles traveling westbound on "D" Street. This impact is considered to be ***potentially significant.***

It may be desirable to remove the existing tree located at the easterly edge of the proposed driveway. When this tree matures, it may partially obstruct the vision of drivers exiting the Project Site and their ability to see vehicles coming downhill (west) on "D" Street.

> **Mitigation Measure 3-20: Remove the Visual Obstruction (Tree).** The tree currently located just east of the proposed driveway should be removed if it is found to obstruct the easterly view of drivers exiting the Project Site.

Implementation of the above mitigation measure would reduce the impact of the Project on roadway design hazards to a level of ***less-than-significant.***

Incompatible Uses

The access road built for the Project would not contain any hazardous designs. However, large construction vehicles are required to transport materials and equipment to the Project sites. The presence of construction vehicles on "D" Street and the access road would be a temporary incompatible use. The increased hazard of incompatible uses posed by the temporary use of construction equipment is considered to be a ***potentially*** significant but can be reduced to a level of ***less-than-significant with mitigation***, as described above under **Section A.**

E) Emergency Access

Significance Criteria: The Project would have a significant effect if it were to have inadequate emergency access.

The Project has designed the access road in accordance with all Fire Department access regulations. The road has been designed with a grade of 20% or less, and would be constructed with adequate width, turning radii, and turnaround areas to serve emergency vehicles, as shown in **Figure 3-6.** Therefore, the Project's impact on emergency access would be ***less-than-significant.***

F) Provide Adequate Parking

Significance Criteria: The Project would have significant effect if it would result in an inadequate amount of parking being available.

The Alameda County Zoning Ordinance requires residential uses to provide a minimum of two on-site parking spaces per dwelling unit. The garages included with each residence would fulfill this requirement. The Alameda County Subdivision Ordinance further requires an additional minimum of one off-site guest parking space for each resulting lot in a subdivision. The Project provides for 18 street spaces along the access road, which fulfills the off-site parking requirement. Therefore the Project would have ***no impact*** on parking.

G) Alternative Transportation

Significance Criteria: The Project would have a significant effect if it were to conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

The proposed project would provide 42 potential riders for AC Transit's 95 Fairview bus, which operates along "D" Street. Additionally, the nearest bus stop is located adjacent to the Project Site, on "D" Street. The proposed sidewalk within the project's private street would provide pedestrian access to this bus stop. Therefore, the Project would have ***no impact*** on adopted policies, plans or programs that support alternative transportation.

XVI. UTILITIES AND SERVICE SYSTEMS

Environmental Factors and Focused Questions for Determination of Environmental Impact		Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the Project:					
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	[ ]	[ ]	[ ]	[✓]
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	[ ]	[ ]	[✓]	[ ]
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	[ ]	[✓]	[ ]	[ ]
d)	Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?	[ ]	[ ]	[✓]	[ ]
e)	Result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	[ ]	[ ]	[✓]	[ ]
f)	Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	[ ]	[ ]	[✓]	[ ]
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	[ ]	[ ]	[ ]	[✓]

Setting

The facilities and structures required for the building of a subdivision would require additional water and wastewater services, and they would produce solid wastes above the current levels of use and production.

A, B) Regional Wastewater Treatment Standards and Waste and Wastewater Treatment Facilities

Significance Criteria: The Project would have a significant effect if it were to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board or if it were to require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

The Project Area is within the boundaries of, and would be provided with sanitary sewer service by the Oro Loma Sanitary District. The District has concluded that here is adequate Treatment Plant capacity available to serve the Project.[29] Therefore the Project would not necessitate the expansion of existing wastewater treatment facilities, nor would it require the construction of new wastewater treatment facilities. The impact of the Project on wastewater treatment facilities is considered to be ***less-than-significant***. Additionally, all wastewater generated by the Project would be directed into the Oro Loma Sanitary District's sanitary sewer system and would be routed to their Treatment Plant (which has adequate capacity to serve the Project), where it would be treated to meet all applicable Regional Water Quality Control Board wastewater treatment standards. Therefore, the Project would have ***no impact*** on wastewater treatment standards.

C) Storm Water Drainage Facilities

Significance Criteria: The Project would have a significant effect if it were to require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Currently, two existing natural drainage areas provide storm water drainage for the Project Area (see **Figure 3-5**). The Project, when built, would continue to direct all storm water into these two drainage areas. As also discussed in **Section VIII: Hydrology and Water Quality**, construction of homes and an access road would increase the amount of impervious surface area present on the site. Increased impervious surface area would increase the rate and amount of storm water that would flow into the storm water drainage system during peak periods. This could potentially necessitate the expansion of downstream storm water drainage facilities to provide adequate capacity for the Project's storm water runoff. As previously discussed in the above listed section, this impact is ***potentially significant***, but can be reduced to a level of ***less-than-significant with mitigation***.

D) Water Supply

Significance Criteria: The Project would have a significant effect if it would be unable to secure sufficient water supplies available to serve the Project from existing entitlements and resources, necessitating new or expanded entitlements.

The Fairview area receives its water from EBMUD, a publicly owned utility created in 1923. EBMUD is responsible for service connections and water deliveries to most of Alameda and Contra Costa Counties. Consumers are served by hundreds of miles of water mains and pumping plants. Local delivery systems vary in terms of pipe diameter, material and condition.

EBMUD has confirmed that the utility has sufficient water supplies available to provide the Project with water.[30] There fore, the Project would have ***no impact*** on water supply.

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[29] Ora Loma Sanitary District, Letter to the Alameda Community Development Agency regarding the Development Review for 2492 "D" Street, October 3, 2003.

[30] EBMUD, Review of Agency Planning Application regarding 2492 "D" Street, October 6, 2003.

E) Wastewater Treatment Facility Capacity

Significance Criteria: The Project would have a significant effect if it were to result in a determination by the wastewater treatment provider, which serves or may serve the Project that it would not have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.

As discussed in Section A/B, the Oro Loma Sanitary District has concluded that the District has adequate capacity to serve the Project's projected demand. This impact is considered to be ***less-than-significant.***

F) Solid Waste Disposal Capacity and Compliance with Solid Waste Regulations

Significance Criteria: The Project would have a significant effect if it were unable to be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs or if it did not comply with federal, state, and local statutes and regulations related to solid waste.

Currently, Alameda County is served by three active permitted landfills: the Altamont Sanitary Landfill, the Vasco Road Sanitary Landfill and the Tri-Cities Recycling and Disposal Facility in Fremont. The California Waste Management Board (CIWMB) states that the total remaining permitted capacity for all three landfills is 110,113, 205 cubic yards.

The Project Area proposes to add approximately 42 new residents to the Fairview area. The CIWMB states that the average annual per capita residential solid waste disposal rate in Alameda County is 0.42 tons. Given a typical waste density of 80 pounds per cubic yard, the per capita disposal rate is 12.75 cubic yards per year, or approximately 535.5 total cubic yards per year for the Project. The impact of the Project's production of 535.5 cubic yards of solid waste per year, in relation to the total remaining permitted capacity of Alameda County landfills, is considered to be ***less-than-significant.***

Additionally, the Project would comply with all Federal, State and Local statutes and regulations related to solid waste, resulting in ***no impact*** to waste disposal law violations.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a)	Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	[ ]	[✓]	[ ]	[ ]
b)	Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects.)	[ ]	[✓]	[ ]	[ ]
c)	Does the Project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	[ ]	[✓]	[ ]	[ ]

A) Quality of the Environment, Habitat, Biological Populations / Communities / Elimination, Number or Range of Plants / Animals, Historical / Cultural Resources

Impacts of the Project are considered to be ***less-than-significant with mitigation.*** Implementation of the Project would not degrade the quality and extent of the environment provided all policies, rules and regulations of all relevant governing bodies are adhered to, and the mitigation measures contained within this chapter are implemented.

B) Cumulatively Considerable Impacts

Cumulative impacts of the Project are considered to be ***less-than-significant with mitigation*** as discussed in the preceding sections of this checklist. Implementation of the Project would not cumulatively impact the environment provided all policies, rules and regulations of all relevant governing bodies are adhered to, and the mitigation measures contained within this book are implemented.

C) Adverse Effects on Human Beings

The Project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly. Noise, air quality, and traffic impacts on adjacent land uses are ***less-than-significant with mitigation.*** The Project would not expose people to new hazards such as geologic risks, flooding, or airport hazards. There would be no other adverse effects on human beings.

4

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