

INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

TRACT 8057 RESIDENTIAL SUBDIVISION PROJECT

Prepared For:

COMMUNITY DEVELOPMENT AGENCY
224 WEST WINTON AVENUE
HAYWARD, CA 94544

COUNTY OF ALAMEDA



Prepared By:

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FEBRUARY 2012

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Appendix D: Northwest Information Center, *Record search results for the proposed Fairview District Development Project, Alameda County*, August 11, 2011

Appendix E: Berlogar Geotechnical Consultants, *Preliminary Geotechnical Investigation, Borel Bank Properties Residential Subdivision Fairview Avenue, Hayward California*, July 2010

Appendix F: Environmental Data Resources (EDR), *The EDR Radius Map™ Report with GeoCheck, Prepared for the Northbrook Homes Fairview Site, 24850 Fairview Avenue, Hayward, CA 94542*, August 08, 2011.

- Appendix G: Ruggeri, Jensen Azar, *Hydrology and Hydraulics Calculations for Tract 8057 – Lerob LLC, Alameda County, California*, August 26, 2011.
- Appendix H: TJKM Transportation Consultants, *Traffic Impact Study for the Residential Developments at Bassard Tract #7303 and Fairview LLC Tract 7921, Draft Report*, November 9, 2009.
- Appendix I: Stephen Au, P.E., and Jeff Lacap, Project Engineer, Letter to Mr. Jared Frey, P.E., RJA Engineers, *Re: Sight Distance Evaluation on Fairview Avenue at the Project Driveway in Castro Valley*, August 10, 2010.
- Appendix J: Sara Cleveland, Administrative Secretary II, New Business office, East Bay Municipal Utilities District (EBMUD), letter to Nathaniel Taylor, Lamphier-Gregory *Re: 24850 Fairview Avenue, Hayward (approximate) APN#: 417-260-004 and 417-270-009*, August 18, 2011.
- Appendix K: Nelda Metheny, Consulting Arborist, letter to Gary Brooks, Northbrook Homes, dated August 25, 2011, entitled *.Protected Trees, Tract 8057, Alameda Co.*
- Appendix L: Letter from Leslie Zander, Zander Associates and Jeff Olberding, Olberding Environmental, Inc., to Nat Taylor, Lamphier-Gregory re: *Wetland Review Follow Up Borel Bank Property Fairview District, Alameda County*, February 16, 2012.

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INTRODUCTION AND PROJECT DESCRIPTION

Introduction to This Document

This document serves as the Initial Study and Mitigated Negative Declaration (IS/MND) for the proposed Tract 8057 Residential Subdivision project. Per CEQA Guidelines (Section 15070), a Mitigated Negative Declaration can be prepared to meet the requirements of CEQA review when the Initial Study identifies potentially significant environmental effects, but revisions in the Project would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.

This document is organized in three sections as follows:

- Introduction and Project Description. This section introduces the document and discussed the project description including location, setting, and specifics of the lead agency and contacts.
- Mitigated Negative Declaration. This section lists the impacts and mitigation measures identified in the Initial Study and proposes findings that would allow adoption of this document as the CEQA review document for the proposed project.
- Initial Study. This section discusses the CEQA environmental topics and checklist questions and identifies the potential for impacts and proposed mitigation measures to avoid these impacts.

Public Review

The Initial Study and Proposed Mitigated Negative Declaration will be circulated for a 30-day public review period. Written comments may be submitted to the following address:

Albert Lopez, Planning Director
Alameda County Planning Department
224 W. Winton Avenue, Room 111
Hayward, CA 94544
Telephone: 510/676-5400
Email: albert.lopez@acgov.org

Adoption of the Mitigated Negative Declaration does not constitute approval of the project itself, which is a separate action to be taken by the Planning Commission. Approval of the project can take place only after the Mitigated Negative Declaration has been adopted.

GENERAL PROJECT INFORMATION

PROJECT ENTITLEMENTS

Land use and governmental approvals needed for the Project include approval of Vesting Tentative Tract Map 8057 for the proposed 15-lot subdivision (Planning Department Case PLN 2010-00140).

LEAD AGENCY

Alameda County Community Development Agency, Planning Division
224 W. Winton Ave., Room 111
Hayward, CA 94544

CONTACT PERSON

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Hayward, CA 94544
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phil.sawrey-kubicek@acgov.org

PROJECT SPONSOR

Northbrook Homes, LLC
7020 Koll Center Parkway
Pleasanton, CA 94566
Contact: Gary Brooks, General Manager
925-260-7382

PROJECT LOCATION

The Project site consists of a 10.1-acre vacant property on the north side of Fairview Avenue, approximately 1,000 feet east of Jelincic Drive in the Fairview area of unincorporated Alameda County. The Project site is comprised of two parcels owned by the Borel Bank of San Mateo (a private bank and trust company operating as Lerob LLC) and identified as Assessor's Parcel Number (APN) 417-0260-4-0 (7.52 acres) and APN 417-270-9-0 (2.56 acres). The smaller of the two parcels is approximately 350 feet north of Fairview Avenue and has no street frontage; the larger parcel is a flag lot with a narrow (21 feet wide) stem connecting to the street, but the majority of its area is 750 feet north of Fairview Avenue, 'behind' the smaller parcel. For the purposes of the Initial Study/MND, the Project also includes an access easement within a roughly 2-acre portion of an adjacent 11.6-acre parcel (APN 417-260-5-0) owned by Pacific Gas & Electric (PG&E). The easement and proposed "Street A" are necessary to provide access to the Project site from Fairview Avenue. References to the "Project site" in this Initial Study/MND shall mean the two parcels owned by Lerob LLC; references to the "PG&E property" shall mean the portion of the PG&E parcel containing the access easement.

GENERAL PLAN DESIGNATION

The property is designated R-1-B-E, single family residential land use with a minimum building site area of 10,000 square feet per house in the Fairview Area Specific Plan, adopted September 1997, which is the General Plan for this part of unincorporated Alameda County.

ZONING

R-1-B-E (Single Family Residential, 10,000 square feet minimum building site).



Figure 1. Regional and Site Location

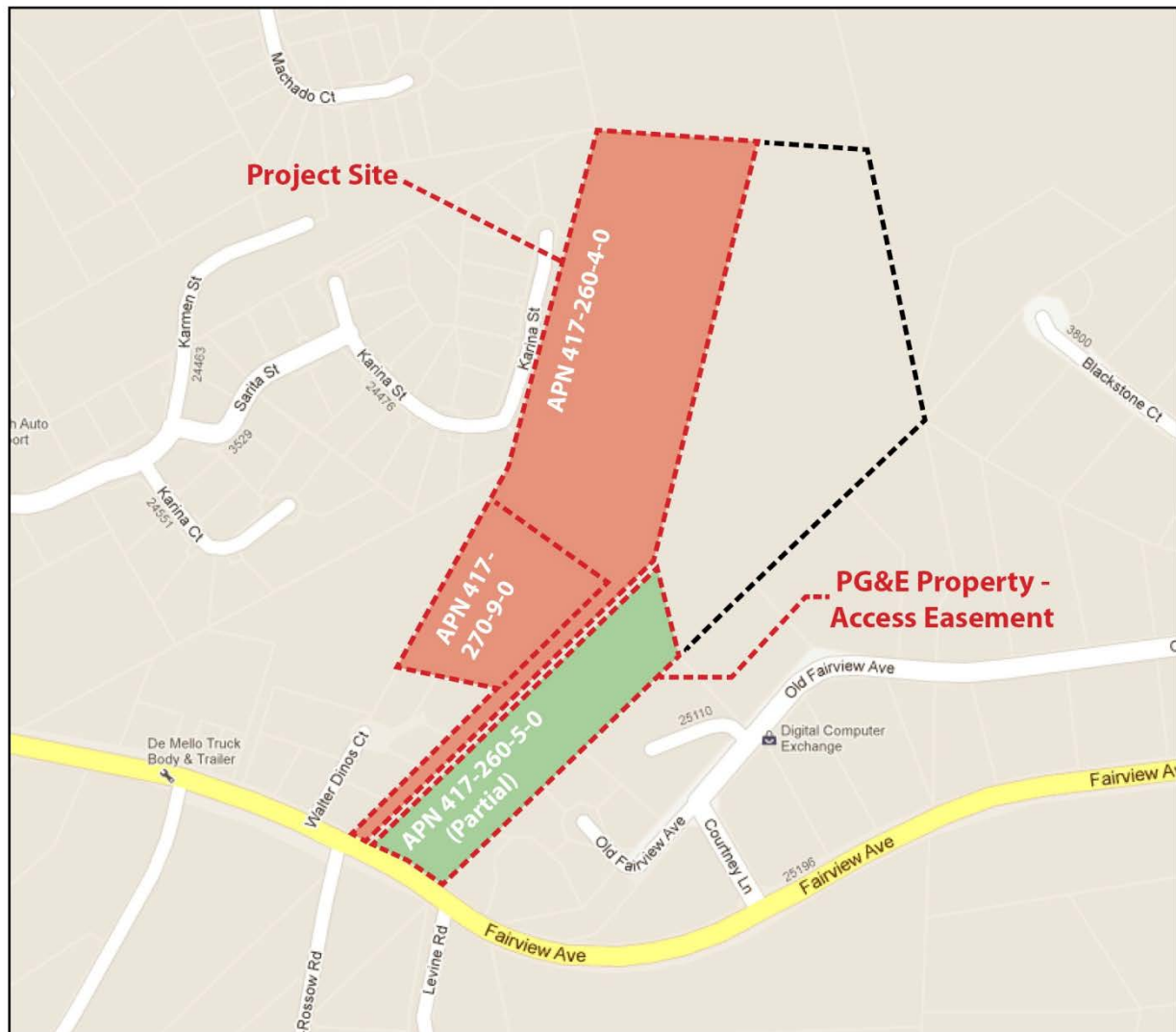


Figure 2. Project Site and PG&E Property.

EXISTING USES AND SITE CONDITIONS

The Project site, comprised of the 10.1-acre nearly rectangular development area, together with an access easement on the adjacent PG&E property, encompasses approximately 12 acres with an overall irregular shape extending north of Fairview Avenue. The Project site's dimensions are approximately 1,250 feet from north to south and 340 feet wide, but the southern boundary narrows to about 220 feet. The site is mostly hilly with slopes of 20 to 30 percent on each side of a ridge dividing its northern and southern portions. Slopes near the ridge top are lower, between 5 and 15 percent, and the overall average slope on the Project site is about 23 percent. The ridge descends gently from a knoll on the PG&E parcel in a northwest direction across the site (about 25 feet downwards at a 7 percent slope), and then continues north along the west side of the site towards its northern boundary, with elevation changes of less than five feet. There is a slight saddle on the ridge, with a shallow depression that fills with water during the rainy season (15 to 20 feet across). The southern portion of the Project site slopes downward to the southwest into a steep-sided bowl, below and west of which is a vacant parcel and beyond, the Jelincic Drive subdivision area. The northern portion of the Project site slopes down to the east towards the non-easement portion of the PG&E parcel, within which is a small drainage flowing north into a tributary of San Lorenzo Creek, in a large deep valley north of the project site.



Figure 3. Aerial Photo

The Project site is undeveloped, and has been used for horse and cattle grazing but not for any human residential use, and there are no structures on the property. The site is dominated by non-native grasses and thistles; a dense copse of eucalyptus trees and large shrubs are located in the northeast corner of the Project site and near the lower elevation of the PG&E property. A pile of rocks and small boulders (mostly under 2 feet in diameter), presumably gathered from around the site to accommodate a previous grazing use, is located near the ridge where it crosses the middle of the site. The narrow stem of the larger parcel is an unpaved gravel road or lane that currently provides access from Fairview Avenue to the upper elevations of the Project site and the PG&E property. The road is used to service the horses and cattle that graze on the property and for access to the PG&E power line tower. (See **Figure 5f**). Aerial and site photos reflect the existing character of the site (**Figures 3 - 5**). As shown in the photos, the site provides exceptionally wide vistas across Hayward, San Francisco Bay and the peninsula beyond, as well as the East Bay Hills east and north of the Fairview area. The ridge on the site is one of the highest promontories in the vicinity.

The PG&E parcel, within which would be an easement containing Street A for access to the Project site, slopes upward fairly steeply (about an 18 percent slope) from Fairview Avenue, from an elevation at its

southwest corner of about 550 feet above mean sea level to the knoll, which is at about 700 feet (i.e., about 150 feet in elevation gain, and about 850 feet from Fairview Avenue) and on which are two PG&E transmission line pylons. A single PG&E pylon is about 280 feet uphill from Fairview Avenue, with distribution lines to the two towers on the knoll. The transmission lines continue north towards the Five Canyons area, splitting off to (or merging from) the north and east. The easement area of the PG&E parcel is predominantly an open slope of native and non-native grasses, with two groups of mature Monterey cypress trees about 100 feet from Fairview Avenue. Horses are currently being kept in a corral on the PG&E property near the twin pylons.

SURROUNDING LAND USES AND SETTING

The Fairview area of Alameda County consists generally of gently rising elevations above downtown Hayward, characterized primarily by single family residential development and served by several arterial roadways. Historically, Hayward and the hills to the east were used for various forms of agriculture, the hilly area primarily being used for cattle and horse grazing and for chicken farms. Over the past 20 to 30 years, more and more large parcels in the Fairview area have been developed with suburban-style residential subdivisions. Examples of recent and nearby residential development projects and proposals include:

- The 40-lot, 18.5-acre subdivision known as Tract 6102 on Jelincic Drive, immediately to the west of the Project site, but which is thus far developed with only 10 homes, none of which border the Project site (although about ten homes will border the site in the future); and
- A proposed 13-lot subdivision (Tract 7921) on a 4.3-acre site located between Walter Dinos Court and Tract 6102 (however, the 2008 application for Tract 7921 was never approved and the application has been withdrawn);

However, the surrounding area still contains many rural residential and agricultural properties of between one and ten acres, such as the Project site, which is one of the largest undeveloped sites in the vicinity. The largest single use in the vicinity is the 34-acre Lone Tree Cemetery, about ¼ of a mile west of the PG&E property, at the southeast corner of Fairview Avenue and Hansen Road. Immediately east of the Project site is the northern portion of the PG&E power line property and beyond that is a residential enclave of several single family homes along Old Fairview Avenue, an East Bay Municipal Utilities District (EBMUD) water tank, and the Blackstone Court subdivision. East of that subdivision is the upper portion of long wooded valley or canyon that extends about 1.3 miles in a north-northwest direction to San Lorenzo Creek. Further east, at Fairview Avenue and Star Ridge Road is the Five Canyons Park, and beyond that, to the north and west is the Five Canyons Single Family Residential Planned Development. Three large undeveloped parcels of between 2 and 12 acres lie to the north of the site, with access from Old Quarry Road. West of these parcels, and almost directly north of the partially-developed Tract 6102 is a subdivision of about 30 homes along Machado Court. The relatively small, triangular-shaped site of Tract 7921 borders the west side of the southern portion of the Project site. The small subdivision on Walter Dinos Court lies south of the Project site and west of the PG&E parcel. On the south side of Fairview Avenue, extending from Lone Tree Cemetery to the west to Five Canyons Parkway and Star Ridge Road to the east, the area is generally more sparsely developed and rural in character.

PROJECT DESCRIPTION

The property is owned by Lerob LLC, a wholly-owned subsidiary of Borel Bank of San Mateo. The Project applicant, Northbrook Homes, ("Project sponsor") is acting as an agent for Lerob LLC in pursuit of land use entitlements that would permit and authorize the subdivision of the site into 15 separate residential lots. The lots would have a minimum size of 10,000 square feet, as shown on the Preliminary Site Plan (**Figure 6**). To access the site, a new roadway (Street A) is proposed to be constructed, beginning at Fairview Avenue on the adjacent PG&E property. An easement allowing access to the site has been acquired by the Project sponsor. Street A would climb the hillside in a switchback manner to maintain acceptable (15% maximum) grades and then cross onto the large, flatter plateau in the middle of the Project site, approximately 150 feet above Fairview Avenue. Street A would continue northward along the site's western edge to provide access to lots 7 - 15. One short cul-de-sac (Street B) would access

lots 1 – 6. The Project also includes a vehicular connection to the adjacent Tract 6102 at Karina Street, providing an emergency vehicular access (EVA) for both subdivisions.

The Project sponsor proposes that on-site domestic water and wastewater infrastructure for the future homes would connect to and share the existing utility infrastructure that serves the adjacent Subdivision Tract 6102. If agreement with the adjacent subdivision proves to be unobtainable, the Project sponsor would use the narrow stem of the Project site that touches Fairview Avenue, adjacent to the PG&E property, for installation of underground water and wastewater pipes, connecting to main service lines beneath Fairview Avenue.

Consistent with current requirements for hydro-modification techniques in dealing with stormwater, the proposed drainage plan includes the use of grassy-swales on downslope lots and a linear bio-retention area that would line the edge of Street A and would absorb and filter stormwater from the street surface and from rooftop downspouts; stormwater flows that would exceed the bio-retention area's capacity for absorption would flow into an on-site stormwater detention basin which would hold and then release the stormwater on a controlled basis so that the amount of stormwater leaving the site, at full buildout, would not exceed the amount or rate of runoff from the existing undeveloped property. The bio-retention area would follow Street A all the way to Fairview Avenue, discharging ultimately into the catchment basin at the edge of the roadway. Preliminary engineering plans for the Project, including the Preliminary Site Plan, the Preliminary Grading Plan, the Preliminary Utility Plan and the Preliminary Stormwater Protection Plan are shown in **Figures 6 - 9**.

PROPOSED ACCESS AND CIRCULATION

As noted, access would be from Fairview Avenue via Street A on the PG&E property. Secondary emergency only access would be through Tract 6102 (from Fairview Avenue via Jelinic Drive, Sarita Street and Karina Street). Street A and the lone cul-de-sac (Street B) would be the only roadways on the Project site.

SITE PLAN AND ARCHITECTURAL DESIGN CONCEPTS

The Preliminary Site Plan (**Figure 6**) shows the proposed lot lines and designated building envelopes on each lot indicating where future homes would be built. The houses would be sited so as to conform to setback standards and height limitations of the Fairview Avenue Specific Plan and applicable provisions of the County Zoning Ordinance.

Three distinct house plans are proposed, two (2) two-story plans and one (1) single-story plan. Two-story homes would be built on the eight (8) split-level downslope lots (Lots 6, and 8-14); one-story homes would be built on the seven (7) flat-pad lots (Lots 1-5, 7 & 15). Each home would have an entry porch to enhance the neighborhood experience. The porches would be large enough for a café table or seat. Each proposed home would have a two-car fully enclosed garage. Varying elevations incorporating exterior detailing would be developed for each plan type. The size of the homes would range from 2,000 to 2,800 square feet.

Elevations would be designed to minimize the appearance of mass when viewed from the street. Varied rooflines and features such as nested gables would reduce the apparent mass of each home to smaller elements. Exterior materials would utilize Hardiplank or equal hardboard siding with wood details, such as Juliette balconies, columns, vents and other embellishments. Each home would incorporate high quality cultured stone into the porch column bases. Variety in the wood and stone elements would be intended to create a degree of individuality to each home. The materials and detailing on the front elevation would be applied consistently on all sides of each home.

All planting areas installed at the time of construction would be irrigated with an automatic irrigation system and irrigated lawn areas would be minimized. In addition to meeting California's Title 24 energy standards, the project would be constructed to comply with the CalGreen California Green Building Standards Code which guides both building and irrigation systems.

In addition, the homes would be designed to be solar-ready, designed structurally to carry the additional roof loads and equipment locations anticipated in the final design. Each home would also include a dedicated circuit in the garage for charging electric vehicles.

CONSTRUCTION SCHEDULE

The Project applicant's preliminary schedule for Project construction indicates that rough grading and construction of Street A, Street B, the drainage detention basin, and installation of trunk infrastructure (e.g., drainage, water and sewer utilities, power and cable TV) and mass grading for the 15 home sites would occur in one phase between May and mid-October of 2012. Home building would commence in August 2012 and be completed in the first quarter of 2013.

PROPOSED GRADING

The Preliminary Grading Plan (**Figure 7**) involves movement of 63,000 total cubic yards of material; cuts and fills would be balanced resulting in zero material needing to be imported or hauled off site. Cross-section illustrations F-F, H-H, I-I and J-J as shown on **Figure 7**, and the before-and-after slopes shown in **Figures 16 and 17** indicate the extent to which the grading plan would change the physical shape and contour of the Project site. A substantial degree of mass grading would be required to develop Street A, with a large cut (about 25 feet deep) into the upper slope of the PG&E parcel (see cross-section I-I). Additional mass grading would involve a combination of cut and fill on the southern portion of the development area (cross-sections G-G and L-L). Substantial grading to develop the building pads would also be required, primarily with fill (such as in cross-section F-F). The ridge between the knoll on the PG&E property (i.e., the approximate alignment of Street B) would be re-contoured and lowered by about 10 feet for the building pad for Lot 4, while the high point of the ridge at the northwestern corner would be lowered by only about 2 feet.

OTHER PUBLIC AGENCIES WHO'S APPROVAL MAY BE REQUIRED:

- Alameda County Public Works Agency
- California Department of Fish & Game
- U. S. Fish & Wildlife Service
- U.S. Army Corps of Engineers
- Fairview Fire Protection District/City of Hayward Fire Department



Figure 4a. Oblique view of site (northern portion) from east, showing direction of site photos



Figure 4b. Oblique view of site (PG&E property and southern portion) from west.



Figure 5a. Looking west



Figure 5b. Looking north



Figure 5c. Looking east

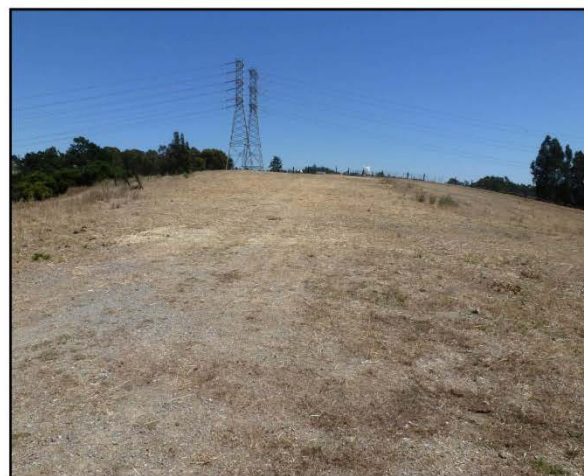


Figure 5d. Looking east to PG&E Towers

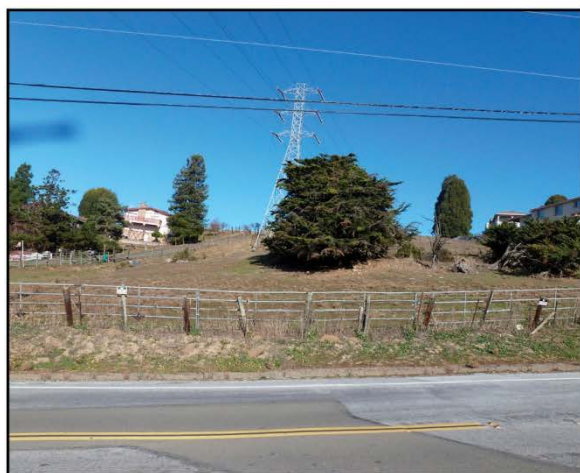


Figure 5e. Looking north at PG&E Property from Fairview Avenue.

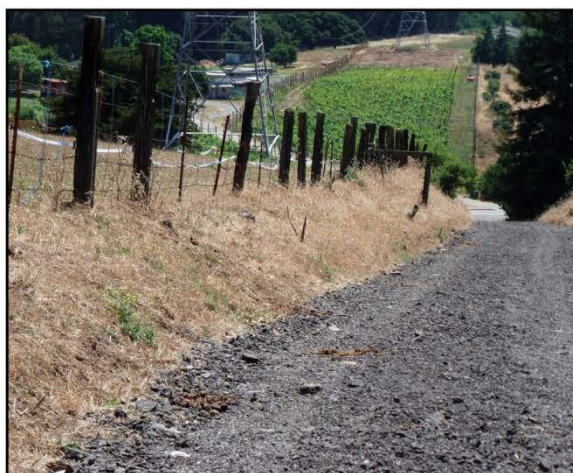
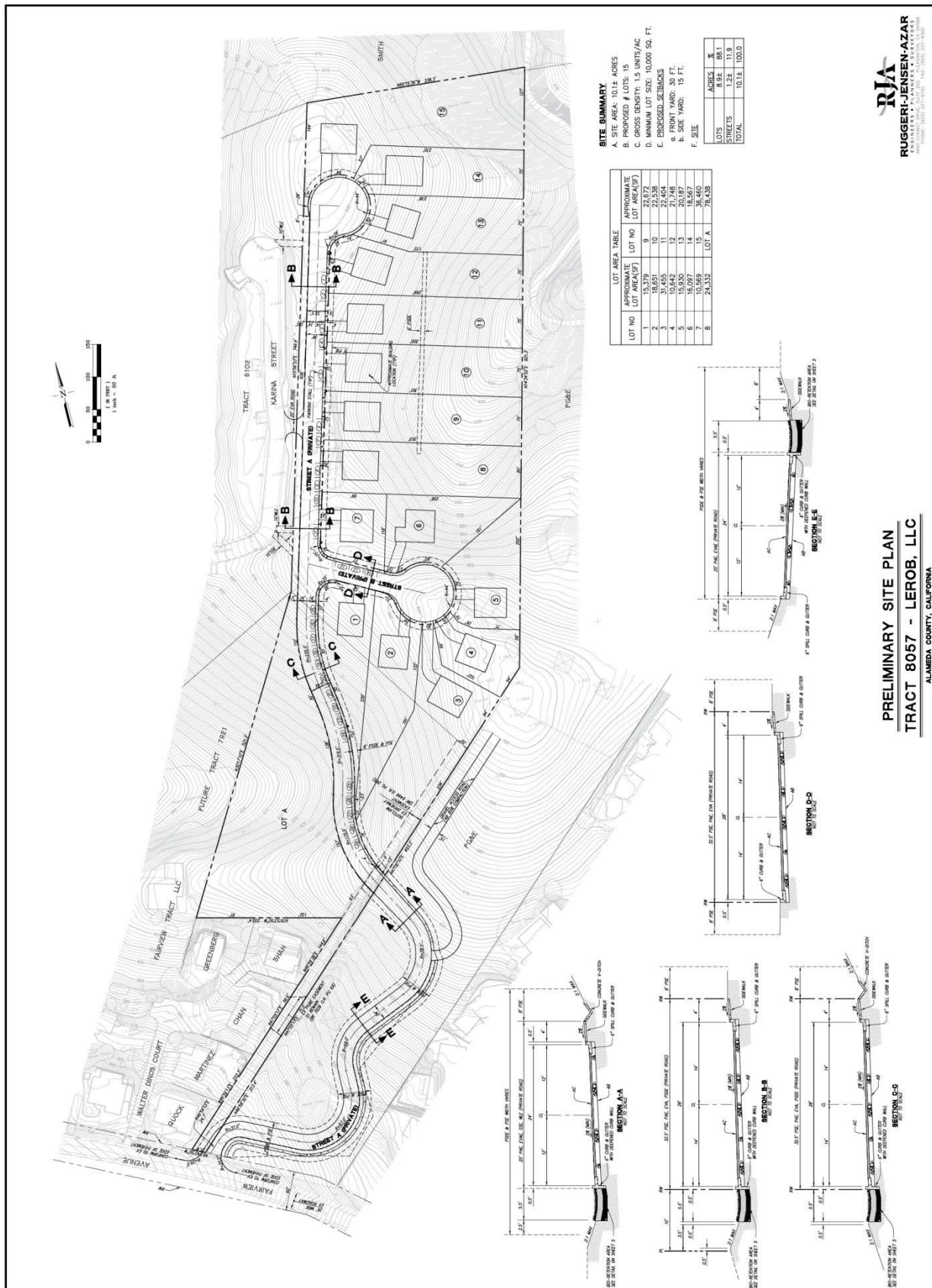


Figure 5f. Looking south at gravel access lane; Fairview Ave. is at bottom of grade.



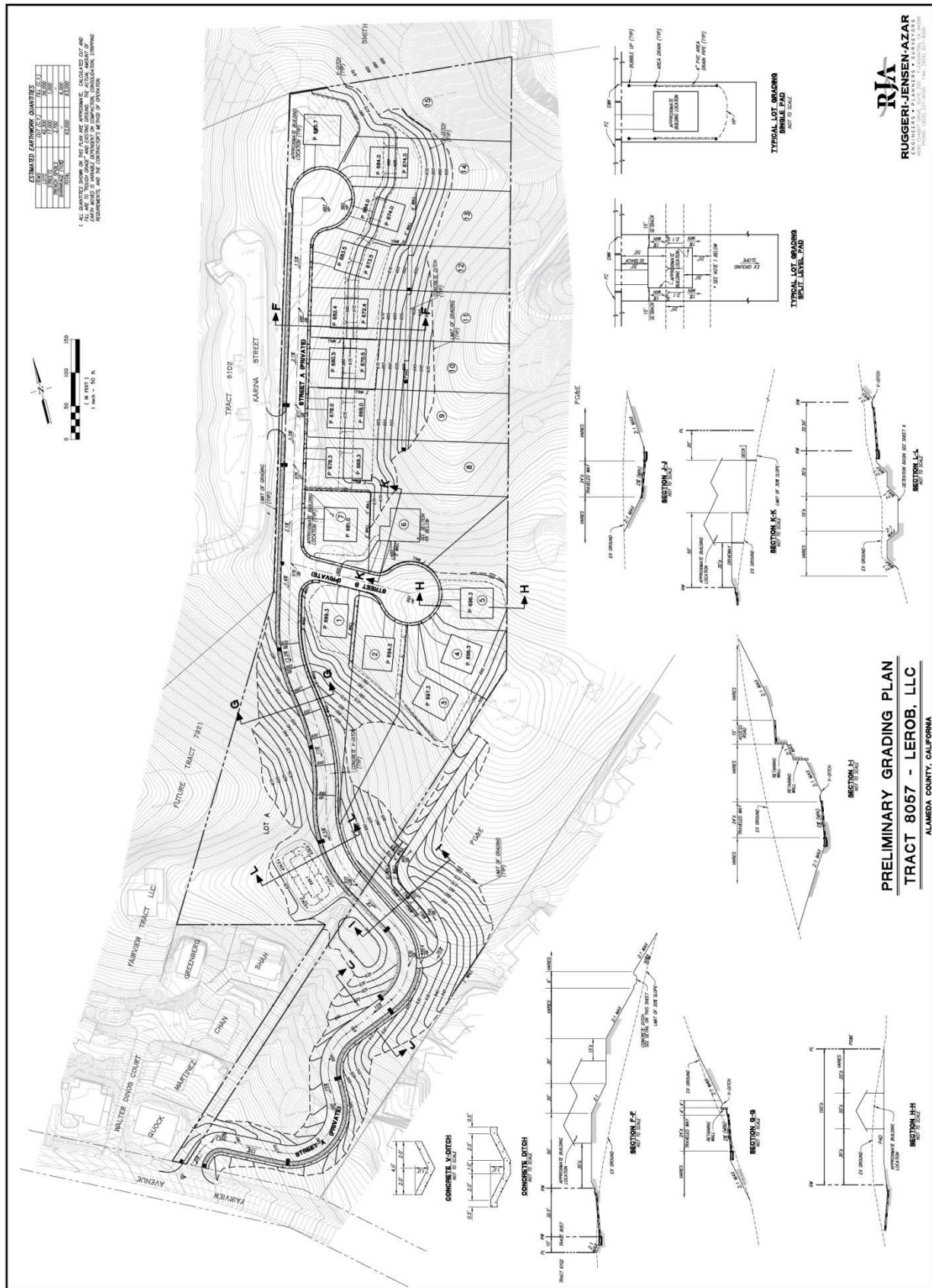


Figure 7: Preliminary Grading Plan

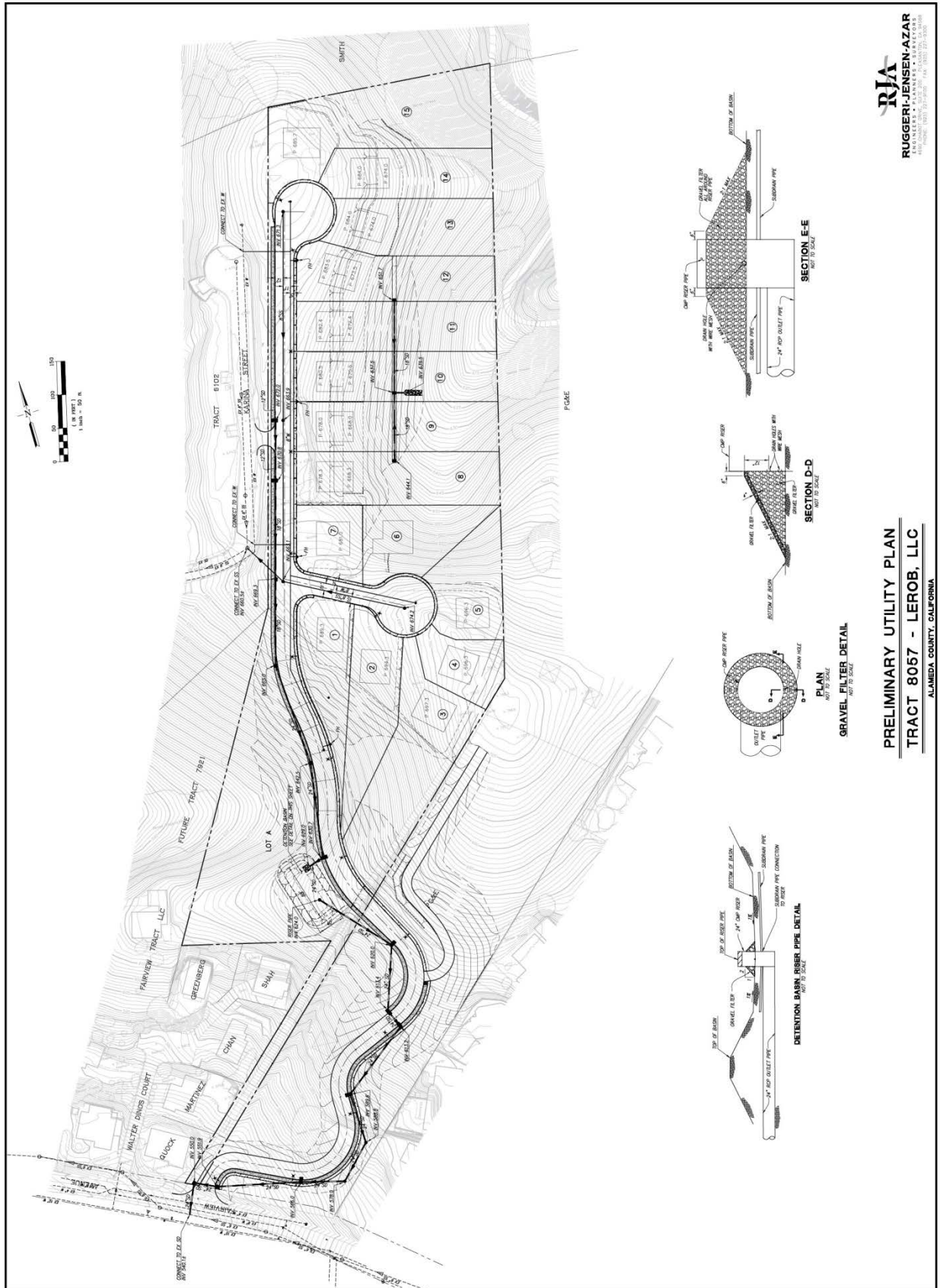


Figure 9: Preliminary Stormwater Protection Plan

MITIGATED NEGATIVE DECLARATION

Project Description, Location and Setting

This Mitigated Negative Declaration has been prepared for the Tract Map 8057 Residential Subdivision Project in the Fairview area of unincorporated Alameda County near Hayward. See the Introduction and Project Description section of this document for details of the Project.

Potentially Significant Impacts Requiring Mitigation

The following is a list of potentially significant Project impacts and the mitigation measures recommended to reduce these impacts to a less-than-significant level. Refer to the Initial Study Checklist section of this document for a more detailed discussion.

Table 1: Potentially Significant Impacts and Mitigation Measures	
Potentially Significant Impact	Mitigation Measure Reduces Impact to a Less Than Significant Level
Aesthetics	
Impact Vis-1: Nighttime Light and Glare. The addition of 15 new homes on the Project site would add new sources of light to the area. Light from inside the homes, as well as street lighting and the movement of vehicles could adversely affect nighttime views by nearby neighbors within the area including incrementally increased loss of starlight visibility.	Mitigation Vis-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 submit a lighting plan for review and approval by the Planning Director prior to issuance of grading permits. • 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, 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. • The Homeowners Association shall enforce these conditions through CC&Rs for the Project.

Table 1:
Potentially Significant Impacts and Mitigation Measures

Potentially Significant Impact	Mitigation Measure
	Reduces Impact to a Less Than Significant Level
Air Quality	
Impact Air-1: Construction Dust and Exhaust. Construction of the Project would result in temporary emissions of dust and exhaust, from a combination of vehicles, equipment and fugitive dust particles that could adversely affect local air quality.	Mitigation Air-1: Basic Construction Management Practices. The Project sponsor shall demonstrate compliance with all applicable regulations and operating procedures prior to issuance of demolition, building or grading permits, including implementation of the following BAAQMD "Basic Construction Mitigation Measures": • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
Biology	
Impact Bio-1. Potential disturbance of protected plant species. Disturbance of the Project site and/or the PG&E property for grading and construction activities has the potential to impact two special status plant species - big-scale balsamroot and most beautiful jewel flower, which are ranked 1B by CNPS.	Mitigation Bio-1: Conduct Special Status Plant Survey. During the months between March and June, and prior to the commencement of grading activities, the Project applicant's biologist shall conduct a survey to validate Olberding's negative finding for big-scale balsamroot and most beautiful jewel flower. If examples of these two plant species are not found, no further mitigation is required. If examples are found, impacts to the plants shall be avoided by (a) relocating the plants to locations on the Project site that would not be disturbed by grading and construction activities; and b) collecting seeds from the plants and planting the seeds elsewhere on the Project site.

Table 1:
Potentially Significant Impacts and Mitigation Measures

Potentially Significant Impact	Mitigation Measure Reduces Impact to a Less Than Significant Level
Impact Bio-2: Potential disturbance of nesting birds and nesting bird habitat. Proposed grading and construction activities on the Project site and the PG&E property may result in the removal of vegetation that can serve as nesting habitat for birds such as migrating songbirds. Removal of vegetation could also directly destroy nests, eggs, and immature birds, if present.	Mitigation Bio-2: Pre-Construction Nesting Bird Surveys. The Project Applicant's biologist shall prepare a nesting bird survey three days prior to the removal of vegetation and/or commencement of construction. The purpose of the survey is to determine the absence or presence of nesting bird species. Nesting bird surveys shall be performed prior to January to identify any potential nesting trees prior to the birds laying eggs. If the survey does not identify any nesting special-status bird species in the area to be disturbed by the construction activity, no further measures are required. However, if nest sites or young are located, a no-disturbance buffer shall be established around the active nest. The biologist will establish a no-disturbance buffer of between 150 and 200 feet and the site protected until August 15 or until the young have fledged (typically 3 to 4 weeks). Further, if nests are found, removal of on-site shrubs and trees should be avoided; if removal cannot be avoided, then the removal of this vegetation should occur outside of the breeding season, (i.e., not between the months of January and July).
Impact Bio-3: Potential impacts to aquatic life and wildlife habitat. Grading and excavation activities could expose soil to increased rates of erosion and stormwater runoff during construction periods which could adversely affect aquatic life within the adjacent water features. Surface water runoff could remove particles of fill or excavated soil from the site, or could erode soil down-gradient, if the flow were not controlled. Deposition of eroded material in adjacent water features could increase turbidity, thereby endangering aquatic life, and reducing wildlife habitat.	Mitigation Bio-3: Stormwater Prevention Plan. The Project sponsor shall comply with and implement Mitigation Geo-1 which requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP) and the use of best management practices (BMP's) such as hay bales, silt fencing, placement of straw mulch and hydro seeding of exposed soils during construction.
Impact Bio-4: Potential Impacts to Wetlands. Based on observations by biological resource consultants Zander and Olberding at a joint site visit in February 2012, there appears to be one small area of potential wetlands on the Project site that could be subject to the jurisdiction of the U. S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. Disturbance of this area by grading or other activities, without proper permitting authorized by the ACOE, and appropriate mitigation, would result in a loss of wetlands and a significant impact of the Project.	Mitigation Bio-4: Wetland Delineation and On-Site Mitigation. The Project applicant shall engage a qualified biologist to prepare a formal wetland delineation in accordance with ACOE protocols and shall submit the delineation documentation for formal review by the ACOE. If the ACOE determines that the one potential wetland area on the Project site is subject to ACOE jurisdiction, the Project applicant shall obtain the necessary permits from the ACOE to authorize disturbance or filling of such wetlands, and the Project applicant shall comply with all requirements of the ACOE permit which shall include, at a minimum, the designation of an area on the Project site of equal or greater size as the wetland area. The Project applicant shall ensure, to the satisfaction of the Alameda County Planning Director and the ACOE, that such on-site wetland mitigation area is preserved in perpetuity, which may be achieved by creating such an area within the Conservation Easement to be created in accordance with Mitigation Bio-5b and subject to the restrictions as set forth therein.

Table 1:
Potentially Significant Impacts and Mitigation Measures

Potentially Significant Impact	Mitigation Measure Reduces Impact to a Less Than Significant Level
Impact Bio-5: Potential interference with migratory wildlife corridors. a) Construction of Street A on the PG&E property could interfere substantially with the movement of native resident wildlife species or with established migratory wildlife corridors and impede the use of native nursery sites. b) Grading, construction and resident use of homes on the upper elevations of the Project site would reduce and restrict area for wildlife activity.	Mitigation Bio-5a: Pre-Construction Nesting Bird Surveys. To address the potential loss of native nursery sites, implement Mitigation Bio-2 as described above on the PG&E property. Mitigation Bio-5b: Establish Conservation Easement. The Project shall incorporate a conservation easement across the lower elevations of the Project site, below the proposed limits of grading to prevent future grading alterations, private fencing and the introduction of non-native plants or animals, and to retain it in its current natural state, or allow planting of only native plant species. The Easement shall prohibit structural or recreational improvements or grading disturbance of any kind not required for the installation and proper maintenance of the Storm water protection features. The conservation easement would ensure that to the extent the lower portions of the Project site are used as wildlife corridors, such use would be allowed to continue in perpetuity. Mitigation Bio-5c: Wildlife-Friendly Design Principles on PG&E Property & Around Stormwater Treatment Features. Replacement grasses, planting and landscaping of the cut and fill slopes for Street A, the entryway, and around the bio-remediation and detention areas, shall comply with Bay-Friendly Landscaping Principles as determined by the County Planning Director, with an emphasis on enhancing wildlife habitat values. The gate to the PG&E service road should be designed to accommodate passage by local mammals.
Impact Bio-6: Conflict with local conservation regulations. Removal of or damage to trees protected by the Fairview Area Specific Plan Tree Preservation Policies would be a potentially significant impact.	Mitigation Bio-6: Comply with the Fairview Area Specific Plan policies regarding the preservation of large, mature trees. To assure compliance with the Fairview Area Specific Plan policies regarding the preservation of large, mature trees, the Project applicant shall: a) Adjust the grading plan for the construction of Street A so that natural grade is maintained within the drip line of the two Monterey cypress tree groups located uphill from Fairview Avenue on the PG&E property at approximate elevation 590 feet; b) Adjust the grading plan further so as to maintain natural grades within the drip lines of the cluster of mature blue gum trees (<i>Eucalyptus globulus</i>) located on the easterly boundary of the PG&E property at approximately elevation 675 feet, all in accordance with the recommendations of the Consulting Arborist. c) Remove the failed Monterey cypress from the PG&E property and replace it with at least five (5) 15-gallon sized trees or one boxed, native specimen tree, the exact species, location and method of installation for which shall be approved by County Planning Director.
Geology	
Impact Geo-1: 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. Given the hilly topography of the Project site, construction activities including mass grading, roadway construction and building 15 new homes	Mitigation Geo-1: Construction General and SWPPP Permit. The Project sponsor shall obtain coverage under the State Water Resources Control Board (SWRCB) Construction General Permit, including implementation of a Storm Water Pollution Prevention Plan (SWPPP) in accordance with procedures and specifications of the Alameda County Clean Water Program. 1. The Project sponsor shall ensure that construction practices for the

Table 1: Potentially Significant Impacts and Mitigation Measures	
Potentially Significant Impact	Mitigation Measure Reduces Impact to a Less Than Significant Level
could potentially result in substantial soil erosion.	Project comply with practices to prevent water pollution under the provisions of the Construction General Permit. In order to obtain a permit, the Project Applicant must file a Notice of Intent (NOI) with the Regional Water Resources Control Board (RWQCB) prior to the start of construction. 2. Pursuant to the requirements of the Construction General Permit, the Project sponsor shall prepare and implement a SWPPP. 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); the Best Management Practices (BMPs) as provided in the California Stormwater Quality Association (CASQA) handbooks; policies and recommendations of the local urban runoff program (County of Alameda); and the Staff Recommendations of the RWQCB. The SWPPP shall incorporate BMPs to reduce the potential for pollutants in runoff waters and to prevent pollutant transport off-site during construction activities. Examples of BMPs include, but are not limited to the following: a) Only clear land which will be actively under construction in the near term (e.g., within the next 6-12 months), minimize new land disturbance during the rainy season, and avoid clearing and disturbing sensitive areas (e.g., steep slopes and natural watercourses) and other areas where site improvements will not be constructed. b) Provide temporary stabilization of disturbed soils whenever active construction is not occurring on a portion of the site through water spraying or application of dust suppressants, and gravel covering of high-traffic areas. Provide permanent stabilization during finish grade and landscape the Project site. c) Safely convey runoff from the top of the slope and stabilize disturbed slopes as quickly as possible. d) Delineate the Project site perimeter to prevent disturbing areas outside the project limits. Divert upstream run-on safely around or through the construction. Runoff from the Project site should be free of excessive sediment and other constituents. Control tracking at points of ingress to and egress from the Project site. e) Retain sediment-laden waters from disturbed, active areas within the Project site. f) Perform activities in a manner to keep potential pollutants from coming into contact with stormwater or being transported off site to eliminate or avoid exposure. g) Store construction, building, and waste materials in designated areas, protected from rainfall and contact with stormwater runoff. Dispose of all construction waste in designated areas, and keep stormwater from flowing onto or off these areas. Prevent spills and clean up spilled materials.

Table 1:
Potentially Significant Impacts and Mitigation Measures

Potentially Significant Impact	Mitigation Measure
	Reduces Impact to a Less Than Significant Level
Hydrology	
Impact Hydro-1: Construction-Period Erosion and Siltation. Construction of the proposed Project would involve site grading for the access roadway over the PG&E property, construction of the proposed on-site storm drain detention basin, trenching for underground utilities, and grading for the 15 home sites. Such disturbance would present a threat of soil erosion by subjecting unprotected bare soil areas to runoff during construction, which could result in siltation to receiving waters.	Mitigation Hydro-1. Implement Mitigation Geo-1. File a Notice of Intent and obtain approval of and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with Mitigation Measure Geo-1. Mitigation Hydro-2: Comply with the County Grading Ordinance. The Project shall conform to all requirements and provisions of the Alameda County Grading Ordinance. As part of the Grading Ordinance, the Applicant shall obtain a water quality certification or waiver from the Regional Water Quality Control Board. This process ensures conformance to BMPs during construction to control wind and water erosion that could affect surface and ground water quality. Mitigation Hydro-3: Comply with the C.3 Provisions of the Alameda County Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) – NPDES Permit No. CAS612008. The Project sponsor shall demonstrate compliance with the County's NPDES permit C.3 requirements by preparing a detailed Stormwater Management Plan (SMP), incorporating the most appropriate post-construction source control measures into the Project design. The Stormwater Management Plan shall be prepared during County's review of project engineering design and shall incorporate the required post-construction (permanent) stormwater quality controls. The SMP should include, but is not limited to demonstration of the following: 1. The proposed finished grade, 2. The storm drainage system including all inlets, pipes, catch basins, overland flows, outlets and water flow directions, 3. The permanent stormwater treatment system (soil and landscape-based treatment facilities, filters and separators), including all design details, 4. Design details of all source control measures (preventing contact between stormwater and potential sources of pollution) and site design measures (reductions in flow from impervious surfaces) to be implemented, 5. Calculations demonstrating that stormwater treatment measures are hydraulically sized as specified by the County's stormwater permit, and 6. An Operations and Management Plan to ensure continued effectiveness of structural BMPs and implementation of non-structural BMPs.
Impact Hydro-4: Increased Impervious Surfaces. The Project would increase the amount of impervious surface area on the Project site. Absent an appropriately designed and managed stormwater prevention plan, increase in impervious surface area could increase the amount of surface runoff and allow pollutants to enter the storm drain system and potentially violate Storm Water Quality Regulations.	Mitigation Hydro-4: Implement Mitigation Hydro-3, above.

Table 1:
Potentially Significant Impacts and Mitigation Measures

Potentially Significant Impact	Mitigation Measure Reduces Impact to a Less Than Significant Level
Impact Noise-1: Temporary Noise Impacts During Construction. The construction of the Project would generate noise and would temporarily and intermittently increase noise levels at adjacent residential receivers.	Mitigation Noise-1: Construction Noise Control. To ensure construction-period noise levels are reduced to the extent feasible, the following construction noise control Best Management Practices are required: • All construction contractors and subcontractors shall comply with the County Noise Ordinance. • Noise-generating activities at the construction site should be restricted to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on weekends. • All internal combustion engine driven equipment will be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment. • Locate stationary noise generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. Construct temporary noise barriers to screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction levels by 5 dBA. • Utilize "quiet" air compressors and other stationery noise sources where technology exists. • The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent noise sensitive residences so that construction activities can be scheduled to minimize noise disturbance. • Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The disturbance coordinator shall conspicuously post the coordinator's telephone number at the construction site and include it in the notice sent to neighbors regarding the construction schedule. • Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

PROPOSED FINDINGS

The County of Alameda Community Development Agency has determined that with the implementation of mitigation measures identified in this Mitigated Negative Declaration, the proposed Project will not have a significant effect on the environment. If this Mitigated Negative Declaration is adopted by the County of Alameda, the requirements of the California Environmental Quality Act (CEQA) will be considered to have been met by the preparation of this Mitigated Negative Declaration and the Project will not require the preparation of an Environmental Impact Report. This decision is supported by the following findings:

- c) The Project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels or threaten to eliminate a plant or animal community. It does not reduce the number or restrict the range of a rare or endangered plant or animal. It does not eliminate important examples of the major periods of California history or pre-history, since there is no identified area at the Project site which is habitat for rare or endangered species, or which represents unique examples of California history or prehistory. In addition, the Project is within the scope of use contemplated in the Fairmont Area Specific Plan and the Project does not have any significant, unavoidable adverse impacts. Implementation of specified mitigation measures will avoid or reduce the effects of the Project on the environment and thereby avoid any significant impacts.
- b. The Project does not involve impacts which are individually limited but cumulatively considerable, because the described Project will incorporate mitigation measures to avoid significant impacts of the Project in the context of continued growth and development in the Fairview area of Alameda County.
- a. The Project does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly, because all adverse effects of the Project will be mitigated to an insignificant level.

INITIAL STUDY

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

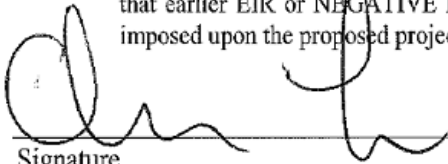
Environmental factors which may be affected by the Project, as defined by the California Environmental Quality Act are listed alphabetically below. Factors marked with an “X’d-in block (☒)” were determined to be potentially affected by the Project, involving at least one impact that has been identified as a “Potentially Significant Impact” with mitigation measures identified that would reduce the impact to a less than significant level, as indicated in the Environmental Evaluation Form Checklist and related discussion that follows. Unmarked factors (☐) were determined to not be significantly affected by the Project, based on discussion provided in the Checklist.

- | | | |
|--|--|---|
| ☒ Aesthetics | ☐ Agricultural and Forest Resources | ☒ Air Quality |
| ☒ Biological Resources | ☒ Cultural Resources | ☒ Geology/Soils |
| ☐ Greenhouse Gas Emissions | ☐ Hazards/Hazardous Materials | ☒ Hydrology/Water Quality |
| ☐ Land Use/Planning | ☐ Mineral Resources | ☒ Noise |
| ☐ Population/Housing | ☐ Public Services | ☐ Recreation |
| ☐ Transportation/Traffic | ☐ Utilities/Service Systems | |
| ☒ Mandatory Findings of Significance | | |

LEAD AGENCY DETERMINATION

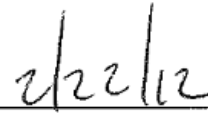
On the basis of this initial evaluation:

- ☐ 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.



Signature

Albert Lopez, Alameda County Planning Director



Date

INITIAL STUDY CHECKLIST

The Checklist portion of the Initial Study begins below, with explanations of each answer. A ***“no impact”*** response indicates that the impact simply does not apply to the project or any action that would occur due to the Project. A ***“less than significant”*** response indicates that while there may be potential for an environmental impact, there are standard procedures or regulations in place, or other features of the Project as proposed, which would limit the extent of this impact to below significance thresholds. Responses that indicate that the impact of the Project would be ***“less than significant with mitigation”*** indicate that mitigation measures, identified in the subsequent discussion, will be required as a condition of Project approval in order to effectively reduce potential Project-related environmental effects to a level below significance thresholds. Finally, while this is not the case for any topics in this IS/MND, topics with a ***“potentially significant impact”*** response would indicate the inability to identify mitigation measures to reduce the impact below significance thresholds and would need to be analyzed in an Environmental Impact Report.

This Checklist does not indicate that any environmental topics would be considered to be “potentially significant” after application of mitigation measures identified in this document and as agreed to by the Project sponsor. Therefore, an Environmental Impact Report is not warranted.

I. AESTHETICS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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 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?		☒		

PHYSICAL SETTING

The Project site is located in the Fairview area of Alameda County. The Fairview area is located just east of Hayward and on the west-facing slopes of the Hayward Hills. 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 climatic conditions make for relatively verdant landscapes.

Public and private vistas and the features within them may be referred to as “viewsheds,” which, like a watershed, have boundaries defined by the uppermost ridges or hilltops along the horizon of a given location. Like a watershed, everything within its boundaries affects the resulting qualities and benefits. In the case of a watershed, precipitation feeds plants, animals, creeks and rivers, and may be put to beneficial human use; a viewshed is defined by what is visible and valued – as well as by (like in a watershed) – what “pollutes” the quality and benefit. The Fairview viewshed area lies within the horizon formed by the Hayward Hills to the east and south, the hills north, east and west of Castro Valley, and to the west and southwest, San Francisco Bay and the Coast Range along the Peninsula (and to a small degree, the Marin Headlands and Mount Tamalpais). The knoll and ridge on which the Project site is located is moderately elevated within that viewshed and is therefore somewhat prominent as viewed from nearby viewpoints, up to half a mile away. The relatively barren expanse of ridgeline, dominated by non-native grasses, few trees except at the perimeter, and the PG&E power line pylons is distinctly different from its surroundings of eucalyptus, pine and other trees and suburban and rural-residential development.

The elevation of the vicinity, between 400 and 700 feet above sea level, provides many excellent views towards San Francisco Bay, the Peninsula, the San Francisco skyline and the Marin Headlands and Mt. Tamalpais, and the semi-rural qualities of the immediate vicinity, and upper hills further east are also highly valued characteristics of views from homes, parks and roads in the Fairview area. According to the California Department of Transportation,¹ there are no state-designated scenic highways providing views of the Project site. Highway 580, about a mile north of the Project site, is an eligible state scenic

¹ California Department of Transportation, State Scenic Highway Mapping System, http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm

highway but has not been officially designated as one. Although the site is on a prominent hill within the Fairview area, it lies below the more distant and elevated ridgeline east of the Five Canyons area and therefore blends into the Fairview area hills as seen from I-580.

The Project site is generally characterized by rounded hills and smooth contours, with portions of steep slopes with grades ranging from under 10% to 40%. Slopes on the Project site average 23 percent. For the most part, vegetation on the site consists of non-native grasses. There are groves of eucalyptus trees on the north boundary of the site and on the adjacent PG&E property. Riparian vegetation exists below the Project site near the tributary to San Lorenzo Creek which runs at the bottom of the slope in the northeast corner of the property. There are no structures on the site. **Figures 3 & 4** (aerial views) and the six photographs shown in **Figure 5** depict the current visual character, quality and setting for the Project site and the PG&E property.

Historically, the Fairview area has had a natural character and visual quality that is typified by semi-rural residential single family and limited agricultural uses and activities. In combination with rolling hills, natural creeks, riparian habitat and residential development, the Fairview area has slowly evolved from a rural to semi-rural character to become a more suburban residential neighborhood with many ranch style, single family detached residential subdivisions. More recent residential development in the area includes Tract 6102, a 40-unit single family development on Jelincic Drive, comprised of a few existing custom single family homes on a sloping site directly west of the Project site. The portion of Tract 6102 nearest to the Project site, however, is undeveloped except for the street, curbs and sidewalks. The evolving physical character of the Project site and its environs can be seen in the series of historical topographic maps that begin in the year 1899 and photographs taken at various points in time between 1939 and 2006. The historical topographic maps and aerial photographs are included in **Appendix A**.

The primary public view of the Project site is looking north from Fairview Avenue upwards through the PG&E parcel, which provides a view of the knoll on which Street B is proposed. This view is dominated by the clusters of mature Monterey cypress trees near Fairview Avenue and in the foreground, and beyond, one PG&E power line pylon tower about 300 feet from Fairview Avenue, and two side-by-side pylons near the top of the hill and on the horizon. However, this view is limited to only the PG&E parcel, and the Project site itself is out of view from this viewpoint. The nearest private views of the site are looking eastward from the upper elevations of the lots on Jelincic Drive within Subdivision Tract 6102, which would be equivalent to the views shown in some of the site photos (**Figure 5b, 5c, 5d and 5e**). The ridge along the Project site's northwest boundary is also visible at present from the lower elevations within Tract 6102 and the existing homes that have been built in the subdivision, and form the northeastern horizon. However, when Tract 6102 is fully developed with homes and landscaping, the ridge will be visible only from the ten lots on Karina Street where it borders the Project site.

From greater distances, the ridge is directly in the line of site from the half-mile long portion of D Street west of Maud Avenue, such that the ridgeline is centered within the horizon for eastbound traffic. Views of the ridge and the Project site also exist from within Lone Tree Cemetery, and from private residences directly south of Fairview Avenue, along the north side of Star Ridge Road, on Carlson Court north of D Street, Machado Court south of D Street, and from various other viewpoints. Homes along Old Fairview Avenue, Courtney Lane and Blackstone Court, south and east of the PG&E parcel, do not have views of the Project site due to a combination of topography and the groves of eucalyptus on the northern portion of the PG&E parcel. These trees and those in the canyon to the north and east of the Project site also largely obscure the site from view from the Five Canyons residential area. The ridge may also be visible from various schools and parks in the area, such as Fairview Elementary School on Maud Avenue, San Felipe Park on D Street, Five Canyons Park or East Avenue Park (about half a mile south of the Project site).

The Fairview area has levels of light and glare that are typical of suburban and rural-residential areas, and thus limited to moderate starlight visibility. There are no large sports facilities or other sources of intensive nighttime lighting in the nearby vicinity, and most light sources are from street lights along Fairview Avenue, Lone Tree Cemetery and from residential uses. Daytime glare from structures is residential in nature, not commercial and not generally a concern.

POLICY SETTING

The Fairview Area Specific Plan contains numerous policies that are indirectly intended to protect scenic vistas, views and aesthetic character such as Policy B.1 regarding residential density that requires an evaluation of neighborhood character and avoidance or mitigation of significant adverse changes to it. That evaluation must consider, in addition to traffic conditions, utilities and services, building height, natural features of natural vegetation, creeks, slopes, grading, and areas of contiguous open space. The Plan includes specific limitations on density, setbacks, height and grading on steep slopes, as means of preserving and maintaining certain characteristics, and Section D of the Plan (Natural Features) provides a policy to retain existing riparian woodland habitat (Policy D.1.a) and principles to retain natural topographic and landscape features and qualities (Principle D.2.a), and apply specific planning principles to development (Principle D.2.b). Many of those specific principles are intended to establish certain visual qualities, such as the fit of development to the site topography, blending with natural landforms and adjacent development, providing landscaping that blends with natural landscapes, using housing types, clustering and construction techniques to preserve steep slopes, wooded areas and scenic beauty, and using special design qualities of street furniture, lighting, sidewalks, fences, etc. to promote a unique identity and character (Principles D.2.b.1, 3, 6, 9 & 11, respectively; other Principles also apply).

Separate guidelines are also provided in the Plan under Section D that aim towards enhanced visual characteristics, with specific limitations on grading and foundation types, and Guideline D.3.f, that development on or near a prominent ridgeline should be subordinate to the surrounding environment, blend into the natural topography with minimum disturbance of the existing ridgeline and views, and discourage rows of residences with similar setbacks and elevations. These policies, principles and guidelines are presented in this Initial Study under Section X, Land Use and Planning and in Section XVI, Transportation (for policies related to public and private streets), together with discussion of how the Project complies with or serves their objectives. However, they are described here as they relate to the following analysis of Project impacts on visual resources, and because they establish thresholds for evaluating changes to the visual qualities and characteristics of the site and surroundings.

IMPACTS

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, such as one recognized in a general or specific plan, or the placement of an arguably offensive or negative-appearing project within such a vista.

Although the Fairview Area Specific Plan includes many policies regarding preservation and development of visual characteristics and qualities, there are no designations of scenic vistas. However, Guideline D.3.f described above is interpreted to consider development on or near a ridgeline that would obstruct a long distance view, or place a new, arguably offensive or negative structure on a ridgeline, to be a significant adverse impact on a scenic vista. More generally, potentially adverse impacts on scenic vistas may result due to the sensitivity of existing residents when an undeveloped property becomes developed and new houses appear within a neighbor's viewshed.

To illustrate the visual effect of the Project on some of the views described in the Setting section above, cross-sections were prepared by RJA Engineers (the Project engineers), as shown in **Figures 10 and 11** (which include aerial map keys to the cross-sections). The first set of cross sections (**Figure 10**) shows how the planned homes on the Project site would appear from nearby residences or properties, including the vacant lots near the middle of Tract 6102, and existing homes on Old Fairview Avenue. As shown, either the topography or future homes within Tract 6102 would obstruct views from the lower elevations of Tract 6102. Topography is shown to be the only obstruction in views from along Old Fairview Avenue.

The second set of cross-sections includes the view from Fairview Avenue up and through the PG&E parcel (**Figure 5e**, and in **Figure 11b**, cross-section e), where Street A would be developed for access to the Project site. As shown in the preliminary site plan (**Figure 6**), Street A would follow a curving route with three moderate switchbacks before entering the Project site (the Lerob LLC property). To maintain an acceptable grade of less than 15 percent on Street A, grading for the roadbed would lower Street A where it connects to the Project site below existing grade, east of what appears in the cross-section as small hillock near the property line (the PL symbol). The cross-section shows that the house on Lot 3 would lie below the line of sight and the existing grade that will remain as the small hillock. The site plan also shows the planned 15-foot wide gravel spur road would provide access to the PG&E power line pylon towers. Although not shown in the cross-section, the spur road would extend above and behind a series of retaining walls on the west side of Street A and the hillock. Landscape treatments bordering the retaining wall will soften its appearance, and would also be substantially distant from Fairview Avenue, but in any case, no new obstruction would be created within the view up the hill across the PG&E parcel. Also in this set of cross-sections are views from San Felipe Park (cross-section g) and from the intersection of D Street and Maud Avenue (cross-section h), both of which locations provide limited views of the site and the ridgeline, although located respectively about one mile and one-half mile west of the Project site. As shown in the cross-sections, while the Project site ridge itself may be visible from these locations, homes that may be built along Karina Street in Tract 6102 will generally obstruct any views of the new homes on the Project site. The Tract 6102 homes would have the same effect on views from homes along Carlson Court, Machado Lane, and other streets west and north of the Project site. Therefore, on the basis of the cross-sections and the above analysis, the Project's impact on scenic vistas, including Guideline D.3.f would be *less-than-significant*.

In summary, the eight cross-section view diagrams depicted in **Figures 10 and 11** indicate that future homes on the Project site would either not break the height of the existing ridgeline or would be blocked from most off-site views due to existing or future homes that could be built on lower elevation sites. In either case, the diagrams show that future homes on the Project site would not affect views to and through the site from off-site locations.

It should also be noted that whereas the Project site sits generally to the north and east of most homes in the area, the predominant views for local residents are toward the west. The elevation of the site and nearby subdivisions at over 650 feet affords expansive views to the northwest, west and southwest, including views of Mt. Tamalpais in Marin County, to downtown San Francisco, and a significant portion of San Francisco Bay. Therefore the most highly-valued west or northwest views from adjacent residents would be unaffected by the Project.

Under CEQA guidelines, the appearance of new structures within a private vista 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 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:

- Semi-custom homes with stepped building pads, which avoid tall downhill facades to reduce visual bulk while retaining the character of the natural slopes of the Project site;
- Limited building height (25-26 feet) in compliance with average height rules of the Fairview Area Specific Plan (25 feet, with exceptions that apply to many of the proposed lots);
- Although existing natural grades would be altered in accordance with the proposed grading plan to provide economically viable building pads, the overall topographic shape of the site would be preserved; and
- Riparian area preservation, which ensures that the natural drainage areas and associated wildlife are preserved.

The above design elements which would be taken by the applicant would reduce the aesthetic impact on neighbors' views in a manner consistent with County policy and regulations.

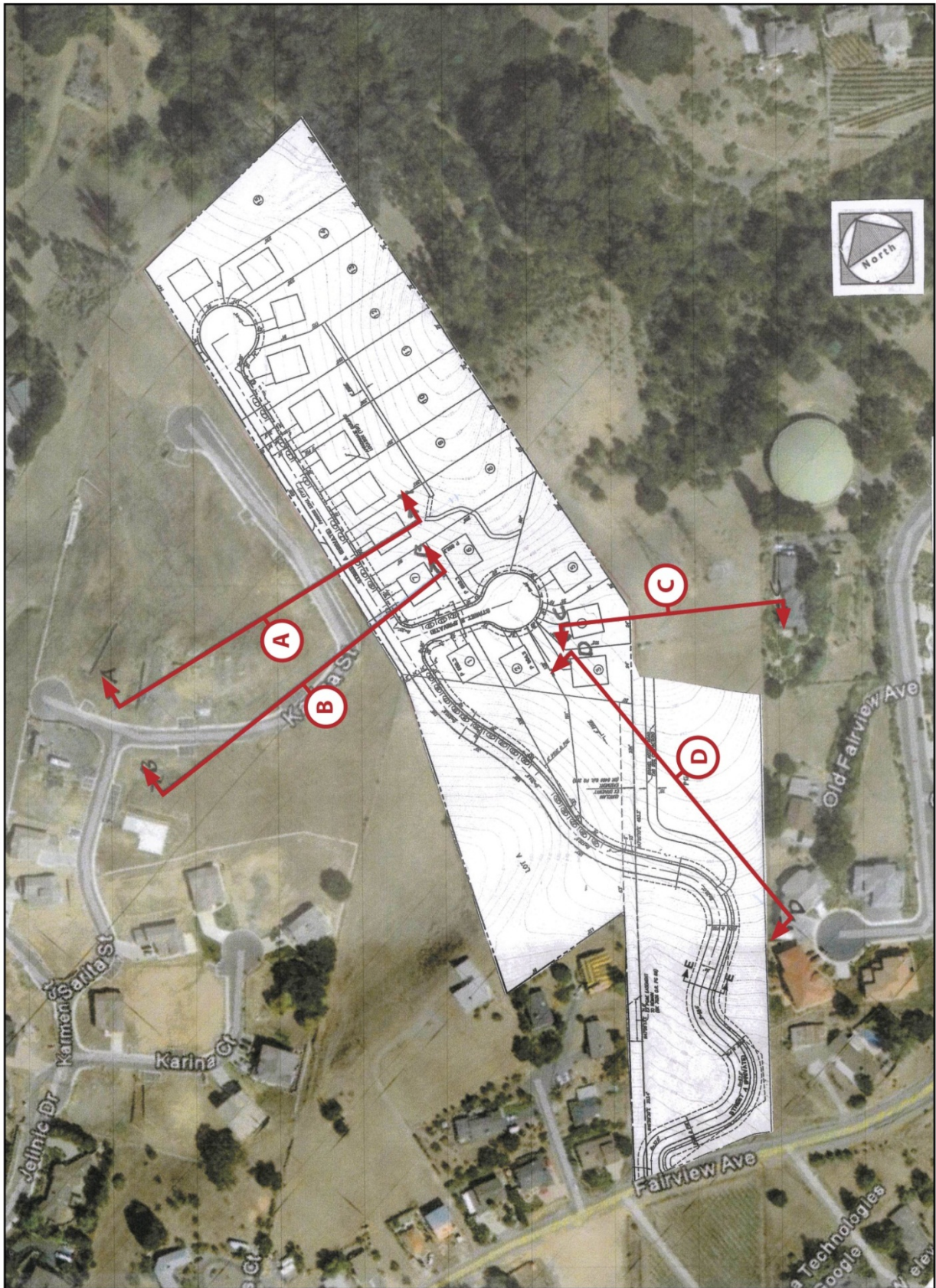


Figure 10a. Key to Cross-Section Views A – D from Nearby Homes

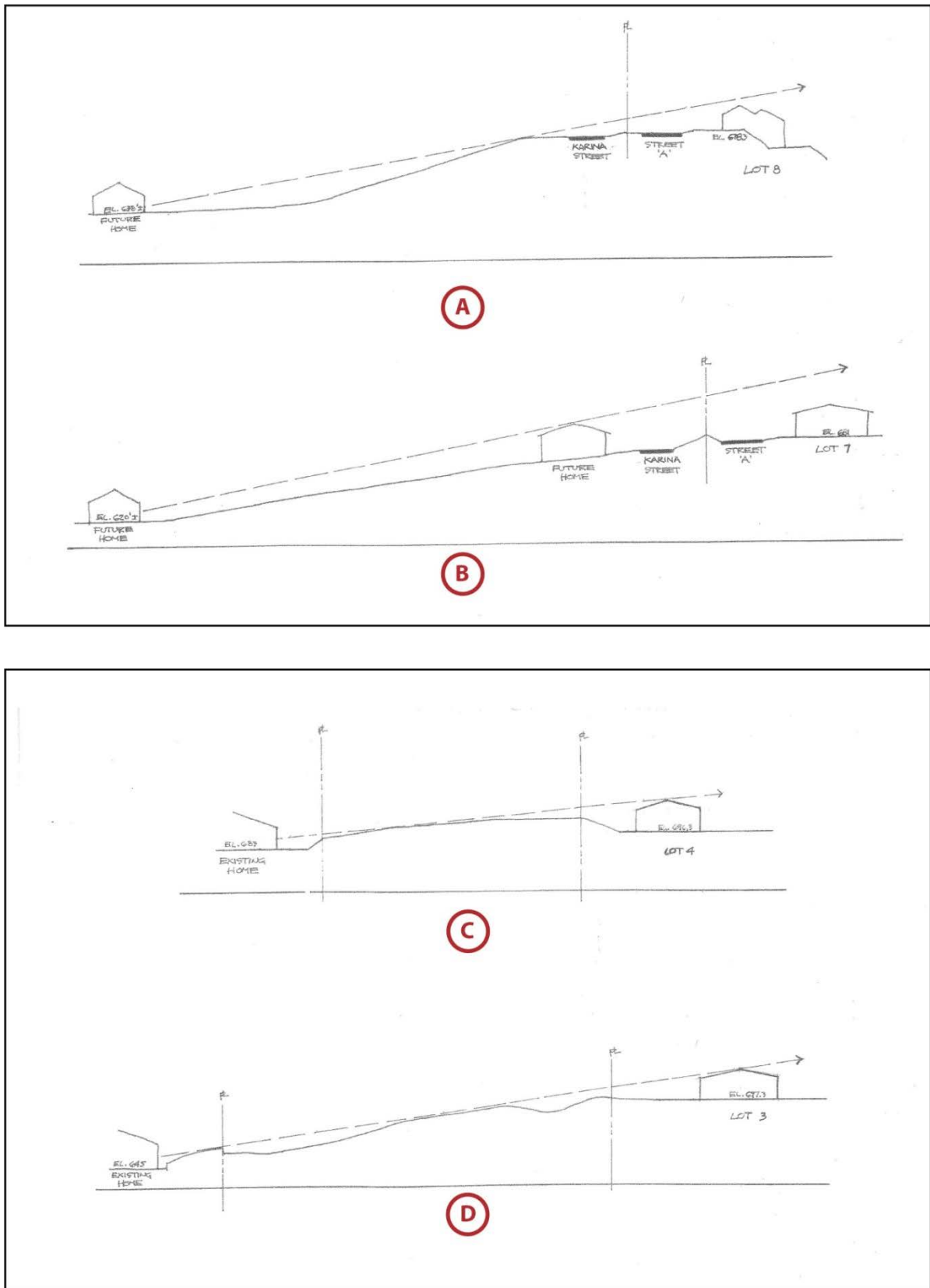


Figure 10b. Cross-Section Views A – D from Nearby Homes

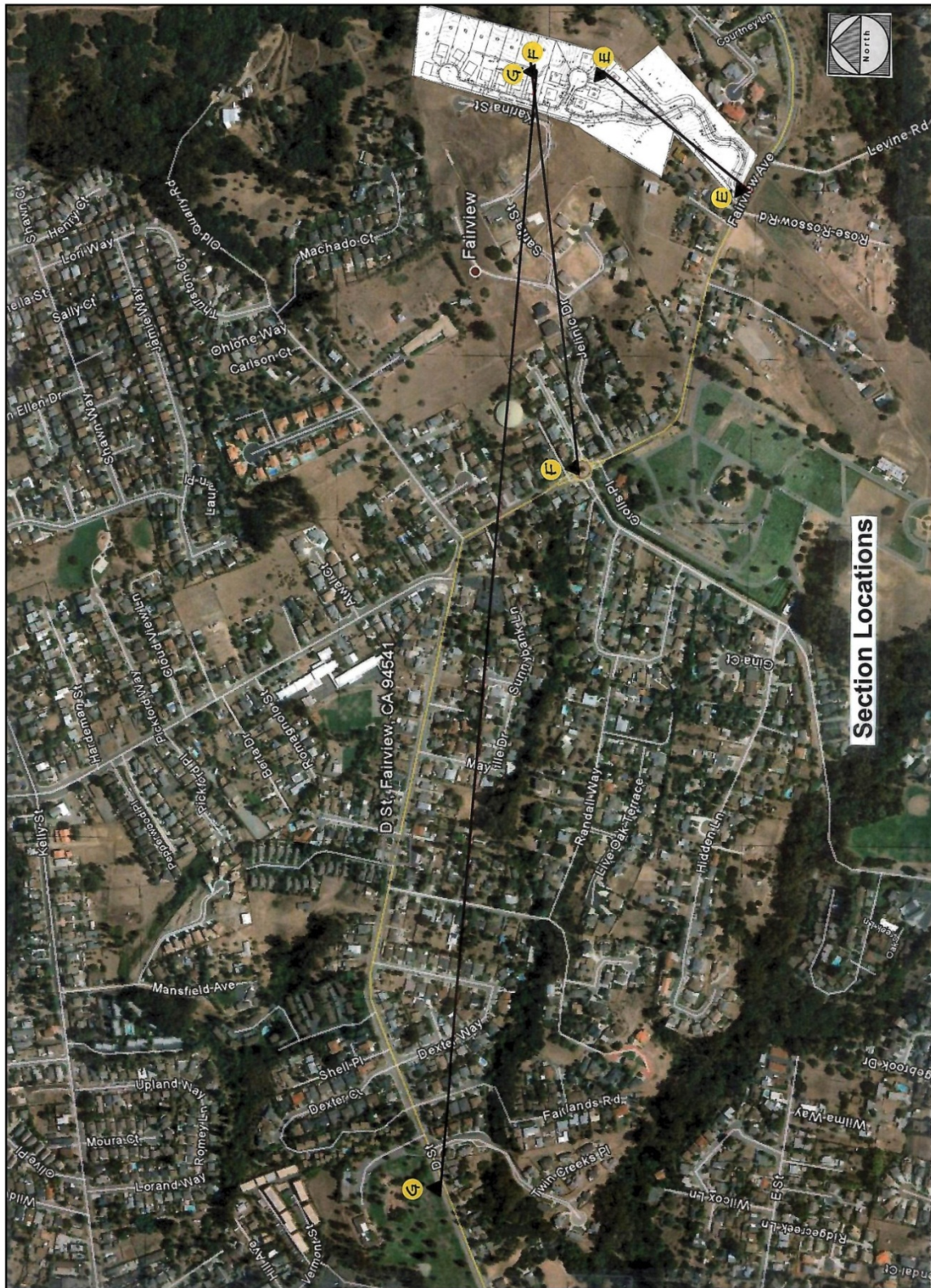


Figure 11a: Key to Cross-Section Views E – H from Off-Site Locations

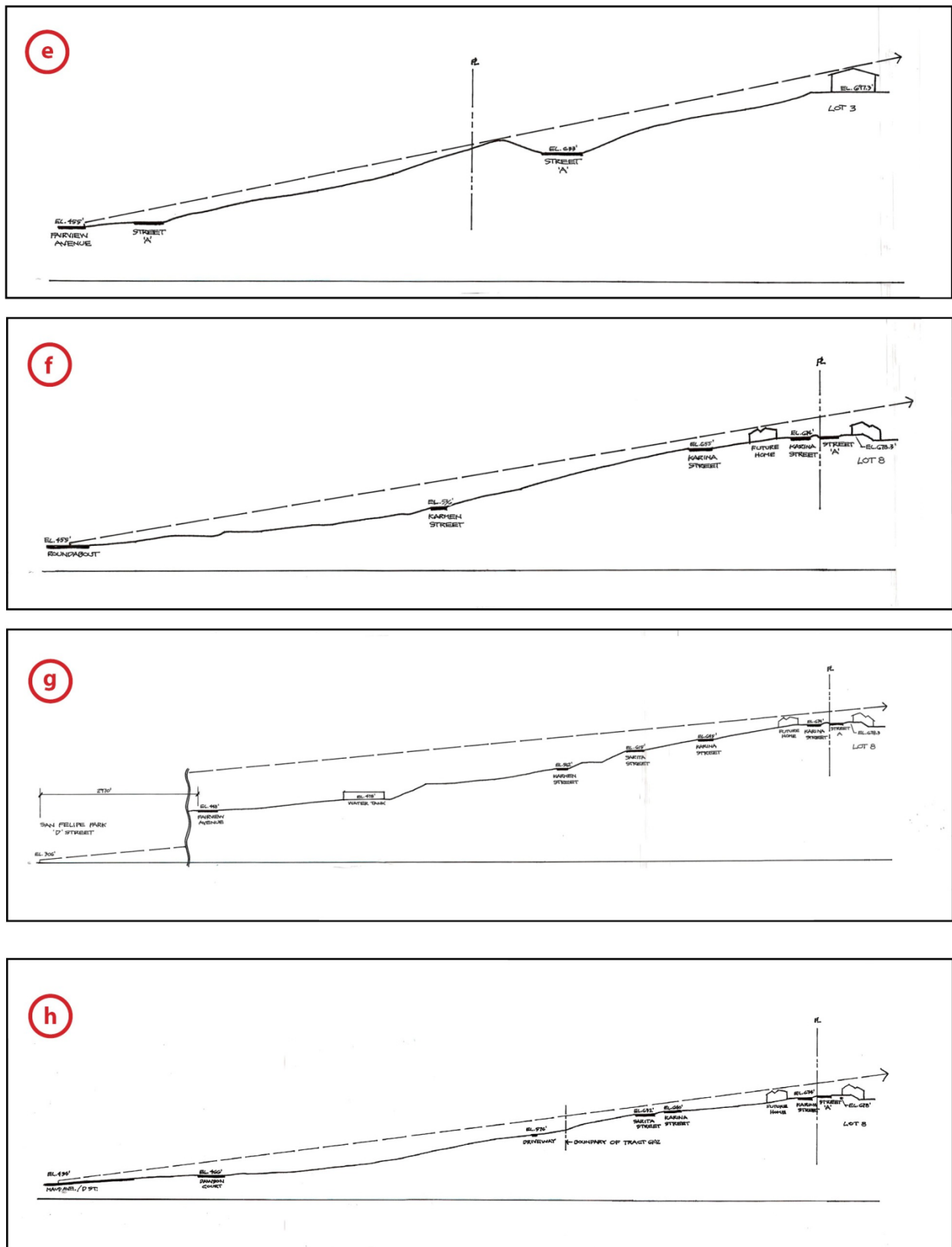


Figure 11: Cross-Section Views E - H from Off-Site Locations

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).

As discussed in the Setting section, the Project site is not visible from a designated scenic highway and therefore, the Project would have **no impact** with regard to visual impacts on scenic resources within a state scenic highway.

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.

PG&E Property

The visual character of the PG&E property would be altered by construction and use of Street A. Street A would begin at Fairview Avenue just east of Walter Dinos Court and across from Levine Drive and would climb the slope in a switchback manner to maintain an acceptable (15% maximum) grade and turning radius requirements, and would then cross over onto the large, flatter plateau of the Project site. A 15 foot wide gravel road for access to the power line pylon towers would begin at the point where Street A bends to the left before entering the Lerob LLC property. As shown on the Preliminary Grading Plan (**Figure 7**), the PG&E access road would require retaining walls of 3, 4, 7 and 8 feet in order to accommodate the slope at that location, to support structural loads on the roadway, and to maintain soil stability. Although the retaining walls would be relatively substantial when viewed within 100 or 200 feet, they would be located roughly 500 feet from Fairview Avenue, beyond the large Monterey cypress trees nearer the road, and the nearest PG&E transmission tower. The retaining walls would include horizontal beds for plant materials that would grow over time as vines or other climbing species that would soften the visual appearance of the walls when viewed from Fairview Avenue and from the approach to the subdivision along Street A. Therefore the change to the visual character of the PG&E parcel would be primarily limited to the introduction of a new roadway to the site. With retention of the large Monterey cypress trees, as well as the PG&E pylon, the change in visual character would be **less than significant**.

Project Site

The visual character of the Project site would be altered by the grading plan and construction of the on-site roads (Streets A and B), fifteen future single-family homes and the stormwater detention basin. Proposed building sites would utilize single flat-pad foundations on the flat lots (1 – 5, 7, 15) and split level pads on the downslope lots to reduce apparent building mass and bulk in accordance with the Fairview Area Specific Plan. Sections F-F, H-H and K-K as shown on the Preliminary Grading Plan (**Figure 7**) illustrate the flat and split-pad concept. Lot 6 would be constructed using a pier and grade beam foundation system, unique to the Project. When it reaches the flat plateau at the central part of the Project site, Street A would run parallel with and nearly adjacent to Karina Court, allowing for an Emergency Vehicular Access (EVA) to be created with a connection to the adjacent development (Tract 6102).

The Project site is located in a residential area characterized by a mixture of single family residential subdivisions, rural-residential properties and private homes with widely varying lot sizes. 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...

The land use policies of the Fairview Area Specific Plan require 10,000 square foot minimum lot sizes for the Project site. The Project would create lots that range in size from 10,569 square feet to 36,460 square feet with a median lot size of 20,187 square feet. Lots of this size would be substantially larger than the prevailing lot size in surrounding subdivisions such as within subdivision Tract 6102 to the east and the lots served by Walter Dinos Court to the south. 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.

A more extensive evaluation of the proposed Project in light of applicable policies and guidelines of the Fairview Area Specific Plan is presented in the Land Use section of this Initial Study (Section X).

While the proposed Street A and future development of 15 homes on the Project site would fundamentally change the visual appearance and character of the currently vacant and undeveloped site, the changed appearance would be compatible with recent residential development in the area. Based on the cross-section illustrations provided in **Figures 10 and 11**, and the Project's general conformity to applicable aesthetic policies and guidelines of the Fairview Area Specific Plan indicated in Section X of this Initial Study, the Project's effect on the visual character of the site and its surroundings would be *less than significant*.

d) Light and Glare

Significance Criteria: A project would have a significant environmental effect if it would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The construction and occupancy of new homes and site lighting would increase nighttime lighting on the Project site. Without limitations, the light and glare resulting from the Project could be substantial.

Impact Vis-1:

Nighttime Light and Glare. The addition of 15 new homes on the Project site would add new sources of light to the area. Light from inside the homes, as well as street lighting and the movement of vehicles could adversely affect nighttime starlight views by nearby neighbors within the area including incrementally increased loss of starlight visibility. This impact is considered to be *potentially significant*.

Mitigation Vis-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 submit a lighting plan for review and approval by the Planning Director prior to issuance of grading permits.
- 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, 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.
- The Homeowners Association shall enforce these conditions through CC&Rs for the Project.

Resulting Level of Significance

Implementation of Mitigation Vis-1 would reduce this impact to a level of *less-than-significant*.

II. AGRICULTURE AND FORESTRY RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production(as defined by Government Code section 51104(g))?				☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?				☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				☒

SETTING

As described in the *Fairmont Area Specific Plan*, this part of Alameda County evolved in the post WWII years from a rural agricultural community to primarily suburban density residential development. Residential development became most pronounced beginning in the mid-1950s. Hillside farms and grazing operations have been replaced with residential and related land uses and there remain no agricultural or forest resources, including prime, unique or other farmland of statewide importance. The evolution of the area from agriculture to suburban residential development can be seen in the series of historic topographic maps that date from 1899 and aerial photographs that date from 1939 (**Appendix A**).

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 or forest use or the provisions of a current Williamson Act contract, result in the loss of forest land or involve any environmental changes that could result in the conversion of farmland currently in agricultural uses to non-agricultural uses or conversion of forest land to non-forest use.

a-e) Forests, Farmland, and Williamson Act Contracts No portion of the Project site is designated agricultural land, forest land or timberland, nor is it considered prime farmland or farmland of statewide importance or zoned for agricultural uses. No land on the Project site is under a Williamson Act contract. All surrounding properties [except for the PG&E parcel] are already developed with single family homes, vacant lots awaiting construction of single family homes in approved subdivisions, or parcels awaiting future subdivision for residential development at some time in the future. The proposed use of the property as a subdivision for 15 single family homes would have **no impact** on agricultural and forest resources.

III. AIR QUALITY 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:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 non-attainment 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

Ambient air quality standards have been established by state and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation. The criteria air pollutants of concern in projects of this type include ozone precursors which include nitrous oxide (NO_x) and Reactive Organic Gasses (ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), and suspended particulate matter (PM₁₀ and PM_{2.5}).

Besides the "criteria" air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs) under the California Clean Air Act. These contaminants tend to be localized and are found in relatively low concentrations in ambient air. However, they can result in adverse chronic health effects if exposure to low concentrations occurs for long periods. They are regulated at the local, state, and federal level. Particulate matter from diesel exhaust is the predominant TAC in urban air.

State of California and Federal Air Quality Standards

Both the California Air Resource Board and the U.S. Environmental Protection Agency have established ambient air quality standards for common pollutants, including ozone, CO, NO₂, PM₁₀ and PM_{2.5}. These ambient air quality standards represent safe levels that avoid specific adverse health effects associated with each pollutant. For some of these pollutants, notably ozone and PM₁₀, the State standards are more stringent than the national standards.

In 1988, California passed the California Clean Air Act (CCAA, California Health and Safety Code § 39600 *et seq.*). Under the CCAA, the Bay Area Air Basin is required to have a Clean Air Plan (CAP) to achieve and maintain ozone standards.

Bay Area Air Quality Management District

The Fairview district of unincorporated Alameda County is located within the nine county San Francisco Bay Area Air Basin and therefore within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). BAAQMD enforces rules and regulations regarding air pollution sources and is the primary agency preparing the regional air quality plans mandated under state and federal law.

According to the standards of the federal Clean Air Act, the Bay Area is in attainment with all ambient air quality standards except for state and national ozone standards and national particulate matter ambient air quality standards. The nonattainment status is attributed to the region's development history. Past, present and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant.

BAAQMD also provides a document titled *California Environmental Quality Act Air Quality Guidelines* ("Guidelines"), which provides guidance for consideration by lead agencies, consultants, and other parties evaluating air quality impacts in the San Francisco Bay Area Air Basin conducted pursuant to CEQA. The document provides guidance on evaluating air quality impacts of development projects and local plans, determining whether an impact is significant, and mitigating significant air quality impacts.

BAAQMD's current CEQA Guidelines including thresholds of significance were adopted on June 2, 2010, with the latest revisions to the BAAQMD Guidelines distributed in May 2011.

IMPACTS

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 *Clean Air Plan*.

The Project site is subject to the Bay Area Clean Air Plan (CAP), first adopted by BAAQMD (in association with the Metropolitan Transportation Commission and the Association of Bay Area Governments) in 1991 to meet state requirements and those of the Federal Clean Air Act. As required by state law, updates are developed approximately every three years. The plan is meant to demonstrate progress toward meeting the ozone standards, but also includes other elements. The latest update to the plan, which was adopted in September 2010, is called the Bay Area 2010 Clean Air Plan. The plan serves the following purposes:

- a) Update the recent Bay Area 2005 Ozone Strategy in accordance with the requirements of the California Clean Air Act to implement "all feasible measures" to reduce ozone;
- b) Provide a control strategy to reduce ozone, particulate matter (PM), TACs, and greenhouse gases in a single, integrated plan;
- c) Review progress in improving air quality in recent years; and
- d) Establish emission control measures to be adopted or implemented in the 2010-2012 timeframe.

BAAQMD recommends thresholds for local plans, but not for project-level analysis. A plan would be judged to conflict with or obstruct implementation of the regional air quality plan if it would be inconsistent with the growth assumptions of the CAP of population, employment or regional growth in Vehicle Miles Traveled. The subject Project is a project, not a plan. However, the Project is in an area designated by the Fairview Area Specific Plan for population growth and is consistent with the growth assumptions of that plan (see the discussion under Population and Housing for additional information). The Project would increase residents and trips and therefore contribute to regional air emissions, but this growth is consistent with the CAP assumptions and is therefore considered a ***less than significant*** impact with respect to conflict with an air quality plan.

b-c) Air Quality Standards

Significance Criteria: The Project would have a significant environmental impact if it would exceed BAAQMD's emission rate thresholds of any criteria pollutant, as shown in **Table 2**.

TABLE 2: BAAQMD CRITERIA POLLUTANT THRESHOLDS OF SIGNIFICANCE

Pollutant	Construction-Related	Operational-Related	
Criteria Air Pollutants and Precursors (Regional)	Average Daily Emissions (lbs/day)	Average Daily Emissions (lbs./day)	Maximum Annual Emissions (tpy)
ROG	54	54	10
NOX	54	54	10
PM10	82 (exhaust only)	82	15
PM2.5	54 (exhaust only)	54	10
PM10/PM2.5 (fugitive dust)	Best Management Practices	None	
Local CO	None	9.0 ppm (8-hour average), 20.0 ppm (1-hour average)	
Source: BAAQMD Adopted Air Quality CEQA Thresholds of Significance - June 2, 2010			

Project-related air quality impacts fall into two categories: short-term impacts that would occur during construction of the Project and long-term impacts due to Project operation. Each is discussed separately below.

Construction-Period Criteria Pollutants

Impact Air-1: Construction-Period Dust and Emissions. Construction of the Project would result in temporary emissions of dust and exhaust emissions. While these emissions are below applicable thresholds of significance, without appropriate measures to control these emissions, these impacts would be considered *significant*.

At 15 potential future dwelling units, the Project falls below BAAQMD's construction-related screening size criterion of 114 units for a single family residential development.² According to BAAQMD, if a project meets the screening criterion, it would not result in the generation of pollutants exceeding the thresholds of significance.

However, BAAQMD recommends implementation of construction mitigation measures to reduce construction-related emissions for all projects, regardless of the significance level of construction-period impacts. These basic measures are included in Mitigation Measure Air-1, below and would further reduce construction period criteria pollutant impacts.

Mitigation Air-1: Basic Construction Management Practices. The Project shall demonstrate compliance with all applicable regulations and operating procedures prior to issuance of building or grading permits, including implementation of the following Basic Construction Mitigation Measures recommended by BAAQMD:

² BAAQMD, May 2011, *California Environmental Quality Act Air Quality Guidelines*, Table 2-1.

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Resulting Level of Significance

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

Operational Emissions

Similar to the analysis for construction-period impacts above, the Project was compared to BAAQMD screening criteria for operational pollutants, shown in **Table 2**, above. As it relates to operational pollutants, this table includes a screening level of 325 single family dwelling units.³ According to BAAQMD, if a project meets the screening criterion, it would not result in the generation of pollutants exceeding the thresholds of significance.

Additionally, BAAQMD presents as screening criteria for carbon monoxide impacts traffic-based criteria. As operation of the proposed Project would not significantly impact traffic levels, the Project would be below carbon monoxide threshold levels (see the Transportation section for additional details).

Therefore, the Project impact related to operational pollutant emissions would be ***less than significant***.

³ BAAQMD, May 2011, *California Environmental Quality Act Air Quality Guidelines*, Table 3-1.

d) Sensitive Receptors

Significance Criteria: For the purpose of assessing impacts of a proposed Project on exposure of sensitive receptors to risks and hazards, the threshold of significance is exceeded when the project-specific cancer risk exceeds 10 in one million or the non-cancer risk exceeds a Hazard Index of 1.0 and ambient PM_{2.5} increases greater than 0.3 micrograms per meter squared annual average. Examples of sensitive receptors are places where people live, play or convalesce and include schools, hospitals, residential areas and recreation facilities.

Toxic Air Contaminants (TACs) are a defined set of airborne pollutants that may pose a present or potential hazard to human health (cancers or acute or chronic non-cancerous effects). TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source. The health effects associated with TACs are quite diverse and generally are assessed locally, rather than regionally. Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air, and is estimated to represent about two-thirds of the cancer risk from TACs (based on the statewide average). The California Air Resource Board (CARB) reports that recent air pollution studies have shown an association that diesel exhaust and other cancer-causing toxic air contaminants emitted from vehicles are responsible for much of the overall cancer risk from TACs in California. Particulate matter emitted from diesel-fueled engines (diesel particulate matter [DPM]) was found to comprise much of that risk. In August, 1998, CARB formally identified DPM as a TAC. Fine particulate matter (PM_{2.5}), a component of DPM as well as originating from other sources, is considered by the Bay Area Air Quality Management District (BAAQMD) to be the biggest contributor to public health impacts in this air basin.

Construction activity that uses traditional diesel-powered equipment such as bulldozers, generators and delivery trucks results in the emission of DPM, including fine particulate matter. However, construction activities do not require a permit from BAAQMD as an emissions source. Due to the variable nature of construction activity, the generation of Toxic Air Contaminant (TAC) emissions would be temporary, especially considering the short amount of time such equipment is typically within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations.

The modeling of carcinogenic or chronic health risks is based upon long-term exposure and becomes inaccurate when used for shorter durations. The intended shortest duration for these modeling techniques is nine years. However, in reality, the local air districts in California are frequently assessing risk from short term activities related to construction, mitigation of contaminated soils, and so forth. BAAQMD has adopted the recommendations of the California Office of Environmental Health Hazard Assessment (OEHHA) and recommends use of the models for exposure periods of 2 years or more.

BAAQMD recommends assessment of community risks and hazards within a 1,000 foot radius of a project boundary. Residences, which are considered a sensitive use, are located within this distance from portions of the Project site. However, the health risk models and methods are not considered accurate for such short durations as the approximately 10-month construction-period for this Project. Given that the exposure duration would be shorter than that able to be accurately modeled, it can reasonably be assumed that the potential health risk from construction-period emissions would be ***less than significant***.

Residential uses, such as those proposed under the Project would not be considered to have substantial emissions of TACs during operation. However, the proposed new residential units would be considered new sensitive receptors. BAAQMD provides map-based Highway Screening and Stationary Source

Screening Analysis Tools,⁴ which show that the Project site is not within 1,000 feet of potential sources of significant health risks.

Therefore, the health risk at this location both on nearby existing residences and the proposed residences is ***less than significant***.

e) Objectionable 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.

Residential uses are not considered a significant source of objectionable odors during the operational period.

During construction diesel-powered vehicles and equipment would create odors that some may find objectionable. These odors would be temporary and not likely to be noticeable much beyond the Project site's boundaries. Therefore, the potential for objectionable odor impacts is considered ***less than significant***.

⁴ BAAQMD website, Tools and Methodology page, accessible at <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx>

IV. BIOLOGICAL RESOURCES	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, or 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?				☒

INTRODUCTION AND BACKGROUND

A biological resources survey was conducted for the Project in May 2010 by Olberding Environmental.⁵ The purpose of the study was to identify sensitive plant and wildlife species, sensitive habitats and potential biological constraints, including wetlands. The Olberding report is based, in part, on reference material and information about the habitats potentially existing on the Project site obtained from the California Natural Diversity Database (CNDDB 2010) and the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants of California regarding species of plants and animals that could potentially utilize the described habitats. The study area surveyed in the Olberding report consisted of both the 10.1-acre Project site and the southerly leg of the adjacent PG&E property (approximately 2 acres). A field reconnaissance investigation was conducted on May 18, 2010. A follow-up site visit was made by another biologist, Leslie Zander of Zander Associates, on September 29, 2011.⁶ The purpose of the follow-up visit by Zander was to assess the validity of the findings by Olberding, regarding the potential presence of wetlands on the Project site that may be subject to the jurisdiction of

⁵ Olberding Environmental, Inc., *Biological Resources Analysis Report for the Borel Bank Property*, June 2010.

⁶ Leslie Zander, *Memorandum of Site Visit Findings, Borel Bank Property*, October 4, 2011. Note: References to the "Property" are to the two parcels that make up the Project site and the PG&E property.

the U.S. Army Corps of Engineers (ACOE). A third site visit involving both Zander and Olberding was conducted on February 15, 2012 to further assess the presence or absence of wetlands. Information provided from the Olberding report, as supplemented by Zander's site visit in September 2011 and the joint site visit on February 15, 2012 serve as the basis for the following evaluation of potential impacts to biological resources. The full Olberding report is included in **Appendix B**; the initial Zander Memorandum is included as **Appendix C** and the second Zander Memorandum is included as **Appendix L**.

SETTING

The Project site and adjacent PG&E property are both vacant properties that have not previously been developed (except for the PG&E pylon towers). The sites are covered with non-native grasses and other vegetation. Cattle and horses use both for grazing. The Olberding report stated that based on an initial reconnaissance-level survey, the Project site and PG&E property contained some areas with positive indications of wetland soils, hydrology and vegetation. Some areas of standing water and a drainage ditch were observed on the site at the time of the mid-May survey that exhibited criteria used by the ACOE to determine if there are water bodies or wetlands that fall under their jurisdiction as "waters of the United States" (see the following discussion of ACOE regulations and requirements). Specifically, Olberding staff observed three potential seasonal wetlands occurring within the overall Project site boundaries (i.e., including the PG&E property) in slight depressions where water ponds during storm events and forms wetland conditions, including one located near the eastern boundary (within proposed Lot 11) and another near the western boundary (on proposed Lot 9, near the proposed EVA). A third potential wetland feature is described as a "wetland seep" located on the northwesterly-facing slope located downhill and south of the depression near the western boundary. A separate water feature is a small erosional gully located along the western edge of the PG&E property, uphill from Fairview Avenue and downhill from where Street A would enter the Project site. Olberding described this feature as exhibiting scouring and being an incised channel feature that carries water from the hillside slopes from the north to the south where it flattens out prior to reaching Fairview Avenue. The general location of the three areas noted by Olberding as potential wetland areas and the erosional gully are shown on **Figure 12**.⁷

When Zander visited the site at the end of September 2011, she found no wetland areas on the site.⁸ However, based on her observations during the more recent site visit in February 2012, she concurs with Olberding that one of the three sites identified in the original Olberding report, located near the western edge of the site could be a wetland. As to the other two possible wetlands, both biologists agreed that neither is a wetland. As stated in the letter report dated February 16, 2012, both Olberding and Zander agree that there is only one potential wetland on the overall Project site, that being the depression located on the flat portion of Lot 9 as indicated in **Figure 12**.⁹

In addition, the Olberding report identified four special-status plant species as having the potential to occur on the property, including big-scale balsam root, most beautiful jewel flower, Condon's tarplant, and fragrant fritillary, although the latter two were "presumed absent based on the historic nature of the last occurrence in the vicinity of the Property and the large distance separating the last known observation of these plants from the Property." The former two species were not observed on the Project site, but at least one additional field survey was recommended before the end of June, which is the last month of blooming period for these two species, to substantiate a negative finding or conclusion that they are not present on site.¹⁰

⁷ Olberding report, p. 12. *Note: the report text is not specific but the first, eastern feature appears to refer to the eastern edge of proposed Lot 11, which is the lowest point on the Project site (about 610 feet above sea level) where site drainage flows eastward into the PG&E parcel, and roughly 400' south of the northeastern corner of the Project site.*

⁸ Zander, p. 2.

⁹ Leslie Zander, Letter addressed to Nat Taylor, Lamphier-Gregory, *Wetland Review Follow Up, Borel Bank Property, Fairview District Alameda County, February 16, 2012.*

¹⁰ Olberding, p. 1

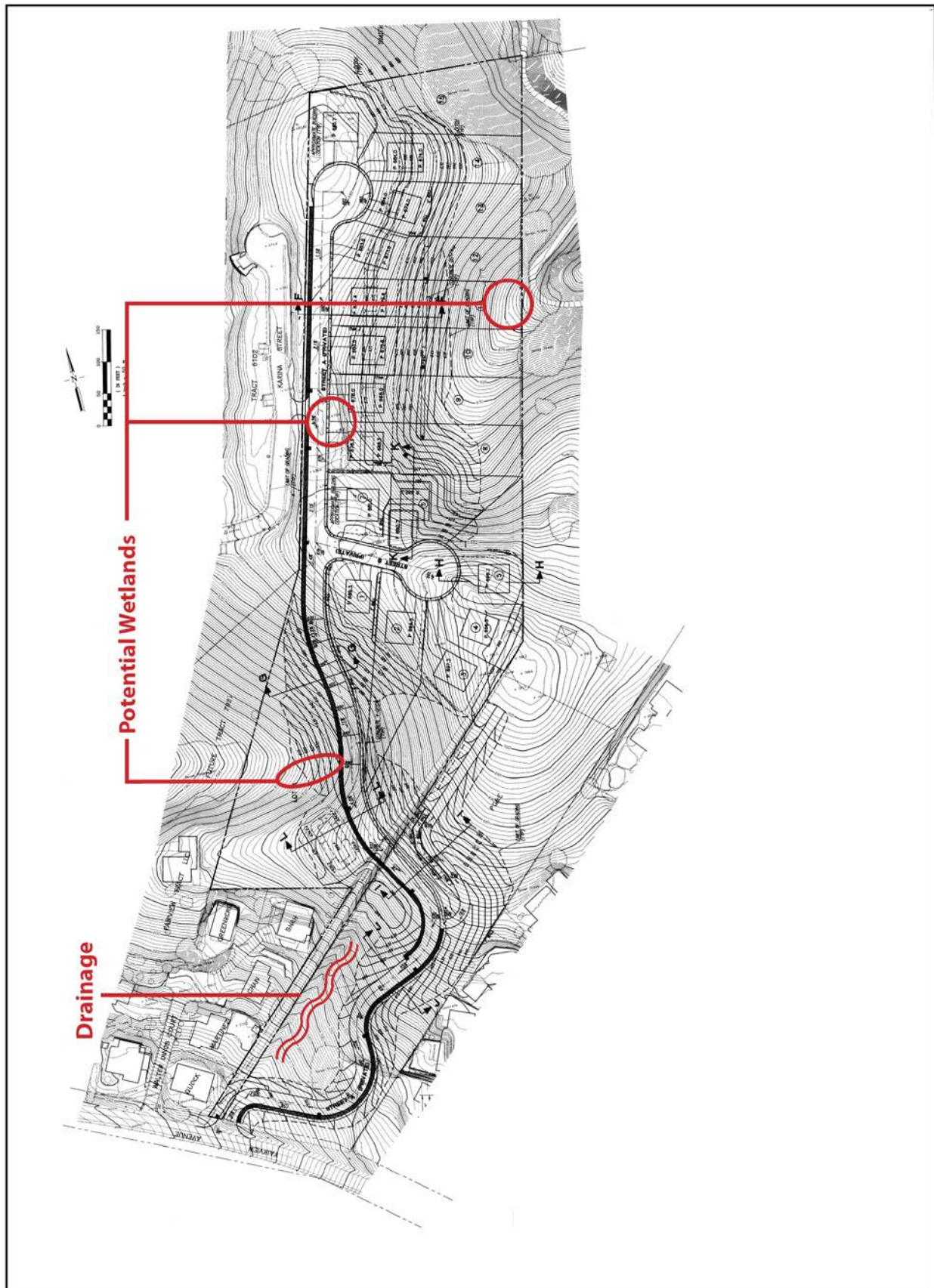


Figure 12. Potential Wetland Areas and Drainage Feature Observed by Olberding

Several special-status bird and raptor species were also determined to have a potential to forage and nest near the site, which indicated the necessity of conducting a nesting bird survey no less than 72 hours prior to grading or clearing activities to determine if protected bird species are absent or present on the site. Specific protocols are then required to avoid direct loss of species. The potential for burrowing owl to be present on the overall Project site was specifically dismissed due to the lack of observed small mammal burrows and other secondary evidence.¹¹

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.

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 any 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 then 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 (ACOE) 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 that fall under the jurisdiction of the ACOE (referred to as “jurisdictional wetlands”) are defined 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” Areas not considered to be jurisdictional waters include, for example, non-tidal drainage and irrigation ditches excavated on dry land, artificially-irrigated or created bodies such as small ponds, lakes or swimming pools, and water-filled depressions. (33 CFR 328.3; 40 CFR 230.3).

Project proponents must obtain a permit from ACOE for all discharges of fill material into waters of the United States, including jurisdictional wetlands, before proceeding with a proposed action. If wetlands are jurisdictional and could be filled as part of the Project, ACOE 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, ACOE 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.

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;

¹¹ Ibid., p. 1.

- 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.

California Department of Fish and Game (CDFG)

CDFG has jurisdiction over species listed as threatened or endangered under the California Endangered Species Act (CESA). 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.

California Regional Water Quality Control Board

The San Francisco Bay Water Quality Control Board (Water Board) has regulatory authority over wetlands and water ways under both the Federal Clean Water Act (CWA) and the State of California's Porter-Cologne Water Quality Control Act (California Water Code, Division 7). Under the CWA, the Water Board has regulatory authority over actions in waters of the United States, through the issuance of water quality certifications under Section 401 of the CWA which are issued in conjunction with permits issued by the Army Corps of Engineers (ACOE) under Section 404 of the CWA. When the Water Board issues Section 401 certifications, it simultaneously issues general Waste Discharge Requirements for the project, under the Porter-Cologne Water Quality Control Act. Activities in areas that are outside of the jurisdiction of the ACOE (e.g., isolated wetlands, vernal pools, seasonal streams, intermittent streams, channels that lack a nexus to navigable waters, or stream banks above the ordinary high water mark) are regulated by the Water Board under the authority of the Porter-Cologne Water Quality Control Act. Activities that lie outside of ACOE jurisdiction may require the issuance of either individual or general waste discharge requirements.

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 meet the criteria set by the resource agencies or by local agencies (e.g., DFG-designated *species of special concern*). The 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.

IMPACTS

a/b) Special-Status Species and Riparian Habitat

Significance Criteria:

- a) 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.
- b) The Project would have a significant environmental impact 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 US Fish and Wildlife Service

Although the Project site is located within an already developed residential area, special status 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, CEQA requires that impacts to “locally rare” species also be addressed. For the purposes of this analysis, a list of species of special concern with the potential to occur in the Project Area was identified based on listing in the following informational resources:

- California Natural Diversity Database
- US Fish and Wildlife Service Database
- California Native Plant Society (CNPS) Ranking

The research and site survey work completed by Olberding identified special-status plant and wildlife species that occur in the habitats found within the site boundaries (which includes both the Borel property and the PG&E easement and for the purpose of this discussion is referred to as the Project site or just the site). However, most of the plant and several of the animal species identified in the research require a specific habitat microclimate that was found not to occur within the site.

Plants

The Project site supports three habitat types, consisting of non-native grazed annual grassland, drainage ditch and potential seasonal wetland. The grassland habitat on the site is characterized by dominant grass and forb species such as wild oat, foxtail, Italian rye grass, soft chess and rip gut brome. The entirety of the site is currently being grazed.

The Olberding report includes a list of special-status plants with the potential to occur within or in the immediate vicinity of the site and identifies two that have the potential to occur on the site based on the presence of suitable habitats and soil types. These plants are the Big-Scale Balsamroot and Most Beautiful Jewel Flower. The Olberding report states that neither plant was observed during the May 2010 survey which occurred during the blooming period and concluded that both plant species are presumed absent from the site. However, because of potential late blooming, the presence of suitable habitat, soil conditions and recent occurrences in the Project vicinity, the report concluded that at least one additional field survey should be conducted before the end of June to validate these plants are not present on the site.¹²

Animals

Seeds and vegetation provided by the annual grassland habitat provide an abundance of foraging opportunities for a variety of animals. Common mammals that might be expected to occur in this habitat include western gray squirrel, black-tailed deer, blacktailed jackrabbit, striped skunk and opossum.

¹² Ibid, pages 1, 13-14, 20 & 22.

Reptiles such as the gopher snake and common garter snake may be present. The western fence lizard was observed along the edges of the property.

With respect to special-status wildlife, Olberding's search and review of the CNDDDB database revealed special-status species that could potentially occur in the non-native annual grassland habitat on the Project site, including specifically the California Tiger Salamander, the California Red-Legged Frog and the Alameda Whipsnake. Despite occurrences of these species within the vicinity of the site within the last ten years, suitable habitat does not occur on the site to support these species. On the basis of this information, Olberding concluded that the California Tiger Salamander, the California Red-Legged Frog and the Alameda Whipsnake are presumed absent from the site.

With respect to foraging or nesting raptors, such as the Cooper's hawk, sharp-shinned hawk, red-tailed hawk, red shouldered hawk, white-tailed kite, and American kestrel, no nests were observed during the May 2010 survey, though a foraging red-tailed hawk was observed foraging over the site. Due to the lack of small mammal burrows on site, and the tall, dense vegetation that covers the site, the Project site is considered unsuitable habitat to support the burrowing owl; none were observed during the survey and this species is presumed absent from the site. Regarding special-status mammals, Olberding states that the property provides only marginally suitable foraging habitat for bat species and bat species are presumed absent from the site due to the lack of recent occurrences and marginal foraging habitat.

Plant and Animal Habitat

The Olberding report found that the Project site does provide suitable habitat types and soil conditions to support two special status plant species that have been found on nearby locations. These two plant species are big-scale balsamroot and most beautiful jewel flower. Disturbance of the site has the potential to adversely affect or destroy these plants if present. Olberding's report recommends that a second site visit be made during the blooming period (March/April – June) and prior to any disturbance of the site to validate that these two plant species are not present or, if such plants are found, to take appropriate measures to avoid or minimize impacts. These two plant species are ranked 1B by the California Native Plant Society (CNPS), a designation reflecting that CNPS considers these plants as rare, threatened or endangered and therefore they meet the criteria for CEQA Guidelines 15380 which would require mitigation to avoid or reduce impacts.

Impact Bio-1: **Potential impacts to special-status plant species.** Disturbance of the Project site and/or the PG&E property for grading and construction activities has the potential to impact two special status plant species – big-scale balsamroot and most beautiful jewel flower, which are ranked 1B by CNPS. Adverse impact to these plants, if present, is a *potentially significant impact*.

Mitigation Bio-1: **Pre-Construction Survey for Plant Species.** During the months between March and June, and prior to the commencement of grading activities, the Project applicant's biologist shall conduct a survey to validate Olberding's negative finding for these plant species. If examples of these two plant species are not found, no further mitigation is required. If examples are found, impacts to the plants shall be avoided by (a) relocating the plants to locations on the Project site that would not be disturbed by grading and construction activities; and (b) collecting seeds from the plants and planting the seeds elsewhere on the Project site.

Impact Bio-2: **Potential impacts to nesting birds and nesting bird habitat.** Proposed grading and construction activities on the Project site and the PG&E property may result in the removal of vegetation that can serve as nesting habitat for birds such as migrating songbirds. Removal of vegetation could also directly destroy nests, eggs, and immature birds, if present. Adverse impacts to nesting bird habitat and nesting birds is a *potentially significant impact*.

Mitigation Bio-2: **Pre-Construction Nesting Bird Surveys.** The Project Applicant's biologist shall prepare a nesting bird survey three days prior to the removal of vegetation and/or

commencement of construction. The purpose of the survey is to determine the absence or presence of nesting bird species. Nesting bird surveys shall be performed prior to January to identify any potential nesting trees prior to the birds laying eggs. If the survey does not identify any nesting special-status bird species in the area to be disturbed by the construction activity, no further measures are required.

However, if nest sites or young are located, a no-disturbance buffer shall be established around the active nest. The biologist will establish a no-disturbance buffer of between 150 and 200 feet and the site protected until August 15 or until the young have fledged (typically 3 to 4 weeks).

Further, if nests are found, removal of on-site shrubs and trees should be avoided; if removal cannot be avoided, then the removal of this vegetation should occur outside of the breeding season, (i.e., not between the months of January and July).

Impact Bio-3: **Potential stormwater runoff impacts to aquatic life and wildlife habitat.** . Grading and excavation activities could expose soil to increased rates of erosion and stormwater runoff during construction periods which could adversely affect aquatic life within the adjacent water features. Surface water runoff could remove particles of fill or excavated soil from the site, or could erode soil down-gradient, if the flow were not controlled. Deposition of eroded material in adjacent water features could increase turbidity, thereby endangering aquatic life, and reducing wildlife habitat. This would be a ***potentially significant impact***.

Mitigation Bio-3: **Stormwater Treatment Measures.** The Project sponsor shall comply with and implement **Mitigation Measure Geo-1** which requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP) and the use of best management practices (BMP's) such as hay bales, silt fencing, placement of straw mulch and hydro-seeding of exposed soils.

Resulting Level of Significance

Implementation of **Mitigation Measures Bio-1 – Bio-3** would assure that potential impacts to special status plant species, nesting birds and bird habitat, and aquatic life would be reduced to levels of ***less than significant***.

c) Wetlands and Sensitive Natural Communities

Significance Criteria: The Project would have a significant environmental impact 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.

As noted above, the Olberding report identified three small areas on the property as potential seasonal wetlands and recommended that a formal wetland delineation be prepared and submitted to the ACOE in order to confirm the presence or absence of jurisdictional wetlands. Before proceeding with this recommendation, however, Leslie Zander, Principal Biologist at Zander Associates of San Rafael, California was engaged to review the Olberding report and make a site visit to confirm the potential for the site to contain wetlands. This site visit was conducted in September 2011 and concluded that the areas suspected by Olberding as potential wetlands do not have the characteristics required for wetland designation. Her report concludes by saying: "It is my opinion that there are no areas on the Borel Bank Property that meet U.S. Army Corps of Engineers (ACOE) wetland criteria and therefore a formal jurisdictional determination is not necessary."¹³

¹³ Zander, p. 3.

In order to reconcile the observations of the two biologists, Zander and Olberding conducted a third site survey on February 15, 2012 to jointly assess whether there are wetlands on the Project site that meet ACOE criteria. The results of this third visit are documented in a joint letter report that confirmed that one of the wetland sites identified in the original Olberding report could be considered a wetland and possibly subject to the jurisdiction of the ACOE. The area in question is located on the flat portion of Lot 9 near the proposed EVA to the adjacent Karina Street (see **Figure 12**) and measures approximately 18 x 60 feet (1,080 square feet, or 0.025 acres). The letter report also concluded that the other two areas identified by Olberding are not wetlands (i.e., the 'wetland seep' and the area at the eastern edge and lowest elevation of the Project site). The joint letter report from Zander and Olberding is included in this Initial Study/MND as **Appendix L**. In light of the findings of the joint letter report, and the recommendations in the original Olberding report, grading and other disturbance of the one potential wetland area, if determined to be subject to the jurisdiction of the ACOE, would be considered a **potentially significant impact** and mitigation would be required as set forth below.

Impact Bio-4: **Potential Impacts to Wetlands.** Consistent with conclusions reached by both Zander and Olberding from their joint site visit in February 2012, there is one small area on the Project site that could be subject to the jurisdiction of the U. S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. Disturbance of this area by grading or other activities, without proper permitting authorized by the ACOE, and appropriate mitigation, would result in a loss of wetlands and a **potentially significant** impact of the Project.

Mitigation Bio-4 **Wetland Delineation and On-Site Mitigation.** The Project applicant shall engage a qualified biologist to prepare a formal wetland delineation in accordance with ACOE protocols and shall submit the delineation documentation for formal review by the ACOE. If the ACOE determines that the one potential wetland area on the Project site is subject to ACOE jurisdiction, the Project applicant shall obtain appropriate permits from the ACOE that would authorize disturbance or filling of such wetlands and the Project applicant shall comply with all requirements of the ACOE permit which shall include, at a minimum, the designation of an area on the Project site of equal or greater size as a wetland area. The Project applicant shall ensure, to the satisfaction of the Alameda County Planning Director and the ACOE, that such on-site wetland mitigation area is preserved in perpetuity, which may be achieved by creating such an area within the Conservation Easement to be created in accordance with Mitigation Bio-5b, below, and subject to the restrictions as set forth therein.

Resulting Level of Significance

Compliance with the requirements of the ACOE, and the on-site preservation of an equal or greater amount of the Project site as wetland, as called for in **Mitigation Measures Bio-4**, would assure that potential impacts to wetlands would be reduced to a level of **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.

The Project site is situated in a mixed suburban and semi-rural area with single family residential subdivisions adjacent on the west and south sides, and additional subdivisions to the north and east beyond the PG&E property. However, much of the surrounding area to the south, east and north has remained sparsely developed due to ownership by PG&E, Lone Tree Cemetery, large rural-residential parcels and a large holding by the East Bay Regional Parks District (EBRPD) a short distance (under 500 feet) to the east and north, bordering the Five Canyons area. The area south of Fairview Avenue is very

sparsely developed and Sulphur Creek is less than a third of a mile away to the south through the PG&E parcel south of Fairview Avenue. The undeveloped valleys to the east and north of the site, combined with other undeveloped areas, extend for substantial distances (several miles) and would clearly provide a migratory corridor for a range of species, including mammals, birds, amphibians and aquatic species. Urban and wild, native and non-native wildlife such as western gray squirrel, black-tailed deer, black-tailed jackrabbit, striped skunk and opossum, identified as being in the area in the Olberding Report, may be expected to range through the region along the PG&E corridor and the creek valleys of the Fairview area. As discussed above, the Project may have adverse effects on nesting songbirds (Impact Bio-2), which constitutes a ***potentially significant impact*** on the use of native nursery sites.

However, the Project site itself was cleared of most native plant life for grazing purposes several decades ago, or even a century ago and, with the exception of the Eucalyptus grove that lies across the northeast corner of the site, has almost no tree or native shrub cover. Although the Olberding Report identified only a limited extent of biological resources on the Project site, there is a very high likelihood that the adjacent valleys, large parcels and PG&E corridor bordering the site constitute a corridor for migrating wildlife. Development of the Project site would be limited to the upper ridge, but the development of Street A on the PG&E parcel could have a disruptive and adverse effect on its function as migratory wildlife corridor connecting PG&E parcels to the south and EBRPD land to the north. The new roadway, grading and retaining walls would create a new barrier to migratory species, and new lighting and non-native landscaping could also adversely affect existing migratory patterns, although the new detention pond and bio-remediation feature may provide a benefit to native and urban wildlife. Migratory wildlife would have to cross Street A at least twice to transit the corridor. Therefore the potential of the Project to interfere with native resident or wildlife species or with established native resident or migratory wildlife

corridors or the movement of wildlife is would be a ***potentially significant impact***. Effects on migratory fish or aquatic species, including some potentially significant impacts (as defined in Impact Bio-3), would also occur, but would be reduced to less-than-significant levels by Mitigation Bio-3.

Impact Bio-5: Potential interference with migratory wildlife corridors.

- a) Construction of Street A on the PG&E Parcel could interfere substantially with the movement of native resident wildlife species or with established migratory wildlife corridors and impede the use of native nursery sites.
- b) Grading and construction of homes on the upper elevations of the Project Site would reduce and restrict area for wildlife activity.

Mitigation Bio-5a: Pre-Construction Nesting Bird Surveys. To address the potential loss of native nursery sites, implement Mitigation Bio-2 as described above.

Mitigation Bio-5b: Establish Conservation Easement. The Project shall incorporate a conservation easement across the lower elevations of the Project site, below the proposed limits of grading to prevent future grading alterations, private fencing and the introduction of non-native plants or animals, and to retain it in its current natural state, or allow planting of only native plant species. The Easement shall prohibit structural or recreational improvements or grading disturbance of any kind not required for the installation and proper maintenance of the stormwater protection features. The conservation easement would ensure that to the extent the lower portions of the Project site are used as wildlife corridors, such use would be allowed to continue in perpetuity.

Mitigation Bio-5c: Wildlife-Friendly Design Principles on PG&E Easement and Around Stormwater Treatment Features. Replacement grasses, planting and landscaping of the cut and fill slopes for Street A, the entryway, and around the bio-remediation and detention areas, shall comply with Bay-Friendly Landscaping Principles as determined by the County Planning Director, with an emphasis on enhancing wildlife habitat values. The gate to the PG&E service road should be designed to accommodate passage by local mammals.

Resulting Level of Significance

Implementation of **Mitigation Measures Bio-5a, 5b and 5c** would assure that potential impacts on the movement of native resident wildlife species or with established migratory wildlife corridors would be reduced to a ***less than significant*** level.

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.

The Fairview Area Specific Plan (FASP) (adopted by the County Board of Supervisors Sept 14, 1997) protects large, mature trees that are defined as: trees “native to this area of California” that are 20” or greater in diameter and introduced species 30” or greater in diameter measured at 4.5 feet above ground level. The large, mature trees are to be preserved, or, if removal is necessary, replaced at a ratio of 5 new 15-gallon trees or one boxed native specimen tree for every large tree removed.

Nelda Matheny, Consulting Arborist with the firm HortScience, visited the Project site and the PG&E property on August 25, 2011 to determine whether there are any trees that are protected by the FASP tree preservation policies that would be affected by the Project. The arborist identified three mature Monterey cypress trees (*Cypressus macrocarpa*) that meet the definition of protected trees and that would be affected by the Project. As stated in the HortScience letter report, “While native to California, [these Monterey cypress trees] are not native to this area. These trees are located on the south end of the [PG&E] property” and would be affected by the construction of Street A as it makes its way across the PG&E property. One of the trees has failed and the arborist recommends that it be removed. The other two trees occur together in a small cluster and to avoid impacting these protected trees, the arborist recommends adjusting the grading plan so that natural grade is maintained within the drip line of the group.¹⁴ The letter report did not address the large grove of eucalyptus trees located at the northeast corner of the Project site, which, although they would potentially qualify as protected trees, are not located where grading or construction activities would occur.

Based on the arborist’s findings, implementation of the Project would result in the removal of two protected trees and would therefore be a ***potentially significant impact***.

Impact Bio-6: **Conflict with local conservation regulations.** Removal of trees protected by the Fairview Area Specific Plan Tree Preservation Policies would be a ***potentially significant impact***.

Mitigation Bio-6: **Comply with the Fairview Area Specific Plan policies regarding the preservation of large, mature trees.** To assure compliance with the Fairview Area Specific Plan policies regarding the preservation of large, mature trees, the Project applicant shall:

- a) Adjust grading plan for the construction of Street A so that natural grade is maintained within the drip line of the two Monterey cypress trees located uphill from Fairview Avenue on the PG&E property at approximate elevation 590 feet;
- b) Adjust the grading plan further so as to maintain natural grades within the drip lines of the cluster of mature blue gum trees (*Eucalyptus globulus*) located on the easterly boundary of the PG&E property at approximately

¹⁴ Nelda Metheny, Consulting Arborist, letter to Gary Brooks, Northbrook Homes, dated August 25, 2011, entitled *Protected Trees, Tract 8057, Alameda Co.* This letter is included herein as **Appendix J**.

elevation 675 feet, all in accordance with the recommendations of the Consulting Arborist.¹⁵

- c) Remove the failed Monterey cypress from the PG&E property and replace it with at least five (5) 15-gallon sized trees or one boxed, native specimen tree, the exact species, location and method of installation for which shall be approved by County Planning Director.

Resulting Level of Significance

Implementation of **Mitigation Measure Bio-6** would assure compliance with the tree preservation policy of the FASP and would reduce the level of impact to *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 (HCP), Natural Community Conservation Plan (NCCP), 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 any HCP or NCCP, and would have *no impact* on such considerations.

¹⁵ Ibid.

V. CULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Section 15064.5?				☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Section 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?			☒	

INTRODUCTION

This section utilizes information from the Northwest Information Center *Record Search Results from the California Historical Resources Information System*, August 11, 2011. This document is included as **Appendix D**.

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 was 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.¹⁶

Historic Period

The Spanish, initially, and then Mexico, presided over Alameda County, as well as most of California south of Sonoma, from the time of 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 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 onward, the area around Hayward grew rapidly,

¹⁶ City of Hayward, *Draft Program EIR, Circulation Element Update of the City of Hayward General Plan*, October 28, 1997, page III.L-1.

spurred by the development of fruit orchards, other produce, and flower cultivation. The pastoral character of Hayward and its surrounding flatlands and lower hill areas 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.¹⁷ The growth and expansion of Hayward from 1939 to the present time can be seen in the series of aerial photographs in **Appendix A**.

IMPACTS

a - c) Potential Disturbance to Historical Resources, Archaeological or Paleontological 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, cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines §15064.5, directly or indirectly destroy a unique paleontological resource or unique geologic feature.

According to a Northwest Information Center (NWIC) records search requested for this analysis (**Appendix D**) there is no record of any cultural resources studies that cover the Project area and there are no recorded archaeological resources. Local, state and federal inventories include no recorded buildings or structures within the Project site or PG&E property. In addition to these inventories, the NWIC base maps show no recorded buildings or structures. There are no recorded cultural resources in the Project area. The NWIC report states that "...based on specifics of the site, the potential of identifying unrecorded Native American resources is moderate. Based upon a review of historical literature and maps, the potential of identifying unrecorded historic-period archaeological resources is low." Therefore, with respect to historical resources, there would be ***no impact***.

Although the potential of identifying unrecorded resources at the site is low, if archaeological resources are discovered on site, these resources shall be handled according to CEQA Section 15064.5(c), which calls on lead agencies to refer to the provisions of Section 21083.2 of the Public Resources Code, or Section 21084.1 if the archaeological site is determined to be a historical resource. These are standard procedures for any project. Compliance with applicable regulations would ensure the impact is ***less than significant***.

d) Human Remains

Significance Criteria: The Project would have a significant environmental impact if it were to result in the disturbance of any human remains.

There are no known human remains that would be disturbed by the proposed Project. The Project site has not previously been disturbed by urban development and no cemeteries have been located on the Project site. If human remains are found within the Project site or the area disturbed on the PG&E property for construction of Street A, they will be handled according to Section 7050.5 of the Health and Safety Code or, if the remains are Native American, Section 5097.98 of the Public Resources Code as per CEQA Section 15064.5(d). These are standard procedures for any project. Compliance with applicable regulations would ensure the impact is ***less than significant***.

¹⁷ Ibid, page III.L-1 – III.L-3

VI. GEOLOGY AND SOILS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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?				☒

INTRODUCTION AND SETTING

The information and analysis regarding potential environmental impacts related to geologic conditions and soils at the Project site is based on a report by the Project applicant's soils engineer and engineering geologist, Berlogar Geotechnical Consultants.¹⁸ The report presents the methods and results of the consultant's studies and provides recommendations to avoid or minimize potential impacts related to the underlying geology of the Project site. Excerpts of the Berlogar report are included in the discussion that follows, below. The full report can be found in **Appendix E**.

The Berlogar report states that the site is underlain by a thin soil layer over Panoche shale and sandstone bedrock with colluvium over bedrock in the drainage swales. Surficial colluvium depths over bedrock range from 2 to 3 feet thick over the sandstone and 4-5 feet over the shale and consist of gray brown, moist stiff silty and sandy clay. Colluvium soil within the limits of the proposed development will likely have to be removed and replaced as engineered fill. The soil and bedrock materials have variable plasticity characteristics (plasticity index = 6 and 9 with a corresponding Liquid Limit of 22 and 25) and has low expansion potential.¹⁹

The site is not located within a designated State of California Earthquake Fault Zone for active faults and no signs of active faults were found during field exploration. Hence, the potential for surface

¹⁸ Berlogar Geotechnical Consultants, *Preliminary Geotechnical Investigation Borel Bank Properties Residential Subdivision, Fairview Avenue, Hayward, California*, July 8, 2010.

¹⁹ Berlogar, p. 4.

fault rupture at the site is low. However, the Project site is located approximately 1½ miles northeast of the Hayward fault, 19 miles northeast of the San Andreas fault and 7 miles southwest of the Calaveras fault, all of which are historically active.

IMPACTS

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. The Project site is located in a seismically active area and may be subject to moderate to strong ground shaking. Earthquake faults in the Project region include the Hayward fault, approximately 1 ¾ miles to the southwest, the Calaveras fault, mapped 8 miles to the east, the Concord fault, mapped 16 miles to the north, the Greenville fault, mapped 20 miles to the east, and the San Andreas fault, mapped 19 miles to the southwest

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 Berlogar report, as well as the Alquist-Priolo Earthquake Fault Zoning Act, no active faults are located within the Project site. The Berlogar report states that “since no active faults were observed at the Project site, the potential for surface fault rupture is low.”²⁰ Therefore, the Project would have a **less than significant** 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 is no active fault at the Project site, 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 site, Mercalli Intensity estimates indicate that earthquake-shaking intensity would vary depending upon where the seismic event originates. For the Maximum Credible Earthquake (MCE) equivalent to the 1906 San Francisco earthquake along the San Andreas fault the shaking intensity would be VI, moderate.²¹ All future homes constructed at the Project site would be designed in accordance with all seismic provisions of the most recent revision of the Uniform Building Code (UBC) and with County of Alameda and State of California Standards for seismic construction, potential impacts related to seismic ground-shaking would be 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 the temporary transformation of saturated, loose cohesionless soils into a viscous liquid during strong ground shaking from a major earthquake. The site is underlain by clayey soils and bedrock.

²⁰ Berlogar, p. 3.

²¹ Association of Bay Area Governments, 2002, <http://www.abag.ca.gov/bayarea/eqmaps/pickcity.html>, assessed August 9, 2011.

Therefore, the risk of liquefaction at the site is believed to be low. Dynamic compaction is the densification of dry, loose sandy soil above the water table. Loose, relatively clean sandy soil was not encountered in the test pits and borings, hence, the potential for dynamic compaction is considered to be low.²² Potential impacts related to liquefaction would be *less-than-significant*.

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.”²³ This is consistent with the findings of the Berlogar report which found no mapped landslides at the Project site in the geologic literature or the consultant’s files and did not find evidence of active landslides during their field exploration.²⁴ The foregoing evidence suggests that the relatively low threat of landslides, and compliance with the standard building practices of Alameda County means that the potential for hazards or damage resulting from landslides is *less-than-significant*.

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.

Impact Geo-1: **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. Given the hilly topography of the Project site, construction activities including mass grading, roadway construction and building 15 new homes could potentially result in substantial soil erosion. This impact is considered *potentially significant*.

Mitigation Geo-1: **Construction General and SWPPP Permit.** The Project sponsor shall obtain coverage under the State Water Resources Control Board (SWRCB) Construction General Permit, including implementation of a Storm Water Pollution Prevention Plan (SWPPP) in accordance with procedures and specifications of the Alameda County Clean Water Program.

1. The Project sponsor shall ensure that construction practices for the Project comply with practices to prevent water pollution under the provisions of the Construction General Permit. In order to obtain a permit, the Project Applicant must file a Notice of Intent (NOI) with the Regional Water Resources Control Board (RWQCB) prior to the start of construction.
2. Pursuant to the requirements of the Construction General Permit, the Project sponsor shall prepare and implement a SWPPP. 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); the Best Management Practices (BMPs) as provided in the California

²² Berlogar, p. 3.

²³ Association of Bay Area Governments, <http://gis.abag.ca.gov/website/Landslides/viewer.htm>.

²⁴ Berlogar, p. 2.

Stormwater Quality Association (CASQA) handbooks; policies and recommendations of the local urban runoff program (County of Alameda); and the Staff Recommendations of the RWQCB. The SWPPP shall incorporate BMPs to reduce the potential for pollutants in runoff waters and to prevent pollutant transport off-site during construction activities. Examples of BMPs include, but are not limited to the following:

- a) Only clear land which will be actively under construction in the near term (e.g., within the next 6-12 months), minimize new land disturbance during the rainy season, and avoid clearing and disturbing sensitive areas (e.g., steep slopes and natural watercourses) and other areas where site improvements will not be constructed.
- b) Provide temporary stabilization of disturbed soils whenever active construction is not occurring on a portion of the site through water spraying or application of dust suppressants, and gravel covering of high-traffic areas. Provide permanent stabilization during finish grade and landscape the Project site.
- c) Safely convey runoff from the top of the slope and stabilize disturbed slopes as quickly as possible.
- d) Delineate the Project site perimeter to prevent disturbing areas outside the project limits. Divert upstream run-on safely around or through the construction. Runoff from the Project site should be free of excessive sediment and other constituents. Control tracking at points of ingress to and egress from the Project site.
- e) Retain sediment-laden waters from disturbed, active areas within the Project site.
- f) Perform activities in a manner to keep potential pollutants from coming into contact with stormwater or being transported off site to eliminate or avoid exposure.
- g) Store construction, building, and waste materials in designated areas, protected from rainfall and contact with stormwater runoff. Dispose of all construction waste in designated areas, and keep stormwater from flowing onto or off these areas. Prevent spills and clean up spilled materials.

Resulting Level of Significance

Preparation and diligent implementation of the SWPPP in accordance with procedures administered by the Alameda County Clean Water Program as required by Mitigation Measure Geo-1 would ensure that the Project would have a ***less-than-significant*** impact on erosion.

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.

Consistent with the findings of the Berlogar report and summarized in the discussion of landslides in section a)-iv, above, potential impacts related to these geologic hazards are relatively low. Compliance with the standard building practices of Alameda County ensures that potential hazards related to geologic instability would be ***less-than-significant***.

d) Expansive Soils

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

As stated previously, the Berlogar geotechnical study found that the soil at the Project site has low expansion potential. Accordingly, potential impacts related to expansive soils are ***less-than-significant***.

d) 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.

VII. GREENHOUSE GAS EMISSIONS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			☒	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			☒	

SETTING

In addition to the air pollutants discussed in the Air Quality section, other emissions may not be directly associated with adverse health effects, but are suspected of contributing to “global warming”. Global warming has occurred in the past as a result of natural processes, but the term is often used now to refer to the warming predicted by computer models to occur as a result of increased emissions of greenhouse gases (GHG).

The Global Warming Potential (GWP) concept is used to compare the ability of each GHG to trap heat in the atmosphere relative to carbon dioxide (CO₂), which is the most abundant GHG. CO₂ has a GWP of 1, expressed as CO₂ equivalent (CO₂e). Other GHGs, such as methane and nitrous oxide are commonly found in the atmosphere at much lower concentrations, but with higher warming potentials, having CO₂e ratings of 21 and 310, respectively. Other trace gases, such as chlorofluorocarbons and hydro-chlorofluorocarbons, which are halocarbons that contain chlorine, have much greater warming potential. Fortunately these gases are found at much lower concentrations and many are being phased out as a result of global efforts to reduce destruction of stratospheric ozone. In the United States in 2008, CO₂ emissions accounted for about 85 percent of the GHG emissions, followed by methane at about 8 percent and nitrous oxide at just under 5 percent.²⁵

Senate Bill 97—Modification to the Public Resources Code

Pursuant to Senate Bill 97, the California Natural Resources Agency reviewed and adopted the amendments to the CEQA Guidelines on December 30, 2010 prepared and forwarded by the Governor’s Office of Planning and Research (OPR). The Amendments became effective on March 18, 2010, including the addition of the above GHG emissions environmental topic and checklist items.

AB 32 and the Air Resource Board’s Climate Change Scoping Plan

In 2006, the governor of California signed AB 32, the Global Warming Solutions Act, into legislation. The Act requires that California cap its GHG emissions at 1990 levels by 2020.

On December 11, 2008, the California Environmental Protection Agency Air Resources Board (ARB) adopted its *Climate Change Scoping Plan* (Scoping Plan), which functions as a roadmap of ARB’s plans to achieve GHG reductions in California required by AB 32 through subsequently enacted regulations. The Scoping Plan contains the main strategies California will implement to reduce GHG emissions by 174 million metric tons (MMT), or approximately 30 percent, from the state’s projected 2020 emissions level of 596 MMT of CO₂e under a business-as-usual scenario. The Scoping Plan also breaks down the amount of GHG emissions reductions ARB recommends for each emissions sector of the state’s GHG inventory. While ARB has identified a GHG reduction target of 15 percent for local governments themselves, it has not yet determined what amount of GHG emissions reductions it recommends from

²⁵ *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990 – 2008*. U.S. EPA. April 15, 2010, Table 2-1: Recent Trends in U.S. Greenhouse Gas Emissions and Sinks.

local government land use decisions. However, the Scoping Plan does state that successful implementation of the plan relies on local governments' land use planning and urban growth decisions because local governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions. ARB further acknowledges that decisions on how land is used will have large effects on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas emission sectors. The measures approved by ARB must be enacted by 2012. As of April 2010, 14 ARB regulations had been approved, including all nine Discrete Early Actions, which will provide a reduction of approximately 78 MMTCO₂e in 2020 (almost 50% of the goal).²⁶

Bay Area Air Quality Management District

The Project site falls within the San Francisco Bay Area Air Basin and therefore under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). BAAQMD provides a document titled *California Environmental Quality Act Air Quality Guidelines* ("Guidelines"), which provides guidance for consideration by lead agencies, consultants, and other parties evaluating air quality impacts in the San Francisco Bay Area Air Basin conducted pursuant to CEQA. The document includes guidance on evaluating and mitigating greenhouse gas emissions impacts.

BAAQMD updated these Guidelines in coordination with adoption of new thresholds of significance on June 2, 2010.²⁷ These were revised and adopted again in May 2011.²⁸ This GHG analysis is consistent with the adopted thresholds and the May 2011 Guidelines and recommended methodologies.

IMPACTS

a) Greenhouse Gas Emissions

Significance Criteria: The Project would have a significant environmental impact if it would exceed BAAQMD's Greenhouse Gas (GHG) emission rate threshold of 1,100 metric tons CO₂e per year.

Similar to the analysis for Air Quality impacts, the Project was compared to BAAQMD screening criteria for operational greenhouse gas emissions. As it relates to greenhouse gas emissions, this table includes a screening level of 56 single family dwelling units.²⁹

BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions, but given the relatively small size of the Project and fact that it is below all other screening levels, it can reasonably be concluded that GHG emissions would be well below significance levels.

Therefore, the Project impact related to greenhouse gas emissions would be ***less-than-significant***.

b) Consistency with Greenhouse Gas Reduction Plans.

Significance criteria: The Project would have a significant impact on the environment if it were in conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

In June 2011, the Alameda County Board of Supervisors approved in principle the Alameda County (Unincorporated Areas) Community Climate Action Plan (CCAP) for the unincorporated areas of

²⁶ California Air Resource Board. April 22, 2010. *AB 32 Scoping Plan Implementation Update*. Accessed at <http://www.arb.ca.gov/board/books/2010/042110/10-4-1pres.pdf>.

²⁷ Bay Area Air Quality Management District. June 2, 2010. News Release http://www.baaqmd.gov/~media/Files/Communications%20and%20Outreach/Publications/News%20Releases/2010/ceqa_100602.ashx.

²⁸ Bay Area Air Quality Management District. May 2011. *California Environmental Quality Act Air Quality Guidelines*.

²⁹ Ibid., Table 3-1.

Alameda County, including the Fairview area where the Project is located. This 10-year plan is intended to help reduce greenhouse gas emissions from Alameda County by approximately 15% by 2020 through a variety of measures and policies for new development, transportation improvements, encouragement of renewable energy, energy and water efficiency improvements and green infrastructure. The Climate Action Plan is not considered to be fully implemented because it must first be analyzed under the California Environmental Quality Act (CEQA). (Environmental analysis was ongoing at the time this report was prepared.) The proposed Project would not directly relate to the measures in the Climate Action Plan, which focus largely on regional improvements to public transit, bicycle and pedestrian connectivity and use, development in denser transit-oriented and mixed-use areas, and integration of and incentives for community-wide energy- and water-efficiency, renewable energy, water conservation and waste reduction.

GHG emissions for the Project were analyzed using the BAAQMD May 2011 Air Quality Guidelines. BAAQMD's thresholds and methodologies take into account implementation of state-wide regulations and plans, such as the AB 32 Scoping Plan and adopted state regulations. The Project would be consistent with the Fairview Area Specific Plan. Therefore, the Project's impact related to consistency with GHG reduction plans would be *less-than-significant*.

VIII. HAZARDS AND HAZARDOUS MATERIALS	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. The federal Environmental Protection Agency (EPA) regulates the management of hazardous materials and wastes. The primary federal hazardous materials and waste laws are contained in the Comprehensive Environmental Response Compensation 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 federal EPA has delegated most of its regulatory responsibilities to the state.

Besides the DTSC, the state agencies most involved in enforcing public health and safety laws and regulations include the California Occupational Safety and Health Administration (Cal/OSHA), the Office of Emergency Services, the State Water Resources Control Board (SWRCB), the Regional Water Quality Control Board (RWQCB), the California Air Resources Board (CARB), and the California Integrated Waste Management Board (CIWMB). 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, CARB, and the CIWMB.

IMPACTS

a -b) Transport, Use or Disposal of 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.

The proposed Project would involve site grading, construction of a stormwater detention basin and ultimate construction of 15 single family homes on the 10.1-acre Project site and grading and construction of approximately 600 linear feet of a 24-foot wide access roadway (Street A) on the adjacent PG&E property. The width of Street A would widen to 28 feet as it approaches the first residential lot (at approximately elevation 680 feet near the intersection with Street B) and would continue at that width for an additional 1100 linear feet ending in a cul-de-sac turn-around at the northerly end of the property. It is possible that equipment used at the site during construction activities could utilize substances considered by regulatory bodies as hazardous, such as diesel fuel and gasoline; however, significant quantities of hazardous material would not be stored on-site. All construction activities would be required to comply with Title 49 of the Code of Federal Regulations, US Department of Transportation (DOT), State of California, and local laws, ordinances and procedures. Potential impacts related to the routine transport, use and disposal of hazardous materials would be *less-than-significant*. However, it is recommended that the Project applicant and construction contractor implement feasible Best Management Practices (BMPs) during construction to ensure conformity with applicable regulations and further minimization of the potential negative effects of routine use of hazardous materials:

- Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- Avoid overtopping construction equipment fuel gas tanks;
- During routine maintenance of construction equipment, properly contain and remove grease and oils;
- Properly dispose of discarded containers of fuels and other chemicals.

c - d) Presence of Hazardous Materials

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").

A search of relevant public agency databases containing records of past occurrences involving hazardous wastes was conducted for the Project site and the relevant portion of the adjacent PG&E property.³⁰ A copy of the report prepared by Environmental Data Resources, Inc. (the "EDR" Report) and

³⁰ Environmental Data Resources, Inc., *EDR Radius Map Report with GeoCheck for the Northbrook Homes Fairview Site, 24850 Fairview Avenue, Hayward, CA 94542*; EDR Inquiry Number: 3143080.2s, August 08, 2011.

accompanying historic topographic maps can be found in **Appendix F**. The EDR report found no evidence of any hazardous substances stored on, under or used on the Project site or the PG&E property. A review was also made of Alameda County records of known sites involving hazardous materials and the Project site and adjacent PG&E property were not listed. Historic topographic maps dating back to 1899 document the absence of structures on the property. On the basis of the EDR report findings, the historic maps and Alameda County records there would be **no impact** related to the potential exposure of construction workers or future residents to hazardous materials on the Project site.

The EDR report also found that the Project site is not listed in the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. There would be **no impact** due to such a listing or related hazard to the public or environment (http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm).

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 unique safety hazard to residents or workers in the Project area. No private airstrips are located in the vicinity of the Project site. Therefore, the Project would have **no impact** due to nearby airports or private airstrips.

g) Emergency Response 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.

There are no emergency response or evacuation plans in effect in the Project area. Therefore the Project would have **no impact** on the implementation of any adopted emergency response plan or emergency evacuation plan. The Project does, however, include an emergency vehicle access (EVA) across from Lot 9 which would allow Project residents to vacate the Project site via Karina Street on the adjacent Tract 6102.

e) 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.

The Fairview area is considered a “local responsibility area” (LRA) with respect to fire protection, meaning that services are provided by a local as opposed to a state agency. The Project site is not identified on the State Fire Hazard Severity Zone map as being within a fire hazard severity zone³¹ and consequently building code requirements that apply to developments within a fire hazard severity zone would not be required. Potential impacts resulting from exposure of people or structures to the risk of wildland fires is considered **less-than-significant**.

³¹ http://frap.cdf.ca.gov/webdata/maps/alameda/fhszs_map.1.pdf accessed August 16, 2011.

IX. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Violate or conflict with any water quality standards, objectives or waste discharge requirements, significantly degrade any surface water body or groundwater, or adversely affect the beneficial uses of such waters, including public uses and aquatic, wetland and riparian habitat?		☒		
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 (i.e. within a watershed			☒	
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 (e.g., due to increased impervious surfaces) 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 due to changes in runoff flow rates or volumes?		☒		
f) Result in a significant increase in pollutant discharges to receiving waters (marine, fresh, and/or wetlands) during or following construction (considering water quality parameters such as temperature, dissolved oxygen, turbidity, and typical stormwater pollutants such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?		☒		
g) Result in an increase in any pollutant for which a water body is listed as impaired under Section 303(d) of the Clean Water Act?			☒	
h) 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?				☒
i) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				☒
j) 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?				☒
k) 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 and Existing Drainage Patterns

The Project site rises approximately 150 feet in elevation from Fairview Avenue to a nearly flat plateau at its highest elevation (708 feet). Stormwater on the Project site generally flows in two directions, northeast and southwest (**Figure 13**). Stormwater runoff from the northern half of the 10.1-acre Project site flows to a valley east of the eastern boundary where an unnamed creek flows in a northwesterly flow direction and ultimately into San Lorenzo Creek and the Don Castro Reservoir. Past the reservoir, San Lorenzo Creek flows generally in a westerly direction until it discharges ultimately into San Francisco Bay.

With respect to the southern half of the Project site and the PG&E property, stormwater flows to the south via a natural drainage ditch on the west edge of the PG&E property and then into storm drain catchment basins located on both sides of Fairview Avenue. Stormwater in this area is directed through underground storm drain pipes to Sulphur Creek which ultimately merges with San Lorenzo Creek. Most of the Fairview area lies between the main drainages of Sulphur Creek and the unnamed tributary to San Lorenzo Creek. The storm drain infrastructure in Fairview Avenue is part of the Alameda County Flood Control and Water Conservation District system which ultimately discharges into San Francisco Bay.

REGULATORY SETTING

The proposed Project must be constructed in accordance with several regulatory programs, laws, and regulations that aim to protect surface water and ground water resources. In some cases, Federal laws are administered and enforced by state and local government. In other cases, state and local regulations in California are stricter than those imposed by Federal law. This section summarizes relevant regulatory programs, laws, and regulations with respect to hydrology and water quality and how they relate to the proposed Project.

Federal Laws and Regulations

Clean Water Act

The Clean Water Act (CWA) was enacted by Congress in 1972 and amended several times since inception. It is the primary federal law regulating water quality in the United States, and forms the basis for several state and local laws throughout the country. Its objective is to reduce or eliminate water pollution in the nation's rivers, streams, lakes, and coastal waters. The CWA prescribed the basic federal laws for regulating discharges of pollutants as well as set minimum water quality standards for all waters of the United States. Several mechanisms are employed to control domestic, industrial, and agricultural pollution under the CWA. At the Federal level, the U.S. Environmental Protection Agency (EPA) administers the CWA. At the state and regional level, the CWA is administered and enforced by the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCB). The State of California has developed a number of water quality laws, rules, and regulations, in part to assist in the implementation of the CWA and related federally mandated water quality requirements. In many cases, the Federal requirements set minimum standards and policies and the laws, rules, and regulations adopted by the State and Regional Boards exceed them.



Figure 13. Existing Drainage Flow Directions

State Laws and Regulations

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act established the SWRCB and the RWQCB as the principal state agencies having primary responsibility for coordinating and controlling water quality in California. The Porter-Cologne Act established the responsibility of the RWQCB for adopting, implementing, and enforcing water quality control plans (Basin Plans), which set forth the water quality standards of the state (i.e. beneficial uses of surface waters and groundwater) and the objectives or criteria necessary to protect those beneficial uses.

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.

NPDES Permit Requirements

The CWA has nationally regulated the discharge of pollutants to the waters of the U.S. from any point source since 1972. In 1999, the SWRCB adopted a Construction General Permit (General Permit). The General Permit is a National Pollution Discharge Elimination System (NPDES) permit that implements Section 402(p)(2)(B) of the CWA. Construction activities are regulated by the RWQCB, and are subject to the permitting requirements of the General Permit. The RWQCB established the General Construction Permit program to reduce surface water impacts from construction activities. The General Construction Permit requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for construction activities. The SWPPP must be prepared and approved by the Alameda County Public Works Agency (PWA) before construction begins. The Grading Department, within the PWA, has the authority under the County's NPDES program to require revisions to the SWPPP. The SWPPP must include specifications for Best Management Practices (BMPs) to be implemented during project construction. BMPs are measures undertaken to control degradation of surface water by preventing soil erosion or the discharge of pollutants from the construction area. This General Permit is implemented and enforced by the nine California Regional Water Quality Control Boards (RWQCBs). For the project area, the applicable regional board is the San Francisco Bay Regional Water Quality Control Board.

Local Regulations

Alameda Countywide Clean Water Program & Technical C.3 Guidance Manual

The Alameda County Municipal Regional Stormwater NPDES Permit (MRP) (RWQCB Order R2-2009-0074; NPDES Permit No. CAS612008) for Alameda County incorporates updated state and federal requirements related to the quantity and quality of post-construction stormwater discharges from development projects. Provision C.3 of the NPDES permit governs storm drain systems and regulates post-construction stormwater runoff.

Provision C.3 of the NPDES permit requires the flow of stormwater and stormwater pollutants to be controlled from new development sites. Current NPDES permit requirements include implementation of source control and site design measures and stormwater treatment measures by projects that create or replace 10,000 square feet or more of impervious surface, such as the proposed Project. In addition to incorporating treatment controls, projects must also provide flow control so that post-project runoff does not exceed estimated pre-project rates and durations.

IMPACTS

Proposed Drainage and Stormwater Control and Protection Plan

The civil engineers for the Project have prepared a Preliminary Stormwater Protection Plan (**Figure 9**) that demonstrates how the Project would comply with the County's C.3 requirements. The overall objective is to use a variety of means to capture, control, detain and ultimately release stormwater in an amount and at a rate no greater than the amounts and rates of stormwater runoff in the Project site's existing undeveloped condition. The design is based on criteria applicable to the Project as set forth in a document prepared for the Alameda County Clean Water Program: *Hydrograph Modification Management Plan Part A: General Provisions for Hydromodification Management*.³² The anticipated performance of the design has been validated by subjecting it to the Bay Area Hydrology Model (BAHM) with the results of the model run showing successful compliance.³³ Consistent with this document, the preliminary Stormwater Protection Plan includes the use of grassy swales, a linear bio-retention area or swale (adjacent to Street A) and a controlled-release detention basin, as described further below.

The Stormwater Protection Plan includes components that respond to the two different types of lot conditions –those that are either level with or slope up from the adjacent roadway (single pad lots) and those that are level with or slope down from the existing roadway (down-slope split level pads). **Figure 14** illustrates the direction that stormwater would flow in the future after the Project grading and stormwater infrastructure is in place.

a. Up-slope Single Pad Lots.

Rainfall landing on the rooftops of homes on the seven upslope single-level pads (lots 1-5, 7 & 15, also identified as Area 1 and Area 3 on **Figure 9**) and lot 6 would flow from the roof into downspouts and would discharge onto the side yards of each home. In normal or light rain storms, water would percolate naturally into the subgrade/groundwater. However, when storm events produce more rain than can be absorbed into the ground naturally, the excess or over-flow drainage would gravity flow into 4" drain pipes installed underground on either side of the house. Rainwater would gravity flow into and through these pipes towards the street where it would "bubble up" to the surface at the low point on the lot and flow onto the adjacent street surface. Rain falling on the street itself and flows from the seven single-pad homes in Areas 1 and 3 would gravity flow across the street surface (approximately 20 – 30 feet) to a 6" concrete curb on the downslope side of the street which would have openings every 25 feet allowing the sheet flow to enter the adjacent 5½-foot wide bio-retention swale. Check dams for control of the flow would be used wherever the slope of Street A exceeds 4 percent. A cross-section detail of how the bio-retention swale design concept would work is shown in **Figure 9**. Stormwater that enters the bio-retention swale would be absorbed through natural percolation into 18" of sandy loam soil and then percolate down through 12"-18" of ½-inch-sized drain rock. Flows percolating downward past the drain rock layer would infiltrate into the ground or would be picked up in a 6" perforated subdrain and gravity flow into the on-site stormwater detention basin located on Lot A, as shown in **Figure 14**.

b. Stormwater Detention Basin.

As shown in the details and cross-section illustrations on **Figures 7, 8, 9 and 14**, a storm drain detention basin is proposed for storing stormwater runoff that exceeds the percolation or absorption capacity of the roadside bio-swale at the edge of Street A. The detention basin is not intended to treat stormwater or remove pollutants and stormwater in the basin would not remain long enough for evaporation to have any meaningful effect on reducing the amount ultimately released. Its function would be to store excess stormwater and to control the rate of its release to the County's stormwater system in accordance with the County's C.3 and hydro-modification regulations.

³² Alameda County Public Works Agency, *Alameda Countywide Clean Water Program*, May 15, 2005.

³³ Ruggeri, Jensen Azar, *Hydrology and Hydraulics Calculations for Tract 8057 – Lerob LLC, Alameda County, California*, August 26, 2010. See Appendix G.

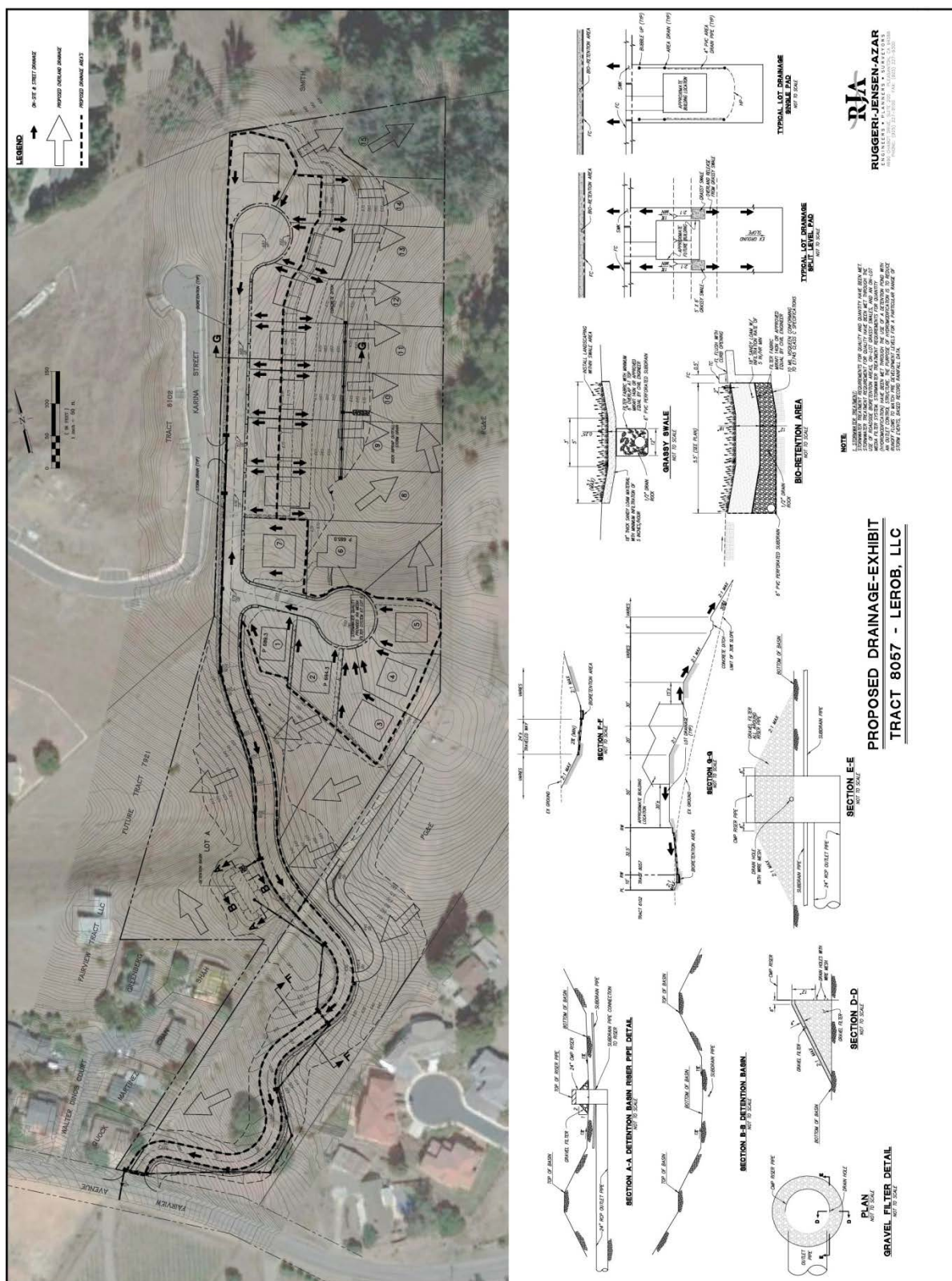


Figure 14. Future Drainage Flow Directions.

The basin would be constructed with sidewalls sloping in towards the bottom; along the top it would measure approximately 88 feet by 40 feet (3,520 square feet) and 66 feet by 20 feet at the bottom. It would have a holding capacity consistent with BAHM sizing criteria. Stormwater held in the basin would be released through a narrow drain hole at the bottom of the basin, sized to assure an outflow rate not exceeding pre-development conditions. Exiting stormwater would flow through a gravel filter element and a wire mesh screen that would prevent solid material such as leaves or silt from entering and potentially clogging the outlet drain hole. Outflow through the drain hole would discharge into a 24" outlet pipe, as shown in Section A-A and E-E on **Figure 14**. . The outlet pipe would run down-slope, generally following the alignment of Street A as it meanders downhill and across the PG&E parcel towards Fairview Avenue. Stormwater from the basin would ultimately discharge into the storm drain in Fairview Avenue which conveys it to Sulphur Creek.

Should the detention basin fill to capacity during a major storm event, excess stormwater would flow into a riser pipe in the middle of the basin and drain directly into the 24" outlet pipe and thence, on down to the catchment basin in Fairview Avenue as described above. This scenario would only occur in a major storm event such as a 100-yr storm. Further, in the unlikely event that the riser pipe is clogged, or not functioning as designed, water would flow out from the basin at its southeastern corner and spill into a channel that would direct flows to the southeast (i.e., to the PG&E property and the lower portion of Street A) and away from down-slope residences on the adjacent subdivision.

c. Down-Slope Split-Level Pad Lots.

Down-slope lots facing to the east from Street A (lots 8 – 14, shown as "Area 2" in **Figure 9**) would be treated differently. Roof drains on these houses would direct rainwater to 5' x 6' grassy swales, located on either side of each house. As with the bio-retention area, the grassy swale would allow rainwater to percolate through 18" thick sandy loam material and thence into the ground as natural percolation. In major storm events, when flows coming off the roof exceed levels that can percolate naturally, saturated bio-swale stormwater would be picked up by a 6" perforated sub-drain pipe that would convey stormwater downslope toward a 5 foot wide concrete 'V' ditch that would run across the slope through lots 8 – 11. The V ditch would transmit and release the stormwater through an energy-reducing bed of rock rip-rap on Lot 10 from where it would dissipate the flow downhill towards the creek at the bottom of the slope. Illustrations of the drainage design for these lots are shown on **Figure 14**.

Existing or baseline rainfall and stormwater conditions associated with the Project site have been entered by the project's civil engineers into the BAHM hydrological model. The model analyses the probable performance capability of the proposed Stormwater Protection Plan to meet the County's C.3 hydro-modification standards which means that in post-construction conditions – when the site is fully built-out – there would be no greater amount or rate of stormwater flowing off the site than occurs under existing pre-development conditions. The results of the analysis indicate that the proposed Stormwater Protection Plan would be in compliance with this requirement.³⁴ The model results show that for every year from 1961 to 2004, the peak flows and annual flow rates, expressed in cubic feet per second (CFS), would be adequately handled by the proposed drainage and hydro-modification design and would result in equal or lesser amounts of stormwater leaving the site than would occur under pre-development conditions.³⁵ Also, stormwater leaving the Project site would have been filtered and cleansed of pollutants by the action of the bio-swales as described above.

a, f) Water quality standards, objectives and waste discharge requirements.

Significance Criteria: The Project would have a significant environmental impact if it were to violate or conflict with any water quality standards, objectives or waste discharge requirements, or substantially degrade any surface water body or groundwater, or adversely affect the beneficial

³⁴ Ibid.

³⁵ Ibid.

uses of such waters, including public uses and aquatic, wetland and riparian habitat. Significant environmental impacts would also result if the Project were to increase pollutant discharges to receiving waters (marine, fresh, and/or wetlands) during or following construction (considering water quality parameters such as temperature, dissolved oxygen, turbidity, and typical stormwater pollutants such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash).

Non-point source pollutants (NPS) are washed by rainwater from roofs, landscape areas, and streets and parking areas into the drainage network. NPS can include sediment, nutrients, bacteria and viruses, oil and grease, organics, pesticides, and gross pollutants (floatables). An increase in NPS pollutants could have adverse effects on wildlife, vegetation, and human health. NPS pollutants could also infiltrate into groundwater and degrade the quality of potential groundwater sources.

Impact Hydro-1: **Construction-Period Erosion and Siltation.** Construction of the proposed Project would involve site grading for the access roadway over the PG&E property, construction of the proposed on-site storm drain system components and detention basin, trenching for underground utilities, and grading for the 15 home sites. Such disturbance would present a threat of soil erosion by subjecting unprotected bare soil areas to runoff during construction, which could result in siltation to receiving waters, a *potentially significant impact*.

Mitigation Hydro-1: **Implement Mitigation Measure Geo-1.** File a Notice of Intent and obtain approval of and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with **Mitigation Measure Geo-1**.

Mitigation Hydro-2: **Conformance with the County Grading Ordinance.** The Project shall conform to all requirements and provisions of the Alameda County Grading Ordinance. As part of the Grading Ordinance, the Applicant shall obtain a water quality certification or waiver from the Regional Water Quality Control Board. This process ensures conformance to BMPs during construction to control wind and water erosion that could affect surface and ground water quality.

Mitigation Hydro-3: **NPDES Permit.** Comply with the C.3 Provisions of the Alameda County Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) – NPDES Permit No. CAS612008. The Project sponsor shall demonstrate compliance with the County's NPDES permit C.3 requirements by preparing a detailed Stormwater Management Plan (SMP), incorporating the most appropriate post-construction source control measures into the Project design. The Stormwater Management Plan shall be prepared during County's review of project engineering design and shall incorporate the required post-construction (permanent) stormwater quality controls. The SMP should include, but is not limited to the following:

1. The proposed finished grade,
2. The storm drainage system including all inlets, pipes, catch basins, overland flows, outlets and water flow directions,
3. The permanent stormwater treatment system (soil and landscape-based treatment facilities, filters and separators), including all design details,
4. Design details of all source control measures (preventing contact between stormwater and potential sources of pollution) and site

- design measures (reductions in flow from impervious surfaces) to be implemented,
- 5. Calculations demonstrating that stormwater treatment measures are hydraulically sized as specified by the County's stormwater permit, and
- 6. An Operations and Management Plan to ensure continued effectiveness of structural BMPs and implementation of non-structural BMPs.

Resulting Level of Significance

Implementation of Mitigation Measures Hydro-1 through Hydro-3 would reduce the potential impacts on water quality resulting from construction and post-construction activities to a level of ***less-than-significant***.

c, d & e) 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.

Failure to comply with the County's C.3 NPDES requirements would represent and result in a ***potentially significant impact*** to water quality.

Impact Hydro-4:

Increased Impervious Surfaces. The Project would increase the amount of impervious surface area on the Project site. Absent an appropriately designed and managed stormwater prevention plan, the increase in impervious surface area could increase the amount of surface runoff and allow pollutants to enter the storm drain system rather than being absorbed by the land and thereby violate Storm Water Quality Regulations. This impact is considered to be ***potentially significant***.

Construction of homes, the detention basin and the access roadways would increase the amount of impervious surface area present on the site from zero in its current condition to approximately 2.18 acres when the project is fully built out.³⁶ Impervious surface area prevents storm water from being absorbed into the soil. During the life of the Project, typical landscape, atmospheric deposition, and vehicular and household chemicals could contaminate runoff from the Project site. Such contaminants typically include cleaning solvents, pesticides, fertilizers, lubricants, metals, and fuel products. As it flows over these surfaces, the water picks up and carries away these 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. The potential for the Project to increase pollutant levels in the stormwater would violate Storm Water Quality Regulations.

Mitigation Hydro-4:

NPDES Permit. Implement Mitigation Measure Hydro-3.

Resulting Level of Significance

Without the proposed stormwater prevention plan and on-site detention basin, the increase in impervious surface would result in an increase in stormwater runoff compared with existing conditions. However, implementation of the Stormwater Protection Plan, in compliance with the Alameda Countywide Clean

³⁶ As indicated on Figure 8, each lot is expected to result in 2,850 square feet of impervious surface; 15 x 2,850 = 42,750 sq. ft., or .98 acres; roadways are expected to cover 1.2 acres [Sheet 2]. Thus, .98 + 1.2 = 2.18 acres, or 95,000 sq. ft.

Water Program, C.3 Stormwater Technical Guidance Manual, dated August 2006, as proposed by the Project applicant, and when compliance is confirmed and validated to be in compliance, potential impacts to water quality and the public drainage system would be considered reduced to a ***less-than-significant*** level.

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 or extract groundwater in any way. Potable water for the future homes would be provided by the East Bay Municipal Utilities District (EBMUD). The amount of stormwater runoff that currently flows into the natural drainage below the northern part of the Project site would continue to flow to that drainage where it has the potential to maintain the current level of groundwater recharge. Thus, there would be ***no impact*** with respect to ground water or ground water recharge.

g - j) Flood Hazards, Seiche, Tsunami

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 or inundation by seiche, tsunami or mudflow.

The site is not located in a 100-year flood hazard area as mapped on Flood Insurance Rate Map (FIRM) or the Alameda County Public Works Agency 100-year flood delineation map. The site is not at a shoreline elevation or near a water body where risk of seiche or tsunami would be a hazard. There would be ***no impact*** with regard to flooding or related hazards.

X. LAND USE AND PLANNING Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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 site is located in the Fairview area of unincorporated Alameda County, in the lower elevations of the Hayward Hills, just east of the City of Hayward, an area characterized by rolling hills. Surrounding land uses include residential subdivisions, including the adjacent Tract 6102, homes on Walter Dinos Court, subdivisions on “D” street, and homes on Old Fairview Avenue. These subdivisions are interspersed with several large undeveloped residential parcels of one half acre to ten or more acres. On the east side of the Project site is a 200-foot wide power line corridor owned by PG&E, with twin towers that support high voltage electrical lines. To the east of the PG&E property there are several single family homes mostly along Old Fairview Avenue, and an EBMUD water tank. The Five Canyons single-family residential development is located north and east of the Project site across a deep valley, about 1,000 feet distant. The community character is a mixture of suburban and rural residential. Development on the south side of Fairview Avenue (from Hansen Road to Five Canyons Parkway) is generally more sparse and rural, whereas fewer parcels to the north have remained undeveloped.

Land Use and Planning Policies

Plans, policies and regulations applicable to the Project site include the *Fairview Area Specific Plan*, a part of the Alameda County General Plan that was adopted in 1997, and the Alameda County Zoning Ordinance. The *Specific Plan* provides detailed planning policy for the Fairview area, and uses a combined land use and zoning classification for the Project site, R-1-B-E (Single Family Residential, 10,000 square foot minimum building site area, or m.b.s.a.) as shown on the *Specific Plan* Land Use Map. The Zoning Ordinance defines the intent of all R-1 districts as “...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...” The *Specific Plan* also establishes additional limitations on hillside areas that have average slopes in excess of 10 percent, such as the Project site. Hillside areas are subject to an overall density limit of 3.5 units per gross acre of developable site area. For the purpose of calculating that density, the *Specific Plan* defines developable land area as excluding unbuildable areas such as riparian corridors, existing private streets and areas in excess of 30% slope. Out of the 10.1 acres on the Project site, about one-third – 3.27 acres – have slopes in excess of 30%, while the remaining 6.83 acres are deemed to be buildable.

IMPACTS

a) Dividing an Established Community

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

New development or other physical structures, such as a freeway or very large vertical structure (e.g., a hospital or a school) may adversely divide an established community if it results in a street closure, obstructs other established patterns of travel (e.g., foot, bicycle, etc.) or is especially inconsistent with its surroundings. The Project site occupies a relatively small area within a much larger area of small subdivisions, rural residential parcels, and a few large institutionally-owned properties (e.g., Lone Tree Cemetery, PG&E and East Bay Regional Parks District). The street and roadway pattern in this area is relatively limited, and there is no known pattern or sign of foot travel, legal or otherwise, across the Project site or the PG&E parcel. Although the Parks District has indicated it has no plans to establish a trail on the PG&E parcel, such a trail would remain a possibility after Project completion. The Fairview area around the Project site is residential in nature and has development densities at or higher than what is proposed for the Project. The Project is consistent with the emerging suburban character of the community and with existing land use regulations applicable to the site. The Project would have **no impact** of 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 Fairview Area Specific Plan designates the area in and around the Project site for single family residential use and future development; the Project site in particular is designated by the R-1-B-E zoning for large-lot type residential development (10,000 square foot parcels or larger). The Project is consistent with the land use designation, and is also consistent with many, but not all of the Specific Plan policies related to land use and design, as discussed further, below. Following are excerpts of policies and guidelines as provided in the *Fairview Area Specific Plan* that are relevant to land use issues; policies and guidelines related to traffic and circulation (Section III C of the Specific Plan) are addressed in the Transportation section (Section XVI) of this Initial Study. Excerpts from the *Specific Plan* are displayed in normal font; following the cited policy or guideline is a discussion (“Comment/Analysis” *shown in italics*) of the extent to which the policy or guideline applies to the Project and the Project’s consistency with that policy or guideline.

III. PLAN POLICIES

B. Residential Density

1. Conventional Single-Family Development

Density and design of conventional single family developments shall be governed by the policies of this Plan and Zoning and Subdivision Ordinance regulations. New single family parcels must be consistent with the existing land use pattern of the surrounding neighborhood. Even though subdivision proposals 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.

The “surrounding neighborhood” to be used in determining the prevailing lot size, area and width should be based on one of three criteria: a) discrete tracts developed at a single time; b) areas defined by natural and human built physical features (e.g., creeks, ridges, roads, etc.); or c) a discrete unit of contiguous, similarly-sized lots that have an established pattern of lots larger than the minimum required lot size. The existing “prevailing lot” to be used to determine the appropriate lot size (area and width) for new subdivisions should be the larger of either: a) the predominant lot area and width – that occurs with the greatest frequency in the neighborhood; or b) the median lot area and width in a surrounding neighborhood. Community input, neighborhood character, and external influences should also be considered by the decision-making body prior to approval of infill development applications, and projects that significantly change neighborhood character and cannot effectively mitigate adverse neighborhood effects may be denied on such grounds. Issues to address include traffic conditions, street width, parking, public services and

utilities, building height, natural features such as mature vegetation and creeks, slopes and grading, and retention of existing areas of contiguous open spaces.³⁷

In hillside areas the following density limitations will also apply:

1. 3.5 units per gross acre of developable site area in the R-I-B-E (Single Family Residence, 10,000 square feet minimum building site area) District.³⁸

The development potential listed above represents the maximum densities allowed and is not guaranteed. Actual densities of residential development allowed on any site shall be determined by such factors as site conditions and environmental constraints (topography, trees, views, etc.), traffic and access, adequacy of infrastructure, potential hazardous conditions, and compatibility with existing land use patterns and protection of the integrity of the surrounding neighborhood.

Comment/Analysis:

*The Project engineers prepared a general lot size consistency analysis to assess conformity to the density policies of the Specific Plan, summarized in **Table 3** and illustrated in **Figure 15**. As shown in **Table 3**, the engineers' evaluation indicates the proposed lot sizes would be larger than lots prevailing in the area and would therefore be consistent with this policy. Planning staff add that it is very difficult in the Project vicinity to define a surrounding neighborhood as the Specific Plan encourages, as there is no single dominant tract surrounding the neighborhood, the area lacks unifying physical boundaries, and there is no discrete, recognizable pattern of similarly-sized lots around the site. However, the developed 'neighborhoods' (tracts) to the east and west, as suggested by the Project engineers and summarized in **Table 3**, represent two "prevailing lot sizes" in the Project vicinity, the median of either 11,100 or 11,774 square feet.*

Table 3. Lot Sizes and Widths

Rule or Policy:	Subdivision may not create lots substantially smaller or narrower than the prevailing lots in the neighborhood.	
	Comparative Neighborhoods	Proposed Tract 8057
	• Neighborhood/subdivision to the east – – Lot Size: 10,060 SF minimum, 11,100 SF median – Lot Width: 50' minimum, 80' median	• Lot Size: 10,569 SF min. / 20,187 SF median • Lot Width: 75' min. / 80' median
	• Neighborhood to the West/Southwest – Lot Size: 9,656 SF min / 11,744 SF median – Lot Width: 50' min / 80' median	• Lot Size: 10,569 SF min. / 20,187 SF median • Lot Width: 75' min. / 80' median

Source: RJA Engineers

*The proposed Project lots would range in size from 10,569 square feet to 36,460 square feet, with a median lot size of 20,187 and an average lot size of 20,575 square feet; all lots would exceed the minimum 10,000 square foot lot size requirements of the site's zoning classification. Comparing the proposed lots with existing lots in two adjacent subdivisions shows that the proposed lots would be larger and would conform to or exceed the minimum dimensions required in the Fairview Area Specific Plan. See **Table 3**, and **Figure 15**, below.*

³⁷ This paragraph paraphrases and consolidates the original *Specific Plan* text for summary purposes.

³⁸ Other hillside area density limits (subsections a and b) apply to other zoning classifications, but are not listed here.

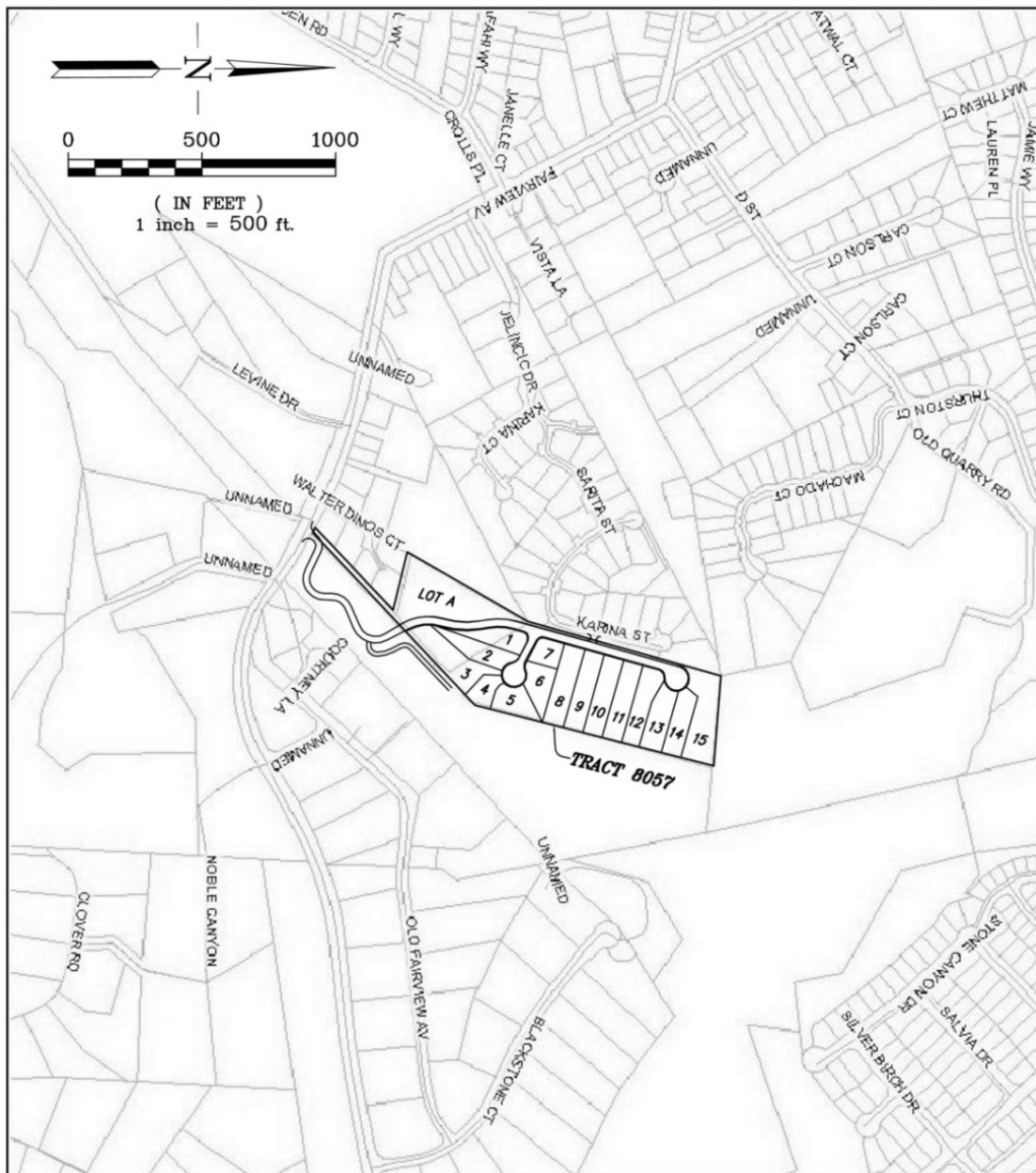


Figure 15. Lot Size Comparison with Nearby Subdivisions

*The Project site (excluding the PG&E parcel) is approximately 10.1 acres in size – or 439,955 square feet. Subtracting the area with slopes in excess of 30% (142,470 square feet) leaves a total gross developable site area of approximately 297,485 square feet, or 6.83 acres. At the density limit of 3.5 units per gross developable site acre, the density limit would therefore allow a maximum of 23 homes on the Project site (6.83 times 3.5=23.9). With only 15 units, the proposed Project (i.e., 15 units on gross developable area of 6.83 acres) would be noticeably less dense than permitted. The Project would therefore be consistent with policies related to lot size consistency and overall density (**Figure 15**).*

2. Townhouse-Condominium Development

Not applicable.

3. Land Use

Where boundaries between density categories do not lie along streets or other easily defined physical features, such boundary lines are approximate and the exact boundary will be determined in the process of acting on development proposals.

Not applicable, because the Project site lies entirely within one density category (R-1-B-E – 10,000 square feet minimum building site area).

4. Setbacks

(b) The side yard setback in the R-I-B-E (Single Family Residence, 10,000 square feet minimum building site area) District and the R-l-B-E (Single Family Residence, 20,000 square feet minimum building site area) District shall be a minimum of 15 feet and the minimum front yard setback shall be 30 feet.

Comment/Analysis:

Proposed building envelopes reflect setbacks that meet or exceed applicable requirements.

5. Building Lot Coverage

(b) The building lot coverage shall be a maximum of 30% in the R-I-B-E (Single Family Residence, 10,000 square feet minimum building site area) District.

Comment/Analysis:

Building envelopes shown on the Preliminary Site Plan range from 7% to 24% of gross lot area; all lots would be less than the 30% maximum and would therefore conform to the building lot coverage limitations.

6. Open Space

A minimum of 1,000 square feet of private, useable open areas should be provided on each lot.³⁹

Comment/Analysis:

All lots would be able to meet this requirement; enforcement would occur at the time of building permit issuance.

7. Building Height

No dwelling shall have a height of more than two stories, except as provided by Section 17-52.90 of the Zoning Ordinance nor shall any building or structure have a height in excess of 25 feet, except as provided for herein and by Section 17.52.90 of the Zoning Ordinance. 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 height of 30 feet. Tall downhill facades should be avoided by stepping structures with the natural terrain or cut into the hillside to reduce the effective visual bulk. Graduated heights and/or varied setbacks, as well as architectural elements shall be encouraged to reduce the scale of the buildings.

Comment/Analysis:

None of the homes would exceed 25 or 26 feet in height and would conform to the height limits stated above.

³⁹ Private, useable open area is specifically defined in the Specific Plan to include only: 1) areas not visible from the fronting street; 2) areas with a ground slope less than 20% gradient; 3) areas not covered by off-street parking or any access thereto; 4) any open area with a minimum 15 feet in its least dimension; and 5) roof-top areas designed for outdoor residential use or outside deck spaces more than 8 feet in least dimension.

The cited provision from the Alameda County Zoning Ordinance would allow heights greater than 25 feet but not greater than 30 feet if the lot meets the dimensional criteria. Because the eight lots listed below meet these criteria, these lots would be permitted to have building heights in excess of 25 feet:

Lot Number	Maximum Height Allowed
Lot 3	29'
Lots 4, 8 and 13	27'
Lots 5, 6, 7 & 15	30'

However, as noted, none of the proposed houses would exceed 26 feet.

8. Secondary Units

Not applicable

9. Community Care Facilities

Not applicable

C. Traffic and Circulation

[These policies are discussed in the Transportation section of this Initial Study, Section XVI, below.]

III.D. Natural Features

1. Policies

- a. The County shall encourage that existing riparian woodland habitat be protected.

Comment/Analysis:

The Biological Resource report by Olberding did not identify riparian or oak woodland habitat on the Project site. With respect to the potential of the site to support the Alameda whipsnake, Olberding stated that "...due to the unsuitable nature of the annual grassland habitat, the lack of adjacent oak woodland or coastal sage habitats, and the development nature of the surrounding habitats, the Alameda whipsnake is presumed absent from the Project area."

- b. The County shall encourage no net loss of riparian and seasonal wetlands.

Comment/Analysis:

Regarding wetlands, a site visit conducted in September 2011 by Leslie Zander, consulting biologist of Zander Associates, assessed the presence of wetlands that had been called out as potentially subject to the jurisdiction of the U.S. Army Corps of Engineers in the Olberding Biological Survey. The Zander site visit reached a different conclusion regarding wetlands on the Project site from what was stated in the Olberding report. Consequently, a third site visit involving both biologists was conducted in February 2012 to reexamine the potential wetland areas and reconcile the different conclusions. The result was a letter report stating that there may be a small area of wetlands on the Project site, and a formal delineation will be required. In the event that wetlands are identified that are subject to the jurisdiction of the ACOE, on-site mitigation will be required, which may be provided within the Conservation Easement to be established under Mitigation Bio 5b.

- c. The County shall encourage the preservation of oak woodland plant communities.

Comment/Analysis:

According to the Olberding report, no oak woodland plant communities exist on the Project site or the PG&E property.

- d. The County shall encourage preservation of areas known to support special status species.

Comment/Analysis:

The Olberding report stated that suitable habitat that supports federally and state listed threatened species and/or species of special concern, including California Tiger Salamander, California Red-Legged Frog and Alameda Whipsnake, does not occur on the property. Further, Olberding did not find special status plant species on the Project site during the site investigation in May 2010. A second biological survey is required under Mitigation Bio-1 to confirm Olberding's initial findings. To the extent that suitable habitat exists on the Project site, the lower elevations (i.e., outside of areas to be graded for the Project) would be protected from future disturbance or loss of habitat by the terms of Mitigation Bio-4 which would establish a conservation easement and as described in (e) below.

- e. The County shall require that roadways and developments be designed to minimize impacts to wildlife corridors and regional trails.

Comment/Analysis:

The PG&E parcel is recognized as a natural wildlife corridor, as discussed in the Biological Resources section of this Initial Study, as it provides an open space connection between other PG&E property connected to Sulphur Creek to the south and the undeveloped valley to the north of the site. However, although the Project site itself would not directly obstruct migratory wildlife using that corridor, Mitigation Bio-4b would require the Tentative Tract Map to incorporate a conservation easement to ensure that portions of the Project site not disturbed by grading activities (i.e., generally meaning the lower elevations of the residential lots) be protected through a legal prohibition against non-native landscaping, structural or recreational improvements or further disturbance of any kind not required for the installation and proper maintenance of the Project's Stormwater Protection Plan elements. The conservation easement would ensure that to the extent the lower portions of the Project site are used as wildlife corridors, such use would be allowed to continue in perpetuity.

At the present time, the East Bay Regional Parks District has indicated it does not have plans to develop a trail on the PG&E parcel due to the substantial elevation differences and steep slopes between Fairview Avenue and the Five Canyons area, the latter of which has District-managed trails.⁴⁰

2. Principles

- a. All development proposals shall strive for maximum retention of the natural topographic features, landscape features, and qualities of the site. Development should seek to enhance these natural features and qualities.

Comment/Analysis:

Site grading and landform disturbance involving approximately 63,000 cubic yards of material would affect approximately 50 percent of the total site area in order to establish appropriate grades for future residential home construction and the access road (Street A). The grading plan would balance cut and fill resulting in no need to import or export material. While the grading plan would alter the contours of the site, the basic hillside

⁴⁰ Anne Revoire, East Bay Regional Parks District Long-Range Planning Section, phone conversation with Andrew Young, County Planning staff, Nov. 26, 2011.

landform and physical qualities of the site would be retained. The visual effect of the proposed grading plan can be seen in **Figures 7, 16 and 17**.

Regarding tree preservation, two trees that were determined by a consulting arborist as qualifying for preservation under the FASP will be protected (see Mitigation Measure Bio-6); the one tree that would need to be removed to accommodate Street A on the PG&E property would be replaced in accordance with the FASP tree preservation policies.

- b. All development proposals shall take into account and be judged by the application of current principles of land use planning, soil mechanics, engineering geology, hydrology, civil engineering, environmental and civic design, architecture, and landscape architecture in hill areas. Such current principles include but are not limited to:
 - 1. Planning of development to fit the topography, soils, geology, hydrology, and other conditions existing on the proposed site;

Comment/Analysis:

The potential environmental effects related to the issues referenced here (under this Principle 2 (b)) are addressed in their respective sections of this Initial Study. The proposed on-site stormwater detention basin and use of hydro-modification techniques for stormwater management and control reflect the use of current environmentally-friendly engineering designs.

- 2. Orienting development to the site so that grading and other site preparation is kept to a minimum;

Comment/Analysis:

- 3. *The proposed grading plan takes advantage of the site's natural topography and minimizes cut & fill in creating buildable lots.*
 - 4. Shaping of essential grading to complement and blend with natural landforms and improve relationships to other developed areas;

Comment/Analysis:

*The Project proposes substantial alteration of existing slopes and grades in order to accommodate the proposed 15-home development and Street A. While the overall character and shape of the site would be retained, a mass grading plan would be employed as opposed to individual lot grading, except for Lot 6, as explained below. As a consequence, the existing contours of the site would be altered. Existing and proposed slope conditions are shown respectively in **Figures 16 and 17**.*

Seven of the lots (Lots 8 – 14) are down-slope lots and would utilize split-pad foundations to support structures that step down with the slope. Another seven lots (Lots 1-5, 7 & 15) are flat or up-slope, allowing for flat slab foundations. Lot 6 is a unique situation and would not be part of the mass grading plan; existing slopes would be retained and the future home would be built on a pier and grade beam foundation system as opposed to the split flat-pad system.

The proposed grading plan would keep grading to a minimum to achieve the project objectives (i.e., to create an economically viable small-scale subdivision) and would not alter the natural land form except as necessary to create viable buildable lots that, in all other respects, would comply with Fairview Area Specific Plan and Alameda County Zoning Ordinance policies and requirements. Grades where the Project site abuts adjacent properties would match adjacent contours.

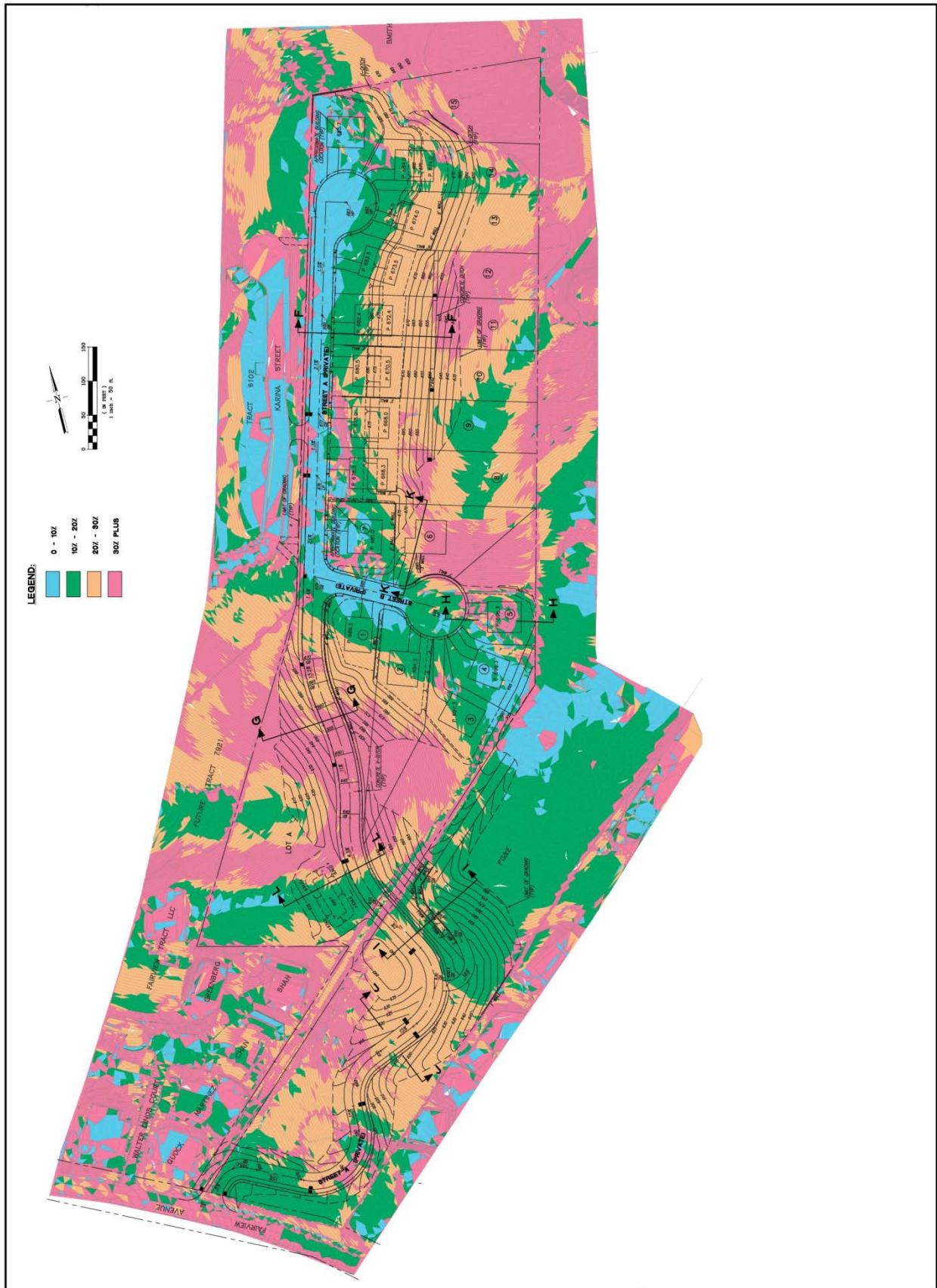


Figure 16: Existing Slopes (Note: cross sections and grading contours are shown on **Figure 7**)

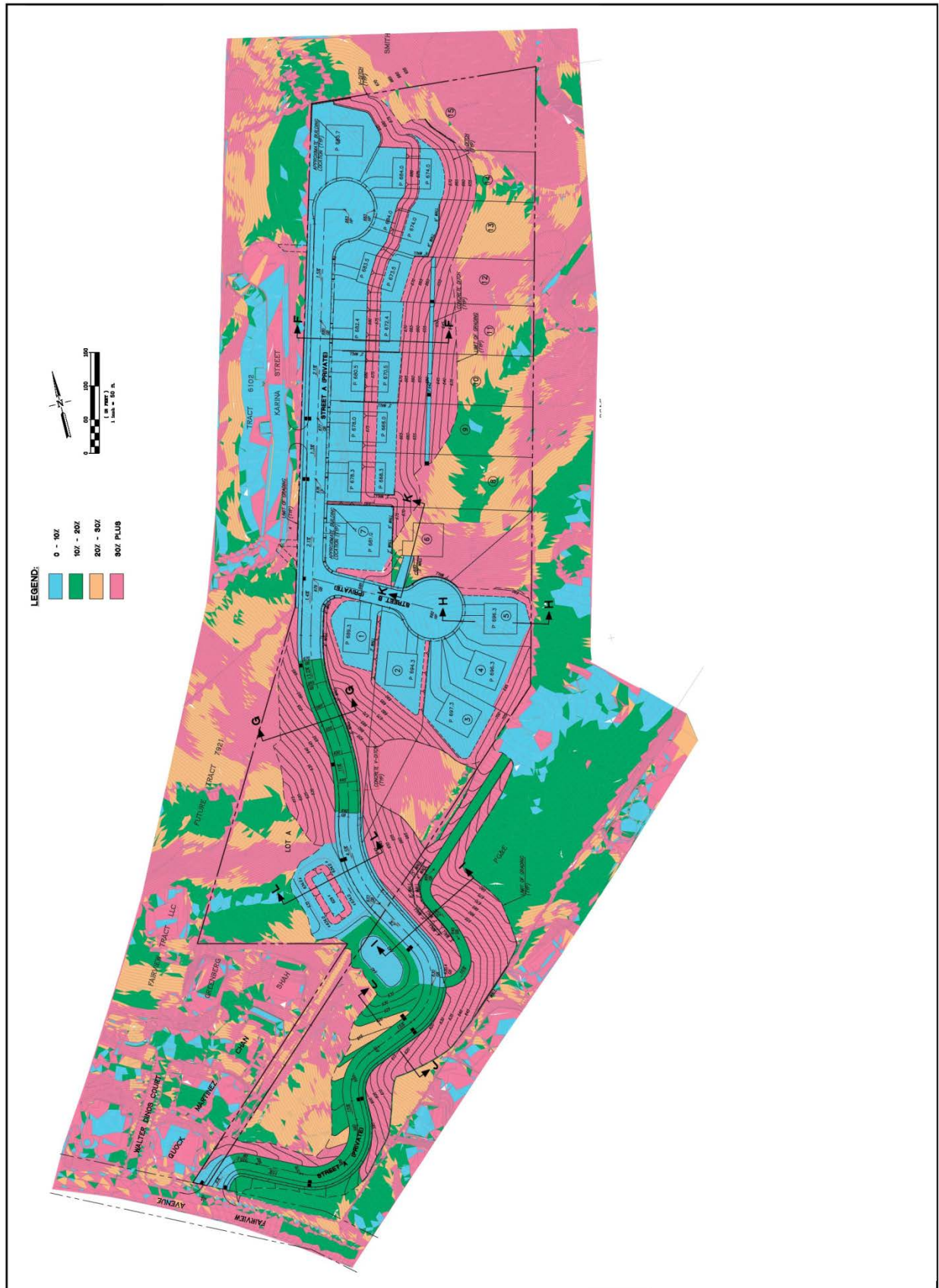


Figure 17. Future Slopes After Grading (Note: cross sections are shown on *Figure 7*)

5. Developing large tracts in workable units on which construction can be completed within one construction season so that large areas are not left bare and exposed during the winter-spring runoff period;

Comment/Analysis:

Mass grading and site disturbance activities would be completed in one phase. The construction-period SWPPP would address potential erosion and siltation concerns during construction.

6. Allocating to public or private open space those areas not well suited to development;

Comment/Analysis:

Areas on the Project site not used for homes, roads or the detention basin would be allocated to private open space and made subject to a conservation easement prohibiting future disturbance, structural improvements, recreational facilities, or landscaping.

7. Landscaping of areas around structures, and blending them with the natural landscape;

Comment/Analysis:

No landscaping plans for the future homes have been prepared or are available for review at this time but would be informed and guided by this Principle 6. Bay-Friendly landscaping techniques and principles are encouraged by the Planning Department and could be required as Conditions of Approval.

8. Placing, grouping and shaping of man-made structures to complement one another, the natural landscape, and provide visual interest;

Comment/Analysis:

The proposed site plan would group future homes along the site's existing plateau or ridge, thereby maximizing views from future homes without significant visual exposure of the homes from off-site locations. The mass grading plan and construction of future homes would permanently alter the existing natural landscape.

9. Locating building pads so that the views of prominent ridgelines are not interrupted or interfered with by buildings;

Comment/Analysis:

*Future homes would be lined along the site's ridgeline, which is visible from various off-site locations. Views of the ridge and the proposed homes from nearby residences and other off-site locations along Fairview Avenue, Old Fairview Avenue, Blackstone Court and the Five Canyons area would be blocked in most cases by existing homes at lower elevations, by existing landforms, and by the eucalyptus trees north of the site. Direct views of the ridgeline from Fairview Avenue would be obscured by the large Monterey cypress tree cluster at the base of the PG&E property, and the view is also currently of low value due to the PG&E pylon towers. Views of the ridge from other locations, including Lone Tree Cemetery, D Street west of Maud Avenue, Carlson and Machado Courts, Star Ridge Road, etc. would be substantially altered by development of home sites already approved along Karina Street in Tract 6102. (See: Section I, Aesthetics, above, cross-section views shown in **Figures 10 and 11** and **Photos in Figure 5**.)*

10. Using a variety of housing types, housing clusters and special house construction techniques in residential areas to permit steep slopes, wooded areas, and areas of special scenic beauty to be preserved;

Comment/Analysis:

Two basic housing types are proposed – one-story and two-story structures. Flat lots would provide single pad foundations for one-story homes; two-story structures would be built on sloping lots, utilizing split pads that would step down with the site's existing topography. Three different architectural plans would be used – one for single-level homes and two for split-pad downslope homes. Aside from these distinguishing characteristics, and differing architectural detailing and landscaping plans (to be determined during a later design phase of the Project) house designs will be generally similar, resulting in a coherent, visually integrated grouping of homes. The proposed conservation easement to be applied to the lower portion of the steep slopes and wooded northeast corner in accordance with Mitigation Bio-4b would preserve the site's scenic beauty.

11. Giving special consideration to the design of public and private streets to minimize grading and other site alteration;

Comment/Analysis:

Sharing Jelincic Drive and the other internal roads within the adjacent subdivision to the west (Tract 6102) as the means of access to the Project site would avoid the need to disturb the PG&E property for construction of Street A. However, attempts by the Project sponsor to negotiate an agreement with the adjacent subdivision have not been successful except with respect to the proposed Emergency Vehicle Access (EVA) which would provide a second means of access for residents of either subdivision.

12. Giving special consideration to the design of such visual elements as street lighting, fences, sidewalks, pathways, and street furniture to enable maximum identity and uniqueness of character to be built into each development;

Comment/Analysis:

Design proposals for features such as street lighting and street furniture have not been prepared. These would be prepared and reviewed at a later stage of the project design, following approval of the tentative subdivision map. Final design and material selection of street lights and other street furniture would be informed and guided by this Policy 11.

13. Minimizing disruption of existing plant and animal life.

Comment/Analysis:

As discussed in greater detail in the Biological Resources section of this Initial Study, biologist Olberding has characterized the majority of the Project site as being "...composed of grazed, non-native annual grassland" but also as having habitat types and soil conditions that have the potential to support special-status plant species, although none were found during the Olberding reconnaissance survey in May 2010. In accordance with Olberding's recommendation, Mitigation Bio-1 requires the Project sponsor to conduct additional surveys to verify whether special status plant species are present prior to commencing any construction activities. A cluster of large Monterey cypress trees on the PG&E property that qualify for preservation under policies of the FASP will be preserved (Mitigation Measure Bio-5); the group of tall eucalyptus trees at the northeast corner of the Project site would not be affected or disturbed by the Project. To the extent that the Project site and/or the PG&E property function as wildlife corridors, the undisturbed portions of the Project site would be protected from future disturbance by the terms of a conservation easement as required under Mitigation Bio-4b. Finally, trees that would be affected by the Project and that qualify for protection would be preserved; the Monterey cypress tree at the foot of the PG&E property and that is nearly dead would be replaced in accordance with FASP policies.

14. Designing lots so that adequate area is available surrounding buildings to accommodate area for yards and landscaping.

Comment/Analysis:

The proposed subdivision would create lots ranging from 10,569 square feet to over 36,000 square feet. Building envelopes are proposed with a minimum of 2,475 square feet which would encompass both the “footprint” of the future homes, ranging from approximately 1,500 to 2,000 square feet and surrounding landscaping. Landscaping and usable yard area would be provided around each house structure and would be restricted to the ‘building envelope and immediately adjacent areas;’ the result would allow ample space on each lot for yards and landscaping. Although the conservation easement required under Mitigation Bio-4b would limit non-native landscaping on the lower slopes of most lots, the proposed building envelopes would provide adequate area for yards and landscaping.

15. Designing an attractive, safe, and convenient network of walkways for pedestrians throughout a development with connections to public facilities such as schools, parks, and existing trail systems.

Comment/Analysis:

The site plan includes a 4’ paved sidewalk on one side of the roadway throughout the Project site, connecting all future homes to Fairview Avenue. In addition, should a regional trail be developed in the vicinity of the Project site, utilizing possibly the PG&E transmission line corridor, or other nearby public lands, such a trail could utilize the narrow stem of the Lerob LLC property or loosely follow one side of the Project entry if PG&E were to grant an easement for such a trail. However, as indicated above (see discussion of Natural Features Policy III.D.1.e), although the East Bay Regional Parks District maintains trails near the Five Canyons area, the District has indicated it does not plan to develop a trail along this corridor.

3. Guidelines

- a. Natural and man-made slopes of 30 percent 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 and lots that otherwise conform to the intent of these policies.

Comment/Analysis:

Construction of the access road (Street A) on the PG&E property would encounter some slopes greater than 30 percent. However, this would be the only feasible location for vehicular access since access from the adjacent Tract 6102 is not feasible.

Grading for future home sites on seven lots (lots 5 – 10 and lot 15) would also involve alteration to some slopes that exceed 30 percent. The mass grading plan proposed for the Project would not be consistent with this guideline.

- b. Only individual lot grading should occur in areas exceeding 20 percent slope.

Comment/Analysis:

The Project proposes a mass grading plan to produce viable buildable lots. Portions of all lots have slopes in excess of 20 percent and grading of seven Lots (5 – 10 and 15) would alter some slopes that exceed 30 percent. . The mass grading plan proposed for the Project would not be consistent with this guideline.

- c. Buildings should be designed with stepped, pier and grade beams, or a custom foundation, to reduce grading, to avoid contiguous stair-stepped padded lots, and to retain a more natural

appearance. On sloping lots, tall downhill facades should be avoided by stepping structures with the natural terrain.

Comment/Analysis:

The proposed mass grading plan is not consistent with this Guideline. The Project sponsor believes that a plan based on custom pier and grade beam foundation, and fifteen custom house designs, would not be economically viable. The split level pad foundation design proposed for downslope lots would generally reflect and preserve the topographic conditions of the site.

- d. The vertical height of a graded slope or combination retaining wall and slope between single family dwellings should not exceed 10 feet in the rear yards, or 5 feet within a side yard between lots.

Comment/Analysis:

The proposed mass grading plan would conform to this Guideline on all lots.

*Retaining walls of 4, 8, 7 and 6 feet, respectively, would be required on Street A near the upper elevation of the PG&E property where a new PG&E service road would begin. (See **Section I-I, Figure 7**). These walls will be constructed with materials that allow for plants to decorate and soften the visual appearance of the walls.*

- e. The maximum horizontal distance of graded slope should not exceed 20 feet at 2:1 (horizontal to vertical) gradient.

Comment/Analysis:

Graded slopes at 2:1 ratio would exceed 20 feet in horizontal distance on the down-slope portions of lots 1, 2 and 6 – 15 and along both sides of Street A and the PG&E access road. The 2:1 slopes result from the grading plan that is designed to create flat areas on the lots for flat pad or split pad foundations and to achieve acceptable gradients for Street A on the PG&E property.

- f. Development near or on a prominent ridgeline should be subordinate to the surrounding environment. Residences should blend into the natural topography creating minimal visual disturbance to the existing ridgeline and views. Rows of residences with similar setbacks and elevations shall be discouraged.

Comment/Analysis:

*As noted previously, the upper elevation of the Project site can appear as a ridgeline from off-site locations. Houses along the ridgeline would be in conflict with this Guideline but for the fact that views of the homes from nearby residences and other off-site locations, including from Fairview, Old Fairview and Blackstone Court would be blocked in most cases by existing or future homes at lower elevations, by existing landforms and by the eucalyptus trees on the PG&E property. [ANY1] Homes on lots 7 – 14 would appear as a row, with similar setbacks and elevations in a manner inconsistent with this Guideline, but would descend in elevation with the slope, facing towards the east and away from and below the line of sight from neighboring residences and from other off-site vantage points located to the south or east. The limited visual impact of the proposed Project is shown in the cross-section sketches in **Figures 10 and 11**. Detailed cross-section drawings F-F, H-H and K-K on **Figure 7** illustrate how typical one- or two-story houses would appear relative to existing grades. In general, the limited visibility of this site from off-site locations mitigates for the potential visual impacts and deviations from this and related Guidelines of the FASP.*

4. Trees Large, mature, natural and introduced trees are to be preserved unless:
- a. Alternative designs that would preserve the trees are found by the County to be infeasible or undesirable.
 - b. A certified arborist, as determined acceptable by the County Planning Director, recommends that the trees be pruned or removed because they are:

- 1) dead, dying, or in irreparable condition; or

- 2) will be a fire or safety hazard.

Eucalyptus trees shall be thinned and pruned for safety reasons. Any eucalyptus trees removed shall be replaced with native trees as outlined below.

In the event trees must be removed the developer, builder, or owner shall reestablish. 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.

Large, mature trees are those of the following sizes:

- a. 20" diameter breast height (dbh) or greater in circumference measured 4.5 feet above ground level for trees native to this area of California

- b. 30" dbh or greater in circumference measured 4.5 feet above ground level for introduced tree species.

Comment/Analysis:

The unhealthy Monterey cypress tree located near the east property line at the lower elevation of the PG&E property would be adversely affected by construction of Street A and is proposed to be removed and replaced in accordance with the above policy and Mitigation Measure Bio-6. The other Monterey cypress trees, in the same general location, are healthy and would be preserved. Impacts to these trees would be avoided by minor adjustments to the grading plan in accordance with the recommendations of the arborist.⁴¹ There would be no disturbance to the tall stands of eucalyptus trees at the eastern edge of the PG&E property or the northeast corner of the Project site.

Conclusion:

The foregoing discussion, comment and/or analysis indicate that the Project would either specifically conform to or be generally consistent with most of the design guidelines provided in the Fairview Area Specific Plan. However, the Project would be inconsistent with those specific policies and guidelines related to grading, slopes and ridgeline development. These inconsistencies arise because of the proposed mass grading plan and repetitive stepped building pad foundations on downslope lots which are inevitable due to the ridgeline topography of the site. Given the limited visibility of the future homes, and the overall preservation of the topographical character of the site, the environmental impact resulting from the inconsistencies with these policies 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 or nearby areas. Therefore, the Project would have ***no impact*** on conservation plans.

⁴¹ See Appendix K.

XI. MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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 classified 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 at the Project site. A former aggregate quarry (no longer operating) is located on property north of the Project site and south of the Five Canyons development.

IMPACTS

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 site contains no known mineral resources. The Conservation Element of the Alameda County General Plan does not identify any mineral resources in the vicinity and, based on the geological information provided in the Berlogar report, the underlying soils do not have extractive value. Therefore, the Project would have **no impact** with regard to mineral resources or result in the loss of availability of any locally important resource recovery site.

XII. NOISE Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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, exposure of people residing or working in the project area to excessive noise levels?			☒	
f) For a project in the vicinity of a private airstrip, exposure of people residing or working in the project area to excessive noise levels?				☒

INTRODUCTION TO NOISE ANALYSIS

Sound levels are expressed in decibels (dB) with 0 dB corresponding roughly to the threshold of hearing. The method commonly used to quantify environmental sounds consists of evaluating all of the frequencies of a sound in accordance with a weighting that reflects the facts that human hearing is less sensitive at low frequencies and extreme high frequencies than in the frequency mid-range. This is called "A" weighting, and the decibel level so measured is called the A-weighted sound level (dBA).

Although the A-weighted noise level may adequately indicate the level of environmental noise at any instant in time, community noise levels vary continuously. Most environmental noise includes a conglomeration of noise from distant sources which create a relatively steady background noise in which no particular source is identifiable. To describe the time-varying character of environmental noise, the statistical noise descriptors, L_{01} , L_{10} , L_{50} , and L_{90} , are commonly used. They are the A-weighted noise levels equaled or exceeded during 1%, 10%, 50%, and 90% of a stated time period. A single number descriptor called the L_{eq} is also widely used. The L_{eq} is the average A-weighted noise level during a stated period of time.

In determining the daily level of environmental noise, noise studies need to differentiate between daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than the daytime levels. However, most household noise also decreases at night and exterior noise becomes very noticeable. Further, most people sleep at night and are very sensitive to noise intrusion. To account for human sensitivity to nighttime noise levels, a descriptor, L_{dn} (day/night average sound level), was developed. The L_{dn} divides the 24-hour day into the daytime of 7:00 AM to 10:00 PM and the nighttime of 10:00 PM to 7:00 AM. The nighttime noise level is weighted 10 dB higher than the daytime noise level. The Community Noise Equivalent Level (CNEL) is another 24-hour average, which includes both an evening and nighttime weighting.

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 mixed rural residential and 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.

Local regulations are set forth in the Noise Element of the Alameda County General Plan and in the County’s Noise Ordinance, part of the General Ordinance Code of Alameda County. The 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, which state that for residential use, noise levels are 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.).

IMPACTS

a - c) Excessive Noise or Vibration; Effect on Ambient Noise Levels

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, generation of excessive groundborne vibration or groundborne noise levels, or a permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

The Project would increase the ambient noise levels in the Project area but only because it is currently an undeveloped site. As a proposed residential subdivision of 15 single family homes on lots in excess of 10,000 square feet, to be developed in a manner consistent with the land use character and intensity prevailing in the surrounding area, and being subject to applicable County noise limitation policies, noise levels of the completed Project would be typical of noise associated with residential subdivisions and in particular would be similar to the noise levels in existing residential enclaves in the Fairview area. While ambient noise levels would increase slightly once the new houses are occupied on the Project site, it is not likely that the change would be noticeable on a permanent basis. Also, the Project would not be a source of vibration and none are located in the vicinity. Therefore, the Project would have **no impact** concerning operational noise levels, groundborne noise or vibration, and a **less-than-significant impact** regarding permanent changes in ambient noise levels in the area.

d) Temporary Ambient Noise Levels.

Significance Criteria: The Project would have a significant environmental impact if it were to result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Noise would be generated from the operation of onsite construction equipment for site grading, roadway construction, utility trenching, construction of the future single family homes, and for construction-related traffic. Noise from typical construction activities ranges from 75 to 85 dB at 50 feet, and could include a temporary increase in ground vibration. Distance from the proposed home sites to nearby residences ranges from 250 to over 400 feet, although grading and road construction activities for the access roadway on the PG&E property and construction of the on-site detention basin would be within 100 feet of some residences. Construction traffic would access the site from Fairview Avenue which could adversely affect residents with additional traffic noise.

The County of Alameda Noise Ordinance (Chapter 6.60) restricts construction activities to the hours of 7:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 8:00 p.m. on weekends.

The construction of the Project would generate noise and temporarily increase noise levels at nearby residential receivers. Noise impacts resulting from construction depend on the noise levels generated by different types of construction equipment operating on site, the timing and duration of noise generating activities, the presence of intervening terrain or noise barriers, and the distance between construction noise sources and noise sensitive receptors.

The most severe construction noise impacts are those occurring during noise-sensitive times of the day (early morning, evening, or nighttime hours) and when construction involves areas immediately adjoining noise sensitive land uses, or when construction durations last over extended periods of time. Limiting the hours when construction can occur to daytime hours is a simple method to reduce the potential for noise impacts. In areas immediately adjacent to construction, controls such as constructing temporary noise barriers and utilizing “quiet” construction equipment also help reduce the potential for construction-related noise impacts.

It is anticipated that the site grading and utility installation phases of the Project would be completed over a period of less than one construction season (approximately 4 months), and that construction of the homes would occur in, most likely, two phases – some in 2012 and the rest in 2013.

Project construction would be expected to generate worst-case hourly average noise levels of about 78 dBA to 89 dBA Leq at the nearest noise-sensitive receivers. Construction noise levels would generally exceed 60 dBA Leq and the ambient noise environment by at least 5 dBA Leq during noisy construction phases. However, these noise levels would be intermittent and temporary and would not be expected to last for a period of greater than one construction season.

Significant noise impacts do not normally occur when standard construction noise control measures are enforced at the site and when the duration of the noise generating construction period at a particular receiver or group of receivers is limited to not more than two construction seasons. Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction material, are necessary to protect the health and safety of persons, promote the general welfare of the community, and maintain the quality of life. Absent noise reduction and time-limiting restrictions could result in construction noise that would be considered a ***potentially significant impact***.

Impact Noise-1:

Temporary Construction Noise Impacts During Construction. The construction of the Project would generate noise and would temporarily and intermittently increase noise levels at adjacent residential receivers.

Mitigation Noise-1:

Construction Noise Control. To ensure construction-period noise levels are reduced to the extent feasible, the following construction noise control Best Management Practices are recommended:

- All construction contractors and subcontractors shall comply with the County Noise Ordinance.
- Noise-generating activities at the construction site should be restricted to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on weekends.
- All internal combustion engine driven equipment will be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. Construct temporary noise barriers to

screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction levels by 5 dBA.

- Utilize "quiet" air compressors and other stationery noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent noise sensitive residences so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The disturbance coordinator shall conspicuously post the coordinator's telephone number at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

Resulting Level of Significance:

Implementation of the foregoing noise reduction measures including compliance with the Alameda County Noise Ordinance would ensure that construction-related noise impacts would be ***less-than-significant***.

e - f) Airport Land Use Plans and 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 Project site is not subject to an Airport Land Use Plan and is not near a private airstrip. The closest airport to the Project site is the Hayward Air Terminal, located approximately 3 miles to the west. Oakland International Airport is located approximately 10 miles northwest of the Project site, and a substantial proportion of inbound jet aircraft overfly the Fairview area. However, overhead aircraft noise is a common and unavoidable annoyance of urbanized areas. In conclusion, airport-related noise would have a ***less-than-significant impact*** on future Project residents.

XIII. POPULATION AND HOUSING Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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 a vacant undeveloped parcel; no houses or other structures have ever been constructed on the property. The site is in a suburban, residential area and the proposed single-family residential Project would be consistent with the Fairview Area Specific Plan which has targeted this area for growth and development of that type.

IMPACTS

a) Population Growth

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

The Project would not result in significant increases in population, demand for housing, or expansion of public or private services. The Project would result in the construction of 15 new single family homes. Based on the average of 2.71 persons per household in Alameda County (2010 Census), it is estimated that the Project would result in approximately 41 additional residents. The addition of 41 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 develop 15 new housing units on a vacant undeveloped site. The Project does not involve displacement of any housing units or displace any existing residents. The Project would have ***no impact*** on housing and household displacement.

XIV. PUBLIC SERVICES Would the project 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 following public services?	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Fire protection.			☒	
b) Police protection.			☒	
c) Schools.			☒	
d) Parks.			☒	
e) Other public facilities.			☒	

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:

IMPACTS

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

The Project site is located within the Fairview Fire Protection District, a special district within Alameda County. Fire protection services are provided by the Hayward Fire Department through a contract with the District.

The Project would add approximately 41 new residents and 15 new structures to an area already adequately served by fire protection resources. The addition of such a 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. The Hayward Fire Department has approved the alignment, turning radii and slope of the proposed access road on the PG&E property and the emergency roadway connection to Karina Street as providing adequate access for firefighting and emergency medical vehicles and equipment. 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 site. The Project would add approximately 41 new residents that would require police protection from the Sheriff. The addition of such a small number of residences would not affect police department service ratios or response times, nor would any new police facilities need to be provided. Property taxes to be generated by the Project, when complete, would support the provision of

police services by the County Sheriff. The impact to police protection resources would be ***less-than-significant***.

c) Schools

The Project site is located within the Hayward Unified School District. The proposed Project would not generate enough students to adversely affect the service 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

Public park facilities in the Project vicinity area are provided primarily by the Hayward Area Recreation and Park District (HARD) and also by the East Bay Regional Park District. Nearby parks include Fairview Park at 2841 Romagnola Street, San Felipe Park at 2058 D Street, and Sulphur Creek Nature Center, located at 1801 D Street. The closest facility for active recreation is the Five Canyons Park located on Five Canyons Parkway, approximately 4/5th of a mile east of the Project site on Fairview Avenue.

Pursuant to the County's Open Space and Park Dedication Fee, the Project would be required to pay fees to the HARD as its contribution to funding sufficient park and recreational facilities and services to meet demand arising from new development. Payment of the fee would assure that potential impacts on existing recreational facilities and services would be ***less-than-significant***.

e) Other Public Facilities.

The Alameda County Public Works Agency provides for roadway maintenance and design, management of flood control projects, and a variety of other facilities and services in the unincorporated areas of the County. The cost of providing roadway maintenance, flood control and other services would be provided through property taxes and the Project would generate more property tax revenue to the County than the vacant, undeveloped Project site currently provides. As a result, impacts on roadway, flood control or other facilities and services, or the County's levels of service for these facilities and services would be considered ***less-than-significant***.

XV. RECREATION Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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

As stated in the previous section, there are several parks and recreational facilities located within close proximity to the Project site. Fairview Park is located approximately .8 miles northwest 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 1.1 miles 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 located approximately 1.2 miles west of the Project site where there are picnic tables, barbecues, a parking lot, rest rooms, an open lawn area and a nature center.⁴² Another active recreation facility close by is the Five Canyons Park which is approximately .8 mile east, along Fairview Avenue. Additionally, the Project is near the Don Castro Regional Recreation Center. This regional park features a swimming lagoon, fishing, and a local wildlife preserve.

IMPACTS

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.

The Project would increase the use of neighborhood parks by increasing the population of park users in the area by approximately 41 persons. The corresponding increase in park deterioration as a result of 41 additional park patrons would not result in substantially accelerated deterioration of park facilities, nor would it require the expansion or construction of new park facilities elsewhere. An increase of 41 additional park patrons could potentially contribute to the cumulative demand for more park and recreation facilities. However, the Project would be subject to and would be required to pay the appropriate amount pursuant to the County Park Dedication Fee applicable to new residential development in Alameda County. Payment of the fee would ensure that the Project would fund its 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 result in a ***less-than-significant*** impact on recreational facilities.

⁴² Hayward Area Recreation and Park District, <http://hard.dst.ca.us/index.html>.

XVI. TRANSPORTATION Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			☒	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards 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) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				☒

INTRODUCTION

The discussion below regarding potential transportation or traffic impacts is based on a report prepared by TJKM Transportation Consultants in 2009 for two residential developments that were proposed at that time involving sites that are near – but different from – the current Project site.⁴³ The project closest to the Tract 8057 Project site was the “Fairview Tract #7921” which was proposed for a site immediately west of the homes on Walters Dinos Court. The eastern boundary of Fairview Tract #7921 is adjacent to the western boundary of proposed Tract 8057 at proposed Lot A.

The other proposed subdivision was the so-called Bassard Tract (#7303) involving property on D Street near Machado Lane. Neither of the subdivisions that were the subject of the TJKM study was approved and their applications are inactive. Nevertheless, the information provided in the TJKM study is considered valid with respect to baseline traffic conditions and assessment of potential impacts resulting from the proposed Tract 8057 development.

One of the intersections included in the TJKM study was the Jelincic intersection with Fairview Avenue, approximately 1,300 feet (one-fourth mile) west of where Street A would intersect Fairview Avenue. Traffic counts and intersection performance results and analysis provided by the TJKM report is deemed valid for the Project due to the proximity of the previously proposed projects and intersections that were

⁴³ TJKM Traffic Consultants, *Traffic Impact Study for the Residential Developments at Bassard Tract #7303 and Fairview LLC Tract 7921*, November 9, 2009. A full copy of the TJKM report is included in Appendix H.

evaluated, and the fact that there has been little or no change in traffic volumes or conditions in the 24 months since that report was prepared. For the purposes of this Initial Study, the data and analysis in the TJKM report for the Fairview LLC Tract #7921(a project involving 13 single family homes) is considered representative of the effects that would occur resulting from the subject Project – Tract 8057.

SETTING

The Project is located in a low density suburban area of Alameda County, east of Hayward. Access to the Project site is provided by Fairview Avenue, a two-lane roadway generally aligned northwest – southeast in the vicinity of the Project. The Alameda County Public Works Agency classifies Fairview Avenue as a collector street; road classification is based on the amount of access provided by connecting streets and how the road is used to link residents to destinations. Fairview Avenue serves as one of the primary access routes through the Fairview area, connecting eastbound traffic on “D” Street in downtown Hayward with the residential enclaves in the easterly hills of Fairview.

Other routes to downtown Hayward include Hansen Road (at the Lone Tree Cemetery) to East Avenue, and B Street via Maud and Kelly Streets. The nearest regional freeway is I-580 in Castro Valley, approximately 2.2 miles northwest of the Project site. Another important local roadway is Five Canyons Parkway which intersects with Fairview Avenue approximately .9 miles east of the Project site.

Fairview Avenue has 12-foot travel lanes and a posted speed limit of 30 miles per hour (mph) while passing the Project site. The Project would connect to Fairview Avenue via a proposed access road to be constructed across the PG&E property. The access road, labeled “Street A” on the Project Site Plan (**Figure 4**) would connect to Karina Street on the adjacent Subdivision Tract 6102 via an Emergency Vehicle Access (EVA) and thereby provide a second means of egress (for both subdivisions) in case of an emergency.

The nearest AC Transit bus route for future Project residents would be Route 95 which extends up “D” Street to the intersection of Maud Avenue, one-half mile west of the Project site. Route 95 provides bus service to downtown Hayward where it connects with various other AC Transit lines as well as BART. Another alternative would be AC Transit Route 94 which connects to downtown Hayward via East Street. The closest stop would be at East near Windfeldt Road, approximately 1.2 miles from the Project site.

The TJKM report indicates that Fairview Avenue carries an average of approximately 4,800 cars over a typical 24-hour weekday period in the Project vicinity, with morning and evening peak hour volumes of 282 (AM) and 273 (PM) in both directions. The intersection of Fairview and Jelincic Drive was found to operate with minimal delay and at an acceptable level of service ⁴⁴

IMPACTS

a) Conflict with applicable plans, ordinances or policies regarding the performance of the circulation system.

Significance Criteria: The Project would have a significant effect on the environment if it were to conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

Traffic engineers typically measure the performance of the circulation system by evaluating how relevant intersections near the project would be affected by the addition of new traffic generated by the project. A scale of A – F is used to denote how freely – or how slowly – vehicles would pass through the intersection. The standard of measurement is called Level of Service (LOS), whereby an intersection operating at LOS A is essentially free-flowing with minimal delay and, at the other end of the scale, an

⁴⁴ Ibid., Figure 2, p. 6 and Table 1, p. 7.

intersection operating at LOS E or F is considered as having unacceptable delay due to congestion. As indicated below, the Fairview Area Specific Plan states that LOS C is the desired condition except in certain specified locations where LOS D is considered acceptable. It is also County policy that a project that generates less than a 3 percent increase in weekday daily traffic is considered to have a less than significant impact.

Using the data from the TJKM report and pro-rating the numbers to reflect the proposed 15-lot development of Tract 8057 for the numbers associated with the 13-lot proposed Fairview LLC project, the conclusions reached by TJKM would remain valid for the current Project. The TJKM report concluded that under conditions existing at the time of the report (2009), all study intersections operate at acceptable levels of service and the percent increase in weekday daily traffic from the proposed project would be less than 3 percent, and therefore the traffic impact would be *less-than-significant*.

The Fairview Area Specific Plan includes policies regarding traffic and circulation. Following is a discussion of how these policies apply to the Project, and the degree to which the Project is – or is not – consistent with such policies. As was done above in the Land Use section of this Initial Study, the excerpted language from the Specific Plan is shown in plain font; the discussion or analysis that follows is presented in *italic font*.

C. Traffic and Circulation

1. Public Streets

It is the policy of the County to maintain a level of service C in the internal street system except at the intersection of Kelly, B, and Center which is to maintain a level of service D. Because improvements are required in both the internal street system and these key intersections in the City of Hayward in order to adequately accommodate existing and future vehicular traffic the following specific policies are adopted:

- a. The County is committed to improving the traffic system immediately affecting the Fairview Area, while preserving the quality of life of surrounding existing residences. Improvements to the internal street system must take into consideration the needs of the existing residents, and pedestrians as well as motorists. The need for such improvements must be balanced against the desirability of preserving existing neighborhoods. It is the policy and preference of the community to avoid traffic signals in the Fairview area where possible.
- b. The County and City must continue to carefully analyze major deficiencies in the internal street system as well as critical external intersections. They must also continue to evaluate street needs given projected automobile, bus, bicycle, and pedestrian traffic; estimate improvement costs to rectify problems; establish a priority and improvement schedule; and study alternative sources of funding. Critical intersections that have been identified include: 1) B Street/Center Street/Kelly Street; 2) Kelly Street/Maud Avenue; 3) Center Street/Grove Way; 4) Hansen Road/Fairview Avenue; 5) D Street/Maud Avenue; 6) D Street/Second Street; 7) E Street/Second Street; and 8) D Street/Seventh Street.
- c. Since four of the critical intersections affecting the area are within the City of Hayward, and since a significant amount of traffic is and will be contributed by Hayward development, the City's participation, both technically and financially, in solutions to the traffic problems is essential.

Comment/Discussion:

None of the foregoing text from the Specific Plan directly bears on or affects the Project. The Project's contribution to existing and future traffic at congested intersections would be small (less than 3 percent) and would not degrade the operational level of local streets or intersections in the Fairview area. The commitment that the County will coordinate with the City of Hayward in addressing local street and intersection improvements is encouraging but does not have a direct bearing on the Project.

- d. Costs of improvements shall be borne, in large part, by new development, with the County and City providing additional funds if available.

Discussion/Comment:

The Project would be subject to the County's Cumulative Traffic Impact Mitigation (CTIM) traffic impact fee which is \$1,674 per dwelling unit, paid at the time of building permit issuance. The traffic impact fees would mitigate cumulative impacts (or serve to avoid potentially significant cumulative impacts) of relatively small projects such as this.

- e. The County and City shall maintain information on traffic in the area in order to fully and quickly evaluate effects of new developments and timing of improvements.
- f. The street design of new developments shall be complementary to the character of the existing neighborhood and proposed development. In many areas of Fairview, an asphalt curb or berm and graveled walkway are in keeping with the area's character, rather than P.C.C. curb, gutter and sidewalk.
- g. All new approved developments which include off-site street improvements shall include an improvement schedule at the Final Map. This schedule shall tie street improvements to a specific completion date such as prior to first occupancy or a specific phase of the development.

Discussion/Comment:

The Project does not include any alteration to public streets except where Street A meets the edge of Fairview Avenue, at the foot of the PG&E property. The Project sponsor is prepared to comply with all applicable elements of the foregoing street design policies.

2. Private Streets

- a. Private street design in new townhouse-condominium developments shall conform to adopted Planned Development District design standards.

Not applicable (Project is not a townhouse-condominium development).

- b. Private streets may serve conventional single family residential development and shall conform to County design standards. County standards shall include different standards for different sized projects and a requirement for a public street if the project is large enough or the road will serve other property.

Discussion/Comment:

Proposed Streets A and B would be private streets that would serve conventional single family residential development. The design of Streets A and B would conform to County design standards. The Public Works Agency had recommended that Street A be merged with Karina Street in the adjacent Tract 6102; however, the Project applicant has not been able to reach an agreement with the homeowners association for such a merger other than to provide an Emergency Vehicle Access (EVA) connection, and no additional agreement is expected to be reached. On this basis, the proposed private streets serving the 15 homes would not serve other property and the project is not sufficiently large to be designated as a public street.

- c. The private street design shall be complementary and consistent with the character of the existing neighborhood and proposed development. In most areas of Fairview, an asphalt curb or berm and graveled walkway are in keeping with the area's character.

Discussion/Comment:

The design of Streets A and B would be complementary and consistent with the character of the surrounding neighborhood and other nearby private streets including Jelincic and Walter

Dinos Court. Streets would be paved with asphalt and a concrete (as opposed to asphalt) 6" curb and gutter is planned to function properly with the proposed stormwater protection plan. A 4'-wide sidewalk is planned along one side of both Streets A and B; in this vicinity it would be consistent with adjacent residential characteristics. The sidewalk could be concrete or gravel at the discretion of the County Planning Director and/or the Director of Public Works.

- d. A maintenance agreement shall be executed or a homeowners association formed to maintain private street improvements. The County may study the possibility of establishing an areawide County Service Area (CSA) for the purpose of maintaining existing and future private streets. New subdivisions with private streets would be required through the conditions of approval to join the CSA. Existing private streets would have the option of being added to the CSA with the consent of property owners.

Discussion/Comment:

A homeowners association (HOA) would be created for the Project and would be responsible for maintenance of facilities such as the private streets and stormwater protection system that serve the entire subdivision.

- e. Existing private streets in the Fairview Area which are through roads or provide access to other streets should be considered for acceptance into the County road system.

Discussion/Comment:

The Emergency Vehicle Access (EVA) between the Project and the adjacent Subdivision 6102 at Karina Street would not be considered a point of connectivity that creates a "through road" because it would be accessible only in the case of emergencies and not for normal day-to-day traffic between the two subdivisions.

- f. Future development along existing private streets (such as Fairlands Road and Speed Lane) shall be permitted only upon demonstration to the County that:
 - 1) Street improvements are or will be upgraded to County private street standards.
 - 2) Existing satisfactory street maintenance arrangements will not be disrupted.
 - 3) Existing unsatisfactory street maintenance and maintenance arrangements will be improved.

It is recognized that this policy might preclude future development along some private streets.

Discussion/Comment:

This policy (f) does not apply to the Project.

b) Conflict with the Congestion Management Plan LOS Standards.

Significance Criteria: The Project would have a significant effect on the environment if it were to conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways

The Alameda County Congestion Management Agency (ACCMA)⁴⁵ is an information and funding conduit for Alameda County and its cities. The ACCMA also 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 the

⁴⁵ In 2010, the ACCMA merged with the Alameda County Transportation Improvement Authority (ACTIA) and the combined agency is now known as the Alameda County Transportation Commission, ACTC.

LOS for the network to be degraded. The ACCMA considers projects that generate more than 100 PM peak hour trips to have the potential to adversely impact the LOS on the CMA network. Since the Project would generate only 15 PM peak hour trips,⁴⁶ the impact on ACCMA LOS standards would **less-than-significant**.

b) Air Traffic Patterns

Significance Criteria: The Project would have a significant effect on the environment if it were to 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.

The increment of a population of 41 persons in the region of over six million persons would not induce any change in air traffic patterns or air travel safety hazards. The Project would have **no impact** with regard to air traffic patterns.

c) Design Hazards.

Significance Criteria: The Project would have a significant effect on the environment if it were to substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

The only potential traffic-related hazard associated with the Project would be whether there is sufficient sight distance for vehicles to safely enter or leave the Project site where the proposed Street A intersects with Fairview Avenue. Traffic Engineers from TJKM Transportation Consultants reviewed the potential for hazards related to sight distance along Fairview Avenue at the Project driveway (Street A).⁴⁷ The analysis determined that a safe sight distance for a driveway at the proposed location would be 240 feet, based on Caltrans Highway Design Manual standards, modified to reflect local conditions (e.g., width of Fairview Avenue, the speed limit in that area (30 mph), and to adjust for the downgrade slope east of the Project entrance which exceeds 3 percent. They found that whereas the minimum safe sight distance would be 240 feet, the actual sight distance that would be provided from the project driveway for westbound traffic is about 330 feet and for eastbound traffic about 450 feet. Therefore, sight distance for approaching vehicles would be more than required to assure safety. On the basis of the foregoing analysis, the Project would have **no impact** with respect to design hazards.

d) Inadequate Emergency Access.

Significance Criteria: The Project would have a significant effect on the environment if it were to result in inadequate emergency access.

The proposed access roadway on the PG&E property and the EVA at the top of the Project site would result in improved access for Hayward Fire Department personnel and equipment in the case of an emergency requiring access to the future homes on the Project site and/or residences within the adjacent Tract 6102. The Hayward Fire Department has reviewed the Project site plan and the preliminary design of Street A and has indicated its acceptance of the plan. On the basis of the Fire Department's acceptance, the Project would have **no impact** with regard to inadequate emergency access.

e) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities.

Significance Criteria: The Project would have a significant effect on the environment if it were to conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

⁴⁶ Using data from the TJKM report (p. 8), the Project would generate 1.01 PM trips per dwelling unit, or 15 trips.

⁴⁷ Letter from Stephen Au, P.E. and Jeff Lecap, TJKM Transportation Consultants to Jared Frey, P.E., RJA Engineers, dated August 10, 2010. A copy of the letter is included in **Appendix I**.

The Project would result in the development of an existing undeveloped 10.1-acre parcel with 15 new residences. Future residents would rely primarily on automobiles for their transportation needs, due in part to the distance from the Project site to the nearest transit stop, which, as noted above, is located at “D” Street and Maud Avenue, approximately one-half mile to the west. The Project would enable pedestrian use by construction of the sidewalk along the Project’s proposed Street A. Despite the limited access to transit, and lack of a sidewalk on Fairview Avenue, the Project would not be in conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities, and consequently, there would be ***no impact*** in this regard.

XVII. UTILITIES AND SERVICE SYSTEMS Would the project	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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

Wastewater

The Oro Loma Sanitary District (OLSD) provides wastewater collection and treatment services, whereas disposal of treated wastewater is provided by the East Bay Dischargers Authority (EBDA), a consortium of public wastewater agencies who participate jointly in a common discharge system that conveys treated wastewater to the outfall in San Francisco Bay under appropriate discharge permits issued by the Regional Water Quality Control Board.

The OLSD wastewater service area includes parts of San Leandro, Hayward and the unincorporated areas of San Lorenzo, Cherryland, Ashland, and Fairview. The OLSD serves a population of approximately 112,000 and owns and maintains approximately 300 miles of sewer lines; average daily wastewater flows are 14.3 million gallons per day (mgd). OLSD projects population growth in the area will increase average flows to 15.4 mgd over a 15-year projection period (i.e., to 2020).⁴⁸ The sewer plant has a capacity of 20 mgd.

The Project intends to negotiate an agreement with the owners of property in the adjacent subdivision (Tract 6102) that would allow the Project to connect wastewater (sewer) lines to the existing wastewater lines in the adjacent subdivision. It has been determined that there is sufficient capacity in the Tract 6102 wastewater infrastructure to carry the additional flows that would come from the 15 homes in the Project.

⁴⁸ Burr Consulting, with CDM, Braitman & Associates and P&D Consultants, *Final Municipal Service Review, Volume II – Utility Services*, Report to the Alameda Local Agency Formation Commission, November 10, 2005.

If such an agreement can be achieved, it would relieve the Project applicant from having to construct a new main discharge line back to Fairview Avenue along Street A. However, if no agreement is reached, the applicant would design and construct a separate sewer line to the main Ora Loma trunk pipe in Fairview Avenue. The alignment of the sewer line would approximate the alignment of Street A on the PG&E parcel.

Water

The East Bay Municipal Utilities District provides comprehensive water services, including production, conveyance, treatment and retail services, as well as water recycling. The District's water service area includes the unincorporated Fairview area of Alameda County. EBMUD's primary water source is Mokelumne River runoff which is collected in Calaveras and Amador counties and conveyed through an aqueduct into Alameda County. EBMUD treats water from the Mokelumne River watershed and distributes it directly to customers throughout its service area. The primary EBMUD treatment facility serving Alameda County is the Orinda water treatment plant. The plant is the largest in the area with a capacity of 175 million gallons per day (mgd), and was most recently rebuilt in 1998.

EBMUD provides potable water to approximately 1,300,000 people throughout portions of Alameda and Contra Costa counties. In 2009, EBMUD adopted a long-term Water Supply Management Program (WSMP) that serves as a water supply planning guide through year 2040. The WSMP 2040 is a complex planning document that EBMUD uses to assess supplies and analyze demands over a thirty-year planning horizon.

As with the plan for sewer, the Project applicant intends to negotiate an agreement with the owners of the adjacent subdivision (Tract 6102) that would allow the Project to connect the water supply pipes for the Project's future 15 homes to the existing water supply lines in the adjacent subdivision. If such an agreement can be achieved, it would relieve the Project applicant from having to construct a new main water line from Fairview Avenue along Street A. However, if no agreement is reached, the applicant would design and construct a separate water supply line from the EBMUD water line in Fairview Avenue to the Project's 15 homes; the alignment of the water line would approximate the alignment of Street A on the PG&E parcel.

Stormwater

Stormwater collection and conveyance services are provided by the Alameda County Flood Control and Water Conservation District (ACFCD). The ACFCD's flood control system is an integrated part of local stormwater systems, which are built and managed by the cities, and functions as an expansion of the local cities' stormwater systems. Stormwater systems drain in various fashions, in some cases directly into ACFCD channels and in other cases through local creeks. Stormwater facilities near the Project site drain into either Sulphur Creek or San Leandro Creek. These two creeks merge farther to the west and from that point on, San Leandro Creek extends ultimately to San Francisco Bay. The ACFCD is the main flood control service provider in the County, including the Fairview area.

Solid Waste

The Oro Loma Sanitary District (OLSD) provides solid waste collection services to the unincorporated area of Fairview. OLSD carries out its responsibilities through a franchise agreement with Waste Management, Inc. of Alameda County whose personnel provide the solid waste collection services. Solid waste is disposed of at the Altamont Landfill.

IMPACTS

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 San Francisco Regional Water Quality Control Board establishes standards for the generation of wastewater to and from wastewater treatment facilities, and regulates the discharge of industrial pollutants into treatment facilities, and requires such facilities to meet specific standards for water discharged into San Francisco Bay and the Pacific Ocean.

The Project Area is within the boundaries of, and would be provided with sanitary sewer service by the Ora Loma Sanitary District. The District has indicated that there would be adequate capacity in its collection and treatment plant to serve the Project. The District has recently upgraded the trunk line in “D” Street, and the Project’s wastewater would enter the line in Fairview Avenue near where it begins, thereby assuring adequate line capacity.⁴⁹ 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 Ora 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.

As discussed in the Hydrology/Water Quality section of this Initial Study, the existing topography of the Project site results in stormwater draining in two directions – to the northeast, where it drains into a tributary to the San Lorenzo Creek, and to the south and west, where it drains to Sulphur Creek. When built, the Project would continue to direct storm water into these same two locations. Construction of the homes and access road would increase the amount of impervious surface area on the site. Whereas increased impervious surface area would typically increase the rate and amount of storm water that would flow into the storm water drainage system during peak periods, the hydro-modification measures proposed for the Project, including the on-site stormwater detention basin would result in no increase in the rate or amount of runoff compared with existing conditions. Therefore, the Project would not require the expansion of downstream storm water drainage facilities for the Project’s storm water runoff and there would be **no impact** on such facilities.

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.

As indicated in the Setting section above, the Fairview area is served with potable water by EBMUD. EBMUD is responsible for service connections and water deliveries to most of Alameda and Contra Costa Counties. EBMUD has confirmed that the utility has sufficient water supplies available to provide the Project with water.⁵⁰ Therefore, the Project would have **no impact** on water supply.

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.

⁴⁹ Bennett Cruz, Associate Engineer, Ora Loma Sanitary District, personal conversation, August 17, 2011.

⁵⁰ “Will Serve” letter from Sara Cleveland, EBMUD, dated August 18, 2011.

As discussed above in Section a-b, the Ora Loma Sanitary District has indicated that the District would have adequate capacity to serve the Project's projected wastewater treatment 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. Data obtained from the California Integrated Waste Management Board (CIWMB) website indicates that the total remaining permitted capacity for all three landfills is over 56.4 million cubic yards.⁵¹

When the 15 proposed single family homes are built and occupied, the Project would add approximately 41 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 10.5 cubic yards per year, or approximately 430 cubic yards per year for the Project as a whole. The impact of the Project's production of 430 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*** on waste disposal requirements.

⁵¹ <http://www.calrecycle.ca.gov/SWFacilities/Directory/SearchList/List?COUNTY=Alameda>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE	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

This Initial Study has identified potentially significant impacts to protected plant species, disturbance to nesting birds, impacts to aquatic life and wildlife habitat and loss of protected trees. Other identified impacts include potential loss of night sky clarity, noise, dust and particulate emissions during construction activities and stormwater runoff during and after construction. Provided all policies, rules and regulations of all relevant governing bodies are adhered to, and the mitigation measures identified within this Initial Study are implemented, the effects and impacts of the Project on the quality of the environment, including the habitat and population of fish and wildlife, plant and animal communities, rare or endangered species, or important examples of California history or prehistory, would be ***less than significant***.

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 Initial Study 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. Air quality impacts would be ***less-than-significant with mitigation*** related to the control of construction dust and particulate matter and construction-related noise controls would minimize noise impacts. 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.

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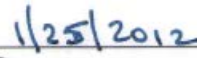
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AGREEMENT BY PROJECT SPONSOR

Applicant, whose name is undersigned, understands that the Mitigation Measures included in this Initial Study/Mitigated Negative Declaration would become Conditions of Approval and agrees to be bound by them if the Project is approved.



Applicant's Signature



Date



Applicant's Printed Name

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