

# **ADDENDUM**

## TO A PRIOR INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

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### 2492 D STREET SUBDIVISION PROJECT VESTING TENTATIVE TRACT MAP 8143 PLANNING APPLICATION PLN2013-00104

Prepared For:

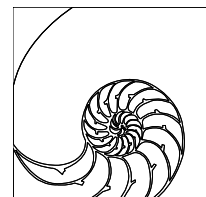
County of Alameda

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**MARCH 31, 2014**

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## ATTACHMENTS

For hard copies of this document, the Appendices to Attachment A, and Attachments B, C and D are included in digital format on a CD attached to the back cover. The CD includes the content of the hard copy.

Attachment A: 2004 Initial Study and Proposed Mitigated Negative Declaration, Modified Tract Map, MTR-7337.

Attachment B: Letter from Clinton Kellner, Ph. D., LSA Associates to Hardy Gill, Shaw Group LP, dated September 20, 2013

Attachment C: Letter from Clinton Kellner, Ph. D., LSA Associates to Cameron Johnson, South Branch Chief, U. S. Army Corps of Engineers, dated August 12, 2013 regarding Request for Verification of Jurisdictional Delineation, D Street Project Site, unincorporated Alameda County, California.

Attachment D: Approval Agreements, Certifications and Permits related to Wetland Fills in 2006

- 1) U.S. Department of the Army, Army Corps of Engineers, San Francisco District, Authorization under Nationwide Permit 14 – Linear Transportation Projects, December 1, 2004
- 2) California Department of Fish And Game, 1602 Lake And Streambed Alteration Agreement, April 1, 2005.
- 3) California Regional Water Quality Control Board, San Francisco Region, Water Quality Certification for the Construction of Two Culverts (etc.), May 30, 2006.

Attachment E: Geotechnical Report updates:

- 1) Uncontrolled Fill Investigation, By Wayne Ting & Associates, Inc., Dated 3 March, 2014
- 2) Geotechnical Report Review, By Wayne Ting & Associates, Inc., Dated 7 May 2013
- 3) Uncontrolled Fill Investigation, By Wayne Ting & Associates, Inc., Dated 5 August 2010
- 4) Geologic Report Update and Supplemental Recommendations, By Wayne Ting & Associates, Inc., Dated 1 April 2010
- 5) Geologic Report Update, By Buckley Engineering Associates, Dated 19 September 2005
- 6) Geologic Investigation, By Buckley Engineering Associates, Dated 21 August 2002
- 7) Geologic Investigation, Tract No. 5965, By Cleary Consultants, Inc., Dated July 7, 1989. (also Appendix G in Attachment A)

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# INTRODUCTION

## INTRODUCTION TO THIS DOCUMENT

### Project History

This environmental document is an Addendum to the 2004 Initial Study and Proposed Mitigated Negative Declaration (the “Prior MND”) adopted on October 4, 2004 by the Alameda County Planning Commission (Resolution R-04-32), as part of its approval of Modified Tract Map 7337 (application MTR-7337). The Prior MND evaluated the environmental effects of MTR-7337, which was proposed as a minor modifications of Tract Map 7337, previously approved by the Planning Commission on September 7, 2001. A separate, previously prepared Mitigated Negative Declaration was also adopted by the County in 2001 for the original tract map. The original subdivision map (application TR-7337) and the modified subdivision map (MTR-7337) had the same physical site boundaries and contained at that time, two separate legal parcels – Assessor’s Parcel Numbers 416-200-19-3 and 416-200-22-1. Both the original subdivision map and the Modified Tract Map (MTR-7337) authorized the creation of 16 single family lots, of which 15 would be for construction of new single family homes and the 16<sup>th</sup> lot would be to retain the existing residence located at 2512 D Street. The modifications for MTR-7337 were limited to changes to the number and configuration of parking spaces and some associated slopes.

Pursuant to the provisions of the Subdivision Map Act (California Government Code Section 66452.6 and Section 16.08.120 of the Alameda County Subdivision Ordinance), approved tentative maps are valid for a period of three years and may be extended for an additional three years upon application to the County planning director and a determination that circumstances under which the map was approved have not materially changed. The final map was not filed before October 4, 2007, and therefore the approval of MTR-7337 lapsed and its approval was nullified.

In April 2010 a new application was filed with Alameda County Planning Department for Tract Map 8022, involving the same physical site as the previously approved tract maps. The 2010 application proposed to subdivide the two parcels that comprised the Project site into 15 single family lots, of which 14 would be new lots for single family homes and one would be to retain the existing residence at 2512 D Street. Part of that application involved a proposed lot line adjustment involving the common boundary line between the two parcels that comprise the project site, in order to establish a separate lot for 2512 D Street. In May 2010 the lot line adjustment was approved.<sup>1</sup> Hence the Project site became the area identified as Assessor’s Parcel Number 416-200-22-6 and no longer includes the residence on D Street. Although it was filed concurrently with the boundary line adjustment described above, Tract Map 8022 was not acted upon and has no validity or other consequence for the current project.

The current project (the “Project”) is the request for approval of a new subdivision application, identified as Vesting Tentative Tract Map 8143. The most significant change from the previously approved MTR 7337 is the reduction in the total number of proposed residential lots from 15 to 12 lots, a change that

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<sup>1</sup> Boundary Adjustment PLN2010-00052, approved May 3, 2010.

allows for the retention of portions of the Project site in their current natural condition, which is intended to provide for substantially greater conformity to the Fairview Area Specific Plan and its policies, based on input from the Planning Commission at a preliminary hearing in October 2013 and subsequent discussions with the Planning Department. Additional modifications involve minor adjustments to the configuration of lots and lot lines, revised grading and storm water control plans and other changes as described in greater detail in the following pages. The site plan modifications and other changes to the Project are addressed in this Addendum.

The Prior MND continues to serve as the applicable environmental review document pursuant to the requirements of the California Environmental Quality Act (CEQA, 1970, as amended, Statute of the California Public Resource Code, Division 13, §21000 et seq.), as updated and amended by this Addendum document. The County's decision to prepare an Addendum, and not to require a new MND, or a Supplemental or Subsequent MND is informed by Section 15162(a) of the CEQA Guidelines (Title 14 of the California Code of Regulations – Chapter 3, §15000 et seq.), which provides the following guidance:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
  - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
  - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
    - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
- (b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

- (c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.
- (d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

Additionally, Section 15164 of the CEQA Guidelines provide the following requirements for preparation of an Addendum:

- a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

To establish that an Addendum to the Prior MND is the appropriate form of document for compliance with CEQA and to support the conclusions reached in this document, this Addendum provides the following information and substantial evidence regarding the Project and its environmental review:

- Project Description. This section describes the current Project, including a description of the differences since the time of the Prior MND.
- Environmental Analysis. This section includes an environmental analysis pursuant to CEQA Sections 15162 and 15164 to provide the County with the factual basis for determining whether any changes in the project, any changes in the circumstances, or any new information since the Prior MND was adopted require further environmental review or preparation of a Subsequent MND or Addendum to the MND.

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# PROJECT INFORMATION

## NEEDED PROJECT ENTITLEMENTS

Approval of Vesting Tentative Tract Map 8143 (Planning Application PLN2013-00104)

## LEAD AGENCY

County of Alameda

## CONTACT PERSON

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County of Alameda  
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## PROJECT SPONSOR

Hardy Gill on behalf of Shaw Group LP

## OTHER PUBLIC AGENCIES WHOSE APPROVAL MAY BE REQUIRED

There are no discretionary approvals anticipated to be required from other agencies.

## PROJECT LOCATION

2492 D Street, north side, 100' west of Madeiros Avenue, unincorporated Fairview area of Alameda County, designated Assessor's Parcel Number: 416-0200-022-06, and consisting of gross land area of 136,526 square feet (3.13 acres). See **Figure 1** for the site location.

## GENERAL PLAN DESIGNATION

The site's General Plan land use designation is for residential uses within the Urban Area Boundary of the *Fairview Area Specific Plan*, a part of the Alameda County General Plan (part of the Eden Area Plan).

## ZONING

The site is in the R-1 (Single Family Residence, 5,000 sq. ft. Minimum Building Site Area) zone district. The Alameda County Zoning Ordinance defines the intent of the R-1 district as being "...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...".<sup>2</sup> However, the *Fairview Area Specific Plan* establishes additional requirements that supplement the R-1 zone district, along with detailed planning policy for the Fairview area, and which constitute the zoning designations for all parcels within

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<sup>2</sup> Alameda County, *General Ordinance Code*, Section 17.08.010.

the *Plan* area. The stated purpose of the *Specific Plan* is "...to preserve existing residential areas, protect and preserve important environmental resources and significant natural features of the Fairview area, and to promote development that is sensitive to the variations in topography and rural residential character of the area."<sup>3</sup>

## **EXISTING USES AND SITE CONDITIONS**

The property consists of one parcel totaling 3.11 acres of gently to steeply sloping terrain, characterized by open ground cover of native and non-native grasses over most of the property, one densely-wooded and steep-sided area of roughly 15,000 square feet, two small streams crossing the property from east to west, and one vacant, deteriorated single family house located near the middle of the site, dating from the 1950s. A compacted dirt access road runs from D Street through the site from south to north<sup>4</sup> that provides access to the house and the rear of the property. Due to the lot line adjustment in 2010, and past patterns of lot creation and development, the parcel now has an irregular shape, comprised of a relatively small semi-rectangular area directly north of D Street, with about 88 feet of street frontage and a depth of 92 feet (proposed as Lot 1 and a segment of the private street), bounded by the separate flag-lot shaped parcel (2512 D Street, established by the 2010 boundary adjustment, with a stem extending from its rear, northwest corner to connect in the future to the proposed private street). Behind and north of the 2512 D Street lot is a moderately large rectangular portion of the parcel (the southeast area), while the remaining majority of the parcel (northwest area) extends west of that area and north of two adjacent lots on D Street to the rear property line, about 670 feet north of D Street. The northwest area widens from roughly 100 feet near D Street to nearly 290 feet along the rear property line.

The steepest areas of the site, with slopes approaching or greater than 30% are on the sides of the two streams, especially along the lower reach of the southern stream, closer to D Street. The most notable feature on the site is a grove of mature eucalyptus trees on the steep southern side of this reach of the stream, behind the adjacent lots on D Street, immediately west of the D Street frontage. Some of the site has been graded into rounded hills with smooth contours, including some limited cut slopes for the existing dirt access road dating to the 1950s or 1960s when the vacant house on the site was constructed. The graded area extends across the central segments of each stream, which flow through concrete culverts from their upper to lower reaches. The streams converge off-site about 150 feet to the west within an adjoining area of mature eucalyptus trees. The tall eucalyptus trees on the subject site and adjacent properties are visible at some distance away, especially from the upper ridges of the Fairview area.

## **SURROUNDING LAND USES AND SETTING**

Land uses in the surrounding neighborhood are predominantly single family residential. One is the Glenbrook subdivision adjacent to the Project site to the east where homes with moderately reduced lot widths overlook the Project site. Another is a large-lot luxury development to the north (along Palazzo del Kayla) which includes one very large lot (over half an acre) with a large metal agricultural building . Less typical of the area are three large, deep lots of more than an acre that front on D street and which contain some woodlands directly west of the northern half of the Project site. Elsewhere on D Street are older single family homes with widely varying lot sizes. Just beyond the three undeveloped deep lots to the west is a condominium complex of 43 dwelling units on nearly 9 acres. San Felipe Park is roughly 1,000 feet to the west of the site.

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<sup>3</sup> Alameda County, *Fairview Area Specific Plan*, Approved by the Board of Supervisors on September 4, 1997, page 1.

<sup>4</sup> For the purpose of compass references as used in this Addendum document, D street is considered to be oriented east - west and therefore serves as the southern edge of the Project site.

## **PROJECT BACKGROUND**

As noted above, the Project site has been the subject of previous single-family subdivision proposals, of which one version, MTR 7337, was approved in October 2004 for subdivision into 15 parcels for residential development within the same boundaries as the current site (16 including one parcel split by a boundary adjustment, described above). The expiration of MTR 7337 makes a new application necessary. Although the new application, Vesting Tentative Tract Map 8143 proposes approval of only 12 residential lots on a modestly smaller portion of the original site, it is in almost all respects the same project as MTR 7337, for subdivision of the lot into single family residential lots with no change in zoning or increase in density.

## **PROJECT DESCRIPTION**

### **Site Plan**

The proposed Project would subdivide the Project site into twelve (12) single family residential lots which would be followed by construction of residential dwellings on each lot. Access would be from D Street, west of Madeiros Avenue. Internal circulation would include an approximately 600 foot long private street (“Street A”) ending in a ‘hammer-head’ type of cul-de-sac designed to accommodate turning movements of emergency fire equipment of the Hayward Fire Department. A second fire truck turn-around to meet Fire Department standards is proposed midway along Street A. The site plan is included as **Figure 2**. Lot sizes range from 5,343 square feet (lot 1) to 9,595 square feet (lot 8), with an average lot size of 6,724 square feet. Except for lot 1, the minimum lot size would be 5,730 square feet. The site plan provides for four conservation parcels to be set aside from development, consisting of four short stretches of two separate unnamed creek drainages that traverse the site and which represent significant natural resources on the site. One segment is also bordered by slopes in excess of 30 percent and containing a dense grove of mature eucalyptus trees, which is included in one of the conservation parcels. Each segment of the existing creeks were delineated as wetlands (i.e., as waters of the United States) in 2004 under the requirements and procedures established by the U.S. Army Corps of Engineers, pursuant to the U.S. Clean Water Act, and through previous environmental analysis under CEQA.

### **Proposed Construction**

The Project would include the demolition of an existing vacant residential structure located near the middle of the site. Construction of the proposed new homes would involve substantial grading to construct the private street and some combined and individual home site lots and usable open space areas. The new homes would be custom-designed to fit the unique topography and shape of each lot. Each home would be between approximately 2,200 square feet and 3,000 finished square feet and each would have an attached two-car garage. All of the homes would be two stories tall, but would not exceed the 25-foot average height limit. Yards of varying sizes would be incorporated in the final design according to the individual aspects of each lot. Some of the required usable open space (1,000 square feet minimum) may be provided by deck areas in order to minimize grading. Utilities for the Project would be accessed from D Street and run underground beneath the private street. A sewer line will extend to the north through the adjacent subdivision, with agreement from the Ora Loma Sanitary District that serves the area. Construction would take place in 3 to 4 phases with grading first, followed by 2 to 3 phases of home construction. Total construction period is estimated to take approximately 24 months.

## **Storm Water Control Plan**

In conjunction with the proposed grading plan, the Project proposes a series of bio-filtration and retention facilities strategically located on Lots 2, 3, 8, 9 and 12 as shown on **Figure 4**. Storm water would flow via gravity to these facilities where pollutants would be removed via a natural biological filtration process and retained prior to release to the two existing natural drainages that cross the Project site. Outflows from the bio-retention facilities would first pass over energy dissipators before entering the creek channels. The proposed storm water control plan is different from what had been proposed under the 2004 Project because the requirements and standards of the federal Clean Water Act, and as required by the Alameda County Public Works Agency, have become more exacting, to provide for a high level of storm-water treatment of potential pollutants, as well as avoiding increases in peak hour flows.

## **PROJECT MODIFICATIONS SINCE ADOPTION OF THE PRIOR MND**

While similar in many respects to 2004 project, the current Project exhibits several modifications including a reduction in the number of lots from 15 to 12, avoidance of the dense grove of eucalyptus trees, and avoidance of encroachment into jurisdictional wetlands associated with the two creeks that cross the Project site.

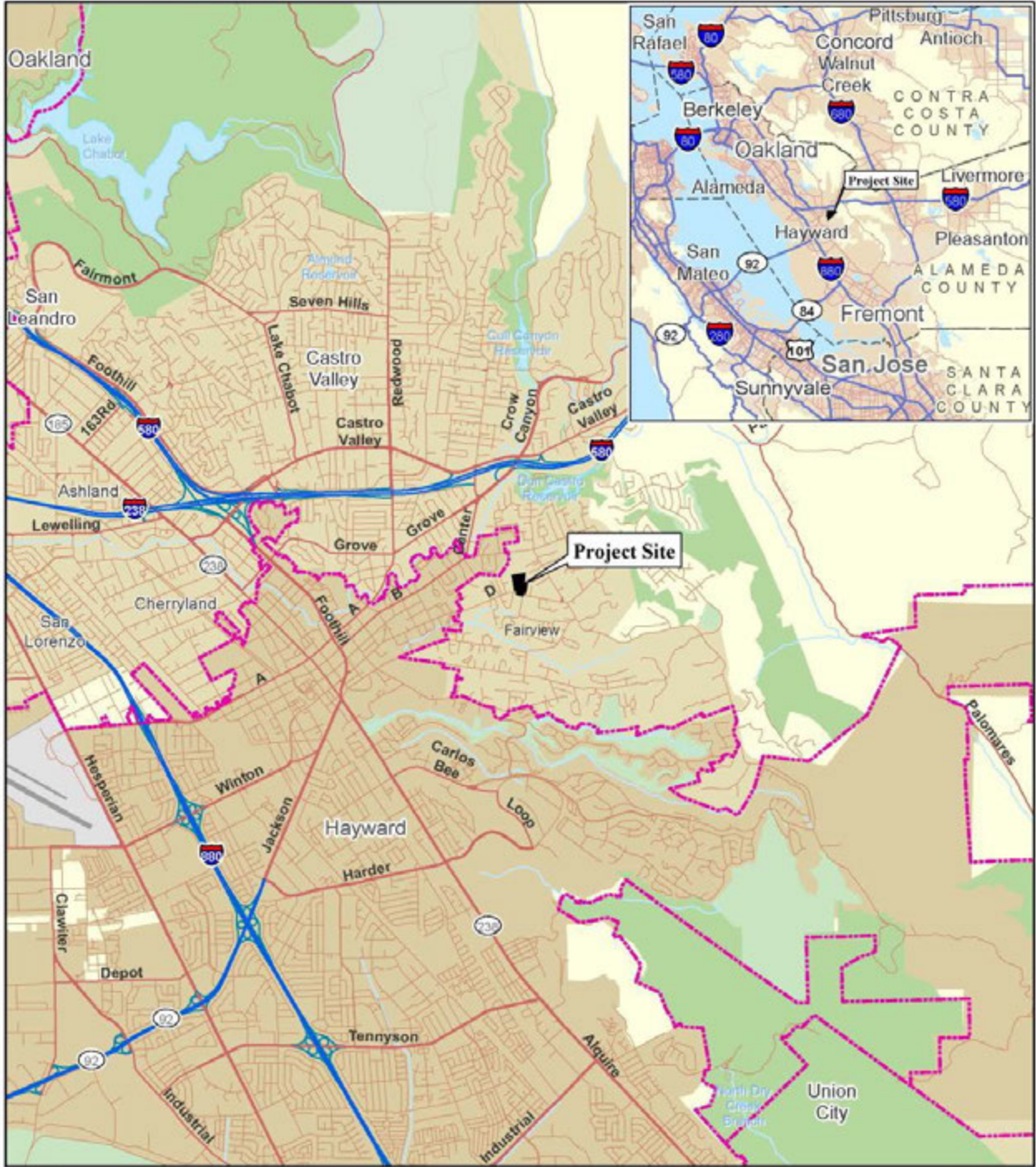
The following discussion identifies details that have changed since the Prior MND was adopted to inform the scope of analysis in this Addendum and summarizes conclusions of that analysis.

### **Site Plan Modifications**

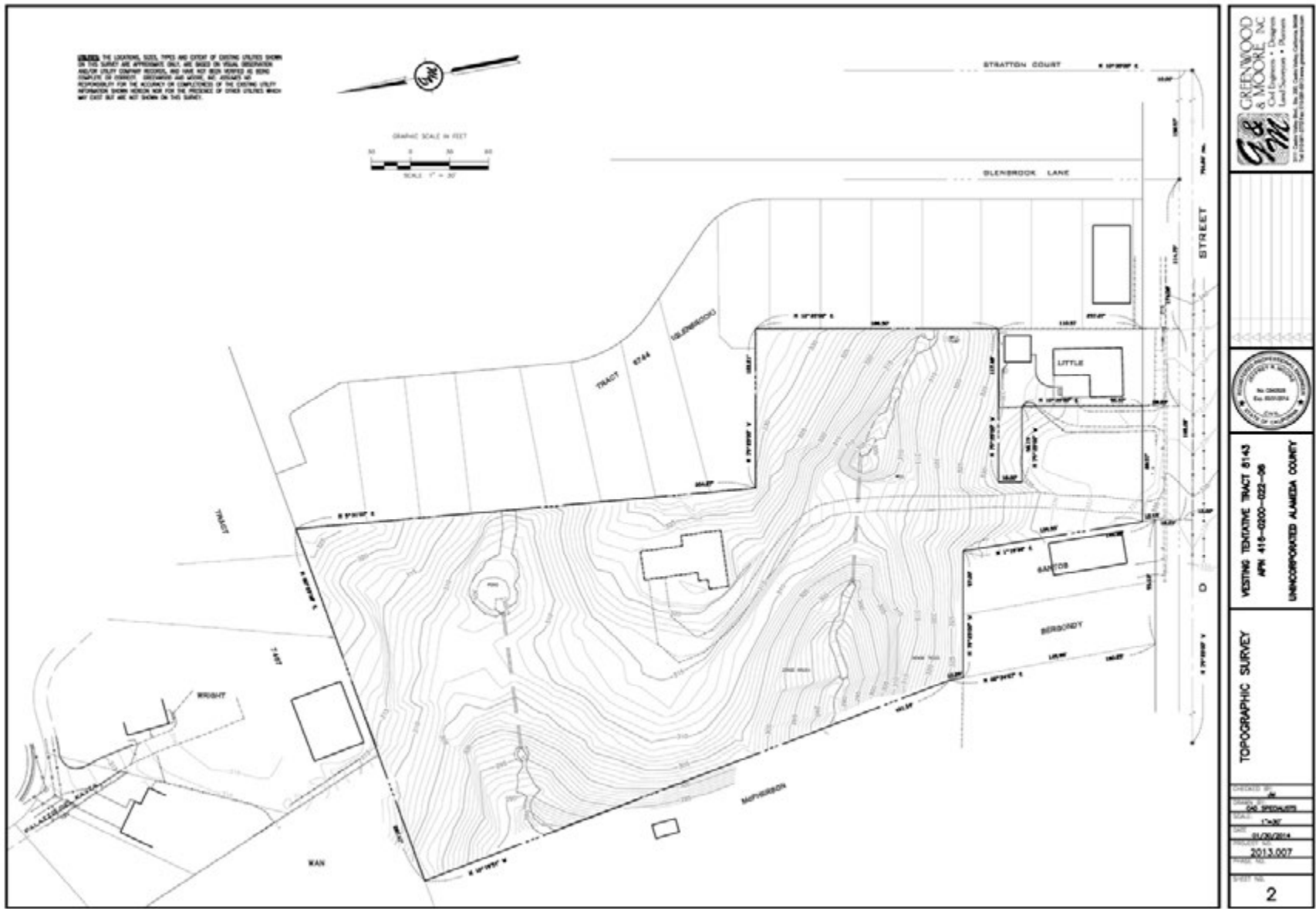
The proposed Project includes three fewer single family parcels but retains a similar layout and configuration of lots and a similar alignment and design of the access road compared with the 2004 Project. The changes to the site plan reduce the residential density of the Project, avoid sensitive biological resources including wetlands and the grove of mature eucalyptus trees, and propose a more advanced program of storm water control features to meet current standards and requirements that differ from what had been required previously.

### **Parking**

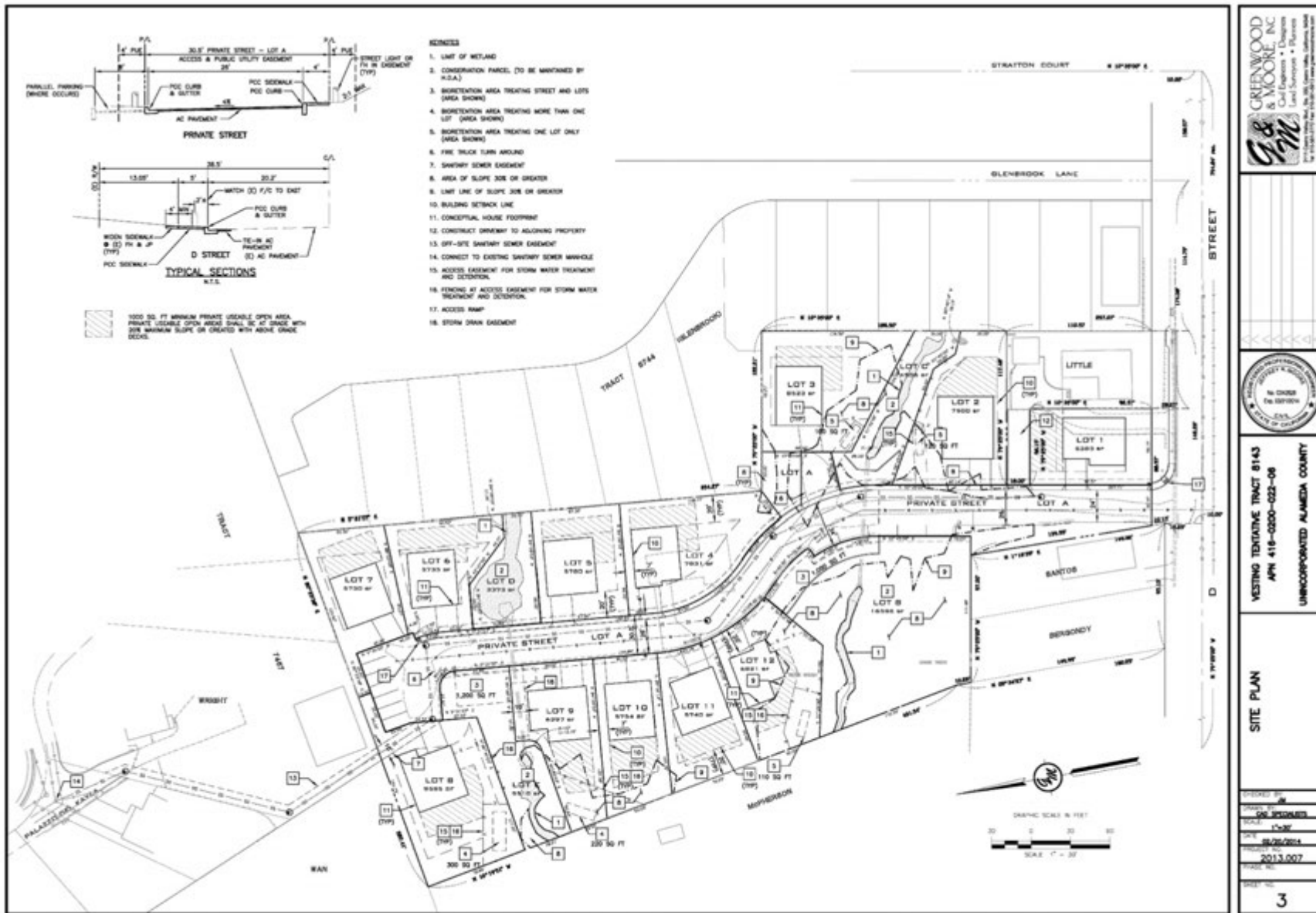
Each of the 12 proposed new homes would include a 2-car attached garage. In addition, there would be 12 guest parking spaces provided: 5 along the side of the street across from lots 2 and 3, and 7 spaces at the hammerhead cul-de-sac at the north end of the access road. The number of guest parking spaces is six fewer than proposed under the 2004 Project but would be consistent with the Alameda County Zoning Ordinance which requires 2 resident parking spaces per dwelling and 1 guest space per dwelling. This revision does not result in new or substantially more severe impacts related to parking or result in newly feasible mitigation measures or project alternatives that would reduce significant impacts.



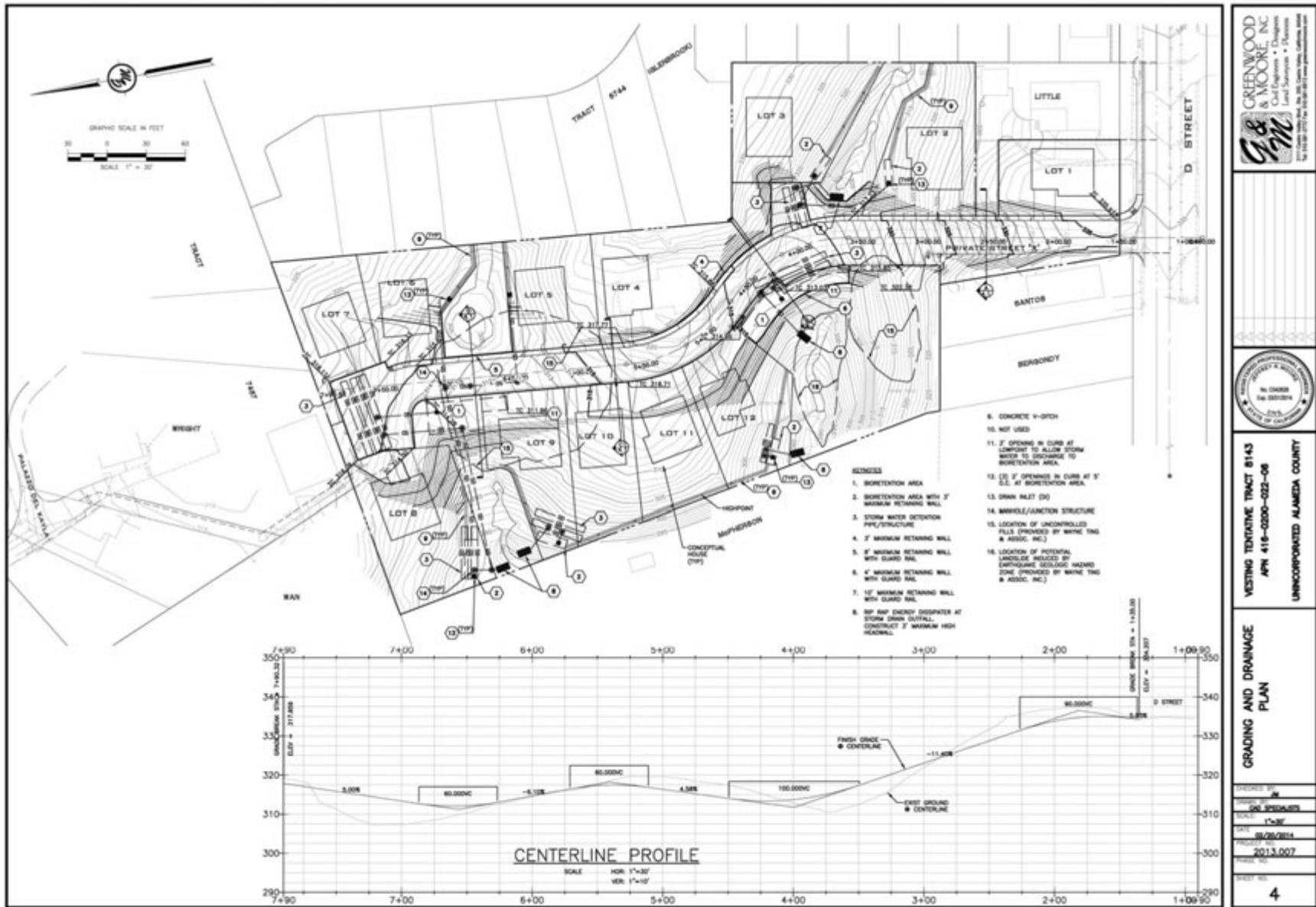
**Figure 1. Project Site Location**



**Figure 2. Topographic Survey**  
Source: Greenwood & Moore, Inc. 1/30/2014



**Figure 3. Site Plan**  
 Source: Greenwood & Moore, Inc., 2/21/2014



**Figure 4. Grading and Drainage Plan**  
 Source: Greenwood & Moore, Inc., 3/17/2014



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# ENVIRONMENTAL ANALYSIS

Because the currently proposed Project would result in three fewer residential lots on the same site area as analyzed in the Prior MND, impacts would be the same, similar or marginally reduced from that analyzed previously.

As explained in the previous sections of this document, this comparative analysis has been undertaken pursuant to the provisions of CEQA Sections 15162 and 15164 to provide the County with the factual basis for determining whether any changes in the project, any changes in circumstances, or any new information since the Prior MND was adopted require additional environmental review or preparation of a Subsequent MND or EIR to the Prior MND previously prepared.

## I. AESTHETICS.

### **Comparison of the Current Project to the Project Analyzed in the Prior MND**

The proposed site plan modifications would reduce the number of residential lots from 15 to 12 (and reduce the number of guest parking spaces from 15 to 12) but would retain the basic layout as proposed previously, with residential lots on both sides of the access street. The private street would extend through the middle of the site, with 7 lots on the east side and 5 on the west; the previous layout had 8 lots on the east and 7 on the west. The revised site plan would result in greater separation between houses, less site grading, and would avoid encroaching into the grove of mature eucalyptus trees in the southwest corner of the site. The proposed design concepts for the future single family homes would be similar to what was proposed earlier - i.e., two-story homes on stepped building foundations, retaining the natural grades on each site, but with house sizes somewhat smaller than proposed previously. While these site plan modifications would still have the potential to affect private views into and across the Project site from the homes on Glenbrook Drive, as was noted in the Prior MND, there are no scenic vistas from surrounding properties that could be affected by the Project (or site plan modifications to the Project).

### **Scenic Vistas**

#### Conclusions of the Prior MND

The Prior MND stated that the Project site would be substantially hidden from public view and public views into the Project site from D Street would be even further limited once a new house is constructed on proposed Lot 1, fronting on D Street. The Prior MND also noted that the view into the site from D Street is not a designated public vista and does not meet the requirements for such a designation. The impact on scenic vistas was found to be less-than-significant.

The Prior MND also noted that the development would impact private views from homes in the adjacent Glenbrook subdivision because they are at a higher elevation and views from the rear of the houses look out over and down onto the Project site. The Prior MND indicated that views from the first floor rooms and balconies of nearby homes would be affected when construction of homes on the nearby lots on the Project site are completed, potentially obstructing views to San Francisco Bay but not affecting views to adjacent trees and the sky or reducing the amount of light. The Prior MND found that because the 2004

Project was consistent with applicable provisions of the *Fairview Area Specific Plan*, the fact that homes on the Project site would obstruct individual private views was not considered a significant effect on the environment.

#### Currently Proposed Project

The current Project would have one fewer house ultimately constructed on the east side of the access street compared with the 2004 Project, thereby slightly reducing the degree to which private views would be affected, but, as noted previously, adverse effects on private views are not considered physical impacts on the environment provided the Project is found to be consistent with applicable rules, regulations or policies specifically adopted to mitigate such effects.

There are no changes in the Project, changes in circumstances or new information that would result in a new significant impact on scenic vistas. The conclusion of the Prior MND that impacts of the project on scenic vistas would be less than significant remains valid for the currently proposed Project, and no further analysis is required.

### **Scenic Resources and Scenic Routes**

#### Conclusions of the Prior MND

The Prior MND found that the Project site cannot be seen from, nor is located within, any designated scenic highway and therefore the project would have no impact on scenic resources and routes.

#### Currently Proposed Project

There are no changes in the project, changes in circumstances or new information that would result in a new significant impact on scenic resources. The conclusions of the Prior MND that there would be no impact on scenic highways and resources remains valid for the currently proposed Project, and no further analysis is required.

### **Visual Character**

#### Conclusions of the Prior MND

The Prior MND noted that the Project site is located in a residential area, adjacent to other single family subdivisions and private homes and that the proposed lots would be consistent with the size and character of surrounding neighborhoods and therefore in compliance with Policy III(B)(1) of the *Fairview Area Specific Plan* regarding “prevailing lot size.” The Prior MND stated that because the Project preserves many of the visual qualities which make the Project site unique, and that the Project is in accord with the surrounding visual context of the area, the Project would not substantially degrade the existing visual character or quality of the site and its surroundings and therefore the impact on visual character was found to be less-than-significant.

#### Currently Proposed Project

The current Project would result in 3 fewer residential lots and homes compared with the 2004 project and would retain the grove of eucalyptus trees in its natural condition. Lot sizes would be slightly larger on average compared with the project analyzed in the Prior MND resulting in an even greater degree of consistency with the “prevailing lot size” provisions of the *Fairview Area Specific Plan*.

There are no changes in the project, changes in circumstances or new information that would result in a new significant impact on visual character. The conclusion of the Prior MND that impacts of the project on visual character would be less than significant remains valid for the currently proposed Project, and no further analysis is required.

## **Light and Glare**

### Conclusions of the Prior MND

The Prior MND found that the addition of 15 new homes on the Project site would add new sources of light, both from inside the future homes and from lighting along the private street, and that the new sources of light could adversely affect nighttime views of nearby neighbors within the area. The impact was considered to be potentially significant.

### Currently Proposed Project

Although the current Project would have fewer residences compared with the 2004 project, the new houses and lighting along the private street would not have materially different effects on light and glare and therefore the finding that light and glare would be a potentially significant impact remains valid for the current Project.

### *Mitigation Measures*

The following mitigation measure from the Prior MND is applicable to the currently proposed Project.

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

- Applicant shall design public area lighting so as to evenly illuminate areas of concern, but so as not to intrude upon private areas any more than necessary. Public areas not essential to security should be illuminated only when necessary for occupation by use of timers or motion detector circuits.
- Applicant shall use the lowest wattage lamps reasonable for illumination of the area of concern.
- Applicant shall install only full cutoff-shielded lights for illumination of public areas. Non-shielded lighting presently in place shall be replaced when required only with shielded fixtures.
- Applicant shall design and place night time lighting and security lighting so that it is no higher than necessary to illuminate the area of concern for security or visual comfort, and that the lighting is directed toward the area of concern, and always below the horizontal.
- Applicant shall not position night lighting to illuminate areas beyond the site boundaries, nor shall the applicant position general lighting to radiate above the horizontal, but shall place lights or install shielded lights to illuminate only the area of concern.
- Residents shall extinguish any lights not required for onsite security reasons.

- For any lighting on areas nonessential for security or active operations, applicant shall place lights on a motion detector circuit so illumination only occurs when required for occasional visibility.
- The Homeowners Association shall enforce these conditions through CC&Rs for the Project.
- Applicant shall submit a lighting plan for review and approval by the Planning Director prior to issuance of building permits.

### *Resulting Level of Significance*

As was concluded in the Prior MND, implementation of Mitigation Measure 3-1 would reduce impacts on light and glare to a less than significant level.

There are no changes in the project, changes in circumstances or new information that would result in a new significant light and glare impacts. The conclusion of the Prior MND that light and glare impacts would be reduced to a level of less than significant with implementation of the recommended mitigation measures remains valid for the currently proposed project, and no further analysis is required

## **II. AGRICULTURE AND FORESTRY RESOURCES**

### Conclusions of the Prior MND

The Prior MND noted that the area was already urbanized. The site and surrounding properties were not farmland or forested land and therefore the project would have no impact on agriculture or forest resources.

### Currently Proposed Project

The proposed site plan modifications and density reduction would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related to agriculture and forestry resources compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic. The grove of eucalyptus trees do not constitute forested lands for the purpose of CEQA.

## **III. AIR QUALITY**

### **Conflicts with applicable air quality plan**

### Conclusions of the Prior MND

The Prior MND found that the project site was designated and zoned for residential use and hence population growth by the *Fairview Area Specific Plan*. Because the land uses and growth assumptions of local general plans are used for air quality plans, population growth due to the project was considered to have been included in the growth estimate of the local Air Quality Plan of the Bay Area Air Quality Management District (BAAQMD). On that basis, the Prior MND found that the 2004 project would have a less-than-significant impact on the applicable Air Quality Plan and would not obstruct implementation of proposed control measures contained therein.

### Currently Proposed Project

As with the project analyzed in the Prior MND, the current Project is consistent with the land use and density provisions of the *Fairview Area Specific Plan* and therefore would not be in conflict with and would not obstruct implementation of applicable air quality plans. Further, the attainment status of the San Francisco Bay Area Air Basin today remains the same as it was during preparation of the Prior MND, with all criteria pollutants in attainment except for the national and state ozone standards and the national particulate matter standards.

The proposed site plan modifications of the current Project would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related to conflicts with applicable air quality plans compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic. A separate discussion of greenhouse gases (GHGs) and related planning policies and standards is provided below.

### **Violate Air Quality Standards**

#### Conclusions of the Prior MND

The Prior MND found that demolition of the existing residential structure on the project site, along with site grading, earth movement and construction of new homes would have a short-term effect on air quality, primarily due to the generation of particulate matter (PM<sub>10</sub>) and that this would be a potentially significant impact.

### Currently Proposed Project

Although the current Project would disturb less of the site area and would involve construction of three fewer homes, removal of the existing residential structure would be required and, in general, the other activities associated with implementation of the Project would be similar to what was analyzed in the Prior MND, although to a marginally lesser extent.

As was found in the Prior MND, construction activities associated with Project construction would generate emissions of criteria air pollutants and ozone precursors. Construction-generated fugitive dust emissions could contribute to an existing or projected air quality violation or expose sensitive receptors to substantial pollutant concentrations. BAAQMD's approach to CEQA analyses of construction-related fugitive PM<sub>10</sub> dust emissions is to require implementation of effective and comprehensive control measures rather than a detailed quantification of construction emissions.<sup>5</sup> BAAQMD requires that all applicable and feasible dust control measures be implemented during project construction. The particular dust control measures should be determined based on the size of the construction area, nature of the activities involved, and proximity to sensitive receptors.

### *Mitigation Measures*

The following mitigation measures from the Prior MND are applicable to the currently proposed project.

*Mitigation Measure 3-2A: Implement Site-Specific Dust Abatement Programs.* The Project shall demonstrate compliance with all applicable County regulations and operating procedures prior to

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<sup>5</sup> Bay Area Air Quality Management District, CEQA Guidelines updated May 2011, page 8-1

issuance of building or grading permits, including standard dust control measures. The effective implementation of dust abatement programs, incorporating all of the following dust control measures, would reduce the temporary air quality impact associated with construction dust.

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

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

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

### *Resulting Level of Significance*

As was concluded in the Prior MND, implementation of Mitigation Measures 3-2A and 3-2B would reduce fugitive PM dust emissions levels to a less than significant level through implementation of BAAQMD-recommended fugitive PM dust control measures. BAAQMD considers implementation of all

feasible dust control measures, such as those listed above, to reduce construction-related emissions of fugitive PM10 dust (including fugitive PM25 dust) to a less-than-significant level.

### **Air Pollutants from Operational Activities**

#### Conclusions of the Prior MND

The Prior MND found that operational air quality impacts would result primarily from the emissions of automobiles by future residents of the project for their daily transportation needs. However, given the low number of proposed homes (15), the degree of pollutant emissions from the expected number of daily vehicle trips was determined to be below applicable thresholds of significance and no mitigation was required.

#### Currently Proposed Project

The lower number of future homes proposed in the current Project compared with the 2004 project would result in an even lower estimate of vehicle trips and hence lower overall emission of air pollutants from the operation of the Project.

There are no changes from the original project, changes in circumstances or new information that would result in a new significant impact resulting from operational period air emissions. The conclusions of the Prior MND that impacts of the project due to operational emissions would be less than significant remains valid for the currently proposed project, and no further analysis is required.

### **Exposure of Sensitive Receptors to Substantial Pollution Concentrations**

#### Conclusions of the Prior MND

The Prior MND found that demolition of the existing residential structure and the construction new homes would have a short-term effect on air quality, primarily due to the generation of particulate matter (PM<sub>10</sub>). Excessive PM<sub>10</sub> concentrations could affect nearby sensitive receptors. This impact was considered to be potentially significant.

#### Currently Proposed Project

Although the current Project would disturb less of the site area and would involve construction of three fewer homes, removal of the existing residential structure would still be required and, in general, the other activities associated with implementation of the Project would be similar to what was analyzed in the Prior MND, although to a marginally lesser extent.

#### *Mitigation Measures*

The following mitigation measures from the Prior MND are applicable to the currently proposed project.

*Mitigation Measures 3-2A and 3-2B, as indicated above.*

#### *Resulting Level of Significance*

As was concluded in the Prior MND, implementation of Mitigation Measures 3-2A and 3-2B would reduce the temporary air quality impact of the Project on sensitive receptors to a less-than-significant level.

There are no changes in the project, changes in circumstances or new information that would result in a new significant impact resulting from potential air quality impacts on nearby sensitive receptors. The conclusions of the Prior MND that impacts on sensitive receptors would be less than significant remains valid for the currently proposed project, and no further analysis is required.

## **Odors**

### Conclusions of the Prior MND

The Prior MND concluded that the Project would have no impact in terms of creating objectionable odors affecting a substantial number of people.

### Currently Proposed Project

There are no changes in the project, changes in circumstances or new information that would result in a new significant impact resulting from objectionable odors. The conclusions of the Prior MND that there would be no objectionable odor impacts remains valid for the currently proposed project, and no further analysis is required.

## **IV. BIOLOGICAL RESOURCES**

### **Special Status Species**

#### Conclusions of the Prior MND

The Prior MND discussed the findings of biological resource studies prepared by Natural Resources Management, with contributing work by other consulting firms LSA, Jones & Stokes, and Monk & Associates. The MND also cited additional surveys and studies contributed by Bear Republic Ecological Consulting, a sub-consultant for Natural Resources Management. The Biological Resources section of the Prior MND summarized the general features on the site, vegetation (primarily non-native, exotic species but including some redwoods, oaks and coyote bush, all native to California), the roles of state and federal regulatory agencies and applicable laws and regulations, and then addressed each of the Initial Study focused topic areas. With respect to special-status species or critical habitat on the site, focus was given to the potential for amphibians (specifically the California red-legged frog), western burrowing owl, avian raptor species (generally, rather than individual species), and on wetlands as habitat.

A Habitat Assessment consistent with U.S. Fish and Wildlife Service guidelines determined that habitat for the California red legged frog, which is federally listed as threatened and is a state species of special concern was not supported on the site, including in the wetland areas on the site due to the shallow depth of the water available, the small site area and the urbanized surroundings. A separate evaluation found that there was extremely little potential for western burrowing owls to be present due to the absence of any ground squirrel burrows on the project site, the small size of the site, and lack of other suitable nesting habitat, among other reasons. Although the original Natural Resources Management report suggested that western burrowing owls could colonize the site later, prior to the start of construction activities, subsequent and more extensive site observation by the firm LSA led to a determination that the presence of the owl was very unlikely and that no further surveys were warranted.

More broadly, the evaluation of the potential for the project to have adverse effects on 13 special-status bird species determined that such birds would not be present on the project site except incidentally, or were unlikely to be adversely affected by the proposed project in a significant or substantial manner. However, the analysis presented in the Prior MND found that site disturbance activities required for



implementation of the project, particularly removal of the eucalyptus trees, had the potential to disturb raptors, which are protected under state and federal regulations described in the Prior MND, and the impact was determined to be potentially significant. The lack of open habitat on the site, surrounding urban landscapes, and adaptive use of residential subdivisions by some of the species, were reasons given that other special status bird species were unlikely to occur in the project vicinity, and cumulative impacts were also deemed to be quite minor and not considerable. Nonetheless, the Prior MND recognized that potential impacts on the *nesting* of special status bird species could be significant, and identified mitigation measure 3-4 to jointly address the two potential impacts of significant adverse impacts on nesting raptor species and passerines.

In addition, the Prior MND reported that no federally- or state-listed special status plant species were observed during focused botanical surveys in 2004, and these surveys also did not observe the presence of any plant species listed by the California Native Plant Society (CNPS) as rare or endangered plant species of California. The CNPS listing is endorsed by the California Department of Fish and Wildlife (CDFW, previously the Department of Fish and Game or CDFG) and serves as a list of “candidate” plant species for the CDFW. Although no CNPS-listed plants were observed, the biologists who contributed to the Prior MND indicated that there was a potential for some of the species to exist on the site due to the presence of suitable or marginally suitable habitat. More particularly, species that could potentially occur on the site included bent-flowered fiddleneck (*Amsinckia lunaris*, CNPS List 1B), round-leaved filaree (*Erodium macrophyllum*, CNPS List 1B), fragrant fritillary (*Fritillaria liliacea*, CNPS List 1B), and Mt. Diablo cottonweed (*Micropus amphibolus*, CNPS List 3). The Prior MND determined that the loss of these species as a result of the project construction would be a potentially significant impact.

### Currently Proposed Project

To investigate current conditions on the site, an assessment of potential impacts to biological resources was conducted by Clinton Kellner, Ph. D., of LSA Associates in June 2013, which determined that based on prior surveys, the potential for special status species occurrences or sensitive habitats on the property is unlikely due to the high density of non-native grasses and prior disturbance over the entire site. Dr. Kellner’s observations and conclusions are presented in a letter dated September 5, 2013 (the “LSA Letter”), a copy of which is included as **Attachment B** to this Addendum document. The LSA Letter includes observations and conclusions generally consistent with the findings of the studies referenced in the Prior MND.

With regard to certain special status species, the LSA Letter states that the two watercourses on the Project site are too small to support habitat for the California red-legged frog (*Rana draytonii*) and western pond turtle (*Emys marmorata*). California tiger salamander (*Ambystoma californica*) and California linderiella (*Linderiella occidentalis*) generally do not occur in watercourses and would not occur in such small watercourses as those on site.<sup>6</sup> This was the same determination made in the Prior MND.

The Prior MND found that there was extremely little potential for western burrowing owls to be present due to the absence of any ground squirrel burrows on the project site, the small size of the site, and lack of other suitable nesting habitat among other reasons. Although one contributing report suggested that such owls could colonize the site prior to the start of construction activities, subsequent and more extensive site

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<sup>6</sup> Letter dated September 5, 2013 from Clifford Kellner, Ph. D., LSA Associates, to Mr. Hardy Gill, the Shaw Group, in Attachment 1, *Possible Occurrence of Special-Status Species, D Street Property*.

observation resulted in a determination that the presence of the owl was very unlikely and that no further surveys were warranted. Similarly, the LSA Letter states that with regard to the western burrowing owl, "...the burrowing (*Athene cunicularia*) owls were not observed on the project site....habitat consisting of holes dug by ground squirrels or other mammals was not observed during the survey and burrowing owls are therefore not likely to occur on the project site.<sup>7</sup> As a result, the determination of the Prior MND that there is no potential for western burrowing owls to be present on the Project site was confirmed by the LSA Letter, and there would be no impact on this species, and no further analysis of the species is required.

In addition, the LSA Letter recommended that the Project be required to conduct two pre-construction surveys, one to determine the presence of birds that might use trees on or near the Project site for nesting, the other to determine whether bats might be present in the vacant residential structure that is to be demolished. Since the current Project would not remove any of the eucalyptus trees previously thought to provide nesting habitat for raptors, the need for Mitigation Measure 3-4 (the preconstruction raptor survey) is no longer specifically required. However, conditions of approval for the Project could allow the eucalyptus trees to be removed now or in the future, and could also require removal of large tree limbs that have a risk of falling on adjacent properties. Because the eucalyptus trees are a non-native tree species, a well-known fire hazard, and also have some potential for collapse in the event of a severe wind storm or seismic event due to the steep slope and landslide hazard (discussed below under Geology and Soils), their removal and replacement with native species more suited to the steep slope in the long term is desirable. For these reasons, although removing these trees is not required to construct the Project, Mitigation Measure 3-4 is retained but modified somewhat to apply to the current Project and possible future tree removal. Nonetheless, the LSA Letter recommended supplementing Mitigation Measure 3-4 with a requirement to conduct a more comprehensive survey for nesting birds which would include consideration of any raptors found to be present. The mitigation measures from the Prior MND and as modified in this Addendum are set forth below.

### *Mitigation Measures*

The following mitigation measures from the Prior MND are applicable to the currently proposed Project, and the additional measures (3-4B and 3-4C) identified in 2013 in the LSA Letter should also be considered as related supplements to Mitigation Measure 3-4.

*Mitigation Measure 3-4: Raptor Survey and Buffer Zones* (Amended to include tree-trimming and assign responsibility for compliance). If tree removal or major trimming activities (i.e., including removal of large limbs with a diameter of 6" or more at the point of cutting, or as determined by a qualified wildlife biologist), occurs in the months between February and August (inclusive), a qualified wildlife biologist will conduct a survey to determine the presence or absence of nesting raptors. If occupied nests are observed, the tree or limb removal activity will not proceed until the biologist has confirmed that the nest is no longer in use and the young have fledged. In addition, tree removal or other tree-trimming activities would be prohibited within a 500-foot buffer zone around the nest tree while the nest is in use. The Applicant or future homeowner's association shall be responsible for procuring a qualified wildlife biologist to conduct such surveys.

*Mitigation Measure 3-4B (Appended to 3-4): Pre-construction Surveys for Birds.* Preconstruction surveys should be initiated within 14 days prior to earth-disturbing activities during the breeding

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<sup>7</sup> Ibid., p. 4.

season. The breeding season begins February 15 and ends August 15. Breeding bird surveys should be conducted for species that could nest in the grassland, blackberry, and eucalyptus trees. If a nesting bird is encountered, a buffer approximately 250 feet from the nest should be established for raptors and 25 feet for other bird species. People, construction equipment, and any human activity should be prohibited within the buffer area. Nevertheless, if the biologist determines that the nesting birds are acclimated to human activity, the buffer may be reduced. If the buffer is reduced, the birds should be periodically observed to ensure that human activity is not causing stress or otherwise disrupting their normal behavior. The buffer can be removed from the nest once the young birds have fledged.

*Mitigation Measure 3-4C (Appended to 3-4): Pre-construction Surveys for Bats.* The structure on the project site should be surveyed for bats prior to demolition. If a maternity colony of bats occurs in the structure, then demolition should occur after the young bats are able to leave their parents (demolition can typically occur between September 1 and October 15 that is before a wintering colony of bats may begin hibernation). If a wintering colony of bats occurs in the structure, then demolition should occur after the weather warms in the spring but before young are born (demolition can typically occur between March 1 and April 15). Female bats begin to have their pups after April 15 and any maternity roost should not be destroyed if pups are present.

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

The addition of Mitigation Measures 3-4B and 3-4C are precautionary measures that would further ensure that potential impacts identified in the Prior MND are avoided or reduced to less-than-significant levels, but are not in response to new information with substantial importance or to a separate and new environmental impact. Although the Prior MND did not indicate that there was a potential for protected species of bats to be on the site, mitigation measure 3-4C is considered an appropriate measure or best practice to fully address the potential impact identified in the Prior MND of special status bird species *nesting* on the site.

### *Resulting Level of Significance*

Dr. Kellner's site investigation and research led him to the following conclusions as stated in the LSA Letter:

“With the implementation of the recommended mitigation measures, the proposed D Street project would not:

- 1) substantially reduce the number or restrict the range of a rare, endangered or threatened plant or animal;
- 2) cause a fish or wildlife population to drop below self-sustaining levels; or
- 3) adversely affect significant riparian lands, wetlands, marshes, and other significant wildlife habitats.

The proposed project will not result in any significant adverse biological impacts.”

As was concluded in the Prior MND, and as supported by the further assessment and conclusions reached by Dr. Kellner, implementation of Mitigation Measures 3-4 and 3-5, and the addition of Mitigation Measure 3-4B and 3-4C would reduce potential impacts to special status species to a less-than-significant level.

There are no changes in the project, changes in circumstances or new information that would result in a new significant impacts to special status species, especially in light of the addition of Mitigation Measure 3-4C to avoid or minimize potential effects on bats. The proposed site plan modifications would not meet the threshold of “substantial importance” for new information. Thus, there is no need for further environmental review of this topic.

## **Riparian Habitats, Wetlands and Sensitive Natural Communities**

### Conclusions of the Prior MND

The Prior MND addressed the issue of wetland habitat, and identified the full range of plant species, native and non-native, present along the two drainages on the site, and identified the freshwater marsh on the site as the single sensitive natural community supported on the site, and subject to the jurisdiction of the Regional Water Quality Control Board, the CDFW and/or U.S. Army Corps of Engineers (ACOE) as a wetland or waters of the United States. As such, a preliminary wetland delineation report was prepared to ACOE standards, that identified 0.13 acres of jurisdictional wetlands, and additionally, 0.12 acres of intermittent riparian drainages. Potentially significant impacts to these wetlands and riparian areas were identified, with a total of 0.06 acres, split evenly between wetland and riparian areas that would be eliminated by expansion of the private roadway to serve the subdivision. Mitigation measure 3-6 was identified in the Prior MND to comply with ACOE guidelines to enhance existing wetlands on-site, create wetlands off-site, or contribute to a wetland mitigation bank; the Prior MND reported that the applicant intended to enhance the existing wetlands with plantings and removal of debris and dirt. This approach was indicated as being able to reduce the impacts to a less-than-significant level, subject to acceptance by the ACOE and the state Regional Water Quality Control Board – San Francisco Bay office (RWQCB).

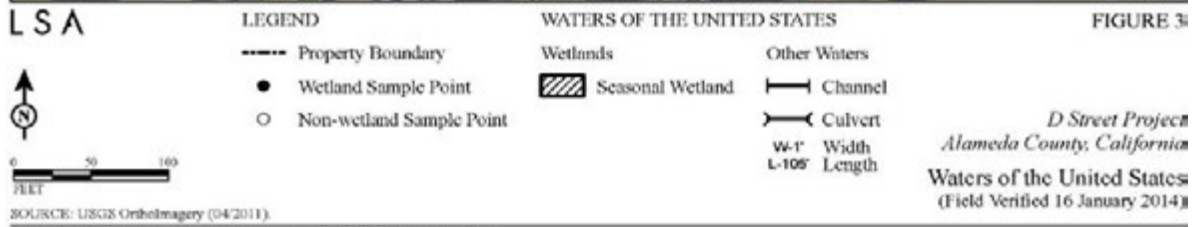
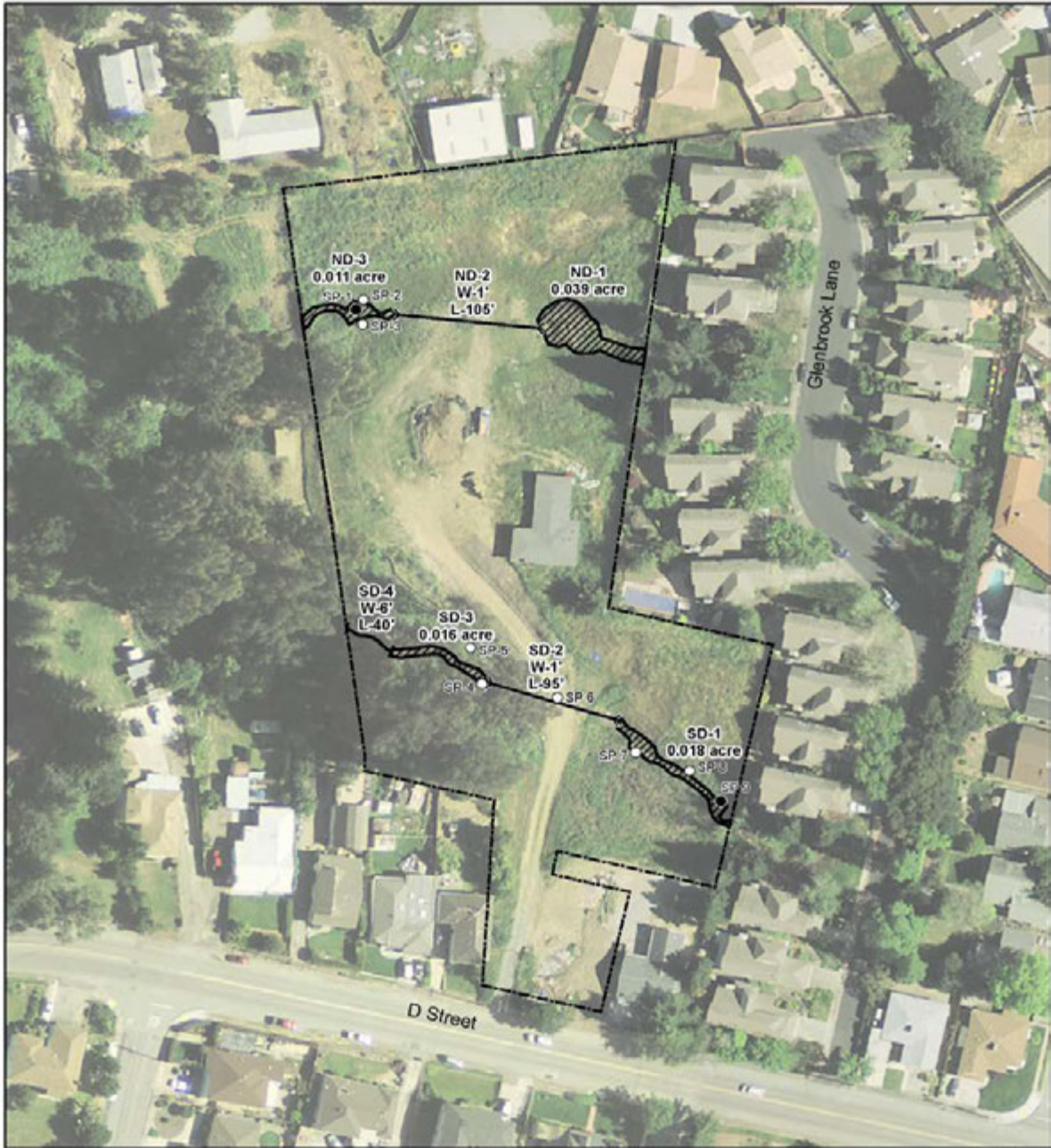
In 2006, the developer obtained approval under Sections 401 and 404 of the Clean Water Act for construction of the roads across the drainages from, respectively, the RWQCB and the ACOE, and also a 1602 Lake and Streambed Alteration Agreement from the CDFW (previously the CDFG). The approval agreements and letters, with conditions, are attached to this Addendum as **Attachment D**.

### Currently Proposed Project

In 2013, the Project applicant prepared and submitted a wetland delineation map and supporting documentation to the ACOE indicating that there are currently 0.084-acres of seasonal wetland swales and 0.010-acres of non-wetland Waters of the United States (the intermittent riparian drainages) for a total jurisdictional area of 0.094 acres.<sup>8</sup> **Figure 5** shows the location and sizes of the wetlands on the Project site, as submitted to the ACOE in 2013. The reduced area of delineated wetlands and waters of the U.S. on the Project site, from a total of 0.25 acres identified in 2004 to the current delineation of 0.094 was a result of the fill placed on the site following approval of MTR-7337 in 2004, in accordance with a grading permit and approval by the Regional Water Quality Control Board and the ACOE. The ACOE has

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<sup>8</sup> Letter from Chip Bouril, Wetland Specialist, LSA Associates to Cameron Johnson, South Branch Chief, U. S. Army Corps of Engineers, August 12, 2013, p. 5. **Attachment C** to this Addendum.



**Figure 5. Wetland Delineation**

Source: LSA Associates

verbally accepted the 2013 wetland delineation as submitted by LSA Associates and documentation confirming their acceptance will be forthcoming in due course.<sup>9</sup>

In addition, the site plan for the current Project would avoid disturbance to all jurisdictional wetlands by restricting site grading activities to areas outside of a 10' buffer zone surrounding the wetland areas. The 10' setback buffer zone is shown in **Figure 3, Site Plan**.

### *Mitigation Measures*

In light of having prepared and obtained approval of a wetland delineation in 2004 and again in 2013, and the fact that a Section 404 permit is no longer necessary because the Project would avoid any new impacts to jurisdictional wetlands, Mitigation Measure 3-6 in the Prior MND is no longer considered necessary and is hereby deleted.

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

The proposed site plan modifications would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related to biological resources compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic.

### **Wildlife Movement**

#### Conclusions of the Prior MND

The Prior MND found no known migration corridors exist on or near the Project site and concluded that the 2004 project would have no impact on wildlife movement or corridors.

#### Currently Proposed Project

There are no changes in the project, changes in circumstances or new information that would result in a new significant impact to wildlife movement or corridors. The current project would avoid encroachment into the grove of eucalyptus trees and would reduce potential impacts to special status species and nesting birds as indicated above. The conclusion of the Prior MND that there would be no impacts to wildlife movement remain valid for the current Project, and no further analysis is required.

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<sup>9</sup> Personal communication between Nathaniel Taylor, Lamphier-Gregory and Clint Kellner, Ph. D., LSA Associates, January 30, 2014. Receipt of the approval delineation map is expected within the next month or two due to work backlogs within the local office of the Army Corps of Engineers.

## **Conflict with Biological Resource Protection Policies**

### Conclusions of the Prior MND

The 2004 project involved the removal of 12 mature eucalyptus trees from the project site, and the Prior MND determined that removal of these trees would be a potentially significant impact due to conflict with policies in the *Fairview Area Specific Plan*, which require development projects to preserve large, mature and natural trees except under certain conditions. Such conditions include when there is no feasible or desirable alternative design that would provide for their preservation, or when a certified arborist – acceptable to the County Planning Director – recommends pruning or removal due to poor health or condition or fire or safety hazard. Mitigation measure 3-7 was provided to address this impact, requiring the applicant to conform to the *Specific Plan* requirements and reestablish five, 15-gallon sized trees or one boxed, native specimen tree for every large tree removed.

### Currently Proposed Project

Site plan modifications of the current Project result in preserving all of the eucalyptus trees, consistent with the policies of the *Fairview Area Specific Plan*. Although Mitigation Measure 3-7 is no longer necessary, as discussed above, potential conditions of approval could require or permit the removal of the eucalyptus trees if approved by the Planning Commission or the homeowners' association, due to their risk of damaging off-site property and fire hazard. As a result, Mitigation Measure 3-7 is revised modestly to establish appropriate procedures in the event of future tree removal:

*Mitigation Measure 3-7: Future Tree Replacement (REVISED).* In the event that removal of the eucalyptus trees is approved by the Planning Commission as part of the Project, the Applicant or homeowners' association shall conform to the requirements of the *Fairview Area Specific Plan* to reestablish at least five, 15-gallon sized trees or one boxed, native specimen tree for every large tree removed, as defined by the *Specific Plan*. The species, location and method of installation shall be approved by the County Planning Director.

There are no changes in the project, changes in circumstances or new information that would result in new significant impacts related to the loss of mature trees or conflicts with adopted preservation policies because the current project would avoid encroachment into the grove of eucalyptus trees. The removal of a mature tree bordering D Street at the Project site entry, as required by mitigation measure 3-20 (see page 50) would also be subject to review for compliance with the *Specific Plan*. The potential need for mitigation measure 3-7 is still valid, and there would be no other impact related to conflicts with resource protection policies and no further analysis is required.

## **Conflicts with Habitat Conservation Plans (HCP) or Natural Community Conservation Plans (NCCP)**

### Conclusions of the Prior MND

The Prior MND stated that there is no adopted HCP, NCCP or other approved conservation plan applicable to the Project site, and on that basis, concluded that the 2004 project would not hinder the implementation of such an HCP or NCCP and would have no impact.

### Currently Proposed Project

There are no changes in the project, changes in circumstances or new information that would result in a new significant impact related to conflicts with an adopted HCP or NCCP. The conclusion of the Prior MND that there would be no conflicts with an adopted HCP is valid for the currently proposed project, and no further analysis is required.

## V. CULTURAL RESOURCES

### Historic Resources

#### Conclusions of the Prior MND

The Prior MND stated that the only physical structure on the project site – the vacant residential structure – was determined to not qualify as a historical resource as defined in CEQA Guidelines Section 15064.5, and on that basis concluded that the project would have no impact on historical resources.

#### Currently Proposed Project

There are no changes in the project, changes in circumstances or new information that would result in a new significant impact related to historic resources. The conclusion of the Prior MND that there would be no impact with regard to historic resources is valid for the currently proposed project, and no further analysis of this topic is required. The fact that the vacant house is ten years older now does not change the determination that it does not qualify as a historical resource. The structure, built in 1944, was over 50 years old at the time that the Prior MND was prepared in 2004, and no change in its condition or merit has occurred in the years since.

### Archaeological Resources, Paleontological Resources and Human Remains

#### Conclusions of the Prior MND

The Prior MND concluded that demolition, site preparation and other construction activities could result in the discovery and possible disturbance of archaeological, paleontological or prehistoric resources, as well as human remains and if discovery or disturbance of such resources were to occur the potential impact to such resources or human remains would be considered a significant environmental impact.

#### Currently Proposed Project

There are no changes in the project, changes in circumstances or new information that would result in a new significant impact related to archaeological or paleontological resources or human remains. The conclusion of the Prior MND that there could be an impact with regard to the discovery or disturbance of such resources or human remains would still be valid for the current Project and therefore Mitigation Measure 3-8 would remain applicable to the current Project.

#### *Mitigation Measure*

The following mitigation measure from the Prior MND would be applicable to the Project.

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

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

- There shall be no further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie adjacent human remains until the County Coroner is contacted;



- If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours;
- The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent;
- The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods.

### *Resulting Level of Significance*

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

The proposed site plan modifications would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related to cultural resources compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic.

## **VI. GEOLOGY AND SOILS**

### **Seismic Hazards**

As discussed in the Prior MND, 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 landslides or ground failure. Each of these is addressed separately, below.

### **Surface Fault Rupture**

#### Conclusions of the Prior MND

The Prior MND found that there are no active faults located within the project site and concluded that the project would have no impact on exposing people or structures to danger from surface rupture of a known earthquake fault.

#### Currently Proposed Project

There are no changes in the Project, changes in circumstances or new information that would result in a new significant impact related to surface fault rupture. The conclusion of the Prior MND that there would be no impact with regard to such risks remains valid for the currently proposed Project. A Geotechnical Report Review by Wayne Ting & Associates, Inc. prepared in May 2013 confirmed the findings of the prior Geologic Investigations and various Updates to previous Investigations (completed in 2010, 2005, 2002 and 1989), which did not find any potential for surface rupture on the site due to a seismic event on a nearby known earthquake fault. There is no substantially increased or new significant adverse environmental impact related to surface fault rupture compared to the analysis in the Prior MND and thus there is no need for further review of this topic.

## **Strong Seismic Ground Shaking**

### Conclusions of the Prior MND

The Prior MND found that although there is no active seismic fault at the project site, damage from a seismic event could occur from the secondary impact of strong seismic ground shaking originating on a nearby fault and that development of the project would increase the number of structures and people potentially exposed to hazards associated with a major earthquake in the region. The Prior MND concluded that the potential risk of strong seismic ground shaking was a potentially significant impact.

### Currently Proposed Project

There are no changes in the Project, changes in circumstances or new information that would result in a new significant impact related to strong seismic ground shaking. The conclusion of the Prior MND that mitigation would be required for this potential impact would apply to the currently proposed Project. The more recent Geologic Report Updates and Reviews, including supplemental recommendations and two Uncontrolled Fill Investigations in 2010 and 2014 also confirmed that there is a potential risk of strong seismic ground shaking, and the same mitigations and recommendations previously identified in the Prior MND would apply.

### *Mitigation Measure*

The following mitigation measure from the Prior MND would be applicable to the Project:

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

### *Resulting Level of Significance*

As stated in the Prior MND, compliance with the Uniform Building Code and Alameda County standards for seismic construction would reduce the potential impact to a less-than-significant level.

There is no substantially increased or new significant adverse environmental impact related to strong seismic ground shaking compared to the analysis in the Prior MND and thus, there is no need for further environmental review of this topic.

## **Liquefaction**

### Conclusions of the Prior MND

The Prior MND found that the relatively low threat level of liquefaction risk, and compliance with the standard building practices of Alameda County would ensure that impacts related to the hazards of liquefaction would be less-than-significant.

### Currently Proposed Project

There are no changes in the project, changes in circumstances or new information that would result in a new significant impact related to liquefaction. The conclusion of the Prior MND that potential impacts are less than significant and no mitigation is required remains valid for the currently proposed Project. There is no substantially increased or new significant adverse environmental impact related to liquefaction compared to the analysis in the Prior MND and thus, there is no need for further environmental review of this topic.

## **Landslides**

### Conclusions of the Prior MND

The Prior MND indicated that there was a relatively low risk level related to landslides, based on available maps provided by the Association of Bay Area Governments (ABAG) but that compliance with standard building practices of Alameda County would ensure that potential impacts related to landslide hazards would be less-than-significant.

### Currently Proposed Project

There are no changes in the Project, changes in circumstances or new information that would result in a new significant impact related to landslides. Although there is new information provided by the Seismic Hazard Zones map of Hayward Quadrangle published by the California Geologic Survey (CGS), which shows the south bank of the southern drainage, west of the existing dirt road is mapped as a "zone of required investigation" for an earthquake-induced landslide hazard, it is not new information that would result in a new significant impact, or a new mitigation measure. As with any proposal, the proposed Project is subject to the provisions of the Seismic Hazards Mapping Act and a geotechnical analysis of the Project is required to demonstrate that construction-related grading activities would not adversely affect slope stability, and which represent the standard building and grading practices of Alameda County. Letter reports from the consulting geotechnical engineer for the Project, together with the Grading and Drainage Plan showing the location of potential landslide-induced geological hazard zones, indicate that the current Project excludes the area mapped as a landslide hazard area from any development (the area around the lower reach of the southern creek drainage).

The conclusion of the Prior MND that potential impacts resulting from landslides are less than significant and no mitigation is required therefore remains valid for the currently proposed Project. There is no substantially increased or new significant adverse environmental impact related to landslides compared to the analysis in the Prior MND and thus, there is no need for further environmental review of this topic.

## **Erosion or Loss of Topsoil**

### Conclusions of the Prior MND

The Prior MND found that the grading and construction required for building 15 new homes and the access road were activities that could lead to substantial erosion of topsoil which was found to be a potentially significant impact.

### Currently Proposed Project

While the Project would involve construction of three fewer houses compared with the 2004 project, the level of site-disturbing activities required to construct the access street, the drainage facilities and to build the houses would be generally similar (though somewhat less extensive) compared with those analyzed in the Prior MND and therefore the mitigation measure in the Prior MND would apply to the Project.

### *Mitigation Measure*

The following mitigation measure from the Prior MND would be applicable to the Project.

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

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

### *Resulting Level of Significance*

As stated in the Prior MND, compliance with the County Grading Ordinance and applicable regulations of the Regional Water Quality Control Board to minimize erosion, loss of topsoil or impacts to water quality would reduce the potential impact to a less-than-significant level.

There is no substantially increased or new significant adverse environmental impact related to erosion or loss of top soil compared to the analysis in the Prior MND and thus, there is no need for further environmental review of this topic.

### **Geologic Instability**

#### Conclusions of the Prior MND

The Prior MND found that the discussion of geologic instability is similar to the discussion above regarding landslides and that the risk of geologic instability such as landslides is relatively low such that compliance with the standard building practices of Alameda County would be sufficient to reduce potential impacts to less-than-significant levels.

#### Currently Proposed Project

There are no changes in the Project, changes in circumstances or new information that would result in a new significant impact related to geologic instability. The conclusion of the Prior MND that potential impacts would be less than significant and no mitigation was required remains valid for the currently proposed Project. The Geologic Reports and Updates of 2010 and 2013, and the 2014 Uncontrolled Fill Investigations may represent new information, but it does not represent a new potentially significant impact. The uncontrolled fill on the site was placed as a result of an approved grading plan following the approval of MTR 7337, and although the 2014 Investigation indicated that it was not properly compacted due to discontinuation of work on the project, the required grading for the current Project will be subject to inspection before any pavements are installed or structures begun. The standard building practices of Alameda County would now, as in 2004, avoid any potential adverse effect due to geological instability.

As a result there is no substantially increased or new significant adverse environmental impact related to geologic instability compared to the analysis in the Prior MND and thus there is no need for further environmental review of this topic.

### **Expansive Soils or Bedrock**

#### Conclusions of the Prior MND

Based on project-specific geologic studies, the Prior MND found that the project site is underlain by expansive soils and that the expansion and contraction of expansive soils can cause damage to pavement sections, concrete slabs, and foundations. This was identified as a potentially significant impact.

### Currently Proposed Project

While the Project would involve construction of three fewer houses compared with the 2004 project, the risk of damage due to the presence of expansive soils would be generally similar and have the same potential for significant impacts compared to the project evaluated in the Prior MND, and therefore the mitigation measure in the Prior MND would apply to the Project.

### *Mitigation Measures*

The following mitigation measures from the Prior MND would be applicable to the Project.

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

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

### *Resulting Level of Significance*

As stated in the Prior MND, implementation of the above mitigation measures would ensure that impacts associated with expansive soils would be less-than-significant.

There are no changes in the project, changes in circumstances or new information that would result in a new significant impact related to expansive soils. The conclusion of the Prior MND that potential impacts can be mitigated to a less than significant level with mitigation remains valid for the currently proposed Project. There is no substantially increased or new significant adverse environmental impact related to expansive soils compared to the analysis in the Prior MND and thus there is no need for further environmental review of this topic.

### **Septic Tanks**

#### Conclusions of the Prior MND

The Prior MND stated that the project would not utilize septic tanks or alternate waste disposal systems and therefore the project would have no impact on soils due to the use of septic systems.

#### Currently Proposed Project

Consistent with the project analyzed in the Prior MND, the current Project does not propose to use septic tanks or alternate waste disposal systems.

There are no changes in the Project, changes in circumstances or new information that would result in a new significant impact related to potential impacts to soil resulting from the use of septic tanks or alternative waste disposal systems. The conclusion of the Prior MND that there would be no impact related to this matter remains valid for the currently proposed Project. There is no substantially increased or new significant adverse environmental impact related to the use of septic tanks compared to the analysis in the Prior MND and thus there is no need for further environmental review of this topic.

## **VII. GREENHOUSE GAS EMISSIONS**

The Prior MND did not include an assessment of greenhouse gas (GHG) emissions or potential impacts of the project related to GHG which is currently required for a CEQA analysis but was not required at that time.

With 3 fewer dwelling units than as proposed previously, the Project would have fewer emissions of GHG than previously, resulting in a less severe impact on cumulative or regional GHG emissions. The Project is substantially below the screening criteria for operational GHG emissions (56 single family homes) indicating that it would not cause any significant change in climate.

In 1997 the governor of California signed into law AB 32, the Global Warming Solutions Act . The Act requires that California cap its GHG emissions at 1990 levels by 2020. Although adoption of this legislation occurred prior to adoption of the Prior MND, CEQA was not amended to require an evaluation of a project's potential contribution to GHG emissions until 2011. The scientific communities' understanding of climate change is dynamic and California continues to lead the way in addressing climate change; however, developments in climate science and in thresholds or regulatory standards since approval of the Prior MND are not new information requiring subsequent environmental review. (Case law supports this conclusion, including *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4<sup>th</sup> 515 and *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4<sup>th</sup> 1134).

The proposed site plan modifications, including the reduction in the number of residential lots and changing regulatory climate would not meet the threshold of “substantial importance” for new information as emissions would be reduced from the previously approved project. There is no substantially increased or new significant adverse environmental impact related to Greenhouse Gas Emissions compared to the project analyzed in the Prior MND. Thus, there is no need for further environmental review of this topic.

## **VIII. HAZARDS AND HAZARDOUS MATERIALS**

### **Hazardous Materials**

#### Conclusions of the Prior MND

The Prior MND stated that demolition of the existing residential structure could present a health risk because during the demolition and removal of the structure, construction workers and the public could be exposed to asbestos-containing materials or lead-based paint if these substances are found in the structure. Exposure to these hazardous substances or release of the material into the air where it could potentially pose a health risk to the public was identified in the Prior MND as a potentially significant impact.

#### Currently Proposed Project

Like the project analyzed in the 2004 MND, the currently proposed Project would involve the demolition and removal of the same residential structure and therefore would be required to implement the same mitigation measure as set forth in the Prior MND.

#### *Mitigation Measures*

The following mitigation measures from the Prior MND would be applicable to the Project.

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

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

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

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

### *Resulting Level of Significance*

As stated in the Prior MND, implementation of the above mitigation measures would ensure that impacts associated with exposure to hazardous materials during demolition of the existing residential structure would be less-than-significant.

There are no changes in the project, changes in circumstances or new information that would result in a new significant impact related to the exposure to hazardous materials. The conclusion of the Prior MND that potential impacts can be mitigated to a less than significant level with mitigation remains valid for the currently proposed project. There is no substantially increased or new significant adverse environmental

impact related to hazardous materials compared to the analysis in the Prior MND and thus there is no need for further environmental review of this topic.

### **Hazardous Materials Presence and Cortese List**

#### Conclusions of the Prior MND

The Prior MND stated that there are no existing or proposed schools within a quarter mile of the project site and that neither the project site nor properties in the vicinity are identified on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 ( the “Cortese List”), and on the basis of that information, the Project would have no impact from the emission or handling of hazardous materials or wastes on schools or from any environmental contamination posed by the sites listed on the Cortese List.

#### Currently Proposed Project

There are no changes in the Project, changes in circumstances or new information that would result in a new significant impact related to potential impacts to hazardous materials on or in the vicinity of the Project site. The conclusion of the Prior MND that there would be no impact related to this matter remains valid for the currently proposed project. There is no substantially increased or new significant adverse environmental impact related to hazardous materials compared to the analysis in the Prior MND and thus there is no need for further environmental review of this topic.

### **Safety Hazards Due to Nearby Airport or Airstrip**

#### Conclusions of the Prior MND

The Prior MND stated that the project site is not within an airport land use plan and is not close enough to an airport for there to be a safety hazard to residents or workers in the project area. The Prior MND concluded that the project would have no impact due to proximity to nearby airports.

#### Currently Proposed Project

There are no changes in the Project, changes in circumstances or new information that would result in a new significant impact related to potential risks posed by the proximity of the Project site to nearby airports or a private airstrip. The conclusion of the Prior MND that there would be no risk of this nature remains valid for the currently proposed Project. There is no substantially increased or new significant adverse environmental impact related to risks associated with proximity to airports compared to the analysis in the Prior MND and thus there is no need for further environmental review of this topic.

### **Conflict with Emergency Response Plan or Emergency Evacuation Plan**

#### Conclusions of the Prior MND

The Prior MND stated that there were no emergency response or evacuation plans in effect in the Project area and on that basis concluded that the project would have no impact on the implementation of any adopted emergency response plan or emergency evacuation plan.

#### Currently Proposed Project

There are no changes in the Project, changes in circumstances or new information that would result in a new significant impact related to conflicts with emergency response or evacuation plans. There is no substantially increased or new significant adverse environmental impact related to risks associated with



emergency response or evacuation plans compared to the analysis in the Prior MND and thus there is no need for further environmental review of this topic.

## **Exposure of People or Structures to Wildland Fires**

### Conclusions of the Prior MND

The Prior MND found that the project site is located near the wildland/urban interface where the risk and likelihood of exposure of people and structures to wildland fires is high. This impact was considered to be potentially significant.

### Currently Proposed Project

Like the project analyzed in the 2004 MND, the currently proposed Project is in the same location, near the wildland/urban interface where the risk and likelihood of exposure of people and structures to wildland fires is high and therefore the Project would be required to implement the same mitigation measure as set forth in the Prior MND.

### *Mitigation Measures*

The following mitigation measures from the Prior MND would be applicable to the Project.

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

### *Resulting Level of Significance*

As stated in the Prior MND, implementation of the above mitigation measure would ensure that potential impacts associated with exposure to wildland fire hazards would be reduced to a less-than-significant level.

There are no changes in the Project, changes in circumstances or new information that would result in a new significant impact related to the risks associated with exposure to wildland fire hazards. There is no substantially increased or new significant adverse environmental impact related to wildland fire risks compared to the analysis in the Prior MND and thus there is no need for further environmental review of this topic.

## **IX. HYDROLOGY AND WATER QUALITY**

Revisions to the Project site plan and storm water control plan are embodied in the site and other plans prepared for the Project by Greenwood & Moore, Inc. dated January 30, 2014.

### **Water Quality Standards, Waste Discharge Requirements and Impervious Surfaces**

#### Conclusions of the Prior MND

The Prior MND found that demolition, grading and associated construction activities could generate increases in the amount of sediment dissolved in runoff water and increase the amount of pollution in receiving waters, which would violate “Storm Water Quality Regulations” (i.e., the federal Clean Water Act and the California Water Code). The Prior MND also identified potential post-construction impacts to water quality resulting from the increase in impervious surfaces due to the new private street, driveways, walkways and houses which would reduce the site’s ability to absorb rainfall into the soil and

correspondingly increase the amount and rate of potentially polluted storm water runoff to the public drainage system and downstream water bodies, also in violation of storm water quality regulations.

### Currently Proposed Project

Like the project analyzed in the 2004 MND, the currently proposed Project would involve demolition, grading and construction activities that would disrupt the Project site, expose soils to storm water runoff, which would, in turn, generate temporary increases in sediment loads during the construction period. In addition, the current Project, as equally recognized and analyzed for the prior project, would increase the amount of impervious surfaces on the site, thereby increasing the amount of storm water that would flow off the site and potentially carry pollutants to downstream water bodies, both during construction and after project completion. In contrast to the 2004 project, plans for the current Project include a storm water control plan that includes on-site bioretention areas to retain and treat Project site storm water runoff in accordance with current standards and regulations. At the time the Prior MND was prepared such measures were required to treat urban runoff “to the maximum extent practicable”, whereas they are now currently required. Therefore, the addition of bioretention features to the Project to meet current requirements of the Clean Water Act, as specified by Section C.3 of the County’s NPDES permit, does not represent new information or circumstances that require the identification of a new significant impact or mitigation measure. The potential impacts noted in the Prior MND remain valid and the Project would be required to implement the same series of related mitigation measures as set forth in the Prior MND to address water quality issues and concerns.

### *Mitigation Measures*

The following mitigation measures from the Prior MND would be applicable to the Project.

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

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

*Mitigation Measure 3-14B: Storm Water Quality Control Plan (SWQCP).* Best Management Practices (BMPs) will be utilized during construction to ensure that erosion, runoff, and the alteration of existing drainage patterns from grading activities and construction would be minimized. The applicant would submit a SWQCP Plan to the County for review, which would include details on the BMPs appropriate for this type of construction. Stormwater drainage

connections and runoff controls shall be designed and constructed prior to beginning demolition in order to control any additional stormwater runoff created during construction activities. Connections and flow controls shall be established based on estimated natural or current runoff, if needed. The following practices have been shown to be efficient, cost effective, and versatile for small construction site operators to implement. The practices are divided into two categories: non-structural and structural. This list is intended as an outline summary; additional requirements may be imposed by Alameda County Clean Water Division.

#### Non-Structural BMPs

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

#### Structural BMPs

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

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

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

The prior MND also identified two mitigation measure to address post-construction runoff from impervious surfaces, including treatment and hydraulic sizing criteria, but because these features have been fully incorporated into the current Project, and are currently required standards of design for consideration of subdivision proposals of this kind, they are considered unnecessary. They are also outdated as being limited to “where practical”, allowing “Manufactured Treatment Systems” that are no longer permitted, contains obsolete references, and are hereby deleted.

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

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

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

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

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

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

- ~~• the maximized stormwater quality capture volume for the area, based on historical rainfall records, determined using the formula and volume coefficients set forth in *Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87*, (1998), pages 175-175 (e.g., approximately the 85th percentile 24-hour storm runoff event); or~~
- ~~• the volume of annual runoff required to achieve 80% or more capture, determined in accordance with the methodology set forth in Appendix D of the California Stormwater Best Management Practices Handbook, (1993), using local rainfall data.~~

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

- ~~• 10% of the 50-year peak flow rate; or~~
- ~~• the flow of runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or~~
- ~~• the flow of runoff resulting from a rain event equal to at least 0.2 inches per hour.~~

### *Resulting Level of Significance*

As stated in the Prior MND, implementation of the above mitigation measures would ensure that potential impacts to water quality would be reduced to a less-than-significant level.

There are no changes in the Project, changes in circumstances or new information that would result in a new significant impact related to water quality and storm water runoff. There is no substantially increased or new significant adverse environmental impact related to storm water quality compared to the analysis in the Prior MND and thus there is no need for further environmental review of this topic.

## **Depletion of Groundwater Supplies**

### Conclusions of the Prior MND

The Prior MND found that the project would not involve groundwater extraction and the site is not a significant groundwater recharge area.

### Currently Proposed Project

There are no changes in the Project, changes in circumstances or new information that would result in a new significant impact related to groundwater. There is no substantially increased or new significant adverse environmental impact related to groundwater quality compared to the analysis in the Prior MND and thus there is no need for further environmental review of this topic.

## **Drainage**

### Conclusions of the Prior MND

The Prior MND found that during a peak storm event, the increase in impervious surface area could create a surge in the volume of storm water runoff released into the storm drain system, which could overwhelm the capacity of downstream storm drainpipes, resulting in off-site flooding and potentially significant impacts.

### Currently Proposed Project

Plans for the current Project include a storm water control plan that includes several on-site bioretention areas to treat Project site storm water runoff, and a series of subsurface detention structures to slow the release of treated runoff to the two creek drainages. The design of the proposed storm water control plan has been reviewed and approved in concept by Alameda County Public Works Agency staff with regard to its compliance with current standards and regulations. The same potential impacts and mitigation measures identified in the Prior MND remain applicable to the current Project.

### *Mitigation Measures*

The following mitigation measures from the Prior MND would be applicable to the Project to address the potential impact related to downstream flooding.

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

### *Resulting Level of Significance*

As stated in the Prior MND, implementation of mitigation measure 3-16 would ensure that potential impacts to downstream or off-site flooding would be reduced to a less-than-significant level.

The proposed site plan modifications and updated storm water control plan would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related to hydrology and water quality compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic.

## **Flood Hazards**

### Conclusions of the Prior MND

The Prior MND reported that the southern of the two streams that cross the project site was designated as of 1981 as a 100-year flood hazard area by the Federal Emergency Management Agency (FEMA). However, the Prior MND reported that the proposed site plan included a 20-foot setback from the flood hazard area boundary as required by the Alameda Watercourse Ordinance, which would avoid the risk of flood hazards, and the impact was indicated to be less-than-significant.

### Currently Proposed Project

Plans for the current Project would avoid most development and construction within 30 feet of the southern creek drainage where the 100-year flood hazard zone was reported, except for some bio-retention areas, runoff collection channels and outfalls. A verification of the 100-year flood zone proximity indicated that the Prior MND was in error, and that there is no such hazard zone in the vicinity, except within the designed channel of San Lorenzo Creek, about half a mile to the north.

The updated storm water control plan as proposed for the current Project would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related to hydrology and water quality that was not adequately addressed by the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic

## **Tsunami and Other Water-Related Hazards**

### Conclusions of the Prior MND

The Prior MND found that the project is not located within an area subject to tsunamis, seiche or mudflows and that there would be no impact from the Project on these inundation conditions.

### Currently Proposed Project

The site plan and updated storm water control plan as proposed for the current Project would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related to hydrology and water quality compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic.

## **X. LAND USE AND PLANNING**

### **Dividing an Established Community**

#### Conclusions of the Prior MND

The Prior MND concluded that the project would have no impact on dividing an established community.

#### Currently Proposed Project

As noted in the Prior MND, the Project involves in-fill residential development of the site compatible with surrounding uses and applicable plans and policies and does not disrupt or divide an established neighborhood. No rezoning is required and the Project is consistent with the *Fairview Area Specific Plan*. The conclusions in the Prior MND remain valid for the current Project.

The proposed site plan modifications would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related

to dividing an established community compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic.

### **Conflicts with Land Use Plan or Zoning**

#### Conclusions of the Prior MND

The Prior MND stated that the project is subject to the land use plans and zoning standards set forth in the *Fairview Area Specific Plan*. It concluded that the project would be consistent with applicable policies and standards of the *Fairview Area Specific Plan* that are intended to either avoid or mitigate a potential environmental effect, including standards related to minimum lot sizes, density limits, height limits, natural grade preservation and riparian area preservation. In addition, the Prior MND pointed out that the site plan and design of the future houses would be subject to a final design review as part of the building permit process to check for compliance with applicable policies, rules and regulations. In light of that requirement, the Prior MND concluded that the project would be in compliance with applicable land use plans and therefore impacts related to conflicts with land use and plans and zoning were less-than-significant.

#### Currently Proposed Project

The proposed site plan modifications compared with the plans reviewed in the Prior MND would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related to conformity with the *Fairview Area Specific Plan* compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic.

### **Conflict with Conservation Plan**

#### Conclusions of the Prior MND

The Prior MND found that there were no conservation plans either in force at that time or proposed that would apply to the subject property and on that basis concluded that the Project would have no impact on conservation plans.

#### Currently Proposed Project

The proposed site plan modifications and other changes to the proposed Project would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related to impacts on a conservation plan compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic.

## **XI. MINERAL RESOURCES**

### **Loss of Mineral Resources**

#### Conclusions of the Prior MND

The Prior MND identified no impact related to mineral resources, consistent with the fact that the project site does not contain mineral resources.

#### Currently Proposed Project

The proposed site plan modifications would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related

to mineral resources compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic.

## **XII. NOISE**

- **Exposure of Persons to or Generation of Noise Levels in Excess of Standards;**
- **Exposure of Persons to or Generation of Excessive Groundborne Noise Levels**
- **Substantial Temporary or Permanent Increase in Ambient Noise Levels in the Project Vicinity above Levels Existing Without the Project**

### Conclusions of the Prior MND

The Prior MND addressed two different aspects of noise impacts: construction noise and operational noise.

With regard to construction noise, the Prior MND found that, in light of the proximity of nearby residents, noise from construction equipment and construction activity, including construction traffic, could adversely affect residents. The Prior MND included two mitigation measures to reduce the level of impacts related to construction noise.

With regard to operational noise (i.e., noise from the use and occupation of the future homes on the Project site) the Prior MND found that noise levels would be greater than what occurs on a vacant site but noise levels from the completed project would be similar to noise levels in existing residential enclaves in the Fairview area. On that basis, the Prior MND concluded that the increase in ambient noise levels as a result of the project would be less-than-significant and no mitigation was required.

### Currently Proposed Project

Construction equipment and the nature and extent of construction activity required for the current Project would not be materially different or less intense than the level of construction activity and noise levels described in Prior MND, and while the duration of excess noise would be less, given that there are three fewer houses in the current Project, the level of noise would be similar. Consequently, the Project would be subject to the same mitigation measures as were included in the Prior MND.

### *Mitigation Measures*

The following mitigation measures from the Prior MND would be applicable to the Project to address construction noise impacts.

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

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



### *Resulting Level of Significance*

As stated in the Prior MND, implementation of the above mitigation measures would ensure that impacts related to construction noise would be reduced to a less-than-significant level.

The proposed site plan modifications would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related to construction noise or operational noise compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic.

### **Aircraft Noise**

#### Conclusions of the Prior MND

The Prior MND found that the project site is far enough from the closest airport so that future residents would not be adversely affected by aircraft noise.

#### Currently Proposed Project

The proposed site plan modifications would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related to potential impacts related to aircraft noise compared to the findings of the Prior MND. Thus, there is no need for further environmental review of this topic.

## **XIII. POPULATION AND HOUSING**

### **Population Growth**

#### Conclusions of the Prior MND

The Prior MND found that at 15 new residential units, the project would not result in significant increases in population, demand for housing, or expansion of public or private services within the project area and that the impact on population growth was less-than-significant.

#### Currently Proposed Project

As noted in the Prior MND, the potential to develop the site with residential units was anticipated in the *Fairview Area Specific Plan*, consistent with the current proposal, and would therefore be within population growth projections. Further, the current Project, at 12 residential units, 20% less than the development level assumed under the Prior MND, would result in fewer new residents and would not be growth-inducing beyond growth already anticipated in the area.

The proposed site plan modifications would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related to population and housing compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic.

### **Displacement of Housing or People**

#### Conclusions of the Prior MND

The Prior MND found that although the project would eliminate one single family dwelling (i.e., the existing residential structure on the Project site), it would result in fifteen new housing units which would

adequately make up for the loss. On that basis, the Prior MND concluded that the project's impact on housing and population displacement was less-than-significant.

#### Currently Proposed Project

What may at one time have been a conventional single family home, that building today is a substantially dilapidated and inhabitable structure, the result of years of vacancy, exposure to the elements and vandalism. Demolition of the structure would remove a blighting influence from the area, would not displace any individuals or remove a habitable dwelling unit. Consistent with the findings of the Prior MND, the addition of new housing on the Project site would adequately make up for the loss of the structure and impacts related to displacement would be less than significant.

The proposed site plan modifications would not meet the threshold of "substantial importance" for new information. There is no substantially increased or new significant adverse environmental impact related to the displacement of housing or people compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic.

### **XIV. PUBLIC SERVICES**

#### **Fire Protection, Police Protection, Schools & Parks**

##### Conclusions of the Prior MND

As noted in the Prior MND, the project would generate an increased demand for fire protection, emergency services, police protection services, and other services and public facilities; however, any added staffing and equipment and maintenance would be funded by relying on tax revenue increases to the County and special districts' general funds. Additionally, the Prior MND stated that the Hayward Fire Department and County Sheriff's Department would review the project plans and identify any project-specific conditions of approval that would be required to ensure adequate access and service is maintained.

With regard to impacts on schools, the Prior MND stated that the project would generate additional students who would attend schools in the Hayward Unified School District, but the increased number of students would not affect service ratios or require additional schools to be built. Impacts related to public services were found to be less than significant in the Prior MND.

#### Currently Proposed Project

The current Project has three fewer residential units than that analyzed in the Prior MND and would therefore generate approximately 20% fewer public school students and reduced demands on fire, police and parks.

The proposed site plan modifications would not meet the threshold of "substantial importance" for new information. There is no substantially increased or new significant adverse environmental impact related to public services compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic.

## **XV. RECREATION**

### **Recreational Facilities**

#### Conclusions of the Prior MND

The Prior MND noted that the project would generate an increased demand for and use of parks and recreation facilities which it found could contribute to the cumulative demand for more park and recreation facilities which was identified as a potentially significant impact.

#### Currently Proposed Project

Because of the reduced number of proposed lots, the current Project would generate less demand for and use of parks compared with the project analyzed in the Prior MND. Nevertheless, the cumulative impact of the current Project would still need to be mitigated consistent with the findings of the Prior MND.

#### *Mitigation Measure*

The following mitigation measure from the Prior MND would be applicable to the Project to address impacts on recreational facilities:

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

#### *Resulting Level of Significance*

As stated in the Prior MND, implementation of the above mitigation measure would ensure that impacts related to the cumulative impacts on recreational facilities would be reduced to a less-than-significant level.

The proposed site plan modifications would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related to parks and recreation compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic.

## **XVI. TRANSPORTATION/TRAFFIC**

### **Increase in Traffic in Relation to Existing Traffic Load and Street System Capacity**

#### Conclusions of the Prior MND

The Prior MND evaluated two different aspects of transportation impacts: construction period impacts, and operational period impacts. With regard to construction period impacts, the Prior MND found that during construction of the Project, large construction vehicles could result in a significant impact on the operation of intersections and roadways near the project site, and mitigation was included in the Prior MND to address this concern.

With regard to operational period transportation impacts, the Prior MND projected average weekday trip generation for the proposed 15 single-family homes to be approximately 150 trips per day which was estimated to represent a 2.4% increase in daily traffic on D Street which the Prior MND concluded was a less than significant impact.

### Currently Proposed Project

The proposed number of residential lots and houses is three less for the Project than was analyzed in the Prior MND. As a result, it is reasonable to expect that potentially significant impacts related to traffic and circulation as identified in the Prior MND would be less but nevertheless, mitigation measures in the Prior MND would still apply.

### *Mitigation Measure*

The following mitigation measure from the Prior MND would be applicable to the Project to address traffic impacts resulting from the movement of heavy construction equipment and vehicles accessing the site:

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

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

### *Resulting Level of Significance*

As stated in the Prior MND, implementation of the above mitigation measures would ensure that impacts related to the construction period transportation impacts would be reduced to a less-than-significant level. There is no substantially increased or new significant adverse environmental impact related to traffic increases compared to the analysis in the Prior MND and thus there is no need for further environmental review of this topic.

### **Direct or Cumulative Increase in Traffic Exceeding a Congestion Management Agency Standard**

#### Conclusions of the Prior MND

The Prior MND stated that the proposed 15-lot project would generate approximately 15 trips during the average weekday evening commute period which is less than the threshold of 100 evening trips considered by the Alameda County Congestion Management Agency (CMA) to be indicative of a potentially significant impact. On this basis, the Prior MND concluded that impacts of the project on the CMA network level of service would be less-than-significant

### Currently Proposed Project

The proposed number of residential lots and houses is three less for the Project than was analyzed in the Prior MND and therefore potential impacts related to CMA thresholds, already found to be less than significant, would be even less than analyzed in the Prior MND.

The proposed site plan modifications would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related to CMA traffic thresholds and standards compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic.

## **Alter Air Traffic Patterns**

### Conclusions of the Prior MND

The Prior MND stated that, consistent with its findings in the discussion in the previous section on Hazards, the project would not alter any air traffic patterns that are already in place and would have no impact.

### Currently Proposed Project

There are no changes in the Project, changes in circumstances or new information that would result in a new significant impact related to safety risks involving changes to air traffic patterns. The conclusion of the Prior MND that there would be no impact in this regard remains valid for the currently proposed Project. There is no substantially increased or new significant adverse environmental impact related to air traffic patterns compared to the analysis in the Prior MND and thus there is no need for further environmental review of this topic.

## **Design Features**

### Conclusions of the Prior MND

The Prior MND identified the presence of a large tree, located on D street at the entrance to the project site that could impair the visibility of drivers exiting onto D Street and interfere with the ability to view oncoming westbound cars descending on D Street. The Prior MND included a mitigation measure to address this potentially significant safety risk.

### Currently Proposed Project

The large tree considered to be a safety risk remains at the entrance to the Project site and for that reason, the potentially significant safety concerns addressed in the Prior MND would need to be mitigated to the same extent as was required of the project analyzed in the Prior MND.

### *Mitigation Measure*

The following mitigation measure from the Prior MND would be applicable to the Project to address safety concerns at the Project entrance on D street.

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

### *Resulting Level of Significance*

As stated in the Prior MND, implementation of the above mitigation measure would ensure that the impaired visibility of oncoming vehicles on D Street due to the presence of the large tree would be reduced to a less-than-significant level.

There are no changes in the project, changes in circumstances or new information that would result in a new significant safety impacts related to design features. There is no substantially increased or new significant adverse environmental impact related to design features compared to the analysis in the Prior MND and thus there is no need for further environmental review of this topic.

## **Emergency Access**

### Conclusions of the Prior MND

The Prior MND stated that the grades dimensions and turning radii of the project access street was designed in accordance with all Fire Department access regulations and on that basis, concluded that the project's impacts related to emergency access was less than significant.

### Currently Proposed Project

The private street dimensions, grades and turning radii for emergency vehicles remain compliant with the requirements of the Hayward Fire Department. There are no changes in the project, changes in circumstances or new information that would result in new significant impact related to emergency access. There is no substantially increased or new significant adverse environmental impact related to design features compared to the analysis in the Prior MND and thus there is no need for further environmental review of this topic.

## **Provide Adequate Parking**

### Conclusions of the Prior MND

The Prior MND noted that the project would provide a 2-car garage for each house and 18 guest parking spaces at locations along the private street, thereby meeting or exceeding the parking requirements of the County Subdivision Ordinance, and having no impact on the environment.

### Currently Proposed Project

Like the project analyzed in the Prior MND, the current Project would include a two-car attached garage for each of the 12 future homes and 12 guest parking spaces on the access street, consistent with applicable parking requirements.

There are no changes in the Project, changes in circumstances or new information that would result in new significant impact related to the adequacy of parking. Although amendments to the Initial Study Checklist in 2011 eliminated the question of whether or not a project provides adequate parking, this change has no effect on the original determination of the Prior MND, or the current information that the Project now proposed would have no substantially increased or new significant adverse environmental impact related to parking compared to the analysis in the Prior MND. Therefore there is no need for further environmental review of this topic.

## **Alternative Transportation**

### Conclusions of the Prior MND

The Prior MND evaluated the project's likely impact on local transit service provided by AC Transit Service which operates the No. 95 Fairview bus route along D Street. It also noted that the nearest bus stop is located adjacent to the Project site on D Street and that the sidewalk proposed at the edge of the private street would provide pedestrian access to this bus stop. On the basis of the facts presented in the Prior MND, it found the project as having no impact on adopted policies, plans or programs that support alternative transportation.

### Currently Proposed Project

There are no changes in the Project, changes in circumstances or new information that would result in new significant impacts on alternative modes of transportation. There is no substantially increased or new significant adverse environmental impact related to parking compared to the analysis in the Prior MND and thus there is no need for further environmental review of this topic.

## **XVII. UTILITIES AND SERVICE SYSTEMS**

### Conclusions of the Prior MND

The Prior MND indicated that the project would utilize existing utilities and service systems including water, wastewater, storm water and solid waste disposal services. Service providers, including the Ora Loma Sanitary District (wastewater), East Bay Municipal Utilities District (water) and Tri-Cities Recycling all indicated their systems would have the capacity to provide the necessary services for the Project and that impacts on their systems would be less than significant.

### Currently Proposed Project

With the reduced density of the Project from 15 to 12 future houses the demand for water, waste water and other utilities would be marginally less for the Project as compared to the project analyzed in the Prior MND.

The proposed site plan modifications would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related to utilities or service systems compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic.

## **XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

As noted in the Prior MND:

- The Project, as mitigated by the measures defined within the MND, does not have the potential to degrade the quality of the environment, or substantially reduce the habitat and population of fish and wildlife, plant and animal communities, rare or endangered species.
- The Project, as mitigated by the measures defined within the MND, does not have impacts that are individually limited but cumulatively considerable.
- The Project, as mitigated by the measures defined within the MND, does not have environmental effects that will cause substantial adverse effects on human beings either directly or indirectly.

The proposed site plan modifications would not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact related to mandatory findings of significance compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of these findings and considerations.

## **CONCLUSIONS OF THIS DOCUMENT**

Based on the information provided above, the proposed site plan modifications would not meet the threshold of “substantial importance” for new information. There are no substantially increased or new significant adverse environmental impacts compared to the analysis in the Prior MND.

Based upon the evidence included in the above analysis, the Project as described would not result in a substantial change in the conclusions and analysis included in the Prior MND. Except for the changes included above in Section IV, Biology, all other mitigation measures from the Prior MND would remain applicable to the Project.

Accordingly, it is determined that a Subsequent MND is not required, because the following conditions are met (adapted from Section 15162 of the CEQA Guidelines):

- 1) The project does not include substantial changes that involve new significant environmental effects or substantial increase in the severity of previously identified significant effects.
- 2) There have not been substantial changes with respect to the circumstances under which the project will be undertaken that involve new significant environmental effects or substantial increase in the severity of previously identified significant effects.
- 3) There is no new information of substantial importance that was not known or could not have been known at the time of the MND that results in:
  - a. Significant effects not discussed in the MND,
  - b. Significant effects that would be substantially more severe than those examined in the MND,
  - c. Mitigation measures previously found not to be feasible would in fact be feasible and would reduce significant effects, but the project proponents decline to adopt the measures, or
  - d. Mitigation measures which are considerably different from those analyzed in the MND and would substantially reduce significant impacts, but the project proponents decline to adopt the measures.

#### LEAD AGENCY DETERMINATION

On the basis of this evaluation, I find that, although changes are proposed as part of the current Project that would require revisions to the prior MND, none of these changes involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Only minor changes to the previous MND are required to address these changes and to add new information. Thus, an Addendum to the prior MND is appropriate, and this document constitutes that Addendum.

  
\_\_\_\_\_  
Signature

3-31-14  
\_\_\_\_\_  
Date

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**AGREEMENT BY PROJECT SPONSOR**

Project Sponsor, acting on behalf of all present and future property owners and Permittees, understands the mitigation measures set forth above in this Addendum and agrees to be bound by them if they are adopted as a result of project approval. Monitoring reports shall be provided to the Planning Director and Director of Public Works at appropriate stages in the development process.

\_\_\_\_\_  
Project Sponsor’s Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Project Sponsor’s Printed Name and Title

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