INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

PLN2021-00064 - FA YUN CHAN TEMPLE PROJECT

Lead Agency:
Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, Ca 94544

AUGUST 2024

Prepared By:
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TABLE OF CONTENTS

page

page

FIGURES

ATTACHMENTS

INTRODUCTION TO THIS DOCUMENT

Purpose

This document serves as the Initial Study and Mitigated Negative Declaration for the Fa Yun Chan Temple project, prepared in accordance with the California Environmental Quality Act (CEQA; Public Resources Code Sections 15000 et seq.).

Per CEQA Guidelines (Section 15070), a Mitigated Negative Declaration can be prepared to meet the requirements of CEQA review when the Initial Study identifies potentially significant environmental effects, but revisions in the project and/or incorporation of mitigation measures agreed to by the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur and there is no substantial evidence in light of the whole record that the project as revised may have significant effect on the environment.

Organization

This document is organized in three sections as follows:

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

Full project application materials are available for review upon request from the Alameda County Planning Department (see contact info below).

PUBLIC REVIEW

This Initial Study will be circulated for a 30-day public review period. Comments may be submitted in writing by email or regular mail to the following address:

Damien Curry, Senior Planner
Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544
damien.curry@acgov.org

PROJECT INFORMATION

All figures for the project information are included together on pages 8 through 16.

Project Characteristics

1. **Project Title:** Fa Yu Chan Temple project

2. **Lead Agency Name and Address:** Alameda County
Planning Department
224 West Winton Avenue
Hayward, CA 94544

3. **Contact Person and Phone Number:** Damien Curry, Senior Planner
(510) 670-6684
Damien.curry@acgov.org

4. **Project Location:** 7825 Crow Canyon Road, Castro Valley, CA
APN: 85-4060-1-9; 85-5000-1-1 and -1-26

5. **Project Sponsor's Names and Address:** Fa Yun Chan Temple
Contact: Xin Xin Shi
7825 Crow Canyon Road
Castro Valley, CA 94552
510-381-9343

6. **General Plan Designation:** Resource Management (RM) and Measure D Canyonlands

7. **Zoning:** Current - Single Family Residential (R1-CSU-RV) and Agricultural (A) / Proposed – Planned Development (PD)

8. **Description of Project:** Addressed below

9. **Surrounding Land Uses and Setting:** Addressed below

10. **Other Public Agencies whose Approval is Required:**

No other public agency discretionary approvals are required for the proposed project.

11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code §21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

As discussed further under Section 18: Tribal Cultural Resources, the California Native American tribes traditionally and culturally affiliated with the project area were contacted to inform them of the project and so they may request consultation. A Consultation meeting was held with representatives of the Lisjan nation, at whose request changes were made to the measure mitigating impacts upon Tribal Cultural Resources. The change directs the project sponsor to

contact a designated Tribal representative in the event of discovery of cultural resources, in addition to other parties.

PROJECT ENTITLEMENTS

Development of the project would require the following approvals from Alameda County: Zoning Map Amendment, Conditional Use Permit, Planned Development Plan, Design Review.

The project is required to comply with Municipal Regional Permit requirements related to stormwater pollution prevention.

LEAD AGENCY

Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544

CONTACT PERSON

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PROJECT SPONSOR

Fa Yun Chan Temple.
Contact: Xin Xin Shi
7825 Crow Canyon Road, Castro Valley, CA 94552
Phone: 1-510-381-9343

PROJECT LOCATION AND EXISTING USES

The approximately 97.4-acre project site (Assessor's Parcel Numbers 085-4050-1-4 and -1-8, 085-4050-2, -3, -4, -5, and -10-2, 085-4055-4, -5, and -6, 085-4060-1-09, 085-5000-1-1 and -1-26,) is mostly undeveloped land located on a south facing hillside at 7825 Crow Canyon Road in the unincorporated area of Castro Valley, California. The site is currently composed of 13 parcels, many of which were small-lot conveyances in the 1920s that are clustered near the roadway. **Figure 1** shows the project location. **Figure 2** shows the parcels that make up the project site.

Approximately 10-acres of the project site (Assessor's Parcel Numbers 085-5000-001-1 and 001-26, 085-4060-001-09) is currently developed with existing facilities belonging to the project sponsor, including one two-story main residential building and eleven other one- and multi-story structures originally built as other residences, barns and garages, a paved parking lot and internal roads, a paved driveway connected to Crow Canyon Road, and pavement around the buildings (note that the location of existing buildings can be seen on Figure 3). The main residence (Building 6) is home to 3-4 masters and/or nuns. The Temple does not currently host any public programs at the project site.

The site slopes towards the west, with varying elevations above mean sea level of approximately 580 to 530 feet. The driveway slopes downward to meet Crow Canyon Road at approximately 415 feet above mean sea level. The ridgeline to the east and northeast tops at approximately 810 feet with steep slopes. The northeastern hills were extensively graded in the past and contain many tiered retaining walls. The project site is prone to landslides and unstable ground due to underlying fill materials and landslide debris.

The project site does not appear on any regulatory lists for contaminated sites or warrant for regulatory requirements at this site. There are no known contaminated sites nearby.

Neighboring uses are interspersed with open space and consist of a mix of commercial uses along Crow Canyon Road, including Apple Creek Farm (horse-riding school and stables) to the southwest, Crow Canyon Park to the northwest, Canyon Creek Ranch to the north and rural residential uses to the north along Crow Canyon and Norris Canyon roads. Eastward from the project site are large undeveloped parcels.

GENERAL PLAN DESIGNATION / ZONING

General Plan Designation: Resource Management Area and Measure D Canyonlands

Current Zoning: Single Family Residential (R1) and Agricultural (A)

Proposed Zoning: Planned Development (PD)

SURROUNDING LAND USES

The project site is located in a hilly, rural area northeast of Castro Valley's urban area. Existing uses along Crow Canyon Road and Norris Canyon Road are rural residential, park lands, and commercial uses including a horse-riding school and stables, and farms.

PROJECT DESCRIPTION

Background and Overview

Fa Yun Chan Temple currently operates as a Buddhist temple out of their main facility at 512 8th Street, in Oakland, CA and will continue to do so. The proposed project would provide a larger secondary facility in a natural setting in which Temple staff and long-term visitors could reside, weekly meditation sessions and monthly training sessions could be held, and two annual events could be hosted. Other than tours of the Buddha statues, which would be open to the public, events at the proposed facility would be intended for Temple members and visiting masters/esteemed guests. Larger events would utilize shuttles for transport of Temple members to the project site.

The project includes the use of lot mergers to combine many of the site parcels, some of which are as small as 5,000 square feet, into 2 to 5 larger parcels. See Section 11: Land Use and Planning for additional details.

The proposed project would proceed in two phases, as described below.

Phase 1 Project

Phase 1 would involve the renovation of the existing main residence (Building 6) for continued and expanded use as a residence for up to 6 members of the Temple staff and to host small meditation sessions. The renovations would be to the interior, with no change to the building's footprint. Phase 1 would also include the placement of 4 Buddha statues, up to 44 feet (above ground level) tall,

throughout the elevated portions of the site, with a meditation trail leading to and/or connecting them. All other existing buildings would remain vacant or used as storage locations, as under existing conditions. **Figure 3** shows the Phase 1 site plan. **Figure 4** includes details of the Buddha statues and plazas.

Chan Meditation practice, which is open to members of the Temple, would be offered on Sunday only between 2 pm to 5 pm. Expected attendees for the meditation practice are 10 to 20 people.

Once constructed, daily tours of the Buddha statues would be offered for up to 15 people at a time for a total of up to 30 visitors daily in 2 or 3 groups.

Phase 2 Project

Phase 2 would include the demolition of all other existing buildings (currently vacant or used for storage) and the construction of a Buddhist Temple Compound consisting of 5 new buildings (Buildings 1 through 5). **Figure 5** shows the overall site plan for buildout, including both Phases 1 and 2, and **Figure 6** shows the grading and drainage plan. These buildings would provide assembly space for meditation activities and other Temple events and residential space to support guests. Including in the main residence improved in Phase 1, up to 15 full time residents would be living at the project site, including 3 to 5 long-term guests (more than 90 days). An additional 25 short-term overnight guests could be accommodated at the site, with overnight stays expected to coincide with monthly "eight precepts" practices (arriving the morning of the first Sunday of the month and leaving the next morning), and a week-long annual Dharma Service Event in December. The annual Dharma Service Event would be expected to attract up to 150 daytime attendees, including the overnight guests described above. Shuttles would be provided to/from the main Fa Yun Temple in Oakland and from the Castro Valley BART station for attendees.

Buddha statue tours would continue as under Phase 1. The weekly Sunday Chan Meditation practices would continue to be held, with attendees expanded to a maximum of 40.

Additionally, single-day meditation retreats (no overnight guests) would be offered on selected Sundays in January, March, and November for up to 100 daytime guests. Shuttles would be provided to/from the main Fa Yun Temple in Oakland (512 8th Street) and from the Castro Valley BART station.

The proposed new buildings would include two 3-story buildings and three 2-story buildings, ranging from 6,274 square feet to 12,092 square feet. The tallest building would have a height of 58 feet. The total development footprint at the end of Phase 2 would be similar to the existing footprint, plus the additional area (of approximately 4,900 square feet) for the four proposed statues, all occurring within an approximately 10-acre portion of the site, on two of the four proposed parcels. **Figures 7, 8, and 9** show the proposed building elevations.

Other site improvements would include stabilization of the hillsides, replacement and expansion of the current leach field and provision of individual wastewater service laterals, septic tanks and ejector/grinder pumps. Additionally, a new fire suppression system would be provided, consisting of a new fire pump and delivery system with sufficient on-site water storage to provide fire protection as required under National Fire Protection Association standards. This system would serve all buildings onsite with the exception of the renovated residence building. A second driveway off Crow Canyon Road would be built. Landscaping would include stormwater treatment areas.

Parcel Consolidation

The applicant is proposing to simplify the parcelization of the 97.4-acre site by consolidating the 13 parcels into 2 to 5 parcels. The proposed development, including the walking trails, would be located in generally the same approximately 10-acre footprint as the existing development with the limits of construction disturbance within approximately 12.75 acres. See Figure 2 for the existing parcels and Section 11: Land Use and Planning for additional details.

Other than parcel reconfiguration, no change is proposed as a part of this project to the remainder of the site.

Access & Parking

The project site is accessible by automobile. **Figure 10** shows the accessibility and parking diagram for project buildout. The existing driveway toward the north end of the project site's frontage along Crow Canyon Road would be maintained as a vehicular access point. A second, private access driveway is proposed in Phase 2, approximately 500 feet closer to Castro Valley, that would join with the first driveway before the complex. There is no public transportation available near the site.

The existing visitor parking lot would be made more accessible, with golf carts providing accessible transport from the parking lots or between site destinations, as only portions of the walkways would be ADA compliant on the hillside. A total of 28 parking spaces would be available between the two parking lots. Shuttle bus service for larger events is proposed, with a 50-person shuttle bus or buses providing service from the Fa Yun Chan Temple in Oakland and the Castro Valley BART station to larger events. Golf carts would again be utilized to shuttle visitors from the shuttle drop off to the event location as necessary.

Utilities

The project would redevelop the portion of the site already partially provided with utilities and services. Localized lines may need to be extended or relocated within the project site for utilities to the new buildings. (See Section 19: Utilities and Service Systems for additional discussion of utilities.)

The project would be powered with electric power. A new 1200 amp transformer is proposed to serve the site. A new installed overhead electric line is proposed as a connection between an existing pole on Crow Canyon Road up to the temple staff building. A drop pole would deliver electric service to the new transformer. No gas is being proposed for the site.

Water for the site is currently provided by one on-site well with preliminary projected capacity to supply the project. Additionally, the applicants are also petitioning for reinstatement of the property into the Norris Canyon Homeowners' Association (NCHA) water system, which had been discontinued under the previous owner. Details of the water supply would be confirmed prior to Phase 2 development (see Section 19: Utilities and Service Systems). Water storage tanks would be installed for fire protection via a private fire pump system with emergency backup power. The site is currently served by one septic tank with leach field dispersal. Two additional septic tanks would be installed as part of the project.

Construction

Construction activities are anticipated to span about two years, with a target start in late-2025. Phase 1 is expected to take 12 months, and Phase 2 would be an additional 12 months and would include demolition of the existing non-residential buildings.

Due to the unstable nature of the ground, either over-excavation of the fill materials, colluvium and landscape debris, and/or deep foundation systems would be necessary for building safety. Excavation for septic tanks and water treatment equipment would also be necessary. It is estimated that approximately 1,370 cubic yards of cut would be removed from the site with approximately 4,240 cubic yards of cut being re-used on site in landscaped areas.

Wildfire Hazard Reduction

The project site is in a State Responsibility area with a High Fire Hazard Severity Zone designation. The project site is considered a mix of a Wildland Urban Interface Zone and an Intermix Zone. The project would incorporate an ongoing vegetation management plan and improve emergency access to the project site (see Section 20: Wildfire) as detailed in the project specific Wildland Fire Protection Plan (Attachment E). In addition, evacuation preparedness steps would be taken, including proper staff training, additional measures during events on Red Flag Days, or the modification or cancellation of events if warranted by local conditions.

Figure 1: Project Location
Source: H.T. Harvey, 2023

Figure 2: Project Site
Source: Alameda County mapping, modified to show applicant parcels in green

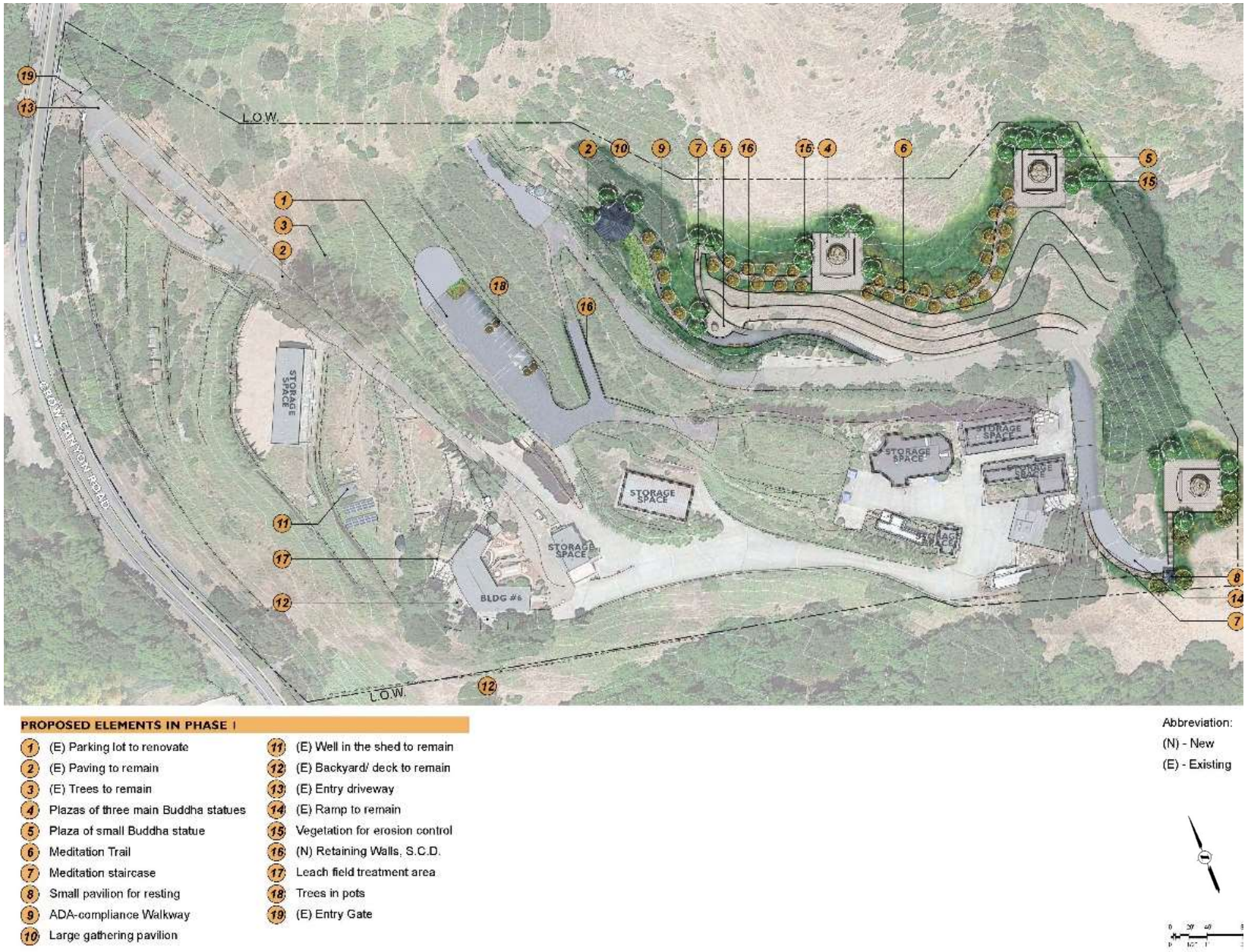


Figure 3: Illustrative Site Plan, Phase 1 (existing conditions are shown in the Phase 2 area)
Source: Project Plan Set, dated 2/5/21

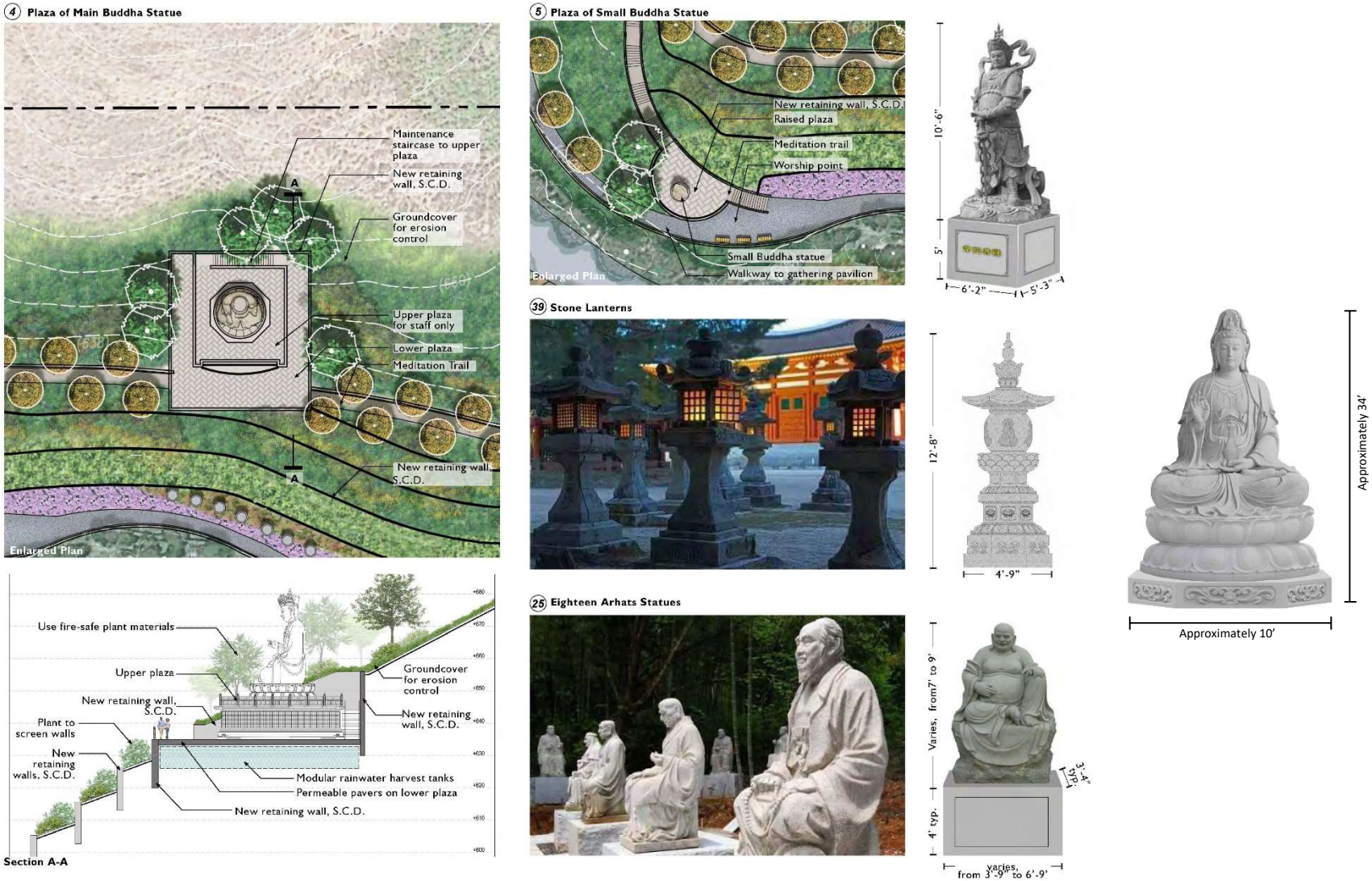


Figure 4: Details of Buddha Statues and Plazas

Source: Project Plan Set, dated 2/5/2021

PROPOSED ELEMENTS IN PHASE I

1. (E) Parking lot to renovate
2. (E) Paving to remain
3. (E) Trees to remain
4. Plazas of three main Buddha statues
5. Plaza of small Buddha statue
6. Meditation Trail
7. Meditation staircase
8. Small pavilion for resting
9. ADA-compliance Walkway
10. Large gathering pavilion
11. (E) Well in the shed to remain
12. (E) Backyard/ deck to remain
13. (E) Entry driveway
14. (E) Ramp to remain
15. Vegetation for erosion control
16. (N) Retaining Walls, S.C.D.
17. Leach field treatment area
18. (E) Entry Gate

PROPOSED ELEMENTS IN PHASE II

21. (N) Entry Drive & Gate
22. Entry Sign
23. Roundabout with landscape
24. Trash enclosure
25. 18 Arhats sculptures on hillside
26. (N) Parking lot
27. Organic garden and orchard
28. Focal element
29. Fire pump pad
30. Water tanks for sprinkler system
31. Buddhism cultural wall
32. Concrete walkways
33. (N) Staircase
34. (N) Retaining wall
35. avel with steppers
36. plaza
37. worship plaza
38. Upper worship plaza
39. Stone Lanterns
40. Fountain jets in cobbles band
41. Water fall
42. Traditional Portal
43. Gathering pavilion with deck
44. 18 Arhats cabana for individual use
45. Meditation Trail
46. Small pavilion for resting
47. Lookout Point
48. Stormwater treatment area
49. Leach field treatment area
50.

Abbreviation:
(N) - New
(E) - Existing

Figure 5: Illustrative Site Plan, Phases 1 and 2
Source: Project Plan Set, dated 2/5/2021

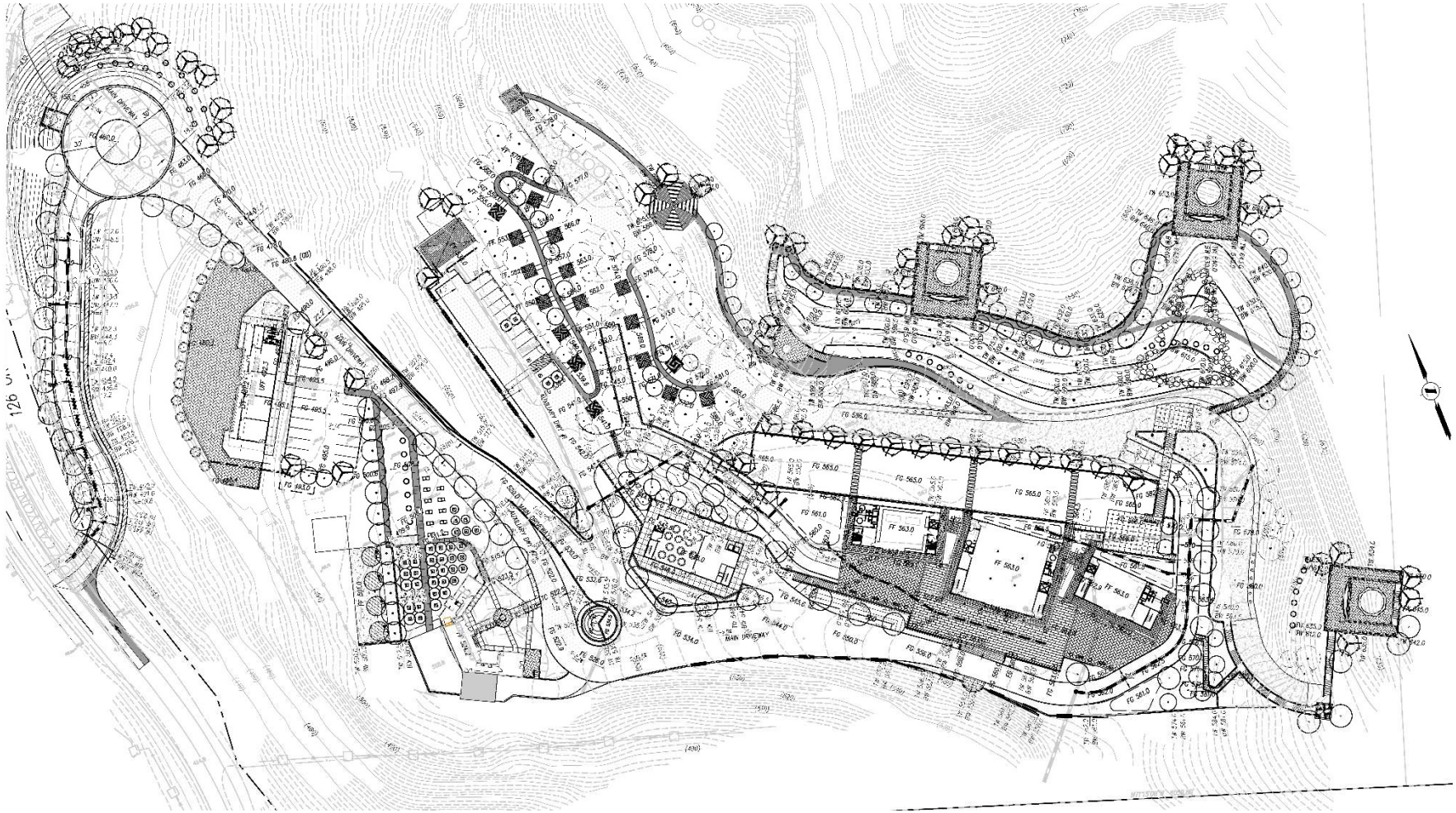


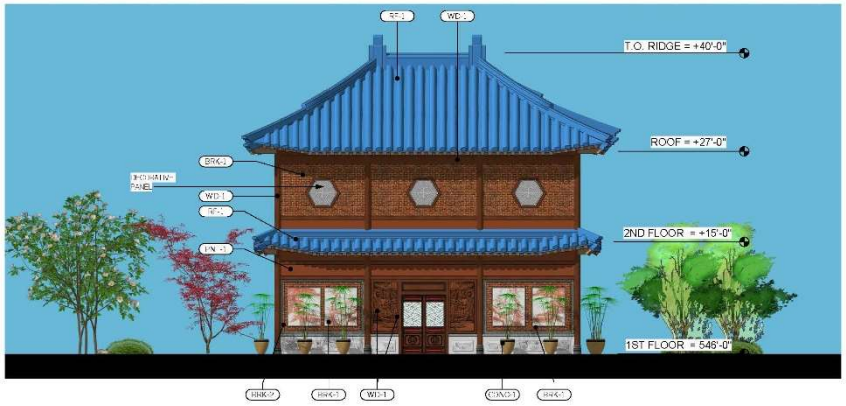
Figure 6: Grading and Drainage Plan
Source: Project Plan Set, dated 2/5/2021

1 ELEV - BLDG 1,2 &3 OVERALL_FRONT
3/32" = 1'-0"

3 ELEV - BLDG 1,2 &3 OVERALL_SIDE
3/32" = 1'-0"

Figure 7: Elevations – Buildings 1, 2, and 3
Source: Project Plan Set, dated 2/5/2021

1 ELEV - BLDG 4_FRONT
1/8" = 1'-0"



4 ELEV - BLDG 4_WEST
1/8" = 1'-0"

Figure 8: Elevations – Building 4
Source: Project Plan Set, dated 2/5/2021

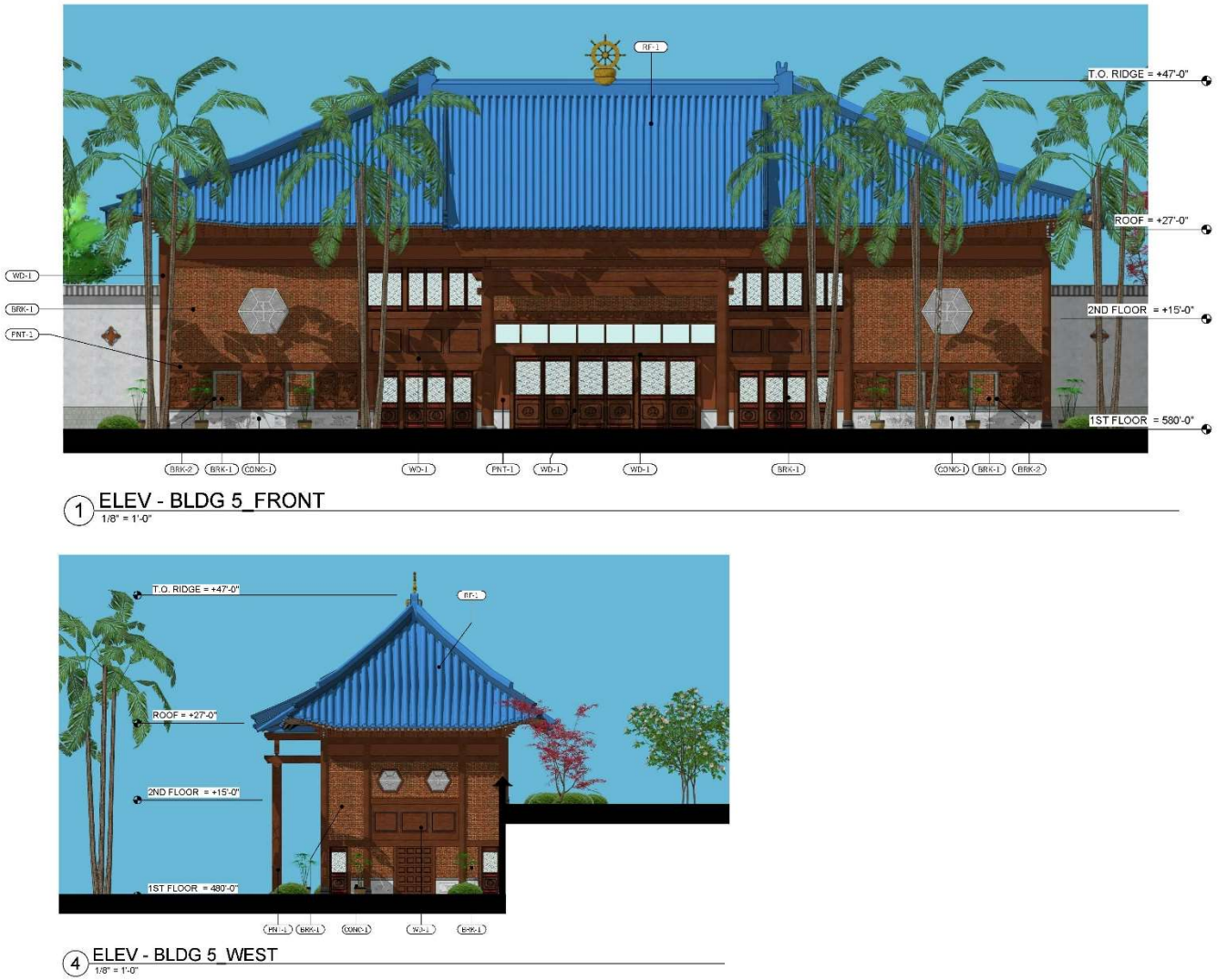


Figure 9: Elevations – Building 5
Source: Project Plan Set, dated 2/5/2021

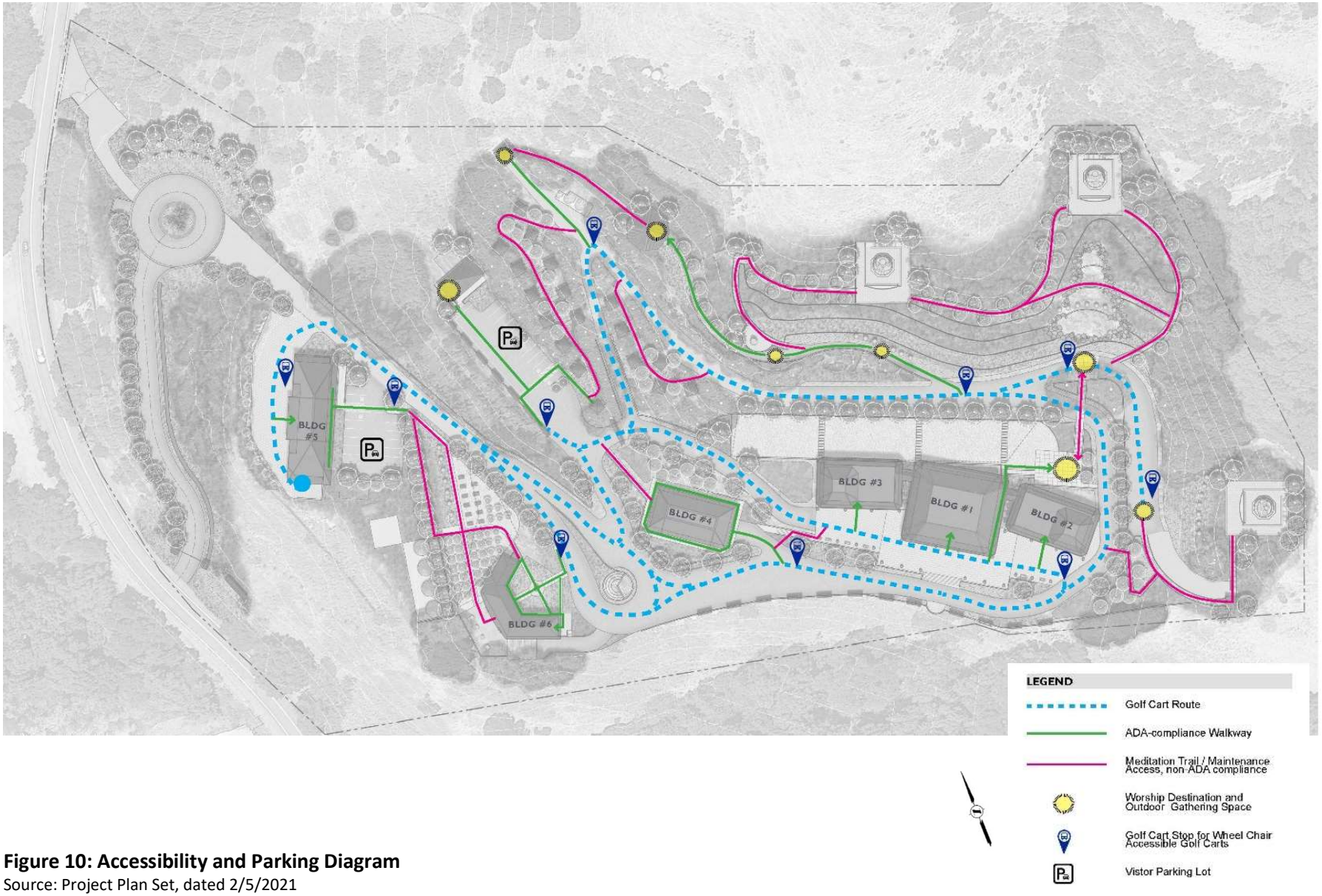


Figure 10: Accessibility and Parking Diagram
Source: Project Plan Set, dated 2/5/2021

MITIGATED NEGATIVE DECLARATION

PROJECT DESCRIPTION, LOCATION, AND SETTING

This Mitigated Negative Declaration has been prepared for the Fa Yun Chan Temple project. See the Introduction and project Information section of this document for details of the project.

POTENTIALLY SIGNIFICANT IMPACTS REQUIRING MITIGATION

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

<table>
<tr><th>Potential Impact</th><th>Mitigation Measures</th></tr>
<tr><td colspan="2">Air Quality, Construction Emissions: Construction of the project would result in emissions and fugitive dust. While the project emissions would be below threshold levels, the Bay Area Air Quality Management District (BAAQMD) considers dust generated by grading and construction activities to be a significant impact associated with project development if uncontrolled and recommends implementation of construction mitigation measures to reduce construction-related emissions and dust for all projects, regardless of comparison to their construction-period thresholds.</td></tr>
<tr><td></td><td>Mitigation Measure
Air-1: Basic Construction Management Practices. The project applicant / owner / sponsor shall demonstrate proposed compliance with all applicable regulations and operating procedures prior to issuance of demolition, building or grading permits, including implementation of the following BAAQMD “Basic Construction Mitigation Measures”.
i) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
ii) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
iii) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, unless the City The use of dry power sweeping is prohibited
iv) All vehicle speeds on unpaved roads shall be limited to 15 mph.
v) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
vi) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</td></tr>
</table>

Potential Impact	Mitigation Measures
	vii) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. viii) Prior to the commencement of construction activities, individual project proponents shall post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management District's 24-hour general air pollution complaint phone number shall also be visible to ensure compliance with applicable regulations.
Biological, Loss of Individual Alameda Whipsnakes: The Alameda whipsnake (Masticophis lateralis euryxanthus), a federally threatened species, has the potential to occur in and around the project site, and could be directly or indirectly impacted by project construction activities.	
	Mitigation Measure **Bio-1: Alameda Whipsnake Impact Minimization Measures**. To minimize impacts on Alameda whipsnakes, the following measures shall be implemented. • Qualified Biologist. Prior to project construction, the project proponent shall retain a qualified biologist(s) to perform preconstruction surveys, worker environmental awareness training, and on-site construction monitoring. • Worker Environmental Awareness Program. Prior to commencing work at the project site, all construction personnel shall receive a worker environmental awareness training provided by the qualified biologist(s). At a minimum, the training shall include descriptions of the Alameda whipsnake, California red-legged frog, California tiger salamander, and western pond turtle and their habitats; the regulatory protections afforded these species; the general measures that are being implemented to conserve them as they relate to the proposed project, and the boundaries within which project activities may be accomplished. • Pre-Activity Survey. The qualified biologist shall survey within the project construction disturbance areas within 24 hours prior to the initiation of construction-related activities for Alameda whipsnakes, California red-legged frogs, California tiger salamanders, and western pond turtles. If an individual of any of these species is detected during the pre-activity survey, they shall be relocated to suitable habitat outside the project's impact areas (with approval from the U.S. or California Fish and Wildlife Services (USFWS/CDFW) as appropriate). • Wildlife Exclusion Fence. Prior to project construction, wildlife exclusion fencing shall be installed to prevent Alameda whipsnakes, California red-legged frogs, California tiger salamanders, and western pond turtles from

Potential Impact	Mitigation Measures
	entering project impact areas. This fencing shall be installed along the perimeter of the project footprint in a manner that shall prevent these species from entering the project footprint prior to the start of all work activities. The location and design of the fence shall be approved by a qualified biologist, and the qualified biologist shall also be present on site to monitor installation until the exclusion fence is complete. o At a minimum, the exclusion fencing shall be at least 3 feet high and the lower 6 inches of the fence shall be buried in the ground to prevent animals from crawling under. The remaining 2.5 feet shall be left above ground to serve as a barrier for animals moving on the ground surface. The fence shall be pulled taut at each support to prevent folds or snags, and supports shall be placed on the inside (project side) of the fencing. Escape ramps, funnels, or other features that allow animals to exit the construction area, but which will prohibit the entry of such animals, shall be provided in the exclusion fencing, and the top of the fencing shall be curved over on the outside of the fence to prevent animals climbing over it. Fencing shall be installed and maintained in good condition during all construction activities and shall be inspected and maintained daily until the completion of project construction. If equipment needs to pass through this fencing for work activities, a gate shall be installed to allow access and the fence shall be sealed at the end of each working day. Fencing shall be removed within 72 hours of the conclusion of construction activities. • Construction Monitoring. The qualified biologist(s) shall be present during any construction activities that could, in the biologist's opinion, potentially result in take of individual Alameda whipsnakes, California red-legged frogs, California tiger salamanders, or western pond turtles. The biologist(s) shall have the authority to stop any work that may result in take of this species. The on-site biologist shall be the contact for any employee or contractor who might inadvertently kill or injure an Alameda whipsnake, California red-legged frog, California tiger salamander, or western pond turtle or anyone who finds a dead, injured, or entrapped individual of any of these species. • Immediate Work Stoppage. If an Alameda whipsnake, California red-legged frog, California tiger salamander, or western pond turtle, or an animal that could be one of these species (e.g., a similar species of reptile or amphibian), is observed within the work area during project activities, all work that could result in the injury or death of the individual shall stop immediately and the qualified biologist shall be immediately notified. The animal shall be allowed to leave the work area of its own volition. If it does not leave the area of its own volition, USFWS (for Alameda whipsnake, California red-legged frog, and California tiger salamander) and/or CDFW (for California tiger salamander and western pond turtle)

Potential Impact	Mitigation Measures
	shall be contacted to determine next steps. No individual of any of these species shall be handled without prior approval from the USFWS/CDF. • Avoid Plastic Monofilament Netting. No plastic monofilament netting or similar material shall be used in erosion control materials to avoid potential entrapment of Alameda whipsnakes, California red-legged frogs, California tiger salamanders, and western pond turtles that may occur in project construction disturbance areas. • Trenches. To prevent the inadvertent entrapment of Alameda whipsnakes, California red-legged frogs, California tiger salamanders, or western pond turtles, all excavated, steep-walled holes or trenches shall be covered at the end of each work day with plywood or similar materials. If this is not possible, one or more escape ramps constructed of earth fill or wooden planks shall be established in the hole. Before such holes or trenches are filled, they shall be thoroughly inspected for any animals. If at any time an Alameda whipsnake, California red-legged frog, California tiger salamander, or western pond turtle is found trapped or injured in these holes, the individual shall be relocated to suitable habitat outside the project's impact areas (with approval from the USFWS/CDFW as appropriate). • Food Trash Removal. All food trash from project personnel shall be placed in containers with secure lids before the end of work each day in order to reduce the likelihood of attracting predators to the project site. If containers meeting these criteria are not available, all rubbish shall be removed from the project site at the end of each workday.
Biological, Loss of Alameda Whipsnake Habitat: The project would result in the temporary and/or permanent loss of a total of 6.46 acres of suitable Alameda whipsnake foraging, dispersal, and refugial habitat, including 2.64 acres of coyote brush scrub, 0.1 acre of riparian woodland, 0.63 acre of mixed oak woodland, and 3.18 acres of California annual grassland, which could contribute to broader-scale decline in regional Alameda whipsnake populations.	
	Mitigation Measure **Bio-2: Alameda Whipsnake Habitat Restoration and Compensatory Mitigation.** Temporary impacts to coyote brush scrub, riparian woodland, mixed oak woodland, and California annual grassland habitat shall be restored in place to return Alameda whipsnake habitat to conditions of equal or greater habitat quality compared to the impacted areas, as determined by a qualified biologist. To offset the permanent loss of Alameda whipsnake habitat, compensatory mitigation shall be provided for any permanent loss of coyote brush scrub, riparian woodland, mixed oak woodland, or California annual grassland habitat. Mitigation may be satisfied through project-specific conservation and management of suitable habitat occupied by this species and/or the purchase of credits at a conservation bank that has been approved by the USFWS and CDFW. If compensatory mitigation is provided through project-specific conservation and management of suitable habitat

Potential Impact	Mitigation Measures
	(on-site and/or off-site), the applicant shall provide the mitigation at a 2:1 (mitigation: impact) ratio on an acreage basis for direct, permanent impacts to suitable habitat. If compensatory mitigation is provided through the purchase of credits at an approved conservation bank, mitigation shall be provided at a 1:1 (mitigation: impact) ratio for direct permanent impacts. If the applicant provides mitigation through project-specific conservation and management of suitable habitat, the applicant shall prepare a Habitat Mitigation and Monitoring Plan (HMMP) describing the proposed mitigation lands for conservation/management (i.e., land outside the project's impact footprint, either on the project site or in off-site areas), and monitoring that will occur to ensure that those lands continue to provide suitable habitat conditions. The HMMP shall be prepared by a qualified ecologist and shall include the following: • A summary of habitat impacts and proposed acres of habitat conservation; • The location of habitat conservation and enhancement site(s), and description of existing site conditions; • A description of measures to be undertaken, if necessary, to enhance the mitigation site for the Alameda whipsnake; • Proposed management activities to maintain high-quality habitat conditions for the Alameda whipsnake; • A monitoring plan (including performance criteria, methods, data analysis, reporting requirements, and schedule). At a minimum, performance/success criteria shall include demonstration of the presence of suitable habitat for the Alameda whipsnake. • A description of the HMMP's adaptive component, including potential contingency measures for mitigation elements that do not meet performance criteria; and • A description of the funding mechanism to ensure the long-term maintenance and monitoring of the mitigation lands. The HMMP shall be submitted to the USFWS and CDFW for review and approval prior to project implementation. If compensatory mitigation is provided through a purchase of mitigation credits, the applicant shall purchase the credits from a conservation bank in consultation with the appropriate resource agencies prior to commencement of impacts on Alameda whipsnake.
Biological, Disturbance of Bats: The low-use buildings and large trees at the site provide suitable habitat for common and special-status roosting bats and active bat roosts were detected on site during the 2023 maternity season. Construction activities and the removal of trees and buildings at the project site have the potential to result in the loss of individual special-status bats, and possibly, a maternity colony of roosting bats.	

Potential Impact	Mitigation Measures
	Mitigation Measure **Bio-3a: Initial Habitat Survey for Roosting Bats.** A qualified bat biologist shall conduct an initial survey of all project site buildings and trees that are slated for removal to determine whether suitable habitat for a moderate-sized colony of common bat species (i.e., at least 10 big brown bats or at least 20 individuals of other non-special-status species), or a pallid bat colony of any size, is present. The locations of trees with suitable cavities and crevices, as well as any buildings with accessible interiors or other crevices (e.g., roof tiles or other exterior features) that support suitable roost locations, shall be identified, and potential entry and exit locations shall be mapped. The purpose of this initial survey is to determine where surveys for maternity roosts (described in Mitigation Measure Bio-3b) and where pre-activity surveys (described in Mitigation Measure Bio-3c), if required, shall be performed. For trees and buildings that are determined, in the qualified biologist's discretion, not to provide suitable habitat for a moderate-sized colony of common bat species or a pallid bat colony of any size, no further surveys are required. If the qualified biologist determines that any buildings or trees provide suitable habitat, then further surveys under Mitigation Measure Bio-3b and Bio-3c are required. The site visit for this survey may be combined with the daytime component of the maternity season survey described under Mitigation Measure Bio-3b, below, if it is performed during the maternity season (generally March 15 – August 31). **Bio-3b: Maternity Season Survey.** A qualified bat biologist shall conduct a focused survey for roosting bats within all project site buildings and trees that are slated for removal, and within which suitable habitat was identified during the initial habitat survey described in Mitigation Measure Bio-3a above, during the maternity season (generally March 15 – August 31) and prior to the start of project construction to determine presence or absence of a maternity colony, the species present, and an estimate of the colony size, if present. If close inspection of potential roost features during the daytime is infeasible, the focused survey shall consist of a dusk emergence survey when bats can be observed flying out of the roost. The purpose of this survey is to determine whether replacement roost habitat needs to be provided, as described under Mitigation Measure Bio-3e below. This survey may be combined with the initial habitat survey described under Mitigation Measure Bio-3a above and/or the pre-activity survey described under Mitigation Measure Bio-3c below, if desired. However, due to the potential for the presence of a maternity colony to result in a project delay (i.e., maintaining a non-disturbance buffer around the roost), if work will be initiated during the maternity season, it is recommended that this survey be conducted in a year prior to the year in which project construction will occur.

Potential Impact	Mitigation Measures
	If a maternity colony is detected in a year prior to the year in which project construction will occur, the exclusion measures described in Mitigation Measure Bio-3d below shall be implemented prior to March 15 of the year in which construction occurs to ensure that bats are excluded from the roost prior to the start of construction. In addition, Mitigation Measure Bio-3e shall be implemented. **Bio-3c: Pre-Activity Survey.** A pre-activity survey shall be conducted for roosting bats within all project site buildings and trees that are slated for removal, and within which suitable habitat was identified during the initial habitat survey and the maternity roosting survey described in Mitigation Measure Bio-3a. The survey shall be conducted by a qualified bat biologist within seven days prior to the start of building demolition or tree removal for the purpose of impact avoidance. If building demolition and/or tree removal will occur in phases, a pre-activity survey shall be conducted within 7 days prior to the demolition of each building and/or removal of each tree in which suitable roost habitat is present. If close inspection of potential roost features during the daytime is infeasible, the focused survey shall include a dusk emergence survey when bats can be observed flying out of the roost. If a moderate-sized maternity colony of common bat species (i.e., at least 10 big brown bats, 20 Yuma myotis, or 100 individuals of other non-special-status species), or a pallid bat colony of any size or kind (i.e., a maternity or non-maternity colony), is not detected during the survey, no additional measures are required. If a moderate-sized maternity colony of common bat species (i.e., at least 10 big brown bats or at least 20 individuals of other non-special-status species), or a pallid bat colony of any size or kind (i.e., a maternity or non-maternity colony), is present, the qualified bat biologist shall identify an appropriate disturbance-free buffer zone to be maintained until either the end of the maternity season or a qualified biologist has determined that all young are volant (i.e., capable of flight) to avoid the loss of dependent young. The exclusion measures described in Mitigation Measure Bio-3d below shall be implemented after dependent young are no longer present and prior to the removal of any portion of the tree or building where the roost is located. In addition, the compensatory measures described under Mitigation Measure Bio-3e shall be implemented. If a non-maternity colony of pallid bats of any size is present, the compensatory measures described under Mitigation Measure Bio-3e shall be implemented. **Bio-3d: Bat Exclusion.** If bats are present in a building or tree to be removed or disturbed, the individuals shall be safely evicted outside the bat maternity season (approximately March 15 – August 31) and the winter torpor period (approximately October 15 – February 28, depending on weather). Bats may

Potential Impact	Mitigation Measures
	be evicted through exclusion, as directed by a qualified biologist, after notifying the CDFW. The qualified biologist must be present for removal of trees or structures occupied by bats. For eviction from roost trees, trimming or removal of trees shall follow a two-step removal process whereby limbs and branches not containing roost habitat are removed on day 1 to disturb the roost, and then the entire tree is removed on day 2. Disturbance of or removal of structures containing or suspected to contain active (non-maternity or hibernation) or potentially active common bat roosts shall be done in the evening and after bats have emerged from the roost to forage. Structures shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost. Removal shall be completed the subsequent day. Alternatively, exclusion methods may include the installation of one-way doors and/or use of ultrasonic deterrence devices. One-way doors and/or deterrence devices shall be left in place for a minimum of two weeks with a minimum of five fair-weather nights with no rainfall and temperatures no colder than 50°F. **Bio-3e: Compensatory Mitigation**. If a maternity colony of common bat species containing at least 10 big brown bats, 20 Yuma myotis, or 100 individuals of other non-special-status bat species, or a pallid bat day roost of any type (maternity or non-maternity) or size, is determined to be present within the project construction disturbance areas, replacement roost habitat that is appropriate to the species shall be provided, as determined by a qualified bat biologist. The nature of the replacement roost habitat (e.g., the design of an artificial roost structure) shall be determined by a qualified bat biologist based on the number and species of bats detected. Ideally, the roost structure shall be installed at the project site. If replacement habitat cannot be placed at the project site, it shall be installed no more than 100 feet from the site (or as close to the site as feasible). Exact placement of replacement habitat shall be determined in consultation with a qualified bat biologist.
Biological, Risk of Bird Strike: Windows and glass structures can increase the potential for bird collision if not appropriately designed.	
	Mitigation Measure **Bio-4: Implement Bird-Safe Building Design.** Due to the potential for glazed façade areas on the proposed buildings to result in high numbers of bird collisions, the project shall implement the following bird-safe building design considerations for these facades: • Reduce the extent of glass on these building facades, to the extent feasible. • Reduce or eliminate the visibility of landscape vegetation behind glass.

Potential Impact	Mitigation Measures
	• No more than 10% of the surface area of the combined façades for any single building shall consist of untreated glazing between the ground and 60 feet above ground. Bird-safe glazing treatments may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or ultraviolet patterns visible to birds. Vertical elements of the window patterns shall be at least 0.25 inches wide at a maximum spacing of four inches or have horizontal elements at least 0.125 inches wide at a maximum spacing of two inches. • Avoid free-standing clear glass walls, skywalks, transparent building corners, glass enclosures (e.g., greenhouses) on rooftops, and free-standing clear glass railings where feasible. If any such features are included in the project design, all glazing used in any such features shall be 100% treated with a bird-safe glazing treatment. These features shall be treated to a height of 60 feet above grade. Features located more than 60 feet above grade are not required to be treated. For transparent glass corners, the required treatment area extends horizontally from a building corner as far the corner as it is possible to see through the corner to the other side of the building. • Landscaping, including planted vegetation and water features, shall be designed to minimize the potential for collisions adjacent to glazed building facades. For example, vegetation providing particularly valuable resources to birds (such as fruits) shall be planted away from glass facades, and vegetation in general shall be planted in such a way that it is not clearly reflected in windows. Water features shall be located away from building exteriors to reduce the attraction of birds toward glazed facades.
Biological, Increased Lighting: An increase in artificial lighting at night could impact sensitive species in the area by increasing predation or disorienting birds.	
	Mitigation Measure **Bio-5: Minimize Project Lighting.** Due to the potential for proposed lighting to affect wildlife species that occur at the project site and in adjacent natural areas, the project shall implement the following measures to minimize lighting on the project site. • All exterior lighting shall be fully shielded to block illumination from shining outward from proposed development. • To the maximum extent feasible, up-lighting (i.e., lighting that projects upward above the fixture) shall be avoided in the project design. All lighting shall be fully shielded to block illumination from shining upward above the fixture. If up-lighting cannot be avoided in the project design, up-lights shall be shielded and/or directed such that no luminance projects above/beyond objects at which they are directed (e.g., trees and buildings) and such that the light would not shine directly into the eyes of a bird flying above the

Potential Impact	Mitigation Measures
	object. If the objects themselves can be used to shield the lights from the sky beyond, no substantial adverse effects on migrating birds are anticipated. Buddha statues located in woodland, grassland, or scrub habitats shall not be illuminated at night. • Fixtures shall comply with lighting zone LZ-1, Low Ambient, as recommended by the International Dark-Sky Association for rural and low-density residential areas. The allowed total initial luminaire lumens for the project site is 1.25 lumens per square foot of hardscape, and the BUG rating for individual fixtures shall not exceed B2 or G1, as follows: o B2: 1,000 lumens high (60–80 degrees), 2,500 lumens mid (30–60 degrees), 1,000 lumens low (0–30 degrees) o G1 (asymmetrical fixtures): 100 lumens forward very high (80–90 degrees), 100 lumens backlight very high (80–90 degrees), 1,800 lumens forward high (60–80 degrees), and 500 lumens backlight high (60–80 degrees) for asymmetrical fixtures or 1,800 lumens backlight high for quadrilateral symmetrical fixtures. In addition, the maximum allowed luminaire lumens (initial lamp lumens for a lamp, multiplied by the number of lamps in the luminaire) for unshielded luminaires at one entry per building is 420 lumens, and for additional unshielded luminaires at the project site is 315 lumens. The maximum allowed luminaire lumens for fully shielded luminaires is 1,260 lumens. Landscape lighting and shielded directional flood lighting shall be avoided. • Exterior lighting shall be minimized (i.e., total outdoor lighting lumens shall be reduced by at least 30% or extinguished, consistent with recommendations from the International Dark-Sky Association) from 10:00 p.m. until sunrise, except as needed for safety and County code compliance.
Biological, Nesting Birds: Several species of common native birds protected by the federal Migratory Bird Treaty Act and California Fish and Game Code may nest in the grassland, scrub, woodland, and developed habitats in or immediately adjacent to project development. The removal of vegetation or demolition of buildings supporting active nests may cause the direct loss of eggs or young, while construction-related activities located near an active nest may cause adults to abandon their eggs or young.	
	Mitigation Measure **Bio-6: Nesting Bird Avoidance, Pre-activity Surveys, Buffers, and Deterrence.** Because disturbance of nesting birds could violate the MBTA and California Fish and Game Code, the following measures shall be implemented: • Avoidance of the Nesting Season. To the extent feasible, the initiation of commencement of demolition and construction activities shall be scheduled to avoid the nesting season. If demolition and construction activities are initiated outside the nesting season, all potential

Potential Impact	Mitigation Measures
	demolition/construction impacts on nesting birds protected under the MBTA and California Fish and Game Code will be avoided. The nesting season for most birds in Alameda County extends from February 1 through August 31. • Pre-Activity/Pre-Disturbance Surveys. If it is not possible to schedule the initiation of demolition and construction activities between September 1 and January 31, then pre-activity surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. We recommend that these surveys be conducted no more than seven days prior to the initiation of demolition or construction activities. During this survey, the ornithologist shall inspect all trees and other potential nesting habitats (e.g., trees, shrubs, and buildings) in and immediately adjacent to the impact areas for nests. • Non-Disturbance Buffers. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation. • Nesting Deterrence. If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project may be removed prior to the start of the nesting season (e.g., prior to February 1). This shall preclude the initiation of nests in this vegetation and minimize the potential delay of the project due to the presence of active nests in these substrates.
Biological, Disturbance of Riparian Habitat: Construction activities would take place near riparian habitat and has the potential to impact that habitat, either directly or indirectly during construction activities and/or through loss of habitat area.	
	Mitigation Measures **Bio-7a: Avoid Direct Impacts to Riparian Habitat.** Given that the impact limits barely overlap with riparian habitat, the applicant shall avoid such impacts if feasible. Avoidance would include avoiding any vegetation removal, grading, placement of fill or structures, or other development-related activity beneath the dripline of the riparian canopy (i.e., within the limits of riparian habitat indicated on Figure 15). If avoiding direct impacts is not feasible, Mitigation Measure Bio-7b would apply. **Bio-7b: Compensate for Direct Impacts to Riparian Habitat.** If direct impacts, as described in Mitigation Measure Bio-7a, above, would occur to riparian habitat, the applicant shall prepare and implement a Riparian and Aquatic

Potential Impact	Mitigation Measures
	Mitigation & Monitoring Plan (RAMMP) for riparian habitat creation as a means of compensatory mitigation, and restoration of temporary impact areas as a means of impact minimization. An open space or conservation easement, or other similar instrument, shall be recorded on property associated with the mitigation lands to protect the created habitat's plant and wildlife resources in perpetuity. Permanent direct impacts shall be mitigated at a 2.5:1 ratio (mitigation area to impact area) of high quality, native riparian habitat based on affected canopy if implemented onsite or on either creek within 0.25 miles of the properties, and 3:1 if mitigated off-site at a location farther away from the impacts. Temporary impacts shall be restored in place at a 1:1 ratio, with vegetated areas being revegetated with a native seed mix. The restoration of temporary impacts to vegetation is to be implemented before the end of the wet season following completion of construction. The RAMMP shall be prepared by a qualified restoration ecologist and shall provide, at a minimum, the following items: • Habitat impacts summary and proposed habitat mitigation actions. • Goals of the restoration to achieve no net loss. • The location of the mitigation sites and existing site conditions. • Mitigation design including: o Proposed site construction schedule. o Description of existing and proposed soils, hydrology, geomorphology and geotechnical stability. o Site preparation and grading plan. o Invasive species eradication plan. o Soil amendments and other site preparation. o Planting plan (plant procurement/propagation/installation). o Maintenance plan. • Monitoring measures, performance and success criteria, including a requirement for no more than 5% invasive plant species in year 5. • Monitoring methods, duration, and schedule. • Contingency measures and remedial actions. • Reporting measures. • The mitigation shall be deemed complete when the final success criteria have been met as determined by the qualified restoration ecologist and the County of Alameda or applicable regulatory/resource agencies. The RAMMP shall be reviewed and approved by the County prior to impacts on riparian habitat.

Potential Impact	Mitigation Measures
Biological, Introduction and/or Spread of Invasive Plants. Project construction and vegetation management activities could contribute to the introduction or spread of nonnative invasive vegetation, some of which could degrade the quality of sensitive habitats.	
	Mitigation Measure **Bio-8: Implement Invasive Weed BMPs.** The invasion and/or spread of noxious weeds shall be avoided by the use of the following invasive weed BMPs: • During project construction, all seeds and straw materials used on-site shall be weed-free rice straw (or similar material acceptable to the County), and all gravel and fill material shall be certified weed-free to the satisfaction of the County. • During project construction, all construction equipment (e.g., haul vehicles, excavators, and other heavy equipment) shall be washed (including wheels, undercarriages, and bumpers) before and after entering the project site. Vehicles shall be cleaned at existing construction yards or legally operating car washes. • Following construction of the project, a standard erosion control seed mix (acceptable to the County) from a local source and consisting of native species appropriate to the disturbed habitat shall be planted within the temporary impact zones on any disturbed ground that will not be under hardscape, landscaped, or maintained. This will minimize the potential for the germination of the majority of seeds from non-native, invasive plant species.
Cultural and Tribal Cultural Resources Impact: Any earth-moving activities, including those proposed as a part of the project, have the potential to encounter unknown cultural or tribal cultural resources.	
	Mitigation Measure **Cultural-1: Halt Construction Activity, Evaluate Find, and Implement Mitigation.** Should any unknown pre-contact period resources, including charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, or pockets of dark, friable soils be discovered during grading, trenching, or other on-site excavation(s), earthwork within 100 ft of these materials shall be stopped until the Native American Heritage Commission is notified, and a tribal representative and a qualified professional archaeologist has have an opportunity to evaluate the potential significance of the find and suggest the appropriate steps to protect the resource. If the resources are determined to be significant, the resources shall be avoided if feasible. If avoidance is not feasible, data recovery shall be conducted in accordance with an approved Archaeological Data Recovery Plan to mitigate significant impacts to the significance of the site – the area of data recovery being limited to the area of significant impacts. Once the site has been properly tested, subject to data recovery, or preserved to the satisfaction of the professional archaeologist and/or the tribal representative depending on the nature of the resource in compliance with CEQA Guidelines §15064.5, the site can be further developed.

Potential Impact	Mitigation Measures
Geological, Unstable Ground During Phase 1: There are unstable soils and slopes at the project site, which could result in unsafe conditions if not appropriately addressed.	
	Mitigation Measure **Geo-1: During Phase 1, modifications to the main residential building and other site improvements shall be done in compliance with a design-level Geotechnical Investigation report prepared by a Registered Geotechnical Engineer and with Structural Design Plans as prepared by a Licensed Professional Engineer.** Due to the unstable ground and slopes on the project site, modifications to the project site and main residence shall be performed in accordance with the recommendations of a Registered Geotechnical Engineer and a Licensed Professional Engine, including: • Stabilization of the main residence's foundation shall be completed to mitigate unstable ground underneath the structure • The main residence shall be brought up to the requirements of the California Building Code • Slopes on the project site shall be stabilized • Statues shall be anchored into bedrock • Other changes to the project site such as pavement, landscaping and utilities shall follow proper ground preparation, construction, and drainage for site conditions as recommended.
Geological, Unstable Ground During Phase 2: There are unstable soils and slopes at the project site, which could result in unsafe conditions if not appropriately addressed.	
	Mitigation Measure **Geo-2: During Phase 2, new structures and other site improvements shall be done in compliance with a design-level Geotechnical Investigation report prepared by a Registered Geotechnical Engineer and with Structural Design Plans as prepared by a Licensed Professional Engineer.** Due to the unstable ground, over excavation and proper ground preparation shall be completed prior to the construction of new structures, utilities or pavement. Proper ground preparation, foundation engineering and construction shall be performed in accordance with the recommendations of a Registered Geotechnical Engineer and a Licensed Professional Engineer. The structural engineering design, with supporting Geotechnical Investigation, shall incorporate seismic parameters compliant with the California Building Code. Drainage, irrigation, and landscaping shall follow design- level recommendations.

Potential Impact	Mitigation Measures
Geological, Paleontological Resources: Any earth-moving activities, including those proposed as a part of the project, have the potential to encounter unknown paleontological resources at the site during ground moving activities.	
	Mitigation Measure **Geo-3: Halt Excavation, Evaluate Find and Implement Mitigation.** Should any unknown fossils or fossil-bearing deposits be discovered during grading, trenching, or other on-site excavation(s), earthwork within 50 ft of these materials shall be stopped until a qualified paleontologist has an opportunity to document the find, evaluate the potential significance, and notify the appropriate agencies to suggest the appropriate steps to protect the resource. If avoidance is not feasible, the paleontologist shall prepare an appropriate excavation plan to mitigate any effect of the project on the resource, subject to review and approval by the County.
Hazards, Wildland Fires: The project site is located in a wildfire hazard area and wildfire risk must be appropriately minimized and managed.	
	Mitigation Measure **Haz-1: Maintenance of Vegetation and Improvements.** The following language is to be included in the covenants, codes and restrictions (CC&R's) of the project: • The landowner shall be responsible for inspecting and maintaining the entire property in compliance with the vegetation management program approved by the Alameda County Fire Department with enforcement authority provided to the Alameda County Fire Department. • No owner or resident shall permit any condition to exist which creates a fire hazard or is in violation of local fire regulations. This may include trash piles or weeds. There shall be no outdoor storage of firewood, kindling, or compost material within 30-feet of any structure during the declared fire season, unless the material is stored in a bin or enclosure with a solid non-combustible exterior. • The property owner shall be responsible for the maintenance of all improvements and vegetation management zones (Non-combustible Zone, Defensible Space Zone, Roadside Management Zone, Oak Woodland Fuel Management Zone or Riparian Woodland Zone). • The property owner shall maintain all landscaping in accordance with requirements of the Wildland Fire Protection Plan. The owner shall also maintain the landscaping improvements.

Potential Impact	Mitigation Measures
Water Supply: While the existing well water supply has been studied and preliminarily concluded to be adequate to meet projected demand, Mitigation Measure Util-1 would ensure appropriate supporting documentation is in place before water demand is expanded with Phase 2 of the project.	
	Mitigation Measure **Util-1: Phase 2 Water Supply Confirmation.** Prior to issuance of building permits for any Phase 2 work, the project shall demonstrate to the satisfaction of the County that adequate water supply is available to meet projected demand.

LEAD AGENCY DETERMINATION

On the basis of this evaluation, it can be concluded that:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures to reduce these impacts will be required of the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

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

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

INITIAL STUDY CHECKLIST

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

Environmental factors that may be affected by the project are listed alphabetically below. Factors marked with an "X" (☒) were determined to be potentially affected by the project, involving at least one impact that is a potentially significant impact as indicated by the Checklist on the following pages. Unmarked factors (☐) were determined to not be significantly affected by the project, based on discussion provided in the Checklist, including the application of mitigation measures.

☐ Aesthetics	☐ Agricultural/Forest Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards/Hazardous Material
☐ Hydrology/Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

There are no impacts that would remain significant with implementation of the identified mitigation measures.

EVALUATION OF ENVIRONMENTAL EFFECTS

The Checklist portion of the Initial Study begins below, with explanations of each CEQA issue topic. Four outcomes are possible, as explained below.

1. A "no impact" response indicates that no action that would have an adverse effect on the environment would occur due to the project.

2. A "less than significant" response indicates that while there may be potential for an environmental impact, there are standard procedures or regulations in place, or other features of the project as proposed, which would limit the extent of this impact to a level of "less than significant."

3. Responses that indicate that the impact of the project would be "less than significant with mitigation" indicate that mitigation measures, identified in the subsequent discussion, will be required as a condition of project approval in order to effectively reduce potential project-related environmental effects to a level of "less than significant."

4. A "potentially significant impact" response indicates that further analysis is required to determine the extent of the potential impact and identify any appropriate mitigation. If any topics are indicated with a "potentially significant impact," these topics would need to be analyzed in an Environmental Impact Report.

1. AESTHETICS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			☒	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			☒	
c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			☒	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			☒	

a,b) Scenic Vistas or Resources

U.S. 580 is an eligible State Scenic Highway corridor in the vicinity of the project but is almost 2 miles from the project site and, due to topography, the project site would not be visible from this highway.[1]

The project site is located zoned as Measure D land in the Castro Valley Canyonlands. While there are no officially identified scenic vistas, Castro Valley General Plan Policy 106A prohibits structures on Measure D land from being located on ridgelines or hilltops, or where they will project above a ridgeline or hilltop, as viewed from public roads, trails, parks and other public viewpoints, unless there is no other site on the parcel for the structure. Policies 107A and 113A require "Visual Protection": structures on Measure D land must be located on the site where they will be least visible to persons on public roads, trails, parks and other public viewpoints, to the extent possible, and appropriate building materials, landscaping and screening is required to minimize the visual impact of development.[2]

The Castro Valley General Plan describes Crow Canyon Road through Crow Canyon as a scenic corridor in which development should be sensitive to the area's biological resources and visual character, but it is not located within a Scenic Corridors Overlay in the Alameda County Municipal Code (Section 17.30.240) so additional code restrictions would not apply.[3]

[1] California Department of Transportation, State Scenic Highway Mapping System, available at: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways

[2] Alameda County Community Development Agency, March 2012. *Castro Valley General Plan Appendix A: Measure D Excerpts Pertaining to the Castro Valley Canyonlands*, available at https://www.acgov.org/cda/planning/generalplans/documents/Appendix-A-Measure-D-Text.pdf

[3] Alameda County, Castro Valley General Plan p. 4-61, available at https://www.acgov.org/cda/planning/generalplans/documents/CastroValleyGeneralPlan_2012_FINAL.pdf

There are no sweeping views across the project site, as any would be blocked by the high slopes on and surrounding the project site. The view toward the project site from Crow Canyon Road is shown in **Figures 11, 12a, 12b, 13a, 13b, 14a, and 14b**, under existing conditions and then visually modeled to include the project. The complete set of photos and simulations, as well as a discussion regarding the selection of viewpoints, is included as Attachment A.

The majority of the project site frontage along Crow Canyon Road is characterized by undeveloped wooded hillside under existing conditions and would remain as such with project implementation. The majority of the existing trees outside of the already developed area would be undisturbed except for construction of a second driveway and as required as part of the Wildland Fire Protection Plan (see Section 20: Wildfire). The project proposes new buildings on the developed area of the project site, generally following the footprint of existing buildings. Currently there is one driveway to the project site, and the project proposes to add a second driveway approximately 500 feet north of the existing driveway. Existing topography would not substantially change and only necessary modifications to stabilize the slopes and for the new driveway and Buddha statue plazas are proposed.

The existing buildings on the project site are set back from the roadway and some are partially visible on the hillside, with the most prominent visibility looking towards the northeast from Crow Canyon Road. From the vantage point of Crow Canyon Road, the new structures would largely remain below the existing ridgeline/treeline and be largely obstructed by existing and proposed trees/landscaping. The modeled simulation of the project shows that two of the proposed buildings and one Buddha statue would be partially visible on the hillside looking northeast from Crow Canyon Road. The proposed Building 5 would be the most visible, sitting on a lower slope and visible in some views as travelers approach the site along Crow Canyon Road from the south. While in the same location as an existing building, the proposed new building would be taller than that existing (see especially Figures 12a and 12b, which show this change on the left side of the photo and simulation). As shown in these figures, the existing residence (Building 6) is and would remain partially visible (center of the photo and simulation) though no changes are proposed to the exterior of this building. Finally, proposed Building 1 and the top of one of the Buddha statues would be visible (on the right of the photo), but would remain below higher ridgelines.

Looking south from Crow Canyon Road, the rooftop of Building 5 would be just visible above the treetops near the bottom of the predominant slope. Other project elements would be hidden from view by the slope and trees.

Figure 11: Location of Viewpoints
Source: Environmental Vision, 2023

Figure12a: Existing View from Crow Canyon Road looking Northeast (wide angle)
Source: Environmental Vision, 2023

Figure12b: Simulated View with Project from Crow Canyon Road looking Northeast (wide angle)
Source: Environmental Vision, 2023

Figure13a: Existing View from Crow Canyon Road looking Northeast
Source: Environmental Vision, 2023

Figure13b: Simulated View with Project from Crow Canyon Road looking Northeast
Source: Environmental Vision, 2023

Figure14a: Existing View from Crow Canyon Road near Norris Canyon looking South
Source: Environmental Vision, 2023

Figure14b: Simulated View with Project from Crow Canyon Road near Norris Canyon looking South
Source: Environmental Vision, 2023

As discussed in more detail above, the project would generally retain existing topography and proposes new buildings on generally the same footprints as those they are replacing, with some increase in scale. New structures are largely hidden from public views and meet applicable setback requirements. The project is not visible from a State Scenic Highway and is generally consistent with Castro Valley General Plan for Measure D canyonlands). The environmental impact of the project with respect to scenic vistas or scenic resources would be ***less than significant***.

Note that there are other considerations involved in project approvals than those related to environmental impacts alone and a determination of less than significant with respect to an environmental impact does not preclude the County from otherwise interpreting and implementing their requirements and policies.

c) Visual Character

Public views of the project site would be largely constrained to those along Crow Canyon Road. The project site is currently developed, and consists of older residential buildings, and buildings being used for storage. The project would remodel the main residence, and replace the older, lower quality design buildings with modern buildings of higher quality design and a more cohesive landscaping and site plan. The project would retain the visible topography, while hiding the majority of structures from view within the topography and landscaping of the site. The proposed project would comply with development requirements of Scenic Corridors listed in the Scenic Vistas or Resources heading above. Religious uses of the site are allowed with approval by the County, so the Temple style of the architecture would not be inconsistent with allowable uses, and would not be considered a substantial degradation of the existing visual character. The project would have a ***less than significant*** impact on visual character.

Note that there are other considerations involved in project approvals than those related to environmental impacts alone and a determination of less than significant with respect to an environmental impact does not preclude the County from otherwise interpreting and implementing their requirements and policies.

d) Light and Glare

Sources of light and glare in the project vicinity include interior and exterior building lights of the existing residence and nearby areas of residential development. Vehicles driving on Crow Canyon Road would also create intermittent sources of light and glare. The existing level and sources of light and glare are typical of those in a rural development setting.

Residential uses and natural areas are particularly sensitive to light and glare impacts. The project is located in a rural area with the closest residential use over 300 feet away. The project site is mostly surrounded by natural areas and steep slopes. The new buildings constructed for the project would add additional interior and exterior building lights, and there would be three areas with outdoor stone lanterns along lower walking paths. As a standard condition of project approval, new lighting would be required to conform to Policy 113A of the Castro Valley General Plan, which states that in development in the Measure D canyonlands, all exterior lighting must be located, designed, and shielded so as to confine direct rays to the parcel where the lighting is located, to the maximum extent possible, as well as Alameda County Municipal Code section 17.30.240, which states that development in a scenic corridor must have lighting that is directed on site and compatible in type, style, and intensity to the surrounding elements and not cause

undue or aggravating disruption, glare, or brightness.[4] As most Temple events and visitors would occur during the day time hours, additional lighting at the site would mostly be from the new buildings, three of which would include guest quarters, one that would include a dining hall and kitchen, and one that would include a library. The Buddha statues on the hillsides would have a granite façade, and would not be a source of substantial glare.

The proposed lighting would also be consistent with applicable regulations and has been designed to minimize the impact of light from offsite viewpoints or into the sky. The project would result in development and lighting treatments typical of the existing rural residential settings and would therefore not result in new sources of substantial adverse light or glare that would adversely affect daytime or nighttime views in the area and the project impact in this regard would therefore be ***less than significant***.

Note that the potential for lighting to affect biological resources is discussed separately in Section 4: Biological Resources, including Mitigation Measure Bio-5.

[4] Alameda County Community Development Agency, March 2012. *Castro Valley General Plan Appendix A: Measure D Excerpts Pertaining to the Castro Valley Canyonlands*, available at https://www.acgov.org/cda/planning/generalplans/documents/Appendix-A-Measure-D-Text.pdf

2. AGRICULTURE AND FORESTRY RESOURCES In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			☒	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			☒	
d) Result in the loss of forest land or conversion of forest land to non-forest use?			☒	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			☒	

a) Farmland

The California Department of Conservation maps the project site as urban and built-up land, with no Farmland in the vicinity of the project site.[5] The project would have ***no impact*** with respect to Farmland.

b) Agricultural Zoning and Williamson Act

The project site is not under a Williamson Act contract.[6] A portion of the project site is zoned Agricultural (A), however it is not currently being used for agriculture, nor has it been used for agriculture in recent history. The proposed use would not conflict with agricultural use of the land in the future. Permitted uses of land zoned A include one family dwelling and one secondary unit, as well as public or private hiking trails. Currently there are 6 buildings on the parcel zoned A, which does not include the main residence. These buildings and other site improvements would be demolished and 3 of the new buildings would be built on that footprint. The project does not

[5] California Department of Conservation, California Important Farmland Finder Map. Accessed April 2023, at: https://maps.conservation.ca.gov/DLRP/CIFF/

[6] Alameda County, November 2020. *Alameda County General Plan Resource Conservation, Open Space, and Agriculture Elements*, Figure Solar-5, available at https://www.acgov.org/cda/planning/landuseprojects/documents/MapofParcelsWilliamsonAct.pdf.

propose to further develop land in that parcel except for the Buddha statue plazas on the hillsides. Under Alameda County Ordinance Section 17.52.580, a place of worship is allowable in any district if approved by the board of zoning adjustments. The applicants are requesting a rezoning to Planned Development (PD).

There would be a ***less than significant*** impact with respect to agricultural zoning with the development of this project.

c-e) Forestry Resources

The project site is not in a Forest Legacy Program Area.[7] No part of the site is zoned for, mapped as, or currently being used for forestry purposes. Portions of the project site outside of the disturbed 10 acres are heavily wooded and would remain so under the proposed project. These portions would qualify as forest land, and particularly woodland, under the Public Resources Code section 12220(g). Most of the woodland would be preserved as undeveloped, though there is no proposal to legally preserve it as such. Only 0.63 acres of "mixed oak woodland" habitat would be impacted by project development (see Section 4: Biological Resources), and the majority of that would be temporary (during construction). The proposed project would not affect the forestry resources on the site from being available in the future.

There would be a less ***than significant*** impact with respect to forestry resources as a result of this project.

[7] U.S. Department of Agriculture Forest Service, Forest Legacy Program Map, accessed April 2023 at https://usfs.maps.arcgis.com/apps/webappviewer/index.html?id=9d083b89bd254c23acf56f8143e0c119.

3. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			☒	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?		☒		
c) Expose sensitive receptors to substantial pollutant concentrations?		☒		
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			☒	

a) Air Quality Plan

Projects within Castro Valley are subject to the Bay Area Clean Air Plan, first adopted by the Bay Area Air Quality Management District (BAAQMD) (in association with the Metropolitan Transportation Commission and the Association of Bay Area Governments) in 1991 to meet state requirements and those of the Federal Clean Air Act. The plan is meant to demonstrate progress toward meeting the ozone standards, but also includes other elements related to particulate matter, toxic air contaminants, and greenhouse gases. The latest update to the plan, adopted in April 2017, is the Bay Area 2017 Clean Air Plan.

BAAQMD recommends analyzing a project's consistency with current air quality plan primary goals and control measures. The impact would be presumed significant if the project would conflict with or obstruct attainment of the primary goals or implementation of the control measures.

The primary goals of the Bay Area 2017 Clean Air Plan are:

- Attain all state and national air quality standards
- Eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants
- Reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050 (This standard is addressed in Section 8: Greenhouse Gas Emissions.)

The project would be required to comply with all applicable rules and regulations related to emissions and health risk and would not result in a new substantial source of emissions or toxic air contaminants (see items b-d below) or otherwise conflict with the primary goals of the 2017 Clean Air Plan.

Many of the Clean Air Plan's control measures are targeted to area-wide improvements, large stationary source reductions, or large employers and these are not applicable to the proposed project. However, the project would be consistent with all rules and regulations related to construction activities and the proposed development would meet current standards of energy and

water efficiency (Energy Control Measure EN1 and Water Control Measure WR2) and recycling and green waste requirements (Waste Management Control Measures WA3 and WA4) and does not conflict with applicable control measures aimed at improving access/connectivity for bicycles and pedestrians (Transportation Control Measure TR9) or any other control measures.

The project, therefore, would be consistent with the Clean Air Plan and have a ***less than significant*** impact in this regard.

b) Air Quality Standards/Criteria Pollutants

Ambient air quality standards have been established by state and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation and include ozone precursors including nitrogen oxides and reactive organic gasses (NOx and ROG), carbon monoxide (CO), and suspended particulate matter (PM_{10} and $PM_{2.5}$). The Bay Area is considered "attainment" for all of the national standards, with the exception of ozone. It is considered "nonattainment" for State standards for ozone and particulate matter.

The most recent, 2022 version of the BAAQMD Guidelines was issued in April 2023. The BAAQMD Guidelines present project-level thresholds of significance for criteria air pollutants for which the region is in non-attainment. While contribution from individual projects would not by themselves result in non-attainment status, these BAAQMD thresholds are the levels at which BAAQMD has determined that an individual project's contribution to the cumulative impact (non-attainment) is cumulatively considerable. [8]

Project-related air quality impacts fall into two categories: short-term impacts that would occur during construction of the project and long-term impacts due to project operation. BAAQMD's adopted thresholds are average daily emissions of 54 pounds per day or 10 tons per year of NOx, ROG, and $PM_{2.5}$, and 82 pounds per day or 15 tons per year of PM_{10}. Both the daily and annual thresholds apply to operation and only the average daily thresholds apply to construction.

Construction-Period Emissions

BAAQMD includes screening criteria in their CEQA Guidelines that identify project sizes by type that could have the potential to result in emissions over threshold levels. For a place of worship, the construction-period screening size is 452,000 square feet for construction pollutants.[9] The project totals 38,286 square feet of new building space, which is well below this screening level size and would therefore not result in significant impacts related to construction period air quality emissions. (Note that even if the residence building and guest rooms were to be considered residential or hotel in nature rather than a place of worship, they would be below screening levels at 34 dwelling rooms, compared to a screening size of 416 apartments or 312 hotel rooms.)

However, BAAQMD considers dust generated by grading and construction activities to be a significant impact associated with project development if uncontrolled and recommends

[8] Bay Area Air Quality Management District, issued April 2023, 2022 California Environmental Quality Act Air Quality Guidelines, available at https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines.

[9] Bay Area Air Quality Management District, issued April 2023, 2022 California Environmental Quality Act Air Quality Guidelines, Table 4-1, available at https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines.

implementation of construction mitigation measures to reduce construction-related emissions and dust for all projects, regardless of comparison to their construction-period thresholds. These basic measures are included in Mitigation Measure Air-1.

Mitigation Measure

Air-1: **Basic Construction Management Practices.** The project applicant / owner / sponsor shall demonstrate proposed compliance with all applicable regulations and operating procedures prior to issuance of demolition, building or grading permits, including implementation of the following BAAQMD "Basic Construction Mitigation Measures".

i) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

ii) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

iii) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, unless the City The use of dry power sweeping is prohibited

iv) All vehicle speeds on unpaved roads shall be limited to 15 mph.

v) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

vi) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

vii) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

viii) Prior to the commencement of construction activities, individual project proponents shall post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. Bay Area Air Quality Management District's 24-hour general air pollution complaint phone number shall also be visible to ensure compliance with applicable regulations.

With implementation of Mitigation Measure Air-1, the impact related to construction-period criteria pollutant impacts would be ***less than significant with mitigation***. Because construction-period emissions would not exceed applicable significance thresholds, additional construction mitigation measures would not be required to mitigate impacts.

Operational Emissions

Emissions from operation of the project could cumulatively contribute to air pollutant levels in the region. These air pollutants include ROG and NOx that affect ozone levels (and to some degree – particulate levels), PM_{10} and $PM_{2.5}$. Similar to the analysis for construction-period impacts above, the

project was compared to BAAQMD screening criteria for operational pollutants. For a place of worship, the operational screening size is 642,000 square feet for operational pollutants.[10] The project totals 38,286 square feet of new building space, which is well below this screening level size and would therefore not result in significant impacts related to operational period air quality emissions. (Note that even if the residence building and guest rooms were to be considered residential or hotel in nature rather than a place of worship, they would be below screening levels at 34 dwelling rooms, compared to a screening size of 638 apartments or 633 hotel rooms.) Therefore, the project impact related to operational pollutant emissions would be less than significant with no mitigation required.

The project is below screening thresholds established by BAAQMD criteria. As a result, the project would have a ***less than significant*** impact on regional air quality during the operational period.

c) Sensitive Receptors

A toxic air contaminant (TAC) is defined by California law as an air pollutant that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health. Substantial sources of TACs include, but are not limited to, land uses such as highways and high-volume roadways, truck distribution centers, ports, rail yards, refineries, chrome plating facilities, dry cleaners using perchloroethylene, and gasoline dispensing facilities. The project would not involve any of these uses. However, construction activity that uses traditional diesel-powered equipment results in the emission of diesel particulate matter including fine particulate matter, which is considered a TAC and potential health risk.

In the Bay Area, a number of urban or industrialized communities exist where the exposure to TACs is relatively high compared to other communities. The project site is not located in an overburdened community.[11]

Certain population groups, such as children, the elderly, and people with health problems, can be particularly sensitive to air pollution. With respect to air pollutants, examples of sensitive receptors include health care facilities, retirement homes, school and playground facilities, and residential areas. The project itself is not considered a sensitive receptor. The closest sensitive receptors to the project site is a residence approximately 350 feet to the southwest.

As discussed above, the project is well below construction pollutant screening level size and is not located in an overburdened community. Emissions from construction would be temporary and reduced by Mitigation Measure Air-1, which would minimize construction vehicle emissions and construction dust. With implementation of this mitigation measure, the impact related to sensitive receptors would be ***less than significant with mitigation***.

d) Other Emissions

Odors from construction activities are associated with construction equipment exhaust and the application of asphalt and architectural coatings. Odors emitted from construction activities would be temporary and not likely to be noticeable much beyond a project site's boundaries. The proposed

[10] Bay Area Air Quality Management District, issued April 2023, 2022 California Environmental Quality Act Air Quality Guidelines, Table 4-1, available at https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines.

[11] CalEPA's Office of Environmental Health Hazard Assessment, issued October 2021, CalEnviroScreen 4.0 Data Dashboard, accessed at https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40.

use would not result in substantial other emissions, including odors that would adversely affect a substantial number of people. The impact related to other emissions would be ***less than significant***.

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

Analysis in this section is based upon a Biological Resources Report completed by H.T. Harvey and Associates, completed for this analysis on July 21, 2023, and is included in full in Attachment B. The Biological Resources Report includes information gathered through a field survey conducted in May 2023. The areas that would be permanently or temporarily impacted by the proposed project was determined, and the Biological Resources Report covered that area and immediately adjacent areas of the proposed development (the "study area"), as shown on **Figure 15**.

a, c) <u>Special Status Species and Habitat and Water Quality</u>

Several resources were queried for potential occurrences of special status species in the vicinity of the project site, generating a list of 65 different plant species and 23 animals. All but 6 of the plant species can be eliminated from consideration because of lack of suitable habitat types or specific requirements (such as lack of specific microhabitat or elevation) and none were found in the study area. Eleven (11) of the animal species were determined to be potentially present.

Impacts on California Annual Grassland, oak Woodland, Coyote Brush Scrub, and Associated Common Plant and Wildlife Species

The biotic habitats that would be impacted by the project includes 3.18 acres of California annual grassland habitat, 0.63 acres of mixed oak woodland, and 2.64 acres of coyote

Figure 15: Biotic Habitats

Source: H.T. Harvey and Associates, 2023

brush scrub (see Figure 15). These habitats are regionally abundant and do not provide important plant or wildlife habitat. The number of individuals of any common plant or animal species within these habitats, and the proportion of these species' regional populations that could be disturbed, is very small, therefore the project's impacts would not substantially reduce regional populations of these species. The project's impact on these biotic habitats would be ***less than significant***.

Impacts on Alameda Whipsnake

The Alameda whipsnake (Masticophis lateralis euryxanthus), a federally threatened species, is known to occur in the project vicinity, and suitable foraging, dispersal, and refugial habitat is present in the grassland, scrub, and woodland habitats throughout the study area. Project development could impact individuals of these species via direct injury or mortality associated with vegetation removal; equipment and personnel movement; and grading, demolition, and construction activities. Vibration from construction could cause individual whipsnakes to leave covered areas, exposing them to a greater risk of predation. Increases in human concentration and activity in the vicinity of suitable habitat may result in an increase in native and nonnative predators that would be attracted to trash left at the work site and that would prey opportunistically on Alameda whipsnakes. Additionally, the project would result in the temporary and/or permanent loss of a total of 6.46 acres of suitable Alameda whipsnake foraging, woodland, 0.63 acre of mixed oak woodland, and 3.18 acres of California annual grassland.

Mitigation Measures Bio-1 and Bio-2 would reduce the impact of project development on the Alameda whipsnake, as well as other special-status animals.

Mitigation Measure

Bio-1: **Alameda Whipsnake Impact Minimization Measures**. To minimize impacts on Alameda whipsnakes, the following measures shall be implemented.

- Qualified Biologist. Prior to project construction, the project proponent shall retain a qualified biologist(s) to perform preconstruction surveys, worker environmental awareness training, and on-site construction monitoring.
- Worker Environmental Awareness Program. Prior to commencing work at the project site, all construction personnel shall receive a worker environmental awareness training provided by the qualified biologist(s). At a minimum, the training shall include descriptions of the Alameda whipsnake, California red-legged frog, California tiger salamander, and western pond turtle and their habitats; the regulatory protections afforded these species; the general measures that are being implemented to conserve them as they relate to the proposed project, and the boundaries within which project activities may be accomplished.
- Pre-Activity Survey. The qualified biologist shall survey within the project construction disturbance areas within 24 hours prior to the initiation of construction-related activities for Alameda whipsnakes, California red-legged frogs, California tiger salamanders, and western pond turtles. If an individual of any of these species is detected during the pre-activity survey, they shall be relocated to suitable habitat outside the project's impact areas (with approval from the U.S. or California Fish and Wildlife Services (USFWS/CDFW) as appropriate).

- Wildlife Exclusion Fence. Prior to project construction, wildlife exclusion fencing shall be installed to prevent Alameda whipsnakes, California red-legged frogs, California tiger salamanders, and western pond turtles from entering project impact areas. This fencing shall be installed along the perimeter of the project footprint in a manner that shall prevent these species from entering the project footprint prior to the start of all work activities. The location and design of the fence shall be approved by a qualified biologist, and the qualified biologist shall also be present on site to monitor installation until the exclusion fence is complete.
    - At a minimum, the exclusion fencing shall be at least 3 feet high and the lower 6 inches of the fence shall be buried in the ground to prevent animals from crawling under. The remaining 2.5 feet shall be left above ground to serve as a barrier for animals moving on the ground surface. The fence shall be pulled taut at each support to prevent folds or snags, and supports shall be placed on the inside (project side) of the fencing. Escape ramps, funnels, or other features that allow animals to exit the construction area, but which will prohibit the entry of such animals, shall be provided in the exclusion fencing, and the top of the fencing shall be curved over on the outside of the fence to prevent animals climbing over it. Fencing shall be installed and maintained in good condition during all construction activities and shall be inspected and maintained daily until the completion of project construction. If equipment needs to pass through this fencing for work activities, a gate shall be installed to allow access and the fence shall be sealed at the end of each working day. Fencing shall be removed within 72 hours of the conclusion of construction activities.
- Construction Monitoring. The qualified biologist(s) shall be present during any construction activities that could, in the biologist's opinion, potentially result in take of individual Alameda whipsnakes, California red-legged frogs, California tiger salamanders, or western pond turtles. The biologist(s) shall have the authority to stop any work that may result in take of this species. The on-site biologist shall be the contact for any employee or contractor who might inadvertently kill or injure an Alameda whipsnake, California red-legged frog, California tiger salamander, or western pond turtle or anyone who finds a dead, injured, or entrapped individual of any of these species.
- Immediate Work Stoppage. If an Alameda whipsnake, California red-legged frog, California tiger salamander, or western pond turtle, or an animal that could be one of these species (e.g., a similar species of reptile or amphibian), is observed within the work area during project activities, all work that could result in the injury or death of the individual shall stop immediately and the qualified biologist shall be immediately notified. The animal shall be allowed to leave the work area of its own volition. If it does not leave the area of its own volition, USFWS (for Alameda whipsnake, California red-legged frog, and California tiger salamander) and/or CDFW (for California tiger salamander and western pond turtle) shall be contacted to determine next steps. No individual of any of these species shall be handled without prior approval from the USFWS/CDFW.
- Avoid Plastic Monofilament Netting. No plastic monofilament netting or similar material shall be used in erosion control materials to avoid potential

entrapment of Alameda whipsnakes, California red-legged frogs, California tiger salamanders, and western pond turtles that may occur in project construction disturbance areas.

- Trenches. To prevent the inadvertent entrapment of Alameda whipsnakes, California red-legged frogs, California tiger salamanders, or western pond turtles, all excavated, steep-walled holes or trenches shall be covered at the end of each work day with plywood or similar materials. If this is not possible, one or more escape ramps constructed of earth fill or wooden planks shall be established in the hole. Before such holes or trenches are filled, they shall be thoroughly inspected for any animals. If at any time an Alameda whipsnake, California red-legged frog, California tiger salamander, or western pond turtle is found trapped or injured in these holes, the individual shall be relocated to suitable habitat outside the project's impact areas (with approval from the USFWS/CDFW as appropriate).
- Food Trash Removal. All food trash from project personnel shall be placed in containers with secure lids before the end of work each day in order to reduce the likelihood of attracting predators to the project site. If containers meeting these criteria are not available, all rubbish shall be removed from the project site at the end of each workday.

Mitigation Measure

Bio-2: Alameda Whipsnake Habitat Restoration and Compensatory Mitigation. Temporary impacts to coyote brush scrub, riparian woodland, mixed oak woodland, and California annual grassland habitat shall be restored in place to return Alameda whipsnake habitat to conditions of equal or greater habitat quality compared to the impacted areas, as determined by a qualified biologist. To offset the permanent loss of Alameda whipsnake habitat, compensatory mitigation shall be provided for any permanent loss of coyote brush scrub, riparian woodland, mixed oak woodland, or California annual grassland habitat. Mitigation may be satisfied through project-specific conservation and management of suitable habitat occupied by this species and/or the purchase of credits at a conservation bank that has been approved by the USFWS and CDFW. If compensatory mitigation is provided through project-specific conservation and management of suitable habitat (on-site and/or off-site), the applicant shall provide the mitigation at a 2:1 (mitigation: impact) ratio on an acreage basis for direct, permanent impacts to suitable habitat. If compensatory mitigation is provided through the purchase of credits at an approved conservation bank, mitigation shall be provided at a 1:1 (mitigation: impact) ratio for direct permanent impacts.

If the applicant provides mitigation through project-specific conservation and management of suitable habitat, the applicant shall prepare a Habitat Mitigation and Monitoring Plan (HMMP) describing the proposed mitigation lands for conservation/management (i.e., land outside the project's impact footprint, either on the project site or in off-site areas), and monitoring that will occur to ensure that those lands continue to provide suitable habitat conditions. The HMMP shall be prepared by a qualified ecologist and shall include the following:

- A summary of habitat impacts and proposed acres of habitat conservation;

- The location of habitat conservation and enhancement site(s), and description of existing site conditions;
- A description of measures to be undertaken, if necessary, to enhance the mitigation site for the Alameda whipsnake;
- Proposed management activities to maintain high-quality habitat conditions for the Alameda whipsnake;
- A monitoring plan (including performance criteria, methods, data analysis, reporting requirements, and schedule). At a minimum, performance/success criteria shall include demonstration of the presence of suitable habitat for the Alameda whipsnake.
- A description of the HMMP's adaptive component, including potential contingency measures for mitigation elements that do not meet performance criteria; and
- A description of the funding mechanism to ensure the long-term maintenance and monitoring of the mitigation lands.

The HMMP shall be submitted to the USFWS and CDFW for review and approval prior to project implementation. If compensatory mitigation is provided through a purchase of mitigation credits, the applicant shall purchase the credits from a conservation bank in consultation with the appropriate resource agencies prior to commencement of impacts on Alameda whipsnake.

With implementation of Mitigation Measures Bio-1 and Bio-2, project impacts on the Alameda whipsnake would be reduced to ***less than significant with mitigation***.

Impacts on Water Quality, California Tiger Salamander, California Red-legged Frog, and Western Pond Turtle

The California red-legged frog and western pond turtle may be present in low numbers in Crow Creek and/or Norris Creek just outside the western and northern boundaries of the study area, and the California red-legged frog and California tiger salamander may also be present in agricultural ponds within dispersal distance of the project site and could disperse across upland areas surrounding these aquatic habitats and use other habitats in the study area for protective cover. Individual western pond turtles, which can disperse up to 0.25 mile from aquatic habitats for nesting, could conceivably attempt to nest in the grasslands or more open scrub habitats in the study area. California tiger salamanders could potentially breed in nearby agricultural ponds (0.3 miles south and 1.1 miles east) and disperse through grassland, woodland, or developed habitats in the study area, taking cover in small mammal burrows, or other habitats. California red-legged frogs that are present in nearby aquatic habitats could, similarly, disperse between potentially occupied habitats across the woodland, grassland, and developed habitats in the study area, taking cover in small mammal burrows, vegetative and human made debris piles, or the ephemeral stream in the study area. Project development could impact individuals of these species similarly to the impact on Alameda whipsnakes: via direct injury or mortality associated with vegetation removal; equipment and personnel movement; and grading, demolition, and construction activities. Vibration from construction could cause individuals to leave covered areas, exposing them to a greater risk of predation. Increases in human concentration and activity in the vicinity of suitable habitat may result in an increase in native and nonnative predators that would be attracted to trash left at the work site and that would prey opportunistically on these species.

In addition, petrochemicals, hydraulic fluids, and solvents that are spilled or leaked from construction vehicles or equipment may kill individuals, although standard best management practices to control releases of such chemicals make this unlikely. Implementation of Mitigation Measure Bio-1 would reduce any potential impacts to ***less than significant with mitigation***.

There is a very low probability that any of these species will occur in the study area given the distance of the study area from known occurrences of these species. Thus, the conversion of any low-quality dispersal and nesting habitats to other, developed uses, would not rise to the CEQA standard of having a significant impact on California red-legged frogs, California tiger salamanders, or western pond turtles via loss of nesting or dispersal habitat, and no compensatory mitigation for losses of suitable habitat would be necessary.

No direct impacts to Crow Creek, Norris Creek, or the unnamed ephemeral stream in the study area are expected as a result of project development. Indirect impacts on water quality in the creek could potentially occur as a result of project construction activities, which will be located adjacent to Norris Creek in the northwest corner of the study area, and within approximately 40 feet of Crow Creek in the southwest corner of the study area. Project activities could potentially impact the California red-legged frog and western pond turtle in Crow and/or Norris Creeks due to a temporary increase in erosion, sedimentation, and turbidity in aquatic habitats located adjacent to or downstream of construction. Additionally, minor spills of petrochemicals, hydraulic fluids, and solvents may occur during vehicle and equipment refueling. Such leaks/spills could adversely affect water quality downstream of construction activities, potentially impairing the health of frogs or turtles in the creek.

Indirect impacts on water quality from construction of the project would be avoided and minimized by implementing erosion and sediment control measures during both construction and operation of the project required by permits required for land disturbing construction activities and by implementation of the required Storm Water Pollution Prevention Plan (see Section 10: Hydrology and Water Quality), as well as best management practices (BMPs) for work near aquatic environments. Therefore, project activities are not expected to result in substantial adverse indirect effects on water quality, California red-legged frog, California tiger salamander, or southwestern pond turtles in Crow Creek or Norris Creek, and such water quality-related impacts would be less than significant. The impact on aquatic habitats of these species would be ***less than significant***.

Impacts on the Crotch's Bumble Bee

Project activities will temporarily or permanently impact 2.64 acres of coyote brush scrub habitat and 3.18 acres of California annual grassland that could possibly provide foraging and/or nesting habitat for Crotch's bumble bees. However, these habitats are regionally abundant, and few, if any Crotch's bumble bees are expected to be present. Breeding individuals are not likely to be present and foragers would be able to move out of the way of construction activities before injury. The impact on Crotch's bumble bees would be ***less than significant***.

Impacts on Nonbreeding Special-Status Birds, Mammals, and Invertebrates

Several special-status bird, mammal, and invertebrate species may occur in the study area as nonbreeding migrants, transients, or foragers, but they are not known or expected to breed or occur in large numbers within or near the project footprint. These are the monarch butterfly, golden eagle, mountain lion, and American badger. Construction activities might result in a

temporary direct impact through the alteration of foraging patterns (e.g., avoidance of work sites because of increased noise and activity levels) but would not result in the loss of individuals, as individuals of these species would move away from any construction areas or equipment before they could be injured or killed. Further, the study area does not provide important foraging habitat used regularly or by large numbers of individuals of any of these species. The impact on these species would be ***less than significant***.

Impacts on the Loggerhead Shrike, Yellow Warbler, and White-Tailed Kite

The yellow warbler could potentially nest in riparian trees along Crow Creek and Norris Creek, the white-tailed kite may nest in riparian or in mixed oak woodland habitat or landscape trees on and adjacent to the study area, and loggerhead shrike may nest in shrubs or tree on and adjacent to the study area. Based on vegetation and nesting densities, no more than 1-2 nesting pairs of yellow warblers and 1 pair of nesting white-tailed kites or loggerhead shrikes are expected to be present on the project site. The project would not result in the loss of suitable nesting habitat for the yellow warbler, as no activities are proposed within the bed and banks of Crow Creek or Norris Creek. The project would result in the permanent loss of suitable nesting and foraging habitat for the white-tailed kite and loggerhead shrike, as well as suitable foraging habitat for the yellow warbler. In addition, construction activities that occur during the nesting season may result in the abandonment of active nests. Heavy ground disturbance, noise, and vibrations caused by project activities could potentially disturb nesting and foraging individuals and cause them to move away from work areas.

Because the number of nesting pairs of each species that could be disturbed is very small (i.e., 1–2 pairs), the impact would be ***less than significant*** under CEQA. However, the federal Migratory Bird Treaty Act and Fish and Game Code of California protect bird species year-round, as well as their eggs and nests during the nesting season. This is discussed further under the next subsection.

Impacts on Common and Special-Status Roosting Bats

Common bat species, such as the Yuma myotis and Mexican free-tailed bat, as well as the pallid bat, a California species of special concern, can potentially roost in buildings and trees in the study area.

Reconnaissance-level surveys during the maternity season in May 2023 detected at least two active bat roosts in the open barn in the southeastern portion of the project site, and additional abandoned buildings and large trees provide suitable habitat for common and special-status roosting bats. Thus, the removal of trees and buildings in the study area has the potential to result in the loss of individuals, and possibly, a maternity colony of roosting bats. When buildings or trees containing roosting colonies or individual bats are removed or modified, individual bats can be physically injured or killed, be subjected to physiological stress from disturbance during torpor, or can face increased predation because of exposure during daylight. In addition, nursing young may be subjected to disturbance-related abandonment by their mothers. Impacts on a moderate-sized maternity colony of common species that have potential to occur in the study area (i.e., at least 10 big brown bats or at least 20 individuals of other non-special-status bat species), or impacts on a pallid bat roost of any type (i.e., a maternity or non-maternity colony) or size would be a significant impact. The following mitigation measures would be required to reduce any potential impact.

Mitigation Measure

Bio-3a: **Initial Habitat Survey for Roosting Bats.** A qualified bat biologist shall conduct an initial survey of all project site buildings and trees that are slated for removal to determine whether suitable habitat for a moderate-sized colony of common bat species (i.e., at least 10 big brown bats or at least 20 individuals of other non-special-status species), or a pallid bat colony of any size, is present. The locations of trees with suitable cavities and crevices, as well as any buildings with accessible interiors or other crevices (e.g., roof tiles or other exterior features) that support suitable roost locations, shall be identified, and potential entry and exit locations shall be mapped.

The purpose of this initial survey is to determine where surveys for maternity roosts (described in Mitigation Measure Bio-3b) and where pre-activity surveys (described in Mitigation Measure Bio-3c), if required, shall be performed. For trees and buildings that are determined, in the qualified biologist's discretion, not to provide suitable habitat for a moderate-sized colony of common bat species or a pallid bat colony of any size, no further surveys are required. If the qualified biologist determines that any buildings or trees provide suitable habitat, then further surveys under Mitigation Measure Bio-3b and Bio-3c are required.

The site visit for this survey may be combined with the daytime component of the maternity season survey described under Mitigation Measure Bio-3b, below, if it is performed during the maternity season (generally March 15 – August 31).

Mitigation Measure

Bio-3b: **Maternity Season Survey.** A qualified bat biologist shall conduct a focused survey for roosting bats within all project site buildings and trees that are slated for removal, and within which suitable habitat was identified during the initial habitat survey described in Mitigation Measure Bio-3a above, during the maternity season (generally March 15 – August 31) and prior to the start of project construction to determine presence or absence of a maternity colony, the species present, and an estimate of the colony size, if present. If close inspection of potential roost features during the daytime is infeasible, the focused survey shall consist of a dusk emergence survey when bats can be observed flying out of the roost. The purpose of this survey is to determine whether replacement roost habitat needs to be provided, as described under Mitigation Measure Bio-3e below.

This survey may be combined with the initial habitat survey described under Mitigation Measure Bio-3a above and/or the pre-activity survey described under Mitigation Measure Bio-3c below, if desired. However, due to the potential for the presence of a maternity colony to result in a project delay (i.e., maintaining a non-disturbance buffer around the roost), if work will be initiated during the maternity season, it is recommended that this survey be conducted in a year prior to the year in which project construction will occur.

If a maternity colony is detected in a year prior to the year in which project construction will occur, the exclusion measures described in Mitigation Measure Bio-3d below shall be implemented prior to March 15 of the year in which construction occurs to ensure that bats are excluded from the roost prior to the start of construction. In addition, Mitigation Measure Bio-3e shall be implemented.

Mitigation Measure

Bio-3c: **Pre-Activity Survey.** A pre-activity survey shall be conducted for roosting bats within all project site buildings and trees that are slated for removal, and within which suitable habitat was identified during the initial habitat survey and the maternity roosting survey described in Mitigation Measure Bio-3a. The survey shall be conducted by a qualified bat biologist within seven days prior to the start of building demolition or tree removal for the purpose of impact avoidance. If building demolition and/or tree removal will occur in phases, a pre-activity survey shall be conducted within 7 days prior to the demolition of each building and/or removal of each tree in which suitable roost habitat is present. If close inspection of potential roost features during the daytime is infeasible, the focused survey shall include a dusk emergence survey when bats can be observed flying out of the roost.
If a moderate-sized maternity colony of common bat species (i.e., at least 10 big brown bats, 20 Yuma myotis, or 100 individuals of other non-special-status species), or a pallid bat colony of any size or kind (i.e., a maternity or non-maternity colony), is not detected during the survey, no additional measures are required.

If a moderate-sized maternity colony of common bat species (i.e., at least 10 big brown bats or at least 20 individuals of other non-special-status species), or a pallid bat colony of any size or kind (i.e., a maternity or non-maternity colony), is present, the qualified bat biologist shall identify an appropriate disturbance-free buffer zone to be maintained until either the end of the maternity season or a qualified biologist has determined that all young are volant (i.e., capable of flight) to avoid the loss of dependent young. The exclusion measures described in Mitigation Measure Bio-3d below shall be implemented after dependent young are no longer present and prior to the removal of any portion of the tree or building where the roost is located. In addition, the compensatory measures described under Mitigation Measure Bio-3e shall be implemented.

If a non-maternity colony of pallid bats of any size is present, the compensatory measures described under Mitigation Measure Bio-3e shall be implemented.

Mitigation Measure

Bio-3d: **Bat Exclusion.** If bats are present in a building or tree to be removed or disturbed, the individuals shall be safely evicted outside the bat maternity season (approximately March 15 – August 31) and the winter torpor period (approximately October 15 – February 28, depending on weather). Bats may be evicted through exclusion, as directed by a qualified biologist, after notifying the CDFW. The qualified biologist must be present for removal of trees or structures occupied by bats.

For eviction from roost trees, trimming or removal of trees shall follow a two-step removal process whereby limbs and branches not containing roost habitat are removed on day 1 to disturb the roost, and then the entire tree is removed on day 2.

Disturbance of or removal of structures containing or suspected to contain active (non-maternity or hibernation) or potentially active common bat roosts shall be done in the evening and after bats have emerged from the roost to forage. Structures shall be partially dismantled to significantly change the roost conditions,

causing bats to abandon and not return to the roost. Removal shall be completed the subsequent day. Alternatively, exclusion methods may include the installation of one-way doors and/or use of ultrasonic deterrence devices. One-way doors and/or deterrence devices shall be left in place for a minimum of two weeks with a minimum of five fair-weather nights with no rainfall and temperatures no colder than 50°F.

Mitigation Measure

Bio-3e: **Compensatory Mitigation.** If a maternity colony of common bat species containing at least 10 big brown bats, 20 Yuma myotis, or 100 individuals of other non-special-status bat species, or a pallid bat day roost of any type (maternity or non-maternity) or size, is determined to be present within the project construction disturbance areas, replacement roost habitat that is appropriate to the species shall be provided, as determined by a qualified bat biologist. The nature of the replacement roost habitat (e.g., the design of an artificial roost structure) shall be determined by a qualified bat biologist based on the number and species of bats detected. Ideally, the roost structure shall be installed at the project site. If replacement habitat cannot be placed at the project site, it shall be installed no more than 100 feet from the site (or as close to the site as feasible). Exact placement of replacement habitat shall be determined in consultation with a qualified bat biologist.

With Implementation of Mitigation Measures Bio-3a through Bio-3e, the impact on bats would be ***less than significant with mitigation.***

Impacts due to Bird Collisions

Birds could collide with glazing on building façades in the study area for the following reasons:

- It is possible that the project may incorporate trees and other landscaping immediately adjacent to glazing on building façades, or that natural vegetation will be located adjacent to this glazing. Such vegetation is expected to attract birds. Once birds are using that vegetation, they may not perceive the adjacent glass as a solid structure. The vegetation would reflect in the glass of the building's façades, potentially causing birds to attempt to fly in to the reflected "vegetation" and strike the glass. As a result, some birds that are attracted to the natural or ornamental landscape vegetation that is adjacent to the glass façades are expected to collide with the glass.

- Night lighting associated with new buildings has some potential to disorient birds, especially during inclement weather when night migrating birds descend to lower altitudes. As a result, some birds moving through the study area at night may be disoriented by night lighting and potentially collide with buildings.

Construction of the project could potentially result in the mortality of large numbers of birds relative to the size of regional populations, and enough individuals of common and/or special-status bird species could potentially strike the buildings over the long term to result in a significant impact. Mitigation Measure Bio-4 below would incorporate bird-safe design elements into the project design and reduce this impact to a less than significant level.

Mitigation Measure

Bio-4: **Implement Bird-Safe Building Design.** Due to the potential for glazed façade areas on the proposed buildings to result in high numbers of bird collisions, the project shall implement the following bird-safe building design considerations for these facades:

- Reduce the extent of glass on these building facades, to the extent feasible.
- Reduce or eliminate the visibility of landscape vegetation behind glass.
- No more than 10% of the surface area of the combined façades for any single building shall consist of untreated glazing between the ground and 60 feet above ground. Bird-safe glazing treatments may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or ultraviolet patterns visible to birds. Vertical elements of the window patterns shall be at least 0.25 inches wide at a maximum spacing of four inches or have horizontal elements at least 0.125 inches wide at a maximum spacing of two inches.
- Avoid free-standing clear glass walls, skywalks, transparent building corners, glass enclosures (e.g., greenhouses) on rooftops, and free-standing clear glass railings where feasible. If any such features are included in the project design, all glazing used in any such features shall be 100% treated with a bird-safe glazing treatment. These features shall be treated to a height of 60 feet above grade. Features located more than 60 feet above grade are not required to be treated. For transparent glass corners, the required treatment area extends horizontally from a building corner as far the corner as it is possible to see through the corner to the other side of the building.
- Landscaping, including planted vegetation and water features, shall be designed to minimize the potential for collisions adjacent to glazed building facades. For example, vegetation providing particularly valuable resources to birds (such as fruits) shall be planted away from glass facades, and vegetation in general shall be planted in such a way that it is not clearly reflected in windows. Water features shall be located away from building exteriors to reduce the attraction of birds toward glazed facades.

With implementation of Mitigation Measure Bio-4, impacts related to bird collisions would be reduced to ***less than significant with mitigation***.

Impacts Related to Increased Lighting

The project would result in the construction of buildings and other features (e.g., driveways, roads, and sidewalks) that would increase the amount of lighting on and around the study area. Lighting from the project would be the result of light fixtures illuminating buildings, building architectural lighting, driveway/road lighting, and pedestrian lighting. Depending on the location, direction, and intensity of exterior lighting, this lighting can potentially spill into the surrounding natural areas, thereby resulting in an increase in lighting compared to existing conditions.

Many animals are sensitive to light cues, which influence their physiology and shape their behaviors, particularly during the breeding season. Artificial lighting may indirectly impact mammals and birds by increasing the nocturnal activity of predators like owls, hawks, and

mammalian predators. The presence of artificial light may also influence habitat use by rodents and by breeding birds, by causing avoidance of well-lit areas, resulting in a net loss of habitat availability and quality.

Wildlife species inhabiting the study area are already habituated to the existing artificial illuminance from the existing low-intensity development in the study area and along Crow Canyon Road. However, due to the ecological importance of these habitats and the wildlife communities they support, substantial increases in illuminance of these natural areas could result in a potentially significant impact.

Mitigation Measure

Bio-5: **Minimize Project Lighting.** Due to the potential for proposed lighting to affect wildlife species that occur at the project site and in adjacent natural areas, the project shall implement the following measures to minimize lighting on the project site.

- All exterior lighting shall be fully shielded to block illumination from shining outward from proposed development.
- To the maximum extent feasible, up-lighting (i.e., lighting that projects upward above the fixture) shall be avoided in the project design. All lighting shall be fully shielded to block illumination from shining upward above the fixture.

If up-lighting cannot be avoided in the project design, up-lights shall be shielded and/or directed such that no luminance projects above/beyond objects at which they are directed (e.g., trees and buildings) and such that the light would not shine directly into the eyes of a bird flying above the object. If the objects themselves can be used to shield the lights from the sky beyond, no substantial adverse effects on migrating birds are anticipated. Buddha statues located in woodland, grassland, or scrub habitats shall not be illuminated at night.

- Fixtures shall comply with lighting zone LZ-1, Low Ambient, as recommended by the International Dark-Sky Association[12] for rural and low-density residential areas. The allowed total initial luminaire lumens for the project site is 1.25 lumens per square foot of hardscape, and the BUG[13] rating for individual fixtures shall not exceed B2 or G1, as follows:
    - B2: 1,000 lumens high (60–80 degrees), 2,500 lumens mid (30–60 degrees), 1,000 lumens low (0–30 degrees)
    - G1 (asymmetrical fixtures): 100 lumens forward very high (80–90 degrees), 100 lumens backlight very high (80–90 degrees), 1,800 lumens forward high (60–80 degrees), and 500 lumens backlight high (60–80 degrees) for asymmetrical fixtures or 1,800 lumens backlight high for quadrilateral symmetrical fixtures.

In addition, the maximum allowed luminaire lumens (initial lamp lumens for a lamp, multiplied by the number of lamps in the luminaire) for unshielded luminaires at one entry per building is 420 lumens, and for additional unshielded luminaires at the

[12] International Dark Sky Association, 2011. *Model Lighting Ordinance*, available at: https://darksky.org/app/uploads/bsk-pdf-manager/16_MLO_FINAL_JUNE2011.PDF

[13] BUG stands for Backlight-Uplight-Glare

project site is 315 lumens. The maximum allowed luminaire lumens for fully shielded luminaires is 1,260 lumens. Landscape lighting and shielded directional flood lighting shall be avoided.

- Exterior lighting shall be minimized (i.e., total outdoor lighting lumens shall be reduced by at least 30% or extinguished, consistent with recommendations from the International Dark-Sky Association)[14] from 10:00 p.m. until sunrise, except as needed for safety and County code compliance.

With implementation of Mitigation Measure Bio-5, impacts with regard to increased lighting would be reduced to ***less than significant with mitigation***.

Compliance with Additional Laws and Regulations for Nesting Birds

Several species of common native birds protected by the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code may nest in the grassland, scrub, woodland, and developed habitats in or immediately adjacent to the study area. It is also possible that protected native birds could nest on the buildings in the project site. The removal of vegetation or demolition of buildings supporting active nests may cause the direct loss of eggs or young, while construction-related activities located near an active nest may cause adults to abandon their eggs or young. Due to the local and regional abundances of the species that could potentially nest in the study area and that the project is expected to impact only a few pairs of these species, which is not a substantial impact on their regional populations. However, the following measures shall be implemented to ensure that project activities do not violate the MBTA and California Fish and Game Code:

Mitigation Measure

Bio-6: **Nesting Bird Avoidance, Pre-activity Surveys, Buffers, and Deterrence.** Because disturbance of nesting birds could violate the MBTA and California Fish and Game Code, the following measures shall be implemented:

- Avoidance of the Nesting Season. To the extent feasible, the initiation of commencement of demolition and construction activities shall be scheduled to avoid the nesting season. If demolition and construction activities are initiated outside the nesting season, all potential demolition/construction impacts on nesting birds protected under the MBTA and California Fish and Game Code will be avoided. The nesting season for most birds in Alameda County extends from February 1 through August 31.
- Pre-Activity/Pre-Disturbance Surveys. If it is not possible to schedule the initiation of demolition and construction activities between September 1 and January 31, then pre-activity surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. We recommend that these surveys be conducted no more than seven days prior to the initiation of demolition or construction activities. During this survey, the ornithologist shall inspect all trees and other potential nesting habitats (e.g., trees, shrubs, and buildings) in and immediately adjacent to the impact areas for nests.

[14] International Dark Sky Association, 2011. *Model Lighting Ordinance*, available at: https://darksky.org/app/uploads/bsk-pdf-manager/16_MLO_FINAL_JUNE2011.PDF

- Non-Disturbance Buffers. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation.
- Nesting Deterrence. If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project may be removed prior to the start of the nesting season (e.g., prior to February 1). This shall preclude the initiation of nests in this vegetation and minimize the potential delay of the project due to the presence of active nests in these substrates.

With implementation of Mitigation Measure Bio-6, impacts with regard to disturbance of nesting birds would be reduced to ***less than significant with mitigation***.

b) Riparian or Sensitive Habitat

Impacts on Riparian Habitat, Oak Woodland Habitat, or Other Sensitive Natural Communities

Project impacts on sensitive natural communities, vegetation alliances/associations, or any such community identified in local or regional plans, policies, and regulations, were considered and evaluated. Only riparian habitat was found to be potentially impacted. The project would result in permanent and/or temporary impacts to slightly less than 0.01 acre of riparian habitat associated with the on-site ephemeral stream. Riparian habitats contribute disproportionately high habitat values for and ecological functions relative to their extent, and the permanent conversion or loss of even small amounts of this habitat type would be considered significant under CEQA. Further, impacts to riparian habitats, which fall under the jurisdiction of the CDFW would require a Lake and Streambed Alteration Agreement from CDFW. Additionally, some of these riparian trees are rooted below the top of the bank, and thus regulated by the Regional Water Quality Control Board (RWQCB). Therefore, they would be subject to Waste Discharge Requirements from the RWQCB.

Mitigation Measure

Bio-7a: **Avoid Direct Impacts to Riparian Habitat.** Given that the impact limits barely overlap with riparian habitat, the applicant shall avoid such impacts if feasible. Avoidance would include avoiding any vegetation removal, grading, placement of fill or structures, or other development-related activity beneath the dripline of the riparian canopy (i.e., within the limits of riparian habitat indicated on Figure 15). If avoiding direct impacts is not feasible, Mitigation Measure Bio-7b would apply.

Mitigation Measure

Bio-7b: **Compensate for Direct Impacts to Riparian Habitat.** If direct impacts, as described in Mitigation Measure Bio-7a, above, would occur to riparian habitat, the applicant shall prepare and implement a Riparian and Aquatic Mitigation & Monitoring Plan (RAMMP) for riparian habitat creation as a means of compensatory mitigation, and restoration of temporary impact areas as a means of impact minimization. An open space or conservation easement, or other similar instrument, shall be recorded on property associated with the mitigation lands to protect the created habitat's plant and wildlife resources in perpetuity. Permanent direct impacts shall be mitigated at

a 2.5:1 ratio (mitigation area to impact area) of high quality, native riparian habitat based on affected canopy if implemented onsite or on either creek within 0.25 miles of the properties, and 3:1 if mitigated off-site at a location farther away from the impacts. Temporary impacts shall be restored in place at a 1:1 ratio, with vegetated areas being revegetated with a native seed mix. The restoration of temporary impacts to vegetation is to be implemented before the end of the wet season following completion of construction. The RAMMP shall be prepared by a qualified restoration ecologist and shall provide, at a minimum, the following items:

- Habitat impacts summary and proposed habitat mitigation actions.
- Goals of the restoration to achieve no net loss.
- The location of the mitigation sites and existing site conditions.
- Mitigation design including:
    - Proposed site construction schedule.
    - Description of existing and proposed soils, hydrology, geomorphology and geotechnical stability.
    - Site preparation and grading plan.
    - Invasive species eradication plan.
    - Soil amendments and other site preparation.
    - Planting plan (plant procurement/propagation/installation).
    - Maintenance plan.
- Monitoring measures, performance and success criteria, including a requirement for no more than 5% invasive plant species in year 5.
- Monitoring methods, duration, and schedule.
- Contingency measures and remedial actions.
- Reporting measures.
- The mitigation shall be deemed complete when the final success criteria have been met as determined by the qualified restoration ecologist and the County of Alameda or applicable regulatory/resource agencies.

The RAMMP shall be reviewed and approved by the County prior to impacts on riparian habitat.

There is also potential for indirect impacts to occur within riparian areas on and adjacent to the study area if runoff from the project increases in intensity or frequency due to the proposed project. However, required construction period BMPs and post-construction stormwater requirements would apply to the proposed project as discussed above in the previous subsection.

With implementation of Mitigation Measures Bio-7a and Bio-7b, impacts on riparian habitat would be reduced to ***less than significant with mitigation***.

Impacts Related to the Spread of Nonnative and Invasive Species

A number of nonnative, invasive plant species were observed in the study area, including the 14 species that are considered by California Invasive Plant Council (Cal-IPC) to have a "moderate" invasive rating and therefore can cause substantial ecological impacts on physical processes, plant and animal communities, and vegetation structure. In addition, one species with a "high" Cal-IPC rating, freeway iceplant, was also observed in large patches study area. Invasive species can spread quickly and can be difficult to eradicate, as they produce seeds that germinate readily following disturbance. Further, disturbed areas are highly susceptible to colonization by nonnative, invasive species that occur locally, or can be transported by personnel, vehicles, and other equipment.

While project activities within the already-developed portions of the project site are not expected to contribute to the spread of invasive weeds (i.e. they are already present in abundance), project activities, such as the construction of Buddha statues in currently undeveloped coyote brush scrub habitats, have the potential to introduce invasive weeds into natural habitats where they are not currently present. Because the scrub habitats in the study area provide suitable habitat for special-status animals, the introduction of invasive weeds into these habitats would be a significant impact.

Mitigation Measure

Bio-8: **Implement Invasive Weed BMPs.** The invasion and/or spread of noxious weeds shall be avoided by the use of the following invasive weed BMPs:

- During project construction, all seeds and straw materials used on-site shall be weed-free rice straw (or similar material acceptable to the County), and all gravel and fill material shall be certified weed-free to the satisfaction of the County.
- During project construction, all construction equipment (e.g., haul vehicles, excavators, and other heavy equipment) shall be washed (including wheels, undercarriages, and bumpers) before and after entering the project site. Vehicles shall be cleaned at existing construction yards or legally operating car washes.
- Following construction of the project, a standard erosion control seed mix (acceptable to the County) from a local source and consisting of native species appropriate to the disturbed habitat shall be planted within the temporary impact zones on any disturbed ground that will not be under hardscape, landscaped, or maintained. This will minimize the potential for the germination of the majority of seeds from non-native, invasive plant species.

Implementation of Mitigation Measure Bio-8 would reduce potential impacts in regard to invasive plants to ***less than significant with mitigation***.

d) Wildlife Corridors or Nursery Sites

For many species, the landscape is a mosaic of suitable and unsuitable habitat types. Environmental corridors are segments of land that provide a link between these different habitats while also providing cover. Small-scale, local movement of wildlife occurs throughout the study area currently. Proposed project development would be concentrated around already-developed portions of the project site, with construction of new buildings and infrastructure, such as leach

fields and parking lots, confined to these areas. The only new structures proposed for portions of the project site without existing structures are three Buddha statues, which would be placed on the undeveloped hillsides to the north and east of the existing structures in the project site. These statues would not, however, be large enough to substantially interfere with wildlife movement through the area.

Human activity would also increase on the meditation trail on the hillsides, but wildlife that regularly visit the project site are already accustomed to periodic human disturbance, and this small increase in human presence in the undeveloped portions of the project site is not expected to substantially alter existing movement patterns. Therefore, the project would have a ***less than significant*** impact with respect to wildlife nursery sites or movement.

e) Local Policies and Ordinances

The project does not propose to remove any trees within the Alameda County right-of-way. If construction activities have the potential to impact any trees within the Alameda County right-of-way, the project would be required to comply with Alameda County Ordinance No: O-2016-66, Chapter 12.11.110 (Protection of Trees) and 12.11.120 (Tree Planting, Maintenance, and Removal Responsibilities and Requirements).

The unnamed ephemeral stream in the eastern portion of the project site does not meet the Alameda County definition of a "watercourse." While Crow Creek, to the west of the project site, and Norris Creek, to the northwest, are watercourses as defined by Alameda County, no project impacts would occur within the required 20-foot setback from these watercourses. Therefore, no impacts related to conflicts with the Alameda County Watercourse Protection ordinance would occur as a result of the project.

The project would have a ***less than significant*** impact regarding conflicts with local policies and ordinances.

f) Conservation Plans

The project site is not located within an area covered by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would have ***no impact*** with respect to conservation plans.

5. CULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Public Resources Section 15064.5?			☒	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Section 15064.5?		☒		
c) Disturb any human remains, including those interred outside of formal cemeteries?			☒	

This section utilizes information from the Cultural Resource Technical Report prepared for this analysis by PaleoWest, and dated February 2023, included in full as Attachment C.

a) Historic Resources

The existing structures were built between 1957 and 2008. Three buildings are historic-age (50+ years): the main residence, estimated to be built in 1957, the small residence and garage, built in 1968, and the large barn, built in 1969, with alterations made in 2006-2008. According to the Cultural Resource Technical Report (Attachment C), these three structures are without historical design or construction distinction. The buildings are typical of mid-century approaches to rural single-family home design throughout California, and no original architects or engineers were identifiable. While the area has agricultural and rural history, the buildings at the site were constructed well after the key events that shaped the historical context of eastern Alameda County agricultural development. The area also has an equestrian sports history. Although the project site was used as a riding therapy academy in the 1990s, this is not individually important enough to be significant. No important persons have been identified as associated with the property and buildings. The buildings at the project site are unlikely to yield important information on the history of the area. Based on these findings, the existing structures would not be considered significant historic resources under CEQA and the project would have a ***less than significant*** impact on historic resources.

b) Archaeological Resources

The records search performed for the Cultural Resource Technical Report indicated that there are no known cultural resources present in the project area. Because of the steep slope and previous disturbance from grading, the project site is not considered archeologically sensitive, however due to its location near the confluence of two creeks, it is possible that previously unidentified resources may be inadvertently discovered during ground disturbing activities.

Because there is a potential for unrecorded archeological resources to be discovered, Mitigation Measure Cultural-1 shall be implemented.

Mitigation Measure

Cultural-1: **Halt Construction Activity, Evaluate Find, and Implement Mitigation.** Should any unknown pre-contact period resources, including charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, or pockets of dark, friable soils be discovered during grading, trenching, or other on-site excavation(s), earthwork within 100 ft of these materials shall be stopped until the Native American Heritage Commission is notified, and a tribal representative and a qualified professional archaeologist has have an opportunity to evaluate the potential significance of the find and suggest the appropriate steps to protect the resource. If the resources are determined to be significant, the resources shall be avoided if feasible. If avoidance is not feasible, data recovery shall be conducted in accordance with an approved Archaeological Data Recovery Plan to mitigate significant impacts to the significance of the site – the area of data recovery being limited to the area of significant impacts. Once the site has been properly tested, subject to data recovery, or preserved to the satisfaction of the professional archaeologist and/or the tribal representative depending on the nature of the resource in compliance with CEQA Guidelines §15064.5, the site can be further developed.

Implementation of Mitigation Measure Cultural-1 would reduce the impacts associated with possible disturbance of unidentified cultural resources at the project site to a level of ***less than significant with mitigation***.

c) Human Remains

The potential to uncover Native American human remains exists throughout California, as well as other unknown human remains interred outside of formal cemeteries. Upon discovery of human remains, California Health and Safety code Section 7050.5(b) shall be implemented, which requires further excavation or disturbance to halt until the county coroner can determine the appropriate action to be taken by the project applicant in coordination with the Native American Heritage Commission, in accordance with section 7050.5 of the California Health and Safety Code or, if the remains are Native American, section 5097.98 of the California Public Resources Code. The impact of the project on the discovery of human remains would be ***less than significant***.

6. ENERGY Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			☒	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			☒	

a, b) Energy

The threshold of significance related to energy use is whether the project would result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct state or local plans for renewable energy or energy efficiency.

The project would include short-term demolition and construction activities that would consume energy, primarily in the form of diesel fuel (e.g., mobile construction equipment), gasoline (e.g. vehicle trips by construction workers), and electricity (e.g., power tools). Energy would also be used for conveyance of water used in dust control, transportation and disposal of construction waste, and energy used in production and transport of construction materials.

During operation, energy demand from the project would include fuel consumed by visitors' vehicles, and electricity consumed by the proposed structures, including lighting, water conveyance, heating and air conditioning.

These energy demands would be typical of residential or place of worship use, and would not be a wasteful, inefficient, or unnecessary consumption of energy resources. The project would be required to comply with the applicable requirements of the California Green Building Standards (CALGreen) and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and this impact would be less than significant.

Therefore, although the project would incrementally increase energy consumption, it would not result in a significant impact related to energy consumption in a wasteful, inefficient, or unnecessary manner or otherwise conflict with energy plans and the impact in this regard would be ***less than significant***.

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

This section utilizes information from the Geotechnical Investigation prepared for the applicants by Stevens, Ferrone & Bailey Engineering Company, Inc., dated March 13, 2019, available as part of project application materials.

a,c,d) <u>Seismic Hazards and Unstable or Expansive Soils</u>

The major active faults in the area are the San Andreas and Hayward Faults. The closest fault traces are located approximately 4 miles from the project site. The project site is not within an Alquist-Priolo Seismic Hazard Zone, and no known active or potentially active faults traverse the site. Therefore, the project has ***no impact*** related to rupture along a fault.

However, the San Francisco Bay Area is a seismically active region, and the site is likely to encounter strong seismic ground shaking during the lifetime of the project, which can result in seismic-related ground failure depending on the characteristics of the site and development.

The project site is calculated to have a 10% probability of exceeding a peak ground acceleration (maximum ground acceleration that occurs during earthquake shaking at a location) of about 0.57 g (gravitational acceleration) or 18.34 feet per second squared, in 50 years.

The access road to the project site meets Crow Canyon Road at approximate Elevation 414 feet, and rises to the center of the site between Elevations 520 and 530 feet. The elevation continues to rise to the eastern edge of the project site to approximately 570 feet. Steep slopes on the east and northeast lead to the top of the ridge at about 810 feet. The northeastern hillsides have been extensively cut with many tiered retaining walls. Landslides have occurred in the past, within or near the project site. The landslide debris in these areas may be unstable, and could move downhill if changes in conditions occur, such as undercutting by grading, earthquake shaking, improper retention, or changes to surface water and groundwater regime.

The project site is not within a mapped liquefaction hazard zone, however the soils found at the project site are weak and potentially compressible man-made clayey fills and clayey colluvium[15] over bedrock that consists of claystone, siltstone, and sandstone. The fill appears to be non-engineered and contains variable amounts of organics, possibly from the hillside cuts and ranges from as little as 2 feet to as much as possibly 29 feet. In many cases the fill was placed directly over clayey colluvium. The colluvium encountered during testing was as little as 6 inches on hillsides to as much as 18 feet in an area of landslide deposition.

Large sections of the project site, including most of the existing buildings, are built over the man-made fill, which, along with the colluvium, have a high potential for consolidation and shearing.

The Geotechnical Investigation concluded that the existing fill material, colluvium, and landslide debris are not suitable to support the proposed structures, and existing structures and ground may be unstable, with potential for both movement and landslides, where they are relying on the fill material, colluvium, and landslide debris for support.

The more clayey fills and colluvium also have moderate to high plasticity and medium to high expansion potential. Post-construction distress to the project structures could result from the shrinkage and swelling of the fills and soils.

The high slopes on the edges of project site have the potential for additional landslide events to occur, depositing more debris onto the project site.

However, the potential seismic and soil hazards can be addressed through appropriate design and construction, which would occur as part of the design-level geotechnical recommendations and structural plans as specified in **Mitigation Measures Geo-1 and Geo-2**.

Mitigation Measure

Geo-1: **During Phase 1, modifications to the main residential building and other site improvements shall be done in compliance with a design-level Geotechnical Investigation report prepared by a Registered Geotechnical Engineer and with Structural Design Plans as prepared by a Licensed Professional Engineer.** Due to the unstable ground and slopes on the project site, modifications to the project site

[15] The term "colluvium" was used in the Geotechnical Investigation to mean deposits brought there chiefly by gravity and includes soils deposited through processes such as soil creep, slope wash, erosion, debris flows, and landslides.

and main residence shall be performed in accordance with the recommendations of a Registered Geotechnical Engineer and a Licensed Professional Engine, including:

- Stabilization of the main residence's foundation shall be completed to mitigate unstable ground underneath the structure
- The main residence shall be brought up to the requirements of the California Building Code
- Slopes on the project site shall be stabilized
- Statues shall be anchored into bedrock
- Other changes to the project site such as pavement, landscaping and utilities shall follow proper ground preparation, construction, and drainage for site conditions as recommended.

Mitigation Measure

Geo-2: **During Phase 2, new structures and other site improvements shall be done in compliance with a design-level Geotechnical Investigation report prepared by a Registered Geotechnical Engineer and with Structural Design Plans as prepared by a Licensed Professional Engineer.** Due to the unstable ground, over excavation and proper ground preparation shall be completed prior to the construction of new structures, utilities or pavement. Proper ground preparation, foundation engineering and construction shall be performed in accordance with the recommendations of a Registered Geotechnical Engineer and a Licensed Professional Engineer. The structural engineering design, with supporting Geotechnical Investigation, shall incorporate seismic parameters compliant with the California Building Code. Drainage, irrigation, and landscaping shall follow design-level recommendations.

Compliance with a design-level Geotechnical Investigation and Structural Design Plans, as required by Mitigation Measures Geo-1 and Geo-2 would reduce the potential impact of seismic hazards including unstable ground and landslides to a level of ***less than significant with mitigation***.

b) Soil Erosion

Construction activities, particularly grading and site preparation, can result in erosion and loss of topsoil. The project also proposes additional excavation to remove unstable fill material. While intentional removal of soil from the site would not be considered erosion, the disturbance of the site could result in the potential for unintended erosion.

As a project that would disturb more than one acre, the project would be required to obtain coverage under the statewide National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity, Construction General Permit Order 2009-0009-DWQ (Construction General Permit), administered by the State Water Resources Control Board (SWRCB). Coverage under the NPDES Permit would require implementation of a Stormwater Pollution Prevention Plan (SWPPP) and various site-specific BMPs to reduce erosion and loss of topsoil during site demolition, grading, and construction. Compliance with the NPDES permit and BMPs during demolition and construction such as diverting runoff from disturbed areas and provisions for revegetation or mulching during construction would reduce impacts resulting from loss of topsoil. Development of the project would also be required to comply

with existing regulations for grading, construction, and erosion in the Alameda County Code of Ordinances and California Building Code standards.

Soil erosion after construction would be controlled by implementation of approved landscape and irrigation plans. With the implementation of a SWPPP and site-specific BMPs to prevent erosion, sedimentation, and loss of topsoil during and following construction – which are required under existing regulations and therefore not needed to be implemented as mitigation - the soil erosion impacts of the project would be ***less than significant***.

e) Septic Tanks

The project would include the use of 3 septic tanks and associated disposal facilities. The existing septic tank would remain to service the main residence, with a new leach field constructed during Phase 2. Two additional septic tanks would service the remaining buildings. The septic tanks would be required to comply with Title 15 of the Alameda County Municipal Code regarding construction and permitting. The current soil has been proven adequate to support the existing septic system and would be expected to support additional systems. If the septic tanks are located in an area of over excavation and fill replacement, the fill used would be appropriate for septic use.

Therefore, the project would have a ***less than significant*** impact in regard to septic tanks.

f) Unique Geologic Feature or Paleontological Resource

There are no known geologic features or paleontological resources on the project site, and the ground under the developed area is made of landslide debris and man-made fills, however over excavation to remove this layer is likely to encounter native soils that have not been previously disturbed. Therefore, the project has the potential to encounter paleontological resources, which would be addressed through the following mitigation measure.

Mitigation Measure

Geo-3: **Halt Excavation, Evaluate Find and Implement Mitigation.** Should any unknown fossils or fossil-bearing deposits be discovered during grading, trenching, or other on-site excavation(s), earthwork within 50 ft of these materials shall be stopped until a qualified paleontologist has an opportunity to document the find, evaluate the potential significance, and notify the appropriate agencies to suggest the appropriate steps to protect the resource. If avoidance is not feasible, the paleontologist shall prepare an appropriate excavation plan to mitigate any effect of the project on the resource, subject to review and approval by the County.

Implementation of Mitigation Measures Geo-3 would reduce the impacts associated with possible disturbance of previously-unidentified paleontological resources to ***less than significant with mitigation***.

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

a) Greenhouse Gas Emissions

BAAQMD determined that greenhouse gas (GHG) emissions and global climate change represent cumulative impacts. Construction and operation of the proposed project would be additional sources of GHG emissions, primarily through consumption of fuel for transportation and energy usage on an ongoing basis.

State Assembly Bill 32 (AB 32) required California state and local governments to reduce greenhouse gas emissions to 1990 levels by 2020. State Senate Bill 32 was subsequently adopted to require that there be a further reduction in GHG emissions to 40% below the 1990 levels by 2030.

In April 2022, BAAQMD issued new GHG emissions thresholds, revising the quantified threshold to a checklist of compliance, requiring consistency with either criterion A or B as follows:

A. Projects must include, at a minimum, the following project design elements:
    1. Buildings
        a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
        b. The project will not result in any wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
    2. Transportation
        a. Achieve compliance with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
        b. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA: [just relate to transportation analysis since religious is not a category]
            i. Residential projects: 15 percent below the existing VMT per capita
            ii. Office projects: 15 percent below the existing VMT per employee
            iii. Retail projects: no net increase in existing VMT

B. Be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

Regarding criterion A, the proposed buildings would be constructed in conformance with CALGreen and the Title 24 Building Code, which requires high-efficiency water fixtures, water-efficient irrigation systems, and compliance with current energy efficacy standards and would meet BAAQMD's checklist as follows:

A.1.a. Avoid construction of new natural gas connections.

Conforms – the project would be all-electric and does not propose natural gas connections.

A.1.b. Avoid wasteful or inefficient use of electricity.

Conforms – the project would meet CALGreen Building Standards Code requirements that are considered to be energy efficient.

A.2.a. Include electric vehicle charging infrastructure that meets current Building Code CALGreen Tier 2 compliance.

Conforms –electric vehicle-ready parking would be required for new building construction in compliance with CalGreen electric vehicle parking requirements.

A.2.b. Achieve a reduction in project-generated vehicle miles traveled (VMT) consistent with the current version of the California Climate Change Scoping Plan.

Conforms –The transportation analysis found VMT to be a less than significant impact (see Section 17: Transportation).

As indicated above, all relevant criteria would be met and the project would therefore have a ***less than significant*** impact with respect to Greenhouse Gas Emissions.

b) Greenhouse Gas Reduction Plans

See Section 3: Air Quality for an analysis of the project's consistency with the regional Clean Air Plan. Additionally with respect to GHG emissions, the Clean Air Plan includes the goal to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050. This is consistent with the target reductions intended to be met by the BAAQMD thresholds. As demonstrated under criterion a) above, the project would be consistent with BAAQMD thresholds and would therefore be consistent with the GHG emissions reduction goal of the Clean Air Plan.

Therefore, the project would have ***no impact*** with respect to consistency with GHG reduction plans.

9. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			☒	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			☒	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			☒	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			☒	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?		☒		

a) Routine Use of Hazardous Materials

It is likely that equipment used at the site during construction activities could utilize substances considered by regulatory bodies as hazardous, such as diesel fuel and gasoline. However, all construction activities would be required to conform with Title 49 of the Code of Federal Regulations, US Department of Transportation, State of California, and local laws, ordinances and procedures.

Chemicals that might be used during operations include common household hazardous materials such as cleaning products, and those used for landscaping and grounds maintenance, such as pesticides and fertilizers. If hazardous materials are stored and/or used on site, the users would be required to conform to applicable regulations. Project operations are not anticipated to create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials.

With compliance with applicable regulations, project construction and operations are not anticipated to create a significant hazard to the public or environment through the routine transport, use or disposal of hazardous materials (***less than significant***).

b, d) Hazardous Materials Site and Accidental Release

The project site and adjacent properties are not identified on any lists compiled pursuant to Section

65962.5 of the Government Code.[16] Historical records show that the site was undeveloped before 1957, at which time the site was graded and the current main residence was built. There is no known history of hazardous materials use at the site beyond common household and landscaping products. There are no developments upslope from the project site. The potential impact from accidental release and hazardous materials contaminating the project site are ***less than significant***.

c) Hazardous Materials Near Schools

No school is located within one-quarter mile of the project site. No hazardous materials with the potential for significant release during operation would be handled on or emitted from the site. Construction activities are discussed above. Therefore, the project would have ***no impact*** with respect to hazardous materials near schools.

e) Airport Hazards

The project site is not located within two miles of any public airport, or in the vicinity of a private airstrip. The closest airport is the Oakland International Airport (OAK), approximately 10 miles from the project site. Sutter Medical Center is registered as a private airstrip in Castro Valley and is over 4 miles from the project site. As such, there are no associated airport land use plans applicable to the project site, and the project would not result in a safety hazard for people working at the site. ***No impacts*** related to airport hazards would occur as a result of the project.

f) Emergency Response Plan

The project would not include any changes to existing public roadways that provide emergency access to the site or surrounding area. The proposed project would be designed to comply with the California Fire Code and the Fire Marshal's code requirements that require on-site access for emergency vehicles, a standard condition for any new project approval.

No substantial obstruction in public rights-of-way has been proposed with the project's construction activities. However, any construction activities can result in temporary intermittent roadway obstructions, but these would be handled through standard procedures with the County to ensure adequate clearance is maintained.

Therefore, with compliance with applicable regulations and standard procedures, the impact with respect to impairment or interference with an Emergency Response or Evacuation Plan would be ***less than significant***.

g) Wildland Fire

The project site is in State Responsibility area with a High Fire Hazard Severity Zone designation.[17, 18] The project site is considered a mix of a Wildland Urban Interface Zone and an Intermix Zone. The project would be subject to state and County regulations relating to the prevention of fires,

[16] State Water Resources Control Board GeoTracker Database, website accessed 2/20/2023 at http://geotracker.waterboards.ca.gov/; Department of Toxic Substances Control EnviroStor Database, website accessed 2/20/2023 at http://www.envirostor.dtsc.ca.gov/public/

[17] California Department of Forestry and Fire Protection. 2007. Alameda County Fire Hazard Severity Zones in SRA. Available: https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/

[18] Department of Forestry and Fire Protection Fire and Resource Assessment Program, *Alameda County Very High Fire Hazard Severity Zones in Local Responsibility Area*, September 3, 2008, available at: https://osfm.fire.ca.gov/media/6683/fhszl_map1.pdf

including automatic sprinkler requirements, vegetation management, restricting certain equipment or work during high fire danger weather, maintaining and enforcing defensible space around buildings and reducing fuel sources adjacent to buildings, planting fire-resistant plants, and using fire-resistant building materials. The local Fire Chief is authorized to specify water supply and road design standards.

CA Public Resources Code Section 4442 requires vehicles with an internal combustion engine, such as construction vehicles, to be equipped with a spark arrester, and to be maintained in effective working order, to prevent ignition to flammable materials during construction activity.

CA Public Resources Code Section 4903 authorizes fire code officials to require the development of a project-specific Fire Protection Plan, which analyzes the wildfire risk of projects to recommend necessary changes. The Wildland Fire Protection Plan completed by Wildland Resources Management for this project is included in full as Attachment E.

Section 4906 of the California Fire Code requires identification and maintenance of the vegetation management zones adjacent to new structures, as well as design criteria for specific types of fire-resistant and non-fire-resistant vegetation.

As described in the Wildland Fire Protection Plan, proper vegetation management activities are necessary to reduce the wildfire risk at the project site. The following steps would be completed before the start of any construction:

- Hydrants will be in place before framing begins.
- Initial vegetation management actions will be completed before demolition or construction begins (if framing takes place between June 15 and Nov. 1). These actions include tree removal, tree pruning, and grass cutting for all fuel management zones, including evacuation support treatments and roadway treatments to ensure emergency access.
- A construction fire-prevention plan must be submitted to the Alameda County Fire Department Fire Marshal before building permits are issued. This plan will include precautions to carry out during high fire danger, a list of tools to have on hand, a description of available communications, specifications for the supply of water to have on hand, and descriptions of other actions that will reduce the risk of ignition and immediate control of an incipient fire.

After construction is completed, vegetation management would require regular maintenance. The following would be required as standard treatment:

- All required clearing and grass cutting will be completed before June 15th of each year. Mowing must begin as soon as 30% of the grass has cured.
- Grass cuttings and clippings will be removed the day they are cut. No clippings are permitted to remain in piles or scattered, unless so approved by the Alameda County Fire Department.
- All brush piles and tree clippings are to be removed within one week of cutting. No brush or clippings are permitted to remain in piles, unless so approved by the ACFD.
- Annual vegetation management measures include:
    - Removal of all combustible vegetation along roadways, driveways, access roads, and trails according to stated standards
    - Maintenance of the emergency-access easement

- Maintenance of the defensible space around structures according to stated standards for the various fuel management zones.
- Assessment of conditions in the oak woodlands, and riparian woodland habitat to determine whether any action is required. The lower branches of oak woodlands are expected to need pruning every 7 – 10 years; a rotation of pruning may be scheduled so that approximately 1/7th of the area is treated yearly.

Mitigation Measure

Haz-1: **Maintenance of Vegetation and Improvements.** The following language is to be included in the covenants, codes and restrictions (CC&R's) of the project:

- The landowner shall be responsible for inspecting and maintaining the entire property in compliance with the vegetation management program approved by the Alameda County Fire Department with enforcement authority provided to the Alameda County Fire Department.
- No owner or resident shall permit any condition to exist which creates a fire hazard or is in violation of local fire regulations. This may include trash piles or weeds. There shall be no outdoor storage of firewood, kindling, or compost material within 30-feet of any structure during the declared fire season, unless the material is stored in a bin or enclosure with a solid non-combustible exterior.
- The property owner shall be responsible for the maintenance of all improvements and vegetation management zones (Non-combustible Zone, Defensible Space Zone, Roadside Management Zone, Oak Woodland Fuel Management Zone or Riparian Woodland Zone).
- The property owner shall maintain all landscaping in accordance with requirements of the Wildland Fire Protection Plan. The owner shall also maintain the landscaping improvements.

With implementation of Mitigation Measure Haz-1, and mandatory compliance with state, County, and the most current Wildland Fire Protection Plan, the exposure of people and structures from wildfire's impacts is estimated to be less than with existing conditions. The many layers of protection that compile the Wildland Fire Protection Plan (comprehensive fuel management, improved access and situational awareness and communications, along with improved on-site training of staff) all reduce the exposure compared with existing conditions. Therefore, the project would have a ***less than significant impact with mitigation*** in this regard.

10. **HYDROLOGY AND WATER QUALITY** Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			☒	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			☒	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would: i) result in substantial erosion or siltation on- or off-site; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			☒	
d) In flood hazard, tsunami or seiche zones, risk release of pollutants due to project inundation?				☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			☒	

a) Water Quality and Discharge

Construction Period

Construction activities have the potential to impact water quality through erosion and through debris and oil/grease carried in runoff could result in pollutants and siltation entering stormwater runoff and downstream receiving waters if not properly managed. The project would be required to obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the SWRCB. Coverage under this permit requires preparation of a SWPPP for review and approval by the County.[19] At a minimum, the SWPPP would include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; a list of provisions to eliminate or reduce discharge of materials to stormwater; BMPs; and an inspection and monitoring program. Furthermore, Alameda County's Water Pollution Prevention Program would require the project site to implement BMPs during project construction to reduce pollution carried by stormwater such as keeping sediment on site using perimeter barriers and storm drain inlet protection and proper management of construction materials, chemicals, and wastes on site. Chapter 15.36 of the Alameda County Municipal Code would require the project to have an erosion and sedimentation control plan in place during grading activities.

[19] SWRCB, Construction General Permit Order 2009-0009-DWQ (Construction General Permit)

Operational Period

Project operations have the potential to result in pollutants such as oil, grease, and debris to pollute stormwater drainage that flows over parking lots and other impermeable surfaces. The Alameda County Clean Water Program regulates stormwater runoff quality in the project's area and includes the C.3 provisions from the San Francisco Bay RWQCB.

Federal Clean Water Act regulations require municipalities to obtain NPDES permits which outline programs and activities to control surface stormwater pollution. The unincorporated areas of Alameda County must follow the Waste Discharge Requirements of the Municipal Regional Stormwater Permit No CAS612008 issued by the San Francisco Bay RWQCB, which place conditions on qualifying development projects to incorporate site design measures, source controls, and treatment measures to increase the quality of stormwater runoff. The project would be considered a Regulated Project as it is creating or replacing more than 10,000 square feet of impervious surface, and would be required to collect and treat stormwater in accordance with a County C.3 Stormwater Permit. The C.3 requirements are intended to protect water quality by minimizing pollutants in runoff, and to prevent downstream erosion by: designing the project site to minimize imperviousness, detain runoff, and infiltrate runoff where feasible; treating runoff prior to discharge from the site; ensuring runoff does not exceed pre-project peaks and durations; and maintaining treatment facilities. Project applicants must prepare and implement a Stormwater Control Plan containing treatment and source control measures that meet the "maximum extent practicable" standard as specified in the NPDES permit and the SMCWPPP C.3 Guidebook. Project applicants must also enter into a post-construction operating and maintenance agreement to ensure the stormwater treatment and flow-control facilities are maintained in perpetuity.

The project would have stormwater treatment areas in the form of bio-retention basins near each new building to treat roof runoff. The Buddha statues would have a modular rainwater harvest tank under the plaza (see Figure 5).

Because the project site uses a well as its water source, the project would also be subject to regulations in Chapter 6.88 of the Alameda County Municipal Code, which protects groundwater during the construction, repair, reconstruction, or destruction of wells, and regulates the quality of water obtained from wells to protect any users.

Chapter 15.8 of the Alameda County Municipal Code would also apply to the project, as it regulates onsite wastewater treatment systems for structures and buildings not served by public sewer systems. The project's septic tanks would be required to comply with standards for the approval, installation, and operation of their septic tanks, as established by Alameda County, consistent with State policy and the San Francisco Bay RWQCB standards and basin plans.

Construction and Operational Period

Project compliance with applicable State General Permit requirements and Alameda County's guidelines would not result in significant impacts on water quality and would not result in a violation of water quality standards. Impacts would be ***less than significant*** with respect to water quality and discharge.

b) Groundwater Recharge and Supplies

The project site is within the Castro Valley groundwater basin (No. 2-8), which is part of the San Francisco Bay hydrologic region. The basin is three square miles in area bounded on the east by the San Lorenzo Creek and by the Hayward Fault on the west. Watersheds within the region are defined

by creeks, streams, and other surface water drainages that originate in the upland areas near Mount Diablo and flow down toward the Bay. Drainage patterns within Castro Valley are shaped by the region's topography, which consists of steeper areas located along the foothills of the Diablo Range that gradually flatten out onto an alluvial plain. A study conducted in 1984 by EBMUD showed that the annual recharge for the central Castro Valley area was estimated to be 250 acre feet per year. It was also estimated that the maximums well yield was 0.14 million gallons per day. Groundwater outside the central sub-basin area (such as the project site) is replenished by direct infiltration and percolation of rainfall (approximately 18 to 24 inches annually); excess applied irrigation water and subsurface inflow from adjacent foothills. Groundwater use within the central Castro Valley area is generally be restricted to non-potable purposes due to contamination concern, but in the rural areas, such as near Crow Canyon Road (including the project site), wells are utilized for potable domestic water use.[20] The San Francisco Bay Regional Water Quality Control Board considers municipal and domestic water supply a potential beneficial use for water in the Castro Valley groundwater basin.[21]

The proposal to utilize well water from the existing well at the site for the proposed project is under consideration as a part of the project application. See Section 19: Utilities and Service Systems for additional discussion.

Proposed continued use of water from the existing well is consistent with groundwater basin planning and would be reviewed and approved through ACPWA. This is **a *less than significant*** impact.

c) Drainage Pattern Alteration

The project would be required to implement an erosion and sedimentation plan, both during construction and grading activities and post-construction during usage of the site, per Chapter 15.36 of the Alameda County Municipal Code. The SWPPP would list the BMPs required during construction activities to minimize erosion and siltation. The project would not result in substantial erosion or siltation. The stormwater collection and treatment on the project site would be designed in accordance with requirements of the C.3 provisions as well as the requirements in the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Manual. The project would not result in flooding on- or off-site. The project site is not connected to the County's storm drain system, and therefore would have no impact on the system. The project would be required to use stormwater retention, in this case bio-retention basins, of the proper size to handle any runoff from the site's impervious surfaces. The project would not impede or redirect off-site flood flow.

Project impacts related to alteration of drainage patterns would be ***less than significant***.

d) Inundation

The project site is over 400 feet above sea level, is approximately 8.5 miles from the San Francisco Bay and approximately 26 miles from the Pacific Ocean, and according to state hazard mapping is

[20] Alameda County Community Development Agency, March 2012, Castro Valley General Plan, pp. 10-12 to 10-14, available at https://www.acgov.org/cda/planning/generalplans/index.htm.

[21] State of California San Francisco Bay Regional Water Quality Control Board, last updated March 7, 2023, Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin, Table 2-2, available at: https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html#:~:text=The%20Water%20Quality%20Control%20Plan,including%20surface%20waters%20and%20groundwater.

not located in a tsunami hazard area.[22]

The nearest body of water that could experience seiche (water level oscillations in an enclosed or partially enclosed body of water) is the San Francisco Bay located approximately 8.5 miles west of the project site. A seiche would not experience run up higher than a tsunami and as discussed above, the site is not located in a tsunami hazard area and is therefore not in an area at risk for seiche inundation either. No other large bodies of water with the potential to inundate the project site by a seiche are located near the site.

The project is not located within Federal Emergency Management Agency (FEMA) Flood Zone and is therefore not at substantial risk of flooding from 100-year or more common storms.[23]

Therefore, the proposed project would not result in the risk of release of pollutants due to inundation by a tsunami, seiche, or flooding and the project would have ***no impact*** in this regard.

e) Implementation of Plans

As discussed under this Section 10(a) above, the project would comply with applicable requirements under the General Construction Activity Storm Water Permit, NPDES, and Alameda County Municipal Code, which are intended to implement relevant laws and plans related to water quality. The project impact with respect to implementation of plans would be ***less than significant***.

[22] California Geological Survey, 2021. Tsunami Hazard Area Map, San Mateo County, available at: https://www.conservation.ca.gov/cgs/tsunami/maps

[23] Federal Emergency Management Agency (FEMA), effective 4/5/2019, Flood Insurance Rate Map (FIRM), Map Number 06001C0285G, available at https://www.fema.gov/flood-maps

11. LAND USE AND PLANNING Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			☒	

a) Physical Division of a Community

The project site is in a rural area surrounded by canyon land and open space. The site is surrounded by road or steep slopes and does not act as a connection point for other parcels. The project would not involve any physical changes that would have the potential to divide an established community and there would therefore be **no impact** in this regard.

b) Conflict with Land Use Plan

An environmental impact could occur when a project conflicts with a policy or regulation intended to avoid or reduce an environmental impact. The following discussion does not replace or preclude a consistency assessment for project approval considerations, which take into account more than potential impacts to the environment.

The entire project area is within the boundaries of the Castro Valley General Plan, under which the site is designated Resource Management (RM). This designation is intended mainly for land designated for long-term preservation as open space, but may include low intensity agriculture, grazing, and very low-density residential use. This designation permits agricultural uses, recreational uses, habitat protection, watershed management, public and quasi-public uses, areas typically unsuitable for human occupation due to public health and safety hazards, secondary residential units, active sand and gravel and other quarries, reclaimed quarry lakes, and similar and compatible uses. On each legal parcel with building site status, this designation allows for a 0.01 floor area ratio (FAR) for non-residential uses, and a 12,000 square foot FAR for residential uses, within a two-acre building envelope.[24]

Two of the larger parcels making up the project area have building site status, as verified by established uses and/or building permits for a horse boarding facility on one parcel, and existing residences on the adjacent parcel. The project includes the use of lot mergers to combine many of the parcels, some of which are as small as 5,000 square feet. Ultimately, the project site will consist of two to five larger parcels, including the existing two building site envelopes, consistent with the Resource Management designation. While the new parcels will be smaller than the 100-acre minimum size consistent with the RM land use designation, the parcels will be larger than the

[24] Alameda County Community Development Agency Planning Department, March 2012. *Castro Valley General Plan, Appendix A: Measure D Excerpts Pertaining to the Castro Valley Canyonlands*, available at https://www.acgov.org/cda/planning/generalplans/documents/Appendix-A-Measure-D-Text.pdf

parcels existing currently, and no new building sites will be created. Project impacts from a lack of consistency with the General Plan would be less than significant.

Parcels making up the project are variously classified into the "R1-CSU-RV" and "C-1" Districts, with one parcel in the "A" (Agricultural) District. Permitted uses on "A" zoned land include one family dwelling and one secondary unit, as well as public or private hiking trails. Under Alameda County Ordinance Section 17.52.580, a place of worship is conditionally permitted in any district.

The applicants are requesting a rezoning to a Planned Development (PD) District consistent with the "A" District and the RM designation. Pursuant to Alameda County Code of Ordinances Section 17.18.115 any increase in density requested in a PD rezoning over that permitted by the standards of the existing zoning shall either:

1. Provide a positive relationship to adjacent land uses and densities;
2. Provide affordable housing; or
3. Provide a tangible public benefit, such as:
    a. Substantial improvement to public infrastructure in the immediate area;
    b. Public uses such as community centers, public parks, or open spaces; or
    c. Additional impact fees (which may be achieved through development agreements) for which there might not otherwise be nexus on project impacts.

The project proposes changing the zoning for the site, per processes in place to allow for the implementation of such changes. Assuming project approval, the project would be consistent with the zoning as a conditionally permitted use. As discussed throughout this document, with implementation of identified mitigation, the project would not result in significant impacts to the environment.

Therefore, the project would not result in significant impacts to the environment related to the re-zoning, would be consistent with land use planning following re-zoning, and would have a ***less than significant*** impact with regard to land use plan conflicts.

12. MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				☒

a, b) Mineral Resources

The site contains no known mineral resources and has not been delineated as a locally important mineral recovery site on any land use plan.[25,26] The project would have ***no impact*** related to mineral resources.

[25] U.S. Geological Survey, Mineral Resources Data System: U.S. Geological Survey, Reston, Virginia. Accessed April 2023, at: http://tin.er.usgs.gov/mrds/

[26] California Department of Conservation, Mineral Land Classification Map. Accessed April 2023, at: https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc

13. NOISE Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			☒	
b) Generation of excessive groundborne vibration or groundborne noise levels?			☒	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				☒

a-b) Excessive Noise or Vibration

Noise and vibrations from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction noise impacts primarily occur when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction involves particularly noisy techniques, such as driven piles. The closest noise-sensitive receptor to the project site is the residence approximately 350 feet to the southwest on the other side of Crow Canyon Road.

The Alameda County Municipal Code, Section 6.60.070(E), restricts construction activities to the hours of 7:00 AM to 7:00 PM on weekdays, 8:00 AM to 5:00 PM on Saturdays and Sundays. With compliance with Noise Ordinance requirements, temporary construction-period noise and vibration impacts are ***less than significant***.

Operationally, the types of uses proposed under the project would not be a source of substantial vibration or excessive levels of noise. While gathering of up to 150 people at a time could occur with buildout of the project, such gatherings would be required to comply with Municipal Code noise limits. Therefore, operation of the project would be ***less than significant***.

c) Airport Noise

The closest airport to the project site is OAK, approximately 10 miles from the project site. The closest registered private airstrip in Castro Valley is Sutter Medical Center, over 4 miles from the project site. The project would have ***no impact*** related to excessive aircraft noise exposure.

14. POPULATION AND HOUSING Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			☒	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			☒	

a) Substantial Population Growth

The residence at the project site currently houses 3-4 people, and at the end of Phase 2 the project site would house a maximum of 15 full time residents. The use of the project site as a Buddhist Temple Complex and meditation center would not have an indirect effect on population growth. Therefore, the project impact with respect to direct or indirect population growth would be ***less than significant***.

b) Displacement of Housing or People

The residence at the project site would be renovated for continued and expanded use by Temple masters and/or nuns and guests. No housing or people at the site would be displaced by the project. The project would have a ***less than significant*** impact related to displacement of housing or people.

15. PUBLIC SERVICES Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services?	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Fire protection			☒	
b) Police protection			☒	
c) Schools			☒	
d) Parks			☒	
e) Other public facilities			☒	

a-e) Public Services

The proposed project is located on a developed rural site outside the County of Alameda Castro Valley community, that is within the public services area, which includes Alameda County Fire Station 6 located 2.9 miles away from the project site, and the Alameda County Fire Station 7 located 5.8 miles away (driving distance). The project would add a maximum of 12 people to the on-site population, and use as a Buddhist Temple would not substantially increase utilization of public services, such that new or physically altered facilities would be required. Therefore, the impact to public services would be ***less than significant***.

16. RECREATION Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.			☒	
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.			☒	

a-b) Recreation

The project is in a rural area characterized by open spaces. With full buildout of the project, residents of the project site would increase from 3-4 people to a maximum of 15. Visitors to the project site would not be expected to use nearby recreational facilities to the point of physical deterioration or the need to construct additional facilities. Therefore, the impact related to recreation would be ***less than significant***.

17. TRANSPORTATION Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			☒	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			☒	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			☒	
d) Result in inadequate emergency services?			☒	

This section utilizes information from the Transportation Analysis prepared for this analysis by W-Trans, included in full as Attachment D.

a) Circulation System Plans and Facilities

The Transportation Analysis assessed pedestrian, bicycle, and transit access and circulation and consistency with applicable regulations.

Pedestrians: There are no sidewalks or other pedestrian facilities in the vicinity of the project. Given the rural nature of the surrounding area and distance from any transit services, it is reasonable to assume that very few, if any, persons would walk to reach the project site. There are no planned improvements in the project vicinity. Therefore, the project would have a ***less than significant*** impact on the existing and planned pedestrian facilities.

Bicyclists: There are no bicycle facilities in the vicinity of the project site. A Class III Rural Bicycle Route[27] is planned along the length of Crow Canyon Road from Castro Valley to at least the border of the County.[28] The project would not conflict with these planned bicycle facilities. As the project site is 4.6 miles from the Castro Valley BART Station, it is reasonable to assume that very few people would arrive at the project site via bicycle. Therefore, the impact on bicycle facilities would be ***less than significant***.

Transit: There is no existing transit service within a comfortable walking distance of the project site, and the project is not expected to generate trips via transit services, except during the weeklong festival in December. During that week approximately 50 people maximum would use a shuttle bus

[27] Rural Bicycle Routes (Class III) are designated rural roads that provide connections for bicyclists through areas with low densities. Rural bicycle routes frequently have higher bicycle volumes then other rural roads and are signed to provide wayfinding for bicyclists and as a notification to people driving that bicyclists will be present on the road.

[28] Alameda County Public Works Agency, October 2019. *Alameda County Bicycle and Pedestrian Master Plan for Unincorporated Areas*, Figure 4.7

between BART and the project site daily. Therefore, the project is anticipated to have a ***less than significant*** impact on transit facilities and services.

b) Vehicle Circulation and Congestion

SB 743 changed CEQA transportation impact analysis significance criteria to eliminate auto delay, level of service (LOS), and similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts under CEQA (although a jurisdiction may choose to maintain these measures under its General Plan). The changes in CEQA Guidelines to implement SB 743 present VMT as an appropriate measure of transportation impacts.

Alameda County is in the process of preparing guidelines for the analysis of VMT. Many of the VMT significance criteria that the County is likely to adopt are consistent with guidance provided by the California Governor's Office of Planning and Research (OPR) in the publication *Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory*, 2018. This document identifies several screening criteria that may be used by jurisdictions to identify certain types of projects that are unlikely to have a VMT impact. One of these screening criteria pertains to small projects, which OPR identifies as generating fewer than 110 vehicle trips per day.

This project is expected to generate 65 trips on a typical Sunday, which would be the day of the week with the most visits at the project site, and satisfies the criteria for consideration as a small project. Therefore, a detailed VMT analysis is not required and the impact with respect to VMT would be ***less than significant***.

c) Hazards

The Transportation Impact Analysis evaluated the sight distance at the new proposed project driveway on Crow Canyon Road. According to the criteria in the *Highway Design Manual* by Caltrans, the recommended sight distance, based on the typical speed on Crow Canyon Road of 40 mph, is 300 feet. The sight distance was found to be adequate from the location of the proposed driveway extending 300 feet to the north and more than 600 feet to the south.

Criteria from the American Association of State Highway and Transportation Officials' *A Policy on Geometric Design of Highways and Streets*, 2018, was used to determine if a dedicated left hand turn lane would be recommended for project traffic. Based on traffic counts along Crow Canyon Road on a typical Sunday, there would not be enough vehicles turning left into the project site to warrant a dedicated left-turn lane. See Attachment D for more details.

As is standard practice, landscaping installed along the roadway frontage near driveways should be maintained to be either three feet or less in height and trees should not have canopies that fall below seven feet above the roadway surface.

With adequate site distance and by meeting or exceeding required Federal, State and City codes and regulations, the project would not introduce any new hazards through its design. Therefore, the project would have a ***less than significant*** impact regarding geometric design features or incompatible uses.

d) Emergency Access

The proposed project would not reroute or change any of the public streets in its vicinity that would impact emergency vehicle access to properties along Crow Canyon Road. The California Fire Code, Section 503.2.1, states that roads shall have an unobstructed width of not less than 20 feet to

accommodate fire apparatus access. The proposed site would satisfy this requirement since all internal roadways would be at least 20 feet wide. Further, since all roadway users must yield the right-of-way to emergency vehicles when using their sirens and lights, the added project-generated traffic would not impact access for emergency vehicles.

California Fire Code, Section D103.2 states that Fire apparatus access roads with grades steeper than 10 percent shall be approved by a fire code official. According to the current site plans the proposed driveway would have a profile exceeding a 10 percent grade. The design is currently being reviewed by the Alameda County Fire Department and would need to be determined to be acceptable before being allowed to proceed. If approved by the Fire Department, the project would result in a ***less than significant*** impact regarding adequacy of emergency access.

18. TRIBAL CULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		☒		

a) Tribal Cultural Resources

A record search of the Native American Heritage Commission Sacred Lands File was completed for the project and indicated there are no known sacred lands present in the vicinity of the site (see Attachment C). At the recommendation of the Native American Heritage Commission, notice was sent to listed tribes on October 7, 2021. Staff received a single response, from representatives of the Lisjan Nation (Ohlone). At the request of the Ohlone representatives, staff updated Mitigation Measure Cultural-1 to include direction for the project proponent to contact tribal representatives, in addition to a qualified professional archaeologist and representatives of the Native American Heritage Commission, in the event of discovery of tribal cultural resources.

The records search performed for the Cultural Resource Technical Report (included in Attachment C) indicated that there are no known tribal cultural resources on the project site. However, due to the presence of the confluence of two creeks in the vicinity of the project site, there is still potential for the inadvertent discovery of previously unrecorded Native American resources during ground disturbing activities (see Attachment C).

Mitigation Measure Cultural-1 would require proper handling of any discoveries and would also reduce the potential impact related to unknown tribal cultural resources.

Compliance with the protection procedures specified in Mitigation Measures Cultural-1 would require that if any previously-unknown tribal cultural resources are discovered, these would be handled appropriately and the impact of the project would be ***less than significant with mitigation***.

19. UTILITIES AND SERVICE SYSTEMS Would the project	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			☒	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?		☒		
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			☒	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			☒	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			☒	

a) <u>New or Expanded Utilities</u>

As discussed below, the project would not use the services of the municipal water supply or the public sewers. Storm water drainage would be through bioretention areas and flow-through planters. The project would coordinate with PG&E for local connections for electricity. Given the small size of the project, no new off-site facilities for any utilities would be expected. The impact related to new or expanded facilities would be ***less than significant***.

b) <u>Water Supply</u>

The main residential building is currently served by an existing onsite well, 5 onsite water storage tanks, and a private gravity water delivery system. Four 16,000-gallon tanks would store water for fire protection. New landscaping will be required to be compliant with the California State Water Efficient Landscape Ordinance (WELO) so that the level of water use is appropriate to the site. The project would not require the use of municipal water supply and representatives of the Water Quality Control Board have indicated that the water supply does not require certification as a public water system.[29]

A project hydrologist evaluated the existing well and water supply, and has conveyed to the County that projected flow rate and on-site water storage would be adequate to meet the proposed project demand, but official documentation has not been submitted. Additionally, the applicants are also

[29] A "public water system" as defined by Section 116275(h) of the California Health and safety Code is, "a system for the provision of water for human consumption through pipes or constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year." The Water Quality Control Board has reviewed proposed operations and accepted a Certification of Non-Public Water Supply from the applicant.

petitioning for reinstatement of the property into the Norris Canyon Homeowners' Association (NCHA) water system. Under the previous owner, service from the NCHA to the subject property was discontinued.

Because the proposed water supply for full project build out has not been fully documented, the following mitigation measure would be required:

Mitigation Measure

Util-1: **Phase 2 Water Supply Confirmation.** Prior to issuance of building permits for any Phase 2 work, the project shall demonstrate to the satisfaction of the County that adequate water supply is available to meet projected demand.

While the existing well water supply has been studied and preliminarily concluded to be adequate to meet projected demand, Mitigation Measure Util-1 would also ensure appropriate supporting documentation is in place before water demand is expanded with Phase 2 of the project. Therefore, the impact related to water supply would be ***less than significant with mitigation***.

c) Wastewater

The project currently uses a septic system with a leach field disposal system for wastewater. As part of Phase 2, a new dispersal area would replace and expand the leach field. Two additional septic tanks would be added to handle the increased wastewater production of the new buildings. Three of the buildings would share a common gravity collection system which would discharge to a multi building sized (3,000 gallon) septic tank and ejector/grinder pump. All septic tanks would be required to comply with applicable regulations in the Alameda County Municipal Code, which sets standards for approval, installation, and operation of wastewater treatment from buildings not served by the public sewer systems. Impacts with respect to wastewater would be ***less than significant***.

d, e) Solid Waste and Solid Waste Reduction

The proposed project would generate solid waste during construction and operation. Handling of debris and waste generated during construction would be subject to ACMC Chapter 4.38 requiring that 75 percent of inert solids and 50 percent of the remaining construction or demolition waste be diverted from landfills.

The project is serviced by Castro Valley Sanitary District, including garbage, recyclables, and organics. As of 2016, the Altamont Landfill in Livermore had a remaining capacity of 124,400,000 tons, with a projected closure date of 2070. Given the residential and religious uses of the project, the solid waste generated by the project would not affect the capacity of the landfill.

Alameda County is required to meet the statewide waste diversion goal of 50 percent set by AB 939. The proposed project would comply with federal, state, and local statutes and regulations related to solid waste, such as AB 939, the ACMC, and the recycling program. Impacts related to solid waste and waste facilities would be ***less than significant***.

20. WILDFIRE If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			☒	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			☒	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			☒	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			☒	

This section utilizes information from the Wildland Fire Protection Plan prepared for the project by Wildland Res Mgt, included in full as Attachment E, and was written in collaboration with Carol Rice from Wildland Res Mgt.

a) Emergency Response

Alameda County does not have an adopted emergency response plan or emergency evacuation plan. The project would not alter any existing roadway and would not add a significant amount of traffic to Crow Canyon Road (see Section 17: Transportation). To be consistent with applicable policies in the Alameda County Emergency Operations Plan (EOP),[30] the *Alameda County Local Hazard Mitigation Plan*,[31] the Alameda County General Plan Safety Element, and the Castro Valley General Plan Natural Hazards and Public Safety Element, the initial Wildland Fire Protection Plan includes the following measures to improve the project site's emergency access and evacuation routes from existing conditions:

- treat and maintain vegetation in the first 30 feet from the pavement edge per Standards for Vegetation Treatments listed in the Wildland Fire Protection Plan;
- remove all dead or unhealthy trees leaning toward the driveways and Crow Canyon Road within the treatment area;
- repair and retrofit the fire trail on the undeveloped portion of the property to facilitate emergency evacuation and allow emergency responder access from adjacent properties to the north and south;

[30] Alameda County Sheriff's Office of Homeland Security and Emergency Services, 2012. Emergency Operation Plan, available at: https://www.acgov.org/ready/documents/EmergencyOperationsPlan.pdf

[31] Alameda County, 2021. County of Alameda 2021 Local Hazard Mitigation Plan, available at: https://lhmp.acgov.org/

- improve existing fire roads in the western developed portion of the property;

As noted in Section 17: Transportation under topic d), the new project driveway must meet the requirements and have the approval of the Alameda County Fire Department.

This project would advance the preparation of an emergency response plan, and support effective evacuation, thereby having a beneficial impact on the project site. The impact of the project in relation to emergency response would be ***less than significant***.

b) Exacerbate Wildfire Risks

The project is not substantially re-grading the project site nor changing the topography of the surrounding slopes to the extent that fire-related hazards would be exacerbated due to a change in slopes. The project would introduce new residents and visitors to a site in a High Fire Hazard Severity Zone. Due to the increased number of persons using the site, and increased vehicular traffic, the risk of ignition would be higher when the project is complete versus existing conditions. For example, there would be a greater chance that a vehicle may malfunction, an accidental fire would ignite from a BBQ, or a chainsaw may start a fire while doing needed vegetation maintenance.

The proposed structures would be required to comply with all applicable regulations in the California Building Code and California Fire Code, including the use of fire-resistant building materials, sprinkler systems, and non-impregnatable vents to reduce air pollution from wildfire smoke. With the vegetation management activities as outlined in the Wildland Fire Protection Plan, the buildings would have the required defensible space around them. The project's landscaping would include fire resistant plants. Upon completion of the initial requirements of the vegetation management plan and assuming continued maintenance, the vegetation on the project site would be less flammable, less ignitable, and less conducive to fire spread. Thus, the overall possibility of damage and harm to the project occupants would be less than it is under existing conditions. The project would therefore have a ***less than significant*** impact related to wildfire risks.

c) Infrastructure

The project would include construction of a new or upgraded infrastructure including a new driveway and trails, and new septic tanks and associated leach fields, and localized lines may need to be extended or relocated within the project site for utilities to the new buildings. (See Section 19: Utilities and Service Systems for additional discussion of utilities.) The project is proposed as all electric and no gas use is proposed. The project would add four 16,000-gallon water storage tanks for enhanced site fire protection use. The new driveway would be designed with the approval of the local Fire Chief, and would increase emergency access and evacuation routes to the project site compared to current conditions.

As described above increased use of the site, including construction activities for utilities and ongoing use and maintenance would have an increased risk of ignition. However, as above, with implantation of the vegetation management plan and the enhanced evacuation measures, the project site would be less hazardous, due to improved access for emergency response and less flammable and voluminous vegetation. Thus, the fire risk is not exacerbated as a result of the project infrastructure.

The project would have a ***less than significant*** impact related to new infrastructure.

d) Runoff and Post-Fire Instability

The project site contains steep slopes to the east and northeast, with a history of landslides. As part of the project, the slopes would be stabilized, which would reduce the risk of post-fire slope instability. The project would construct a new storm water retention system, which would slow runoff and reduce the risk of flooding. Assuming vegetation treatments follow the fuel management standards and best practices, the impacts of the fuel treatments themselves would be less than significant because surface soils are not to be exposed, no living trees need to be removed, and no vegetation types conversions are required. The project would have a ***less than significant*** impact related to flooding or landslides.

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

a) Environmental Quality

With the implementation of Mitigation Measures Bio-1 through Bio-8 to protect sensitive habitats and special-status species during construction, Cultural-1 to address the potential discovery of currently unknown cultural or tribal cultural resources, and Geo-3 to address paleontological resources at the site, the project would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, or threaten to eliminate a plant or animal community. The project would not impact rare or endangered wildlife species or eliminate important examples of the major periods of California history or prehistory.

b) Cumulative Impacts

The project would not result in adverse impacts that are individually limited but cumulatively considerable, including effects for which project-level mitigation were identified to reduce impacts to less than significant levels. Project-specific impacts would be less than significant with implementation of mitigation measures identified in this document, including Mitigation Measure Air-1 to address construction period dust and emissions, and would not result in contribution of considerable levels to cumulative impacts.

c) Adverse Effects on Human Beings

The project would not result in substantial adverse effects on human beings, either directly or indirectly. Mitigation Measures Air-1, Geo-1, Geo-2, and Haz-1 would minimize the potential for safety impacts related to construction-period emissions and proper site preparation and building construction to minimize geologic hazards. Therefore, the potential adverse effects on human beings would be less than significant with mitigation.

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Alameda County
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