ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
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Environmental Checklist Form
Prepared Pursuant to the California Environmental Quality Act (CEQA)

A. PROJECT DESCRIPTION

1. **Project title**: Operation of an Outdoor Recreation Facility consisting of fenced private hiking trails for dogs, PLN2016-00114.

2. **Project location**: Tesla Road, 3 miles east of Reuss Road, Livermore, CA
Parcel Number: 099A-2110-010-07

3. **Project sponsor's name and address**:

Konrad Thaler
2719 Monserat Ave
Belmont, CA 94002

4. **General plan designation**:

Large Parcel Agriculture

5. **Zoning**: A (Agricultural)

6. **Description of project**:

The applicant proposes to operate an outdoor recreation facility consisting of fenced hiking trails for dogs 25lbs and larger. The dogs would be transported to the site in vans owned by the applicant, with about 10 -13 dogs per van. A maximum of 100 dogs would use the facility per day, between the hours of 10 am and 3 pm Monday through Friday, with occasional weekend days, also between the hours of 10 and 3. In addition to fencing at the property boundary, cross fencing is proposed that would divide the parcel into 4 pastures, between which grazing cattle would be alternated. A gravel-surfaced parking and staging area for the vans, consisting of six individual fenced parking stalls, each with an approximate 180-square foot shade roof, would be located at the approximate center of the property. This location would be downhill from two existing 5,000 gallon capacity water storage tanks, fed from an onsite well via wind-driven pump.

7. **Surrounding land uses and setting**:

In an unincorporated area of Livermore in Alameda County, the property is located off Tesla Road, 3 miles east of the intersection of Tesla with Reuss Road. The property is used for grazing, with no improvements beyond an access road, two 5,000 gallon water tanks, a well, and a windmill and pump. Properties in the area are of similar size, with grazing, rural home sites, and equestrian centers among the primary uses. The Arroyo Seco is downhill from the subject property, adjacent to Tesla Road.

8. **Other public agencies whose approval may be required**: None

Figure 1 - Regional Location of Project

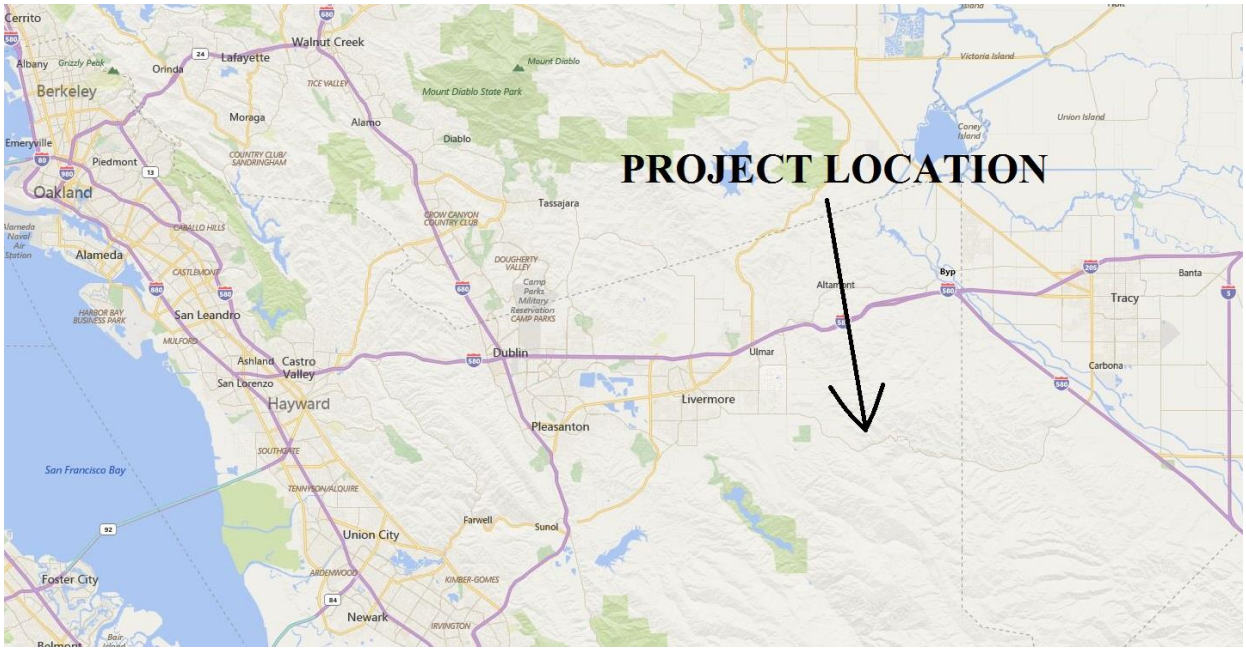


Figure 2 – Altamont Quadrangle

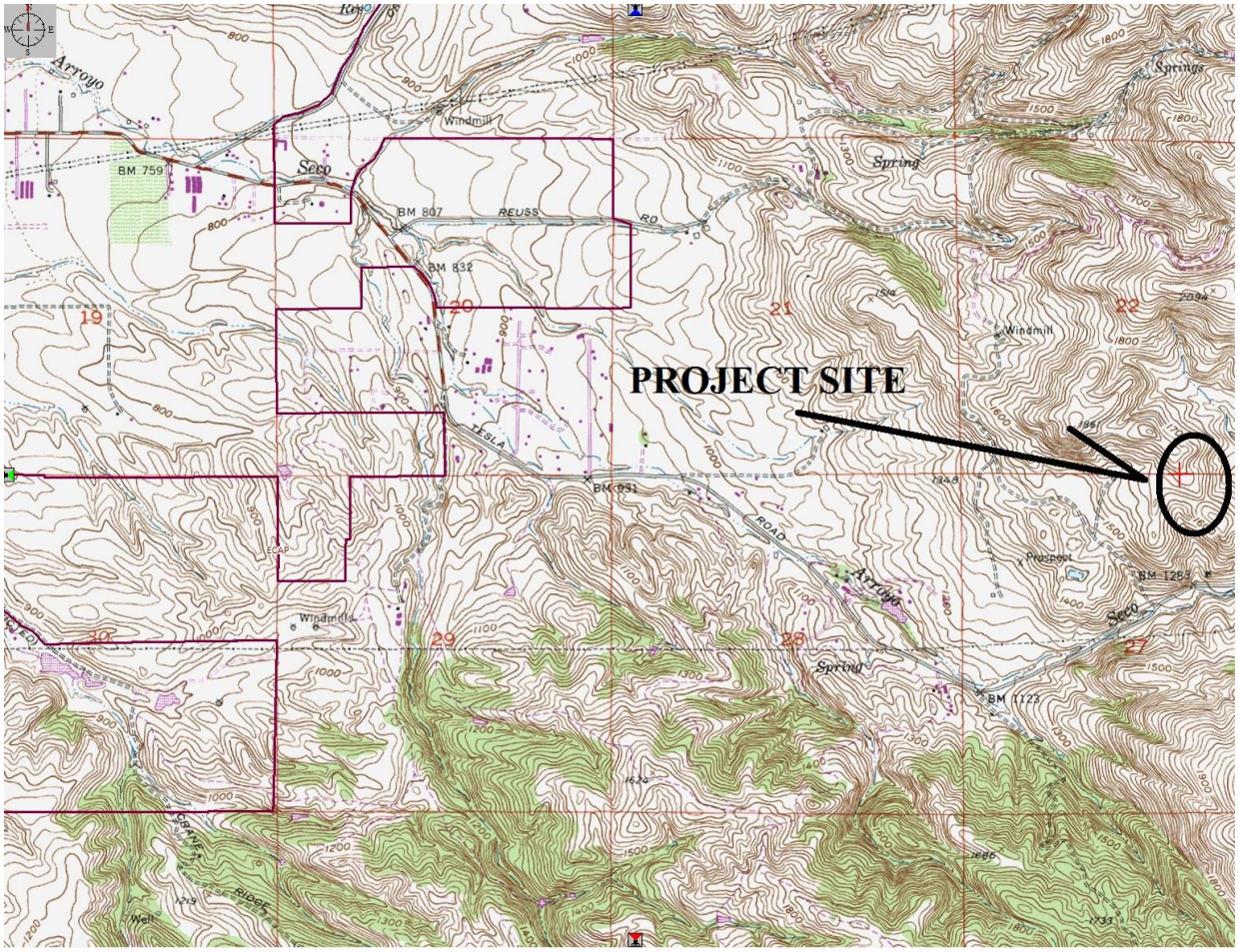
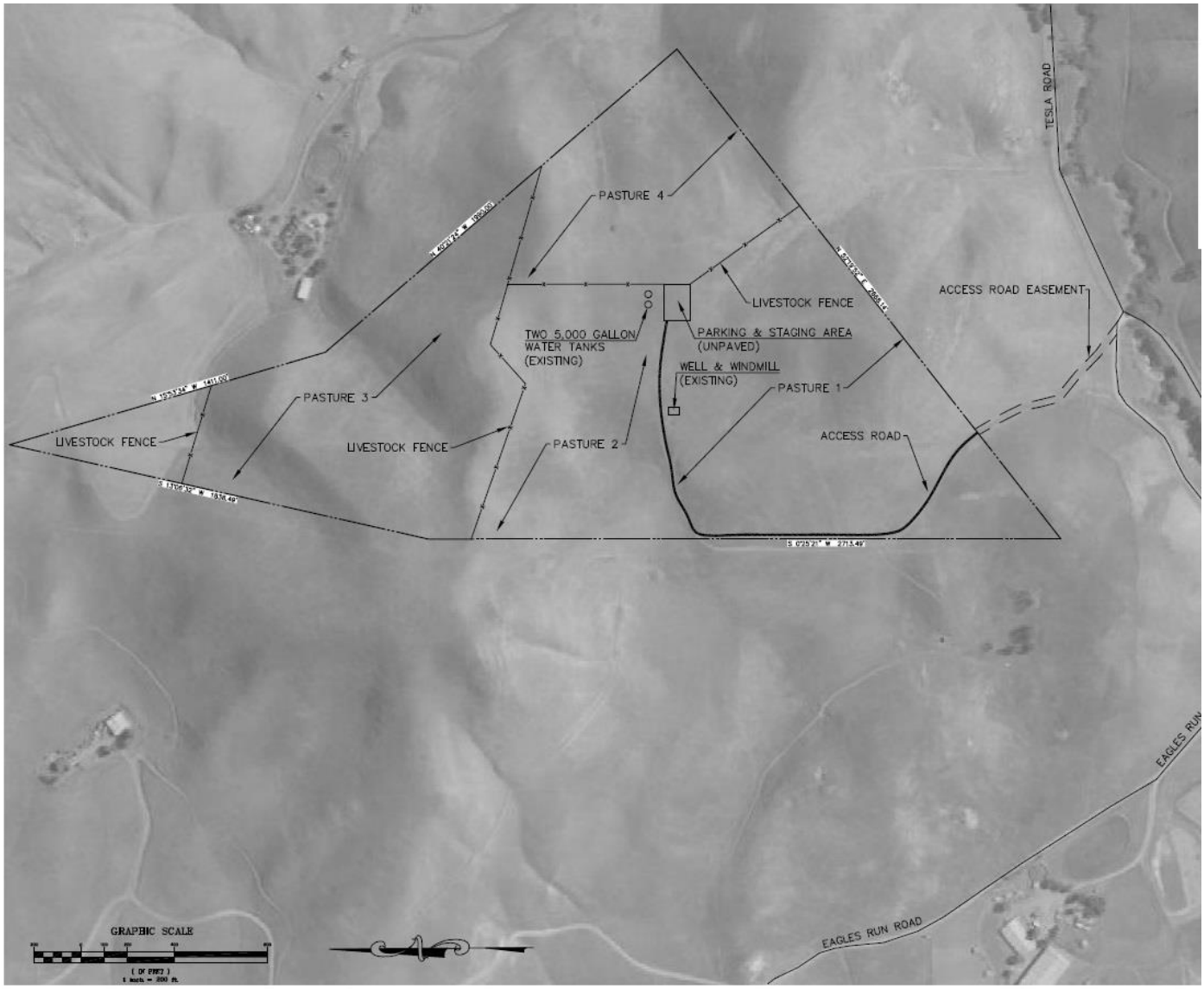


Figure 3 – Site Plan of Proposed Project



B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

C. LEAD AGENCY DETERMINATION:

On the basis of this initial evaluation:

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

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

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

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

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

Signature Sonia Urzua

October 6, 2016

Date

D. EVALUATION OF ENVIRONMENTAL EFFECTS:

The Environmental Checklist and discussion that follows is based on sample questions provided in the CEQA Guidelines (Appendix G) which focus on various individual concerns within 17 different broad environmental categories, such as air and water quality, biological resources, climate change, cultural resources, land use, public services, noise and traffic (and arranged in alphabetical order). The Guidelines also provide specific direction and guidance for preparing responses to the Environmental Checklist. The sample questions are meant to be used to meet the requirements for an initial study when the criteria set forth in CEQA Guidelines have been met. Substantial evidence of potential environmental impacts that are not listed in the checklist must also be considered. The sample questions are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance.

Each Checklist question requires a "yes" or "no" reply to indicate if the analysis or assessment (or an available reference document) shows that the project will or will not have a potentially significant environmental impact on the subject aspect of the environment. However, there are three possible types of "no" responses, including: "NO: Less Than Significant with Mitigation", which means that potentially significant impacts would clearly be avoided or reduced to an acceptable level by changes to the project or mitigation measures that the project proponent and the Lead Agency have agreed to; "NO: Less Than Significant Impact", which means that while there may have been concerns about possible impacts that require analysis, the "threshold of significance" is not exceeded and the impact is not significant; and "NO: No Impact", which means that for clearly evident reasons documented by a map, reference document, the nature of the project or the setting, the specific kind of environmental impact addressed by the question is not possible or would be nearly insignificant. The following describes in more detail the four different possible answers to the questions in the Checklist, and the types of discussions required for each response:

a) YES: Potentially Significant Impact. Checked if a discussion of the existing setting (including relevant regulations or policies pertaining to the subject) and project characteristics with regard to the environmental topic demonstrates, based on substantial evidence, supporting information, previously prepared and adopted environmental documents, and specific criteria or thresholds used to assess significance, that the project will have a potentially significant impact of the type addressed by the question.

   CEQA requires that if the analysis prompted by the Checklist results in a determination that the project will have one or more potentially significant environmental impacts (and the project proponent does not agree to changes or mitigation measures that would assure the subject impact can be avoided or reduced to less than significant levels, an environmental impact report (EIR) is required. In such instances, the discussion may be abbreviated greatly if the Lead Agency chooses to defer the analysis to preparation of the EIR. However, if the analysis indicates that all such impacts can be avoided or mitigated to less-than-significant levels, a Mitigated Negative Declaration can be prepared and this column will not be used for any question.

b) NO: Less Than Significant With Mitigation. Checked if the discussion of existing conditions and specific project characteristics, also adequately supported with citations of relevant research or documents, determine that the project clearly will or is likely to have particular physical impacts that will exceed the given threshold or criteria by which significance is determined, but that with the incorporation of clearly defined mitigation measures into the project, that the project applicant or proponent has agreed to, such impacts will be avoided or reduced to less-than-significant levels.

c) NO: Less Than Significant Impact. Checked if a more detailed discussion of existing conditions and specific project features, also citing relevant information, reports or studies, demonstrates that, while

some effects may be discernible with regard to the individual environmental topic of the question, the effect would not exceed a threshold of significance which has been established by the Lead or a Responsible Agency. The discussion may note that due to the evidence that a given impact would not occur or would be less than significant, no mitigation measures are required.

d) NO: No Impact. Checked if brief statements (one or two sentences) or cited reference materials (maps, reports or studies) clearly show that the type of impact could not be reasonably expected to occur due to the specific characteristics of the project or its location (e.g. the project falls outside the nearest fault rupture zone, or is several hundred feet from a 100-year flood zone, and relevant citations are provided). The referenced sources or information may also show that the impact simply does not apply to projects like the one involved. A response to the question may also be "No Impact" with a brief explanation that the basis of adequately supported project-specific factors or general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a basic screening of the specific project).

The discussions of the replies to the Checklist questions must take account of the whole action involved in the project, including off-site as well as on-site effects, both cumulative and project-level impacts, indirect and direct effects, and construction as well as operational impacts. Except when a "No Impact" reply is indicated, the discussion of each issue must identify:

a) The significance criteria or threshold, if any, used to evaluate each question; and

b) The mitigation measure identified, if any, to reduce the impact to less than significance, with sufficient description to briefly explain how they reduce the effect to a less than significant level.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D) of the Guidelines). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

1. AESTHETICS Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant with Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Have a substantial adverse effect on a scenic vista?				x
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				x
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				x
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				x

Setting:
The project site is located in Alameda County, California, about 6 miles directly south from Interstate 580 in Livermore (8 miles by road) and about 12 miles by road west of I-580 via Corral Hollow Road.

Scenic Vistas
Would the Project:
a) Have a substantial adverse effect on a scenic vista?
The Project proposes minimal improvements at the project site, consisting of the erection of additional cattle fencing. The proposed Project's impact with respect to scenic vistas would be ***no impact***.

Scenic Resources
Would the Project:
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
There are no significant scenic resources on the Project site such as rock outcroppings or historic buildings. The project would have ***no impact*** with respect to scenic resources.

Visual Character and Quality
Would the Project:
c) Substantially degrade the existing visual character or quality of the site and its surroundings?
The project does not propose extensive grading, construction or other activities that would degrade the visual quality of the site and the surrounding area. The project would have ***no impact*** in this regard.

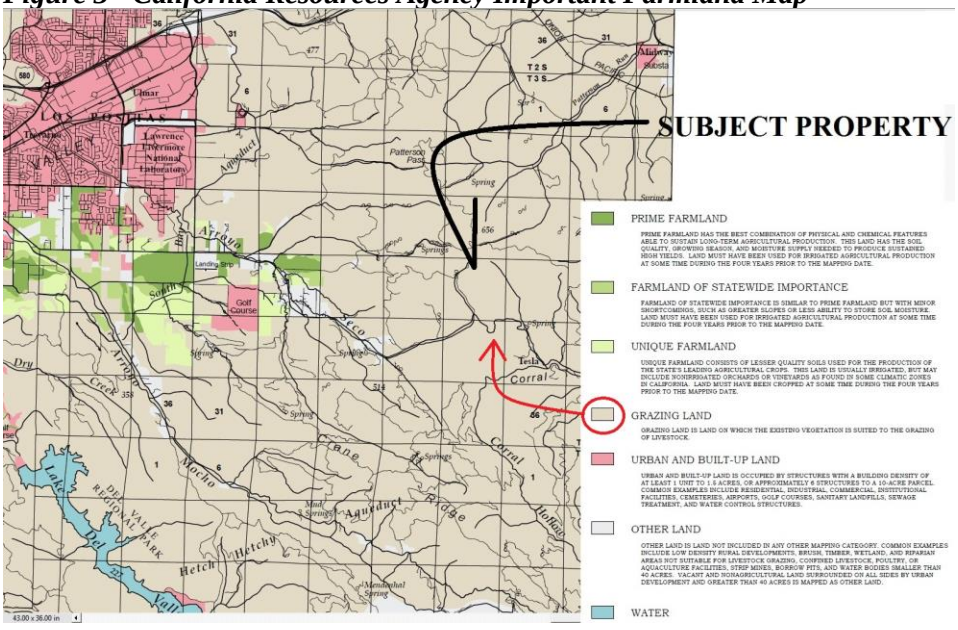
Light and Glare
Would the Project:
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?
The project does not propose lighting, nor does it propose to use materials that would cause glare. Therefore, lighting or glare effects of the Project would result in ***no impact***.

Mitigation Measures: None

2. AGRICULTURE AND FOREST 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:	YES: Potentially Significant Impact	NO: Less Than Significant with Mitigation	NO: Less Than Significant Impact	NO: 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?				x
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				x
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))?				x
d) Result in the loss of forest land or conversion of forest land to non-forest use?				x
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?				x

Setting:
The California Resources Agency 2012 Important farmland Map shows the site as Grazing land (land with existing vegetation suitable for grazing). The site contains no land that would be classified as Prime or Unique Farmland, or farmland of Statewide Importance.

Figure 3 - California Resources Agency Important Farmland Map



The site is currently used for the grazing of cattle. The grazing will remain with no loss of productivity. The hiking trails would be used during midday hours between 10 am and 3 pm. To the extent that there would be conflicts between cattle grazing and dog walking, the property would be cross fenced, resulting in four sections that would allow separation. Cattle grazing would be rotated between the four sections.

The property is currently under Williamson Act Contract. Hiking trails are deemed compatible uses under the statewide Williamson Act Uniform Rules, and the use would not affect the viability of the agricultural uses on the property. Beyond six 200-square foot shade structures, no construction is proposed, and no land would be removed from contract.

Impacts: The Project would have no effect on agricultural or forestry resources.

Convert Farmland or Williamson Act Conflict
Would the Project:
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
The Project site is not currently farmed, nor designated as Farmland by the California Department of Conservation, nor under a Williamson Act contract. There would be ***no impact*** related to the potential loss of farmland or conflict with Williamson Act procedures.

Potential Rezoning and/or Loss of Forest or Timberland to Non-Forest Use
Would the Project:
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)) or
d) Result in the loss of forest land or conversion of forest land to non-forest use?
The Project site is not designated forest land or timberland, nor is it currently forested or used for forest resource purposes. There would be ***no impact*** related to the potential loss of forest or timber resources.

Other Changes That Could Result in Farmland Conversion
Would the Project:
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?
The subject property is not farmed nor used for forestry, and the Project proposes no physical changes. There would be ***no impact*** related to conversion of farmland.

Mitigation Measures: None

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:	YES: Potentially Significant Impact	NO: Less Than Significant with Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				x
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				x
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				x
d) Expose sensitive receptors to substantial pollutant concentrations?				x
e) Create objectionable odors affecting a substantial number of people?				x

Setting:
The Bay Area Air Quality Management District (BAAQMD) has jurisdiction over project in the San Francisco Bay Area Basin, which includes Alameda County, and the project site. BAAQMD oversees stationary-source emissions, approves permits, maintains emissions inventories and air quality stations, oversees agricultural burning permits, and reviews air quality-related sections of environmental documents required by CEQA. The 2010 Clean Air Plan was adopted recently to provide an integrated control strategy for ozone, particulate matter, toxic air contaminates, and greenhouse gas emissions. BAAQMD also adopted an ozone attainment plan and a plan for the re-designation of Carbon Monoxide.

The Project proposes the operation of a private hiking trails for dogs under the auspices of an outdoor recreation facility. No significant grading, construction, or use of mechanical equipment is proposed. During operations, Vehicle traffic would be less than 10 off peak trips per day.

Impacts: The proposed project would have no effect on air quality.

Violate Air Quality Standards
Would the Project:
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?
The project does not propose major grading activities requiring a grading permit, and only minor construction consisting of fence building and the erection of 6 shade structures. The use would not be open to the public, and vehicle emissions would be generated only by the transport vans, with less than 10 vehicle trips per day. Therefore the project would have ***no impact*** in this regard.

Sensitive Receptors
Would the Project:
d) Expose sensitive receptors to substantial pollutant concentrations?

The Project proposes no grading activities, and only minimal construction-related activities, including fencing and the erection of shade structures for the transport vans. Therefore, there would be ***no impact*** upon sensitive receptors.

Objectionable Odors

Would the Project:

e) Create objectionable odors affecting a substantial number of people?

The area around the subject property is sparsely populated with two or fewer units per parcel, many of the parcels with more than 100 acres. There is no residence proposed for the subject property. The project as proposed would not generate objectionable odors. Total vehicle emissions would be from less than 10 daily trips from transport vans and the periodic service vehicle trip to service the portable restroom facilities. The small amount of dog waste would be carried out in the vehicles. Therefore, there would be ***no impact*** associated with the Project's potential to create objectionable odors affecting a substantial number of people.

Mitigation Measures: None

4. BIOLOGICAL RESOURCES Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant Wth Mitigation	NO: Less Than Significant Impact	NO: 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 Wildlife or U.S. Fish and Wildlife Service?		x		
b) Have a substantial adverse effect on any riparian, aquatic or wetland habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?				x
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				x
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?		x		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				x
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?				x
g) Result in conversion of oak woodlands that will have a significant effect on the environment?				x

Setting:
The subject property is covered almost entirely in non-native grassland habitat, with no water features, riparian or wooded areas.

Improvements to the property would be limited to the application of road base to the existing access road, the placement of fencing at the property boundaries and across the parcel, and the erection of six shelters to shade the service vehicles while parked on the property. No extensive grading, trenching, or construction would be required.

Special-Status Wildlife and Plant Species
Would the Project:
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Plants
Other than fencing and shade structures not requiring foundations or extensive excavation, the project does not propose changes to the property that would affect the plant communities present. The project would therefore have ***no impact*** with respect to special status plant species.

Animals

For the proposal, a Biological Study was prepared by MIG/TRA Environmental Services. The study found site characteristics leading to unsuitable habitat for such species as Alameda and San Joaquin whipsnake, and because the proposed hours from 10am – 3pm would be unlikely to impact the movement of species that move primarily in darkness, such as the California red-legged frog and the California Tiger Salamander. There would be a low likelihood for burrowing owl to nest on the property, and should dog walking begin prior to the nesting season (first of February), it is expected that the activity would prevent the owls from using the on-site burrows. Should the use begin after the start of the nesting season, a biologist would survey the property for burrowing owls, and in the case of an active nest, a 250-foot fenced buffer established around the nest until the young have fledged and the nest is no longer active. The impact on potential burrowing owl nests is described below, and would require a mitigation measure:

Impact BIO-1: Should the use commence between February 1 and August 30 (Burrowing Owl Nesting Season) the daily operational activities might disrupt Burrowing Owl nesting activities, should nesting pairs be present.

Regarding the timing of the initiation of the proposed use, the following mitigation measure would be incorporated into the project:

MM BIO-1: Should the use commence between the dates of February 1 and August 30, a qualified biologist shall survey the site for nesting Burrowing Owls. Should nests be located, a 250-foot buffer shall be established around the nest, with fencing adequate to exclude dogs from the perimeter. This buffer zone shall remain until the young have fledged, and/or the nest is no longer used.

Responding to the project referral, the California Department of Fish and Wildlife has indicated that the installation of fencing could cause take of California Tiger Salamander (CTS). Upon CEQA approval, and if required by the Department of Fish and Wildlife, the applicant would apply for an incidental take permit for CTS. This potential impact is described below:

Impact BIO-2: The installation of project fencing and the shade structures could cause incidental take of California Tiger Salamander.

To address the potential impact on the California Tiger Salamander, the project sponsor would follow the mitigation measure below:

MM BIO-2: Upon project approval, and if required by the California Department of Fish and Wildlife, the project sponsor will apply through the Department of Fish and Wildlife for an Incidental Take Permit for incidental take of California Tiger Salamander (CTS) during the process of fence installation.

Riparian Habitat/Sensitive Natural Communities/Wetlands/Waters of the US

Would the Project:

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations; or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

g) Result in conversion of oak woodlands that will have a significant effect on the environment?

There is no riparian habitat or wetlands on the subject property, nor does the project propose changes to the subject property. With respect to Riparian Habitat and sensitive communities, the proposed project would have ***no impact***.

Movement of Species
Would the Project:
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?

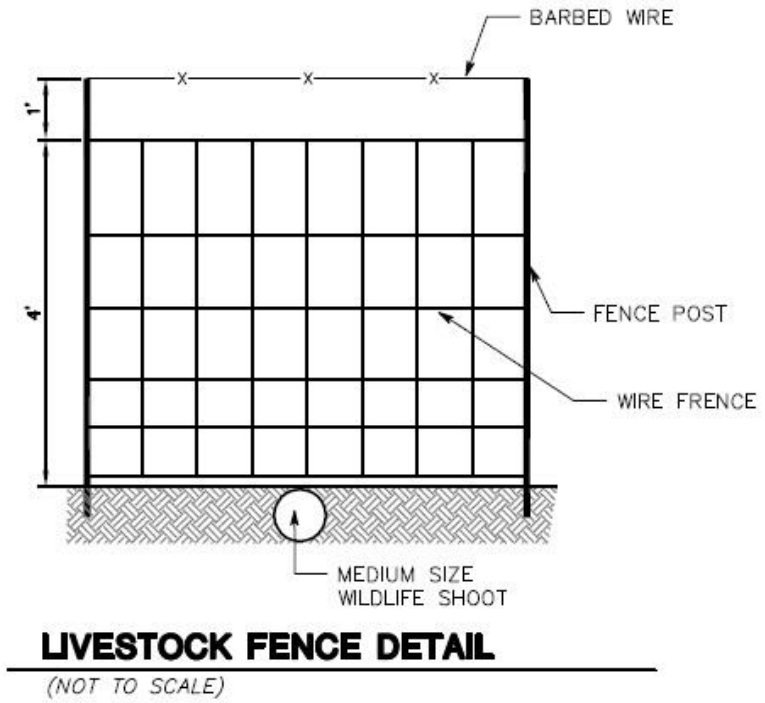
The study prepared by MIG/TRA Environmental Services evaluated the potential of the fencing to limit the movement of medium sized mammals such as coyote, bobcat, badger, and fox. Upon the Movement of wildlife the proposed project would have the impact **BIO-3**:

Impact BIO-3: The placement of livestock fencing at the property boundaries and across the interior portions of the parcel would have the potential to impede the movement and thus the daily activities for mammals such as the San Joaquin Kit Fox, coyote, bobcat, and badger.

The study recommends the placement of openings at regular intervals or at locations indicative of animal movement. These openings would consist of pipes that would be placed under the fence as described in the Figure 4. The placement of these openings is included as Mitigation Measure **MM-BIO -3**:

MM BIO-3: Open passages shall be placed at intervals along fence lines to allow for the movement of mammals. Openings shall be at and below grade level (underneath the bottom of the fence), and shall be placed at regular intervals of about 500 feet, with placement at gullies and other features that would likely be located at or near movement corridors.

Figure 4 - Fence Detail



Local Policies/Tree Ordinance/Conservation Plan
Would the Project:

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?
The subject property is within an area covered by the East Alameda County Conservation Strategy (EACCS) which provides a framework for the protection, enhancement, and restoration of natural resources in eastern Alameda County. The project does not propose activities, either in the preparation or during the use itself, that would in rise to the thresholds examined under the EACCS, and would therefore not be in conflict with any local preservation policies or habitat conservation plans, and would therefore have ***no impact***.

Mitigation Measures:

MM BIO-1: Should the use commence between the dates of February 1 and August 30, a qualified biologist shall survey the site for nesting Burrowing Owls. Should nests be located, a 250-foot buffer shall be established around the nest, with fencing adequate to exclude dogs from the perimeter. This buffer zone shall remain until the young have fledged, and/or the nest is no longer used.

MM BIO-2: Upon project approval, and if required by the California Department of Fish and Wildlife, the project sponsor will apply through the Department of Fish and Wildlife for an Incidental Take Permit through the Department of Fish and Wildlife for incidental take of California Tiger Salamander (CTS) during the process of fence installation.

MM BIO-3: Open passages shall be placed at intervals along fence lines to allow for the movement of mammals. Openings shall be at and below grade level (underneath the bottom of the fence), and shall be placed at regular intervals of about 500 feet, with placement at gullies and other features that would likely be located at or near movement corridors.

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

Setting:
Emissions that may not be directly associated with adverse health effects are suspected of contributing to "climate change." This process has occurred in the past as a result of natural processes, but the term finds use in common parlance now to refer to the warming and other changes predicted by computer models to occur as a result of increased emissions of greenhouse gases (e.g., carbon dioxide, methane, nitrous oxide, chlorofluorocarbons, ozone and water vapor). Naturally occurring and anthropogenic-generated (generated by humankind) atmospheric gases, such as water vapor, carbon dioxide, methane, and nitrous oxide, are theorized to have a significant effect on global temperatures.

Gases that trap heat in the atmosphere are called Green House Gases (GHG). Solar radiation enters the earth's atmosphere from space, and a portion of the radiation is absorbed at the surface. The earth emits this radiation back toward space as infrared radiation. GHGs, which are mostly transparent to incoming solar radiation, are effective in absorbing infrared radiation and redirecting some of this back to the earth's surface. As a result, this radiation that otherwise would have escaped back into space is now retained, resulting in a warming of the atmosphere. This is known as the greenhouse effect.

Other than water vapor, the GHGs contributing to global warming include the following gases:
• Carbon dioxide, primarily a byproduct of fuel combustion.
• Nitrous oxide is a byproduct of fuel combustion and also associated with agricultural operations, such as fertilization of crops.
• Methane is commonly created by off gassing from agricultural practices (e.g., keeping livestock) and landfill operation.
• Chlorofluorocarbons that were widely used as refrigerants, propellants and cleaning solvents, however their production has been mostly reduced by international treaty.
• Hydrofluorocarbons are now used as a substitute for chlorofluorocarbons in refrigeration and cooling.
• Perfluorocarbons and sulfur hexafluoride emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.
In 2009, the California Natural Resources Agency (Resources Agency) finalized its guidance on GHG emissions and CEQA. Under Senate Bill 97 (Chapter 148, Statutes of 2007), the Governor's Office of Planning and Research (OPR) was required to prepare amendments to the state's CEQA Guidelines addressing analysis and mitigation of the potential effects of GHG emissions in CEQA documents. The legislation required the Resources Agency to adopt the amended Guidelines by 2010. The CEQA Guidelines Amendments adopted by the Resources Agency made changes to 14 sections of the Guidelines. This discussion follows those guidelines.

Under the Clean Air Act (CAA), the EPA is developing regulations that may be adopted in the next two years. The state of California has also adopted legislation addressing various aspects of climate change

and GHG emissions mitigation. At the local level, The 2010 Clean Air Plan adopted by BAAQMD also includes several strategies designed to help reduce GHG emissions.

Greenhouse Gas Emissions
Would the Project:
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
The Project proposes no grading, with activities limited to the application of base rock to the access road, the erection of six 200-square foot shade structures, and fencing at the property boundaries and across the property. Once established, the facility would not be open to the public, and would not generate significant emissions through daily trips from private automobiles. There would be ***no impact*** from the Project with respect to greenhouse gas emissions.

Greenhouse Gas Reduction Plan Consistency
Would the Project:
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?
The Project does not propose any construction or grading activities beyond the construction of fencing and the addition of base rock to the existing access road. There would be ***no impact*** from the Project with respect to the 2010 Clean Air Plan, statewide legislation, or any other applicable Plan**.**

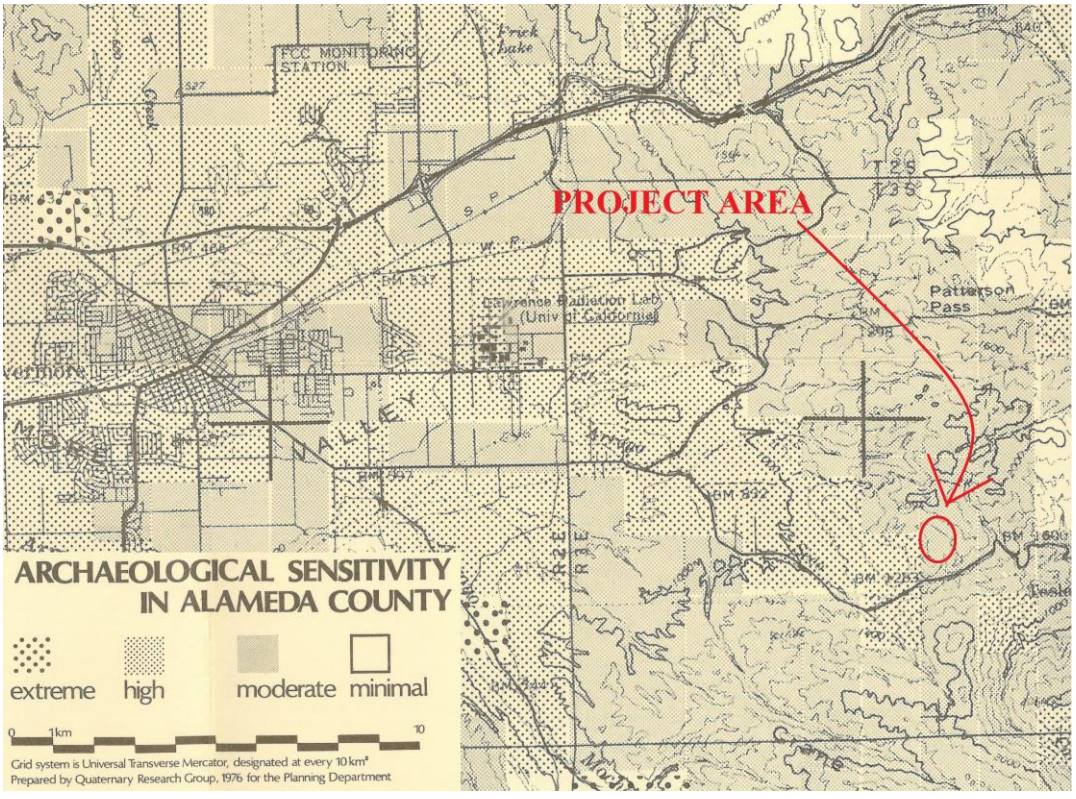
Mitigation Measures: None

6. CULTURAL RESOURCES Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant Wth Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				×
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				×
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				×
d) Disturb any human remains, including those interred outside of formal cemeteries?		×		

Setting:

The figure below is part of the map included with the publication *Archaeology in Alameda County: A Handbook for Planners*. As shown, the archaeological sensitivity at the project site is depicted as moderate, third on a scale of 1-4, with 1 being the most critical. The focus of the project and of all proposed activities away from the riparian area bordering Tesla Road, where cultural items might be more likely to be found, would further reduce the nature of the impacts on the project site itself. No contacts representing the interests of indigenous peoples requested consultation after notification with a description of the project.

Figure 5 – Location of Project with respect to Cultural Resources



Historical Resources

Would the Project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

No construction or other physical activities are proposed. Therefore, there is ***no impact*** upon Historical Resources.

Archaeological & Paleontological Resources and Human Remains

Would the Project:

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No ground-disturbing activities (eg grading, excavation, etc.) are proposed beyond the application of road base to the access road, the construction of fences, and the erection of shade structures. The project site is located well away from the riparian area bordering Tesla Road. Therefore, the project would have ***no impact*** upon Archaeological & Paleontological Resources.

d) Disturb any human remains, including those interred outside of formal cemeteries?

The application of road base to the access road, the construction of fences, and the erection of shade structures are the extent of the activities in preparation for the proposed use, and the use itself would not involve further ground disturbing activities. Nonetheless, there is a remote possibility that human remains would be uncovered. This is described below as **Impact CUL-1**.

Impact CUL-1: The erection of fencing and placement of ground supports for the shade structures could uncover human remains.

Mitigation Measures:

MM CUL-1: In the event that any human remains are uncovered within the planning area during construction activity associated with the implementation of the Project, there should be no further excavation or disturbance of the site until the Alameda County Coroner has been informed, The Coroner shall then make a determination as to whether an investigation of the cause of death is required, whether such investigation has occurred, and whether appropriate actions have been taken. If any remains are determined to be of Native American origin, the descendants from the decease Native American(s) shall be notified. The descendants shall have the opportunity to make a recommendation to the landowner or the person responsible for the excavation work as to means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.8

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

Setting: The subject property is located in a sparsely habited area with agricultural primary uses, and only minimal construction activities are proposed. As pictured in Figure 6 (from the USDA Soil Conservation Service, Soil Survey Alameda Area, California, 1966), soils found on site include Clear Lake Clay (CdB) at the highest elevation, Diablo Clay (DbE2 in areas of 30 to 45 percent slopes, and Gaviota rocky sandy loam (GaF2). All three soil types are suited towards pasture and range as principal uses, with good natural drainage with erosion hazards tending from slight to severe.

Figure 7 (From USGS, 2016)) shows the subject property relative to faults in the vicinity. The Greenville Fault runs generally north south, 900 - 1500 feet west of the western boundary of the subject property. The Carnegie fault, generally oriented northwest to southwest, is about a mile and a quarter from the subject property's eastern boundary.

The project proposes no habitable structures or structures that would be frequented by the public. Building permit(s) would be required for the 200-square foot open shade structures proposed for the parking area. There would be no on-site disposal of wastewater, and no significant grading or soil movement is proposed.

Figure 6 - Soil Survey Map with Project Location

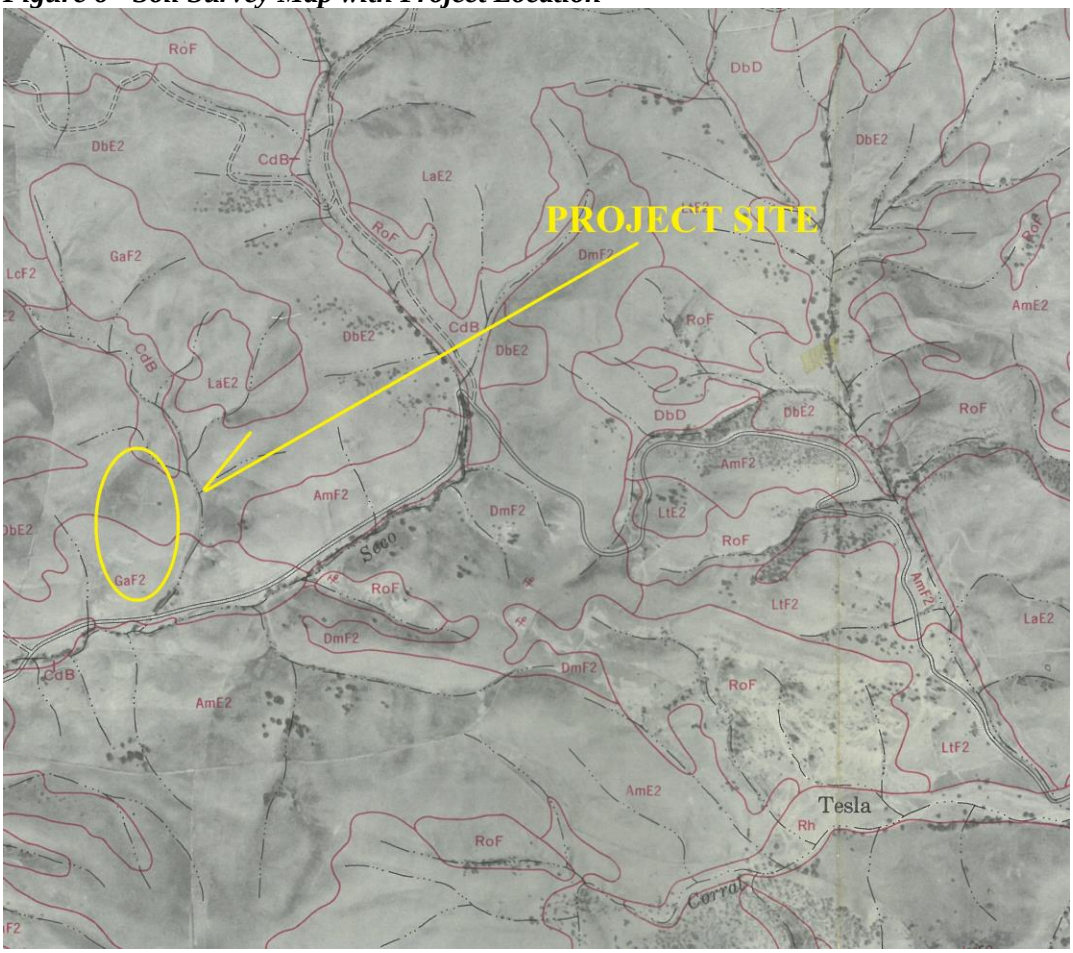
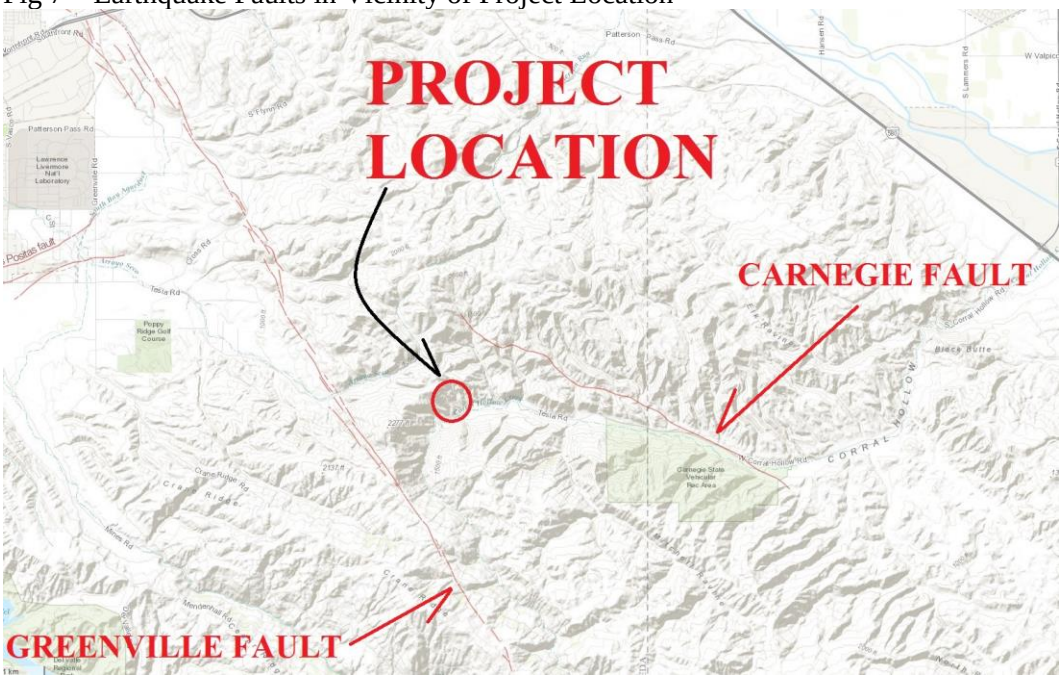


Fig 7 – Earthquake Faults in Vicinity of Project Location



Exposure to Fault Rupture and Seismic Ground Shaking
Would the Project:
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42§2690 et. seq.?
ii) Strong seismic ground shaking?
iii) Seismic-related ground failure, including liquefaction?
The Project proposes no habitable structures for the site, and the shade structures that are constructed would be permitted by the Alameda County Building Inspection Department, and the design would be evaluated with respect to soil and seismic conditions. The risk of fault rupture, seismicity and impacts associated with liquefaction at the site would therefore be considered ***no impact***.

Landslides
Would the Project:
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
iv) Landslides?
The Project does not propose activities that would involve significant movement or displacement of earth at the site. There would be ***no impact from*** the project with respect to the risk from landslides.

Soil Erosion, Loss of Topsoil, Unstable and Expansive Soils
Would the Project:
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 roadway improvements, 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 California Building Code (2006, as it may be revised), creating substantial risks to life or property?
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

The Project does not propose clearing of vegetation or removal of topsoil. There would be ***no impact from*** the project with respect to the risk of soil erosion.

Mitigation Measures: None

8. HAZARDS AND HAZARDOUS MATERIALS Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant Wth Mitigation	NO: Less Than Significant Impact	NO: 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) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				×
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				×
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				×

Setting:
The site of the proposed project is located off Tesla Road, accessed by a private road. There is no evidence that the property has been used for past activities that would have involved the use and/or storage of hazardous materials. There is no historical record of structures, or activity beyond grazing at the project site. The project does not propose the use and/or storage of hazardous materials either on site or elsewhere. The project does not propose construction that would pose a potential hazard to established activities in the area.

Impacts: The Project would have **no impact** on hazards or hazardous materials.

Public Hazard through the Routine Use of, or Resulting From Accidental Release of Materials
Would the Project:
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
The Project does not propose the use of hazardous materials, and there are no hazardous materials currently at the project site. Therefore the project would have ***no impact*** with respect to the accidental release of hazardous materials.

Hazards near Schools
Would the Project:
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
The proposed Project would not involve the handling or transportation of significant amounts of hazardous materials, and the site is more than eight miles from the nearest school. There is ***no impact*** in this regard.

Hazards from a Listed Hazardous Site
Would the Project:
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?
The subject property is not a listed site as described above. There is ***no impact*** in this regard

Proximity to Airport Plan or Private Air Strip
Would the Project:
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?
f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?
The Project site is not located within an airport land use plan nor is it located within two miles of a public or private use airport. The Project does not propose significant physical alterations to the site that would pose a hazard to air navigation. There is ***no impact*** in this regard.

Emergency Response
Would the Project:
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
The Project does not propose changes to Tesla Road or any other piece of critical infrastructure. The site would not be open to the public. Therefore, there would be ***no impact*** with regard to Emergency Response.

Wildland Fire Hazards
Would the Project:
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?
The project does not propose habitable structures nor would it involve changes in exposure to injury or death from wildland fires. The current grazing uses would continue the vegetation management on the property. There is ***no impact*** in this regard.

Mitigation Measures: None

9. HYDROLOGY AND WATER QUALITY Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Violate any water quality standards, conflict with water quality objectives, fail to meet waste discharge requirements, significantly degrade any surface water body or groundwater, or adversely affect the beneficial uses of such waters, including public uses and aquatic, wetland and riparian habitat?				x
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				x
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site (i.e. within a watershed)?				x
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff (e.g., due to increased impervious surfaces) in a manner which would result in flooding on- or off-site (i.e. within a watershed)?				x
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems due to changes in runoff flow rates or volumes?				x
f) Result in a significant increase in pollutant discharges to receiving waters (marine, fresh, and/or wetlands) during or following construction (considering water quality parameters such as temperature, dissolved oxygen, turbidity, and typical stormwater pollutants such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?				x
g) Result in an increase in any pollutant for which a water body is listed as impaired under Section 303(d) of the Clean Water Act?				x
h) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				x
i) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				x
j) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				x
k) Inundation by seiche, tsunami, or mudflow?				x

Setting:
There are two existing 5,000 gallon water tanks on the property, supplied by an on-site stock well via a windmill-driven pump. The proposed use would continue the existing use of this infrastructure that is currently used to support the property's grazing use. The project would not modify existing natural drainage patterns and the structures proposed would not significantly intensify runoff at the parking area. No flood hazards are identified on the site.

Degradation of Water Quality/Violation of Standards
Would the Project:
a) Result in a significant increase in pollutant discharges to receiving waters during or following construction?
f) Result in a significant increase in pollutant discharges to receiving waters (marine, fresh, and/or wetlands) during or following construction (considering water quality parameters such as temperature, dissolved oxygen, turbidity, and typical stormwater pollutants such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?
g) Result in an increase in any pollutant for which a water body is listed as impaired under Section 303(d) of the Clean Water Act?
The project proposes no significant physical changes to the project site that would degrade water quality. There is ***no impact*** in this regard.

Groundwater Supplies and Recharge
Would the Project:
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
The project proposes no construction changes to the permeability of the soils. There is ***no impact.***

Alteration of the Existing Drainage Pattern
Would the Project:
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
The project proposes no watercourse alteration nor significant earth movement. There is ***no impact***.

Exceed Storm Drainage Capacity and Flooding
Would the Project:
d) Substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems due to changes in runoff flow rates?
h) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
i) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?
j) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
k) Inundation by seiche, tsunami, or mudflow?
The construction proposed would not significantly intensify runoff on the subject property. There is ***no impact*** in this regard.

Mitigation Measures: None

10. LAND USE AND PLANNING Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant Wth Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Physically divide an established community.				×
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				×
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				×

Setting:
The East County Area Plan (ECAP), a portion of the General Plan, provides goals and policies for this area. The project site is within the *Large Parcel Agriculture* land use designation, which permits recreational uses. As a recreational use, the proposed project would be consistent with this designation.

The subject property is classified into the "A" (Agricultural) District, which permits agricultural uses including the grazing activities that would continue, and conditionally permits an outdoor recreation facility, which would include the proposed hiking trails for dogs. With over 100 acres, the size of the parcel also conforms to the zoning classification.

Impacts: The project would have no effect on land use or planning.

Physical Division of Community/Land Use Compatibility

Would the project:
a) Physically divide an established community?
The area in the vicinity of the subject property is sparsely populated, and the proposal does not propose roads or other infrastructure that would divide physically or in any other manner an established community. Therefore, there is ***no impact*** in this regard.

Land Use Plan or Policy Conflict
Would the project:
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

General Plan Policies: The ECAP provides for recreation uses such as the one proposed for the property.

Specific Plan Policies: There is no adopted specific plan for the area where the subject property is located.

Zoning District: The site is classified into the A (Agricultural) District, which allows for an outdoor recreation facility as a conditional use. The project proposes to operate the outdoor recreation facility as a conditional use and maintain cattle grazing as a primary use, on a parcel that is compliant with the current standards for the zoning district.

Summary: The Project proposes a use that is compatible with the land use designation, and conditionally permitted under the zoning classification. Therefore there is ***no impact*** with respect to potential conflicts with applicable land use plans, policies, or regulations.

Conservation Plan
Would the project:

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

The project proposes no activities that would conflict with the East Alameda County Conservation Strategy (EACCS) which would serve as community conservation plan in the East Alameda County. There is **no impact** with respect to project conflicts with applicable habitat conservation or natural community conservation plans.

Mitigation Measures: None

11. MINERAL RESOURCES Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant Wth Mitigation	NO: Less Than Significant Impact	NO: 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?				x
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?				x

Setting:
The East County Area Plan (ECAP) does not identify any regionally or locally-important mineral resources on the subject property or within the vicinity. The project does not propose habitable structures, the development of infrastructure, or changes to the physical conditions of the property that would prevent or inhibit the availability of mineral resources on or near the property.

Mineral Resources
Would the Project:
a) Result in the loss of availability of a known mineral resource?
b) Result in the loss of availability of a locally important mineral resource?
The Project proposes no significant physical changes to the property, nor does it propose ground disturbing activities. Therefore, there is ***no impact*** in this regard.

Mitigation Measures: None

12. NOISE Would the project result in:	YES: Potentially Significant Impact	NO: Less Than Significant Wth Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				×
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				×
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				×
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				×
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				×
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				×

Setting:
The subject property is bordered by similarly sized parcels, often developed with rural home sites. The activity does propose hiking trails for dogs, however the separation of the proposed trails from area residences is significant. The distance between the proposed trails and the closest residence would be about 300 feet. The distance to the next closest residence would be 900 feet. There will be no evening hours, as the activity will occur only during the daylight hours between 10am and 3pm.

Construction and Operational Noise or Vibration
Would the Project:
a) Result in exposure of persons to or generation of noise levels in excess of local standards?
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
c) Result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?
d) Result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?
There are no ground disturbing activities proposed as part of this project. Therefore, there is ***no impact*** in this regard.

Airport or Private Airstrip
Would the Project:
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?
f) For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?
The site is not located within two miles of a public airport or private airstrip. There is ***no impact.***
Mitigation Measures: None

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

Setting:
The subject property has no residential improvements. The project does not propose any residences or improvements that would support residential development.

Population Inducement
Would the Project:
a) Induce substantial population growth in a manner not contemplated in the General Plan?
The project does not propose site improvements that would allow for residential development. There is ***No Impact***.

Displacement of Housing and/or People
Would the Project:
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?
There are no residents on the property and the project does not propose improvements that would change or impact the rural population in the area. Therefore ***no impact*** would occur.

Mitigation Measures: None

14. 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:	YES: Potentially Significant Impact	NO: Less Than Significant Wth Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Fire protection?				X
b) Police protection?				X
c) Schools?				X
d) Parks?				X
e) Other public facilities?				X

Setting:
The project proposes the operation of an outdoor recreation facility which is not expected to significantly increase demand for services in the area, and the use would operate only during daylight hours, from 10 am to 3 pm. The Alameda County Sheriff and Fire Department provide service to the area. Livermore Unified School District boundaries encompass the study area, and Alameda County Public Works Agency maintains the roadway and public infrastructure.

The project would have limited staff and hours, and there would be no public access to the site. The project would have no impact on government services.

Public Services
Would the Project:
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:
a) Fire protection?
b) Police protection?
c) Schools?
d) Parks?
e) Other public facilities?
The project does not propose a use that would affect levels of service in the area. The project will have ***no impact*** in this regard.

Mitigation Measures: None

15. RECREATION Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant Wth Mitigation	NO: Less Than Significant Impact	NO: 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?				x
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				x

Setting:
From the subject property, the closest neighborhood park is more than six miles. The project does not propose uses that would increase the use of public parks or like facilities. Instead, this project would exercise, on private property, dogs that might otherwise require activity in area parks.

Accelerated Physical Deterioration of Facilities
Would the Project:
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
The project does not propose activities that would accelerate the deterioration of public recreation facilities. Therefore there would be ***no impact*** in this regard.

Effect of New or Expanded Facilities
Would the Project:
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?
The project proposes no new construction of public recreational facilities. The private recreational facilities proposed would not require extensive grading or construction. Therefore there would be ***no impact*** in this regard.

Mitigation Measures: None

16. TRANSPORTATION Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant Wth Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

Setting:
From South Livermore Avenue to the San Joaquin County Boundary, Tesla Road is described in the East County Area Plan as a major roadway configured into two lanes. The subject property is accessed via Eagles Run Road, which is a private access road off Tesla. The Project proposes no changes affecting transportation in the area and vicinity. There would be no public access to the property, with less than 10 daily vehicle trips to the site including the applicant's vans and an occasional vehicle trip to service the portable restroom facilities.

Traffic Plans and Congestion Management
Would the Project:
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
The project proposes no new construction or expansion of existing transportation facilities other than the application of base rock to the existing service road. This project would not conflict with any applicable plans, ordinances, policies or congestion management Program related to area traffic circulation or transportation systems. There is ***no impact***.

Air Traffic Patterns
Would the Project:
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location which results in substantial safety risks?
The Project proposes no design or activity that would result in a change in air traffic patterns. There is ***no impact***.

Site Access, Circulation and Hazards
Would the Project:
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
e) Result in inadequate emergency access?
The project proposes no changes to public roadway layout or design. There would therefore be ***no impact*** with regard to circulation and hazards.

Alternative Transportation and Transit
Would the Project:
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?
The project proposes no development that would conflict with adopted policies regarding public transport or other facilities. There would therefore be ***no impact*** with regard to conflict with adopted policies or plans regarding public transit, bicycle, or pedestrian facilities.

Mitigation Measures: None

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

Setting:
The Project would not require utility extensions or public facility services. Water is currently provided to two 5,000 gallon storage tanks from an on-site well via wind-powered pump. A portable toilet is proposed, which would be serviced periodically by private contract. No lighting is proposed nor necessary, as the hours of operation would be between the hours of 10am and 3pm. Six 200-square foot shelters are proposed for the vehicle parking area, the total area for which would be classified as exempt under regulations governing stormwater discharge.

Wastewater Collection, Treatment and Disposal
Would the Project:
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments?
The project would not require and does not propose the installation of permanent wastewater systems. There would be ***no impact*** from the project in this regard.

Storm Drainage Facilities
Would the Project:
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The project would not require the construction of new stormwater discharge facilities. The project would have ***no impact*** in this regard.

Water Supply
Would the Project:
d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?
Two 5,000 gallon tanks on the property are fed from an on-site well. The applicant proposes to use this water in the parking area to wash the dogs after activity. Employees would bring their own drinking water. The project would have ***no impact*** in this regard.

Solid Waste Management
Would the Project:
f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects?
g) Comply with federal, state, and local statutes and regulations related to solid waste?
Portable restroom facilities are proposed for employees. Dog waste would be collected by the employees and taken off site via the transport vans. The project would have ***no impact*** in this regard.

Mitigation Measures: None

18. MANDATORY FINDINGS OF SIGNIFICANCE	YES: Potentially Significant Impact	NO: Less Than Significant Wth Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
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.)				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Discussion

Besides an access road, stock well with windmill-driven pump, and two 5,000-gallon water tanks, the subject property I undeveloped. The project proposes little improvements beyond the current conditions. The project itself is discreet and is not connected with other facilities or uses in the area.

Impacts: The Project would not generate cumulative impacts, and no impact upon other mandatory findings of significance.

Quality of the Environment

Would the Project:

a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The proposed use would not degrade the quality of the environment or substantially reduce the habitat of a fish or wildlife species. The project would have ***no impact*** in this regard.

Cumulatively Considerable Impacts

Would the Project:

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.)

The project as proposed would stand alone without related projects in the area. There have been no discretionary or ministerial permits for related uses approved or considered on the subject parcel or any other properties in the vicinity. No enhancements beyond the current proposal are contemplated at this time. The project would have ***no impact*** in this regard.

Adverse Effects on Human Beings

Would the Project:

c) Does the Project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

There are no project associated environmental effects which would cause substantial adverse effects on human beings. The project does not propose extensive grading or construction, and the use would not generate significant emissions or noise disturbances. The property would not be open to the public, and there would not be a significant increase in traffic to the site.

E. SOURCES

Alameda County, 2016. Alameda County General Ordinance Code, *Title 17 Zoning*, as amended to present, 2016.

BAAQMD, 2010 Clean Air Plan

California Department of Conservation. *Alameda County Important Farmlands Map*, 2012 (accessed online)

CEQA, 2016, California, State of, California Environmental Quality Act (CEQA), as amended to present, 2016.

ECAP, 2002, Alameda County, *East County Area Plan*, 2002.

ICF International, East Alameda County Conservation Strategy, October 2010

MIG/TRA, 2016, *Biological Evaluation for Special-status Species*, August 26, 2016

Quaternary Research Group, 1976, *Archaeology in Alameda County: A handbook for planners*, 1976

USDA Soil Conservation Service, Soil Survey Alameda Area, California, 1966

F. MITIGATION MEASURES TO BE INCLUDED IN THE PROJECT AND AGREED TO BY THE PROJECT SPONSOR AND ALL SUBSEQUENT PROPERTY OWNERS AND PERMITTEES

The following mitigation measures are required to reduce potentially significant impacts of the proposed project to a "Less Than Significant" or "No Impact" level. These mitigation measures shall be made conditions of approval for the project. For every mitigation measure, the Permittee will be responsible for implementation actions, schedule, funding and compliance with performance standards, unless otherwise stated in the measure.

MM BIO-1: Should the use commence between the dates of February 1 and August 30, a qualified biologist shall survey the site for nesting Burrowing Owls. Should nests be located, a 250-foot buffer shall be established around the nest, with fencing adequate to exclude dogs from the perimeter. This buffer zone shall remain until the young have fledged, and/or the nest is no longer used.

MM BIO-2: Upon project approval, and if required by the California Department of Fish and Wildlife, the project sponsor will apply through the Department of Fish and Wildlife for an Incidental Take Permit for incidental take of California Tiger Salamander (CTS) during the process of fence installation.

MM BIO-3: Open passages shall be placed at intervals along fence lines to allow for the movement of mammals. Openings shall be at and below grade level (underneath the bottom of the fence), and shall be placed at regular intervals of about 500 feet, with placement at gullies and other features that would likely be located at or near movement corridors.

MM CUL-1: In the event that any human remains are uncovered within the planning area during construction activity associated with the implementation of the Project, there should be no further excavation or disturbance of the site until the Alameda County Coroner has been informed, The Coroner shall then make a determination as to whether an investigation of the cause of death is required, whether such investigation has occurred, and whether appropriate actions have been taken. If any remains are determined to be of Native American origin, the descendants from the decease Native American(s) shall be notified. The descendants shall have the opportunity to make a recommendation to the landowner or the person responsible for the excavation work as to means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.8

G. AGREEMENT BY PROJECT SPONSOR

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

Project Sponsor's Signature

10-5-16

Date

Konrad Thaler Director of Hiking Facilities

Project Sponsor's Printed Name and Title

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # _____

Project Title: Wagly Private Hiking Trails for Dogs, PLN2016-00114

Lead Agency: Alameda County CDA **Contact Person:** Damien Curry

Mailing Address: 224 W. Winton Ave Rm 111 **Phone:** (510)-670-6684

City: Hayward, California **Zip:** 94544 **County:** Alameda

Project Location: County: Alameda City/Nearest Community: Livermore

Cross Streets: Tesla Road & Eagle Run Road Zip Code: 94550

Lat. / Long 37.647905,N -121.630079 W Total Acres: 100.2

Assessor's Parcel No.: 99A-2110-01-7

Section: N/A Twp.: N/A Range: N/A Base: N/A

Within 2 Miles: State Hwy #: Waterways:

Airports: Railways: None Schools: None

Document Type:

CEQA: ☐ NOP ☐ Draft EIR NEPA: ☐ NOI Other: ☐ Joint Document
☐ Early Cons ☐ Supplement/Subsequent EIR ☐ EA ☐ Final Document
☐ Neg Dec (Prior SCH No.) ☐ Draft EIS ☐ Other
☒ Mit Neg Dec Other ☐ FONSI

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☒ Use Permit ☐ Coastal Permit
☐ Community Plan ☒ Site Plan ☐ Land Division (Subdivision, etc.) ☐ Other

Development Type:

☐ Residential: Units Acres ☐ Water Facilities: Type MGD
☐ Office: Sq.ft. Acres Employees ☐ Transportation: Type
☐ Commercial: Sq.ft. Acres 100.2 Employees 7 ☐ Mining: Mineral
☐ Industrial: Sq.ft. Acres Employees ☐ Power: Type MW
☐ Educational ☐ Waste Treatment: Type MGD
☐ Recreational ☐ Hazardous Waste: Type
☐ Other:

Project Issues Discussed in Document:

☐ Aesthetic/Visual ☐ Fiscal ☐ Recreation/Parks ☐ Vegetation
☐ Agricultural Land ☐ Flood Plain/Flooding ☐ Schools/Universities ☐ Water Quality
☐ Air Quality ☐ Forest Land/Fire Hazard ☐ Septic Systems ☐ Water Supply/Groundwater
☒ Archeological/Historical ☐ Geologic/Seismic ☐ Sewer Capacity ☐ Wetland/Riparian
☒ Biological Resources ☐ Minerals ☐ Soil Erosion/Compaction/Grading ☒ Wildlife
☐ Coastal Zone ☐ Noise ☐ Solid Waste ☐ Growth Inducing
☐ Drainage/Absorption ☐ Population/Housing Balance ☐ Toxic/Hazardous ☐ Land Use
☐ Economic/Jobs ☐ Public Services/Facilities ☐ Traffic/Circulation ☐ Cumulative Effects
☐ Other

Present Land Use/Zoning/General Plan Designation: Grazing/"A" (Agricultural)/Large Parcel Agriculture

Project Description: Private fenced hiking trails for dogs. Construction of additional fencing across property and six vehicle shade structures.

Note: The state Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "**X**".
If you have already sent your document to the agency please denote that with an "**S**".

_____	Air Resources Board	_____	Office of Emergency Services
_____	Boating & Waterways, Department of	_____	Office of Historic Preservation
_____	California Highway Patrol	_____	Office of Public School Construction
_____	CalFire	_____	Parks & Recreation
_____	Caltrans District # 4	_____	Pesticide Regulation, Department of
_____	Caltrans Division of Aeronautics	_____	Public Utilities Commission
_____	Caltrans Planning (Headquarters)	_____	Regional WQCB # 2
_____	Central Valley Flood Protection Board	_____	Resources Agency
_____	Coachella Valley Mountains Conservancy	_____	S.F. Bay Conservation & Development Commission
_____	Coastal Commission	_____	San Gabriel & Lower L.A. Rivers and Mtns Conservancy
_____	Colorado River Board	_____	San Joaquin River Conservancy
_____	Conservation, Department of	_____	Santa Monica Mountains Conservancy
_____	Corrections, Department of	_____	State Lands Commission
_____	Delta Protection Commission	_____	SWRCB: Clean Water Grants
_____	Education, Department of	_____	SWRCB: Water Quality
_____	Energy Commission	_____	SWRCB: Water Rights
X	Fish & Game Region # 10	_____	Tahoe Regional Planning Agency
_____	Food & Agriculture, Department of	_____	Toxic Substances Control, Department of
_____	General Services, Department of	_____	Water Resources, Department of
_____	Health Services, Department of		
_____	Housing & Community Development	_____	Other _____
_____	Integrated Waste Management Board/CalRecycle	_____	Other _____
X	Native American Heritage Commission		

Local Public Review Period (to be filled in by lead agency)

Starting Date: October 7, 2016 Ending Date: November 7, 2016

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

Signature of Lead Agency Representative: For Sonia Urzua **Date:** October 5, 2016

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

MIG | TRA ENVIRONMENTAL SCIENCES

Date:	August 26, 2016
Project No.:	16091
Prepared for:	Mr. Konrad Thaler Manager, Smilin Dogs/Wagly Inc. 251 Old County Road San Carlos, California 94070 Phone: 650-592-3997 Email: konrad@smilindogs.com
Re:	Biological Evaluation for Special-status Species, Smilin Dogs Hiking Operation, Eagles Run Road, Livermore

Dear Mr. Thaler:

MIG|TRA Environmental Sciences (MIG|TRA) conducted a biological evaluation for special-status species at the 100-acre Eagles Run Road property, off of Tesla Road, in Livermore, California. The property is in escrow for a Smilin Dogs hiking operation. Smilin Dogs is a subsidiary of Wagly, Inc. This letter describes our findings.

Project Background

The owners of Smilin Dogs, a licensed dog daycare business with a kennel facility operating within the jurisdiction of the City of San Carlos, proposes to purchase approximately 100 acres on Eagles Run Road, off of Tesla Road, in Alameda County, east of the city of Livermore (Figure 1). As part of the due-diligence for the property purchase, Smilin Dogs is determining whether permits can be obtained from Alameda County for the operation. The County has requested a biological resources evaluation as to whether the operation would impact special-status species, including California tiger salamander (*Ambystoma californiense*) and Alameda whipsnake (*Masticophis lateralis euryxanthus*).

The Smilin Dogs dog hiking service would operate Monday through Friday and occasionally on weekends from typically from 10:00 a.m. to 2:00 p.m. The business proposes to obtain a permit for a maximum of 100 dogs at any one time at this site. The dogs would be driven to the property in vans and walked around the property by handlers. The dogs would be carefully controlled by fencing and handlers, but are allowed off-leash. The property would be enclosed with a 5-foot high woven-wire fence with a strand of barbed wire on top. The purpose of the woven-wire fence is to ensure that the dogs stay on the property. Thus, the fence would limit the passage of larger animals such as dogs, coyote, fox, and bobcat. Climbing mammals such as raccoon and opossum would likely climb over the fence. Smaller mammals such as rodents and reptiles would be able to pass through the fence. No permanent structures other than the fence are proposed on the property, and no modifications to the land is proposed. All dog waste would be collected and disposed of off-site.

The purpose of the biological evaluation is to determine potential biological constraints to proposed use of the property by Smilin Dogs and to identify measures (if needed) to ensure that the proposed use would not result in adverse impacts to protected species.

Methodology

Prior to the site visit, the California Natural Diversity Database was searched for records of special-status species occurrences in the region. Aerial photos and topographical maps were reviewed to get an overview of the site and property vicinity. On August 2, 2016, Senior Biologist Autumn Meisel met Smilin Dogs representative Konrad Thaler on the property for a site survey. Photos of the site are provided at the end of this letter.

Special-status species habitat needs, range, and occurrence in the project vicinity were evaluated to determine the likelihood that a species could occur or travel through the property.

Findings- Biological Setting

The property is hilly, with elevations ranging from approximately 1,260 feet at Tesla Road to 1,700 feet. Surrounding land uses include rural residential and agriculture (cattle grazing and viticulture). There are no drainages, stock ponds, or other water resources on the property. There are two enclosed 5,000-gallon water tanks on the property. A dirt road provides access onto the property from Eagles Run Road. Vegetation on the property consists only of non-native annual grassland dominated by wild oat (*Avena* sp.), as well as non-native brome grass (*Bromus* spp.) and Italian ryegrass (*Festuca perennis*). There was a layer of thatch/residual dry matter in August as the annual grasses had died back and grazing is limited (see photo 1). There are no trees or shrubs on the property. This vegetation community best fits the recognized vegetation alliance of wild oat grasslands (*Avena barbata, A. fatua*) Semi-Natural Herbaceous Stands) from A Manual of California Vegetation, 2nd Edition (Sawyer et. al. 2009).

Currently the property is partially fenced. Of the triangular shaped property (Figure 1), the longest side of the property is fenced with an aged livestock fence that is strand barbed wire on top and woven wire on the bottom. The other two sides of the property boundary currently have no fence. New strand and woven wire fence would be installed along all sides of the property as described in the project background above, replacing what existing fencing is there.

Aerial images were studied to determine if any water resources are within 1 mile of the property boundary (Figure 2). What looks to be stock ponds are located to the southwest and east of the property. These ponds looked to be both dry and holding water depending on the date of the aerial image, and are thus likely seasonal ponds that dry up in the summer. To the north of the property is a drainage with some in-stream ponding. All of the water features are assumed to be dry in the summer and fall.

Several bulls were grazing the property during the site visit, and cattle fencing surrounds the property. Ground squirrels (*Otospermophilus beecheyi*) and their burrows were seen throughout the property, particularly in sloped areas and where the grass is thinner. Other wildlife observed includes raven (*Corvus corax*), turkey vulture (*Cathartes aura*), and red-tailed hawk (*Buteo jamaicensis*), all flying over.

Findings- Special-Status Species

Numerous special-status species are known from the region, and ongoing monitoring at the Carnegie State Vehicular Recreation Area and Lawrence Livermore Lab Site 300, both located approximately 5 miles east of the property on Tesla Road, provides some occurrence data for rare and unique species (CNDDB 2016 and preparer's knowledge of the region). The lack of water features on site and the single habitat type of grazed grassland limits the property's habitat value. Due to the lack of trees or shrubs, the property does not provide nesting habitat for the majority of birds. Some ground nesting birds such as larks may use the site, although once the proposed operation is underway, ground nesting birds are unlikely to select the property for breeding given the presence of off-leash dogs.

Based on habitat needs and species' presence in the region, the following species were considered for their potential to occur on site.

California red-legged frog (Rana draytonii, federal threatened)

California red-legged frog (CRF) is known to occur in grassland, riparian woodland, oak woodland, and coniferous forest but prefers quiet freshwater pools, slow-flowing streams, and freshwater marshes with heavily vegetated shores for breeding. These frogs stay near the shore hidden in vegetation rather than in open water. Red-legged frog frequently occupies seasonal bodies of water, and in some areas these may be critical for persistence. It is speculated that CRF may lie dormant during dry periods of the year or during drought. California red-legged frog is thought to disperse widely during autumn, winter, and spring rains. Juveniles use the wet periods to expand outward from their pond of origin and adults may move between aquatic areas. Frogs disperse through many types of upland vegetation and use a broader range of habitats outside of breeding season. Sheltering habitat for CRF is potentially all aquatic, riparian, and upland areas with the range of the species and includes any landscape features that provide cover, such as existing animal burrows, boulders or rocks, organic debris such as downed trees or logs, and industrial debris. Dispersal distances are typically less than 0.5 mile, with a few individuals moving up to 1-2 miles (Fellers 2005).

There is no breeding habitat for CRF on site. There are water resources within one mile of the property that could be used by CRF. The frog could move through the property, however, movement would be restricted primarily to nights during the wet season. It is not expected that the proposed daytime use of the property for dog walking would negatively impact CRF migration.

California Tiger Salamander (Ambystoma californiense, federal and state threatened)

The California tiger salamander (CTS) inhabits annual grasslands in valleys and low-elevation foothills that contain suitable breeding habitat: any pool or pond that retains water for more than two months but dries up completely during the summer. Breeding habitat drying up during the summer months is believed to prevent aquatic predators of CTS larvae (predatory fish and amphibians) from becoming established. During the summer months, CTS will migrate from breeding pools to aestivation sites in annual grasslands. Aestivation habitat includes burrows of California ground squirrel and Botta's pocket gopher, but could also include any deep hole or crack in the soil (Jennings and Hayes 1994). Breeding takes place between December and March when rains fill the breeding pools and ponds. Females lay eggs that attach to emergent vegetation in the pools. Larvae feed on aquatic invertebrates near the bottom of the pools in the mud. Larvae undergo metamorphosis to juveniles over a minimum 10-week period. Once CTS

individuals emerge as juveniles, they leave the breeding pools and enter the grasslands where they feed on insects, isopods, and worms. CTS distribution between breeding and upland habitats is still relatively unknown; however, it has been shown that juvenile CTS can travel up to one mile from breeding sites to refuge sites (Jennings and Hayes 1994).

There is no breeding habitat for CTS on the property. There is potential for breeding habitat within one mile of the property based on the presence of water features viewed on aerial images. However, the suitability of these water bodies for CTS breeding is unknown. Water depth, pond water retention time, other wildlife present, and water quality are some of the factors that impact suitability for CTS breeding. The property does support burrows that could be used as refuge sites for CTS if the species were to move onto the property. As the species is nocturnal and movement is typically restricted to rainy nights, daytime use of the property by Smilin Dogs is not expected to negatively impact CTS.

Coast horned lizard (Phrynosoma blainvillii, California species of special concern)
The coast horned lizard inhabits open areas of sandy soil and low vegetation in valleys, foothills and semiarid mountains. Mostly found in grasslands, coniferous forests, woodlands, and chaparral, with open areas and patches of loose soil, the coast horned lizard is often found along sandy washes with scattered shrubs and along dirt roads, and frequently near ant hills. Predators and extreme heat are avoided by horned lizards by burrowing into loose soil. Periods of inactivity and winter hibernation are spent burrowed into the soil under surface objects such as logs or rocks, in mammal burrows, or in crevices. Ants make up to 50 percent of this lizard's diet. It also eats honeybees and other insects.

The property does not contain the open, sandy or loose soils needed by this species. The coast horned lizard has a low likelihood to occur on site and significant negative impact to this species from the proposed use of the property by Smilin Dogs is not expected.

San Joaquin whipsnake (Coluber flagellum ruddocki, California species of special concern)
The San Joaquin whipsnake subspecies is endemic to California and occurs primarily from the Sacramento delta region southward in the San Joaquin Valley and the Coast Ranges to Kern and Santa Barbara counties. This species occurs in open, dry, treeless areas, including grassland and saltbush scrub. It takes refuge in rodent burrows, under shaded vegetation, and under surface objects. Its diet consists of small mammals including bats, nestling and adult birds, bird eggs, lizards, snakes, amphibians, and carrion (Stebbins 2003). Hatchlings and juveniles will eat large invertebrates. Breeding usually takes place in May with hatchlings emerging in late July and early August (Stebbins 2003).

The property is dominated by grazed grassland lacking dirt/rock outcrops or shading vegetation such as shrubs, and does not provide optimal habitat for San Joaquin whipsnake. Also a lack of prey base such as bird eggs and amphibians further reduces the likelihood that the species would occur on site. Significant negative impact to this species from the proposed use of the property by Smilin Dogs is not expected.

Alameda Whipsnake (Masticophis lateralis euryxanthus, federal and state threatened)
Historically, the Alameda whipsnake has always had an extremely restricted distribution, including only the coastal scrub, chaparral, grassland, and oak woodland communities in the

San Francisco east bay region in Contra Costa, Alameda, and parts of San Joaquin and Santa Clara counties. The Alameda whipsnake often climbs vegetation and seeks shelter in burrows, rocks, and woody debris. This species often uses rock outcrops, soil crevices, and debris piles for catching prey. Whipsnakes generally use grasslands during the spring for mating. Alameda whipsnake preys primarily on western fence lizard (*Sceloporus occidentalis*) and western skink (*Eumeces skiltonianus*), but also feeds on frogs, snakes, and birds (Stebbins 2003). In general, Alameda whipsnake hibernates from November through March, then breeds from March through mid-June (USFWS 2002).

The property is a monoculture of grazed grassland and does not support brush, rock outcrops, woody debris, or other habitat features that provide cover and foraging habitat for Alameda whipsnake. The species is not expected to occur on site, and the proposed use would not impact this species.

Burrowing Owl (Athene cunicularia, California species of special concern)
The burrowing owl is primarily a grassland species, but it persists and even thrives in some landscapes highly altered by human activity, such as the edges of agricultural fields and urban areas. The overriding characteristics of suitable habitat appear to be burrows for roosting and nesting and relatively short vegetation with only sparse shrubs and taller vegetation (Green and Anthony 1989). It favors open and flat, sparsely vegetated areas with burrows excavated by American badgers, ground squirrels and other mammals. The diet of Burrowing Owls in California includes a broad array of arthropods (centipedes, spiders, beetles, crickets, and grasshoppers), small rodents, birds, amphibians, reptiles, and carrion, similar to their diet rangewide.

The burrowing owl is often considered a sedentary species. A large proportion of adults show strong fidelity to their nest site from year to year, especially where resident. Typically, a single brood is raised per year, but if a nest fails the pair may produce a second, smaller clutch. The male provides food for the female, which remains underground to incubate the eggs and raise the chicks. During the day, the burrowing owl typically feeds near its own nest, but at night, it may range more widely, feeding in nearby fields in denser vegetation, which is the preferred habitat of the small mammals on which it feeds. In the summer, burrowing owls can be seen standing on dirt mounds near their burrows or perched on nearby fence posts, ready to chase prey.

The property's open grassland habitat with ground squirrel burrows provides suitable habitat for burrowing owl, although the height and density of the grass is greater than that found in optimal owl habitat. A focused survey for burrowing owl was not performed, however, inspection of approximately 40 burrows revealed no sign of owl (pellets, feathers, white wash). Despite suitable habitat for the species in the area, burrowing owl is not commonly observed (CNDDB 2016 and preparer's knowledge of annual survey data for the Carnegie State Vehicular Recreation Area).

Although uncommon in the region, burrowing owl could occupy the site, using burrows both as winter roosts or for breeding. Upon sensing danger (such as an off-leash dog), owls will retreat into their burrows. However, if an owl is incubating eggs or rearing chicks, disturbance can cause the owls to abandon their nest. Given that daily and ongoing dog walking is proposed for this property, it is unlikely that owls would select burrows on site to nest if dogs are present off

leash. Within the regional setting that offers miles of grassland habitat, the 100-acre property does not represent important or unique grassland habitat for the species.

Recommendations

Burrowing Owl
There is a low likelihood for burrowing owl to nest on site. If the proposed dog walking activity were to begin during the owl breeding season (Feb.1 through Aug 31), there is potential for the release of dogs onto the property to result in nest abandonment and/or harm to young owls. If dog walking is to begin before the nesting season, it is expected that owls would be precluded from using burrows on the property due to the regular and ongoing presence of off-leash dogs. It is recommended that if dog walking is to begin after February 1, that prior to the release of dogs onto the property, a survey for burrowing owls be conducted. If an active nest is found, a 250-foot buffer should be established around the nest until the young have fledged and the nest is no longer active. The buffer should be created with a fence that would prevent dogs from entering the nest area.

Fencing
The woven wire fence that is proposed would allow for small mammals such as rodents and rabbits, amphibians, and reptiles to move through. However, the fence would limit movement by medium sized mammals such as coyote, bobcat, badger, and fox. An impenetrable fence can modify social and hunting behavior and affect movement patterns. It is recommended that openings in the bottom of the fence be installed at regular intervals identified by a biologist (for example, every 500 feet, or in places where trails indicate animal movement) to allow mammals to move through the site. In order to work with the operation these openings could be flagged for handler's awareness, have a means of closure so they could be closed when dogs are present, but open from the daily end of the Smilin Dog operations to the next morning when operations resume, or could possibly be engineered to prevent dogs from escaping.

Please do not hesitate to contact me if there are any questions regarding this report.

Sincerely,

Autumn Meisel
Senior Biologist

References

California Natural Diversity Database (CNDDB). 2016. RareFind 5. California Department of Fish and Wildlife. Sacramento.

Fellers, G. M. 2005. *Rana draytonii, California red-legged frog*. In Michael Lannoo, ed., Amphibian declines: The conservation status of United States species, 552-554. Berkeley: University of California Press.

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Jennings, M. R. and M. P. Hayes. 1994. Amphibian and reptile species of special concern in California. Rancho Cordova. California Department of Fish and Game, Inland Fisheries Division.

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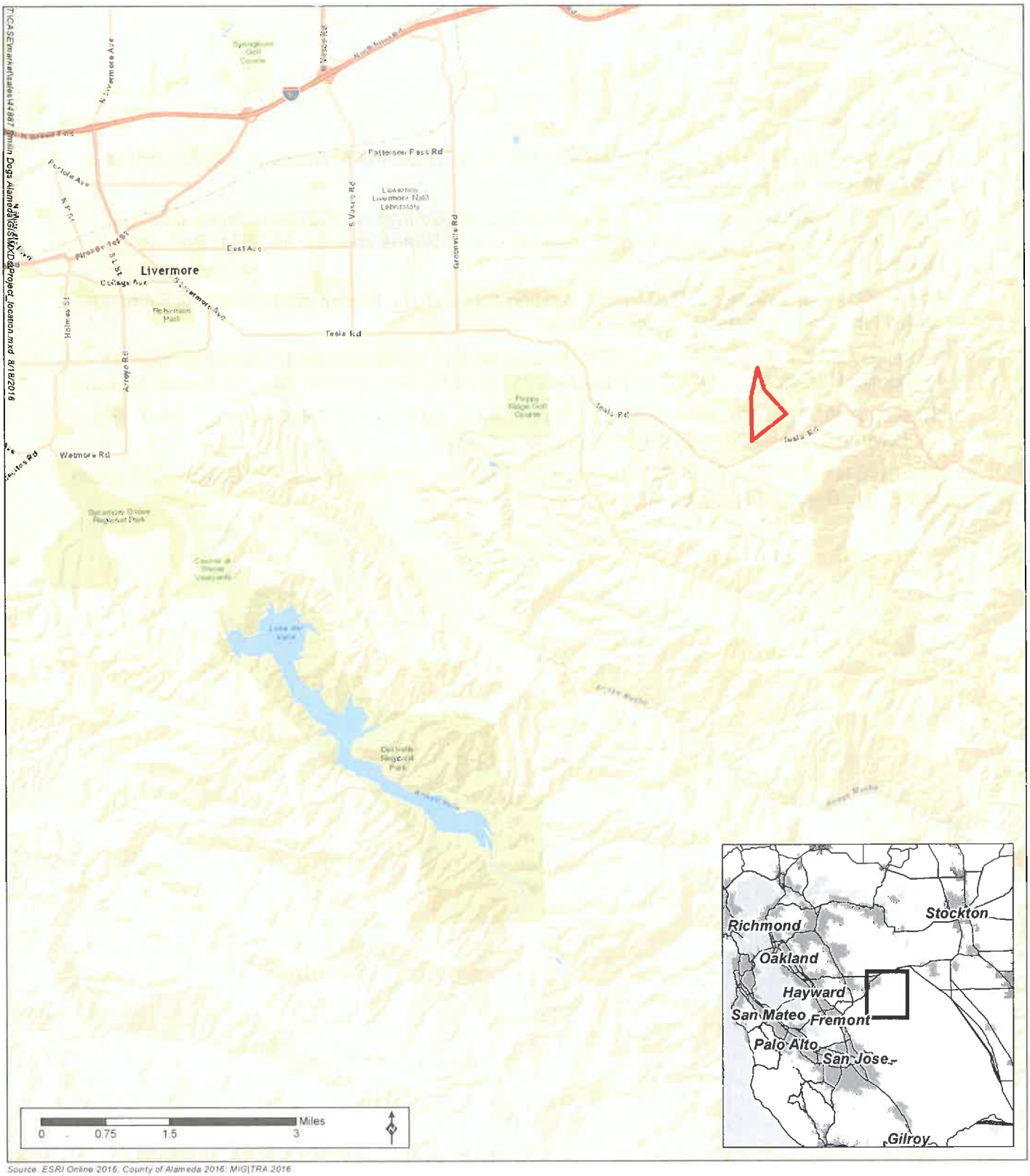
Stebbins, R.C. 2003. A Field Guide to Western Reptiles and Amphibians (3rd Edition), Houghton Mifflin Co., Boston, Massachusetts. 279 pp.

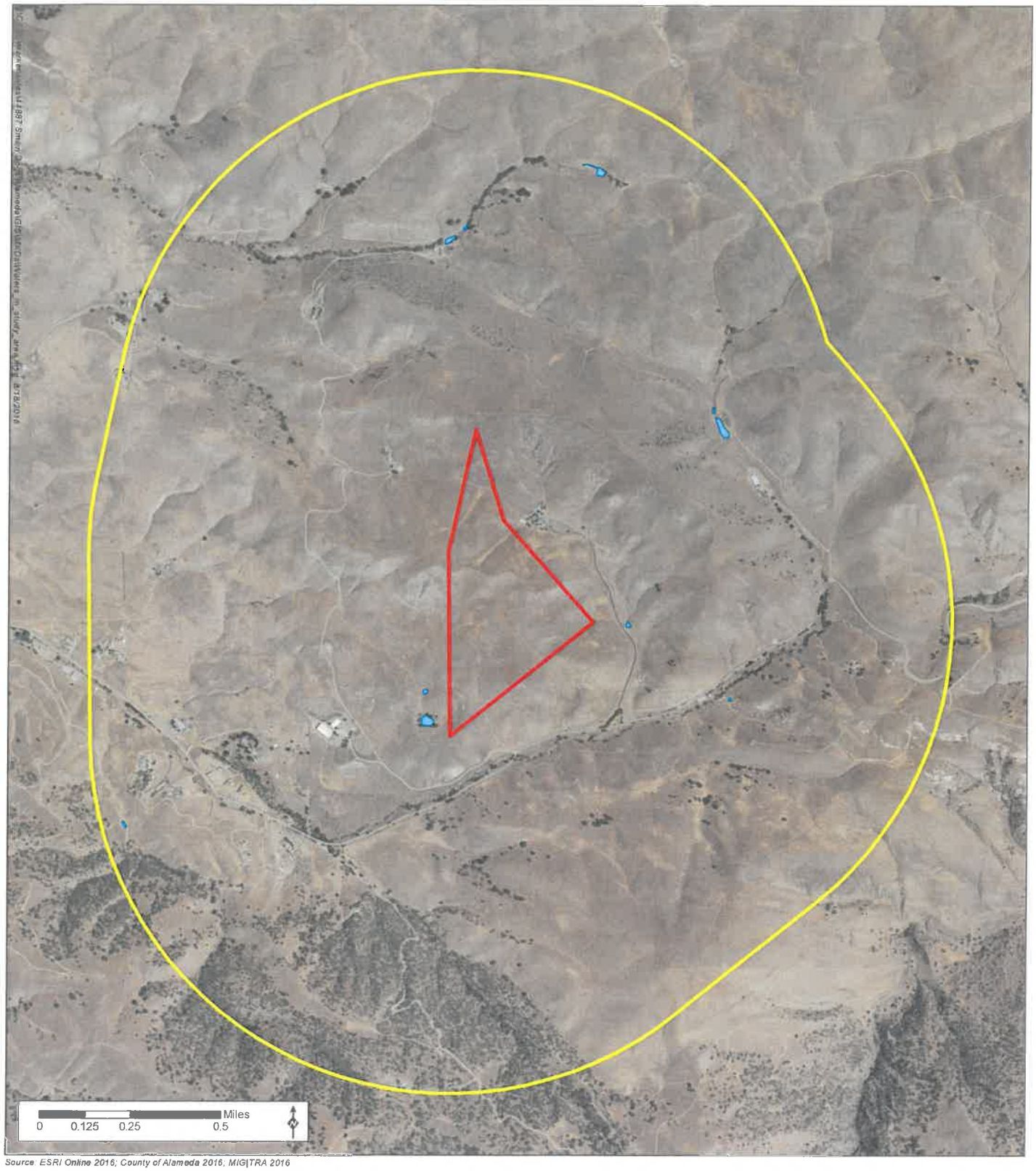


Source: ESRI Online 2016; County of Alameda 2016; MIG|TRA 2016

Site boundary

Figure 1 Project Location

Eagles Run Road Property



Source: ESRI Online 2016; County of Alameda 2016; MIG|TRA 2016

Site boundary
One mile buffer Study Area
Waters in the Study Area

Figure 2 Water features within 1-mile radius of the property

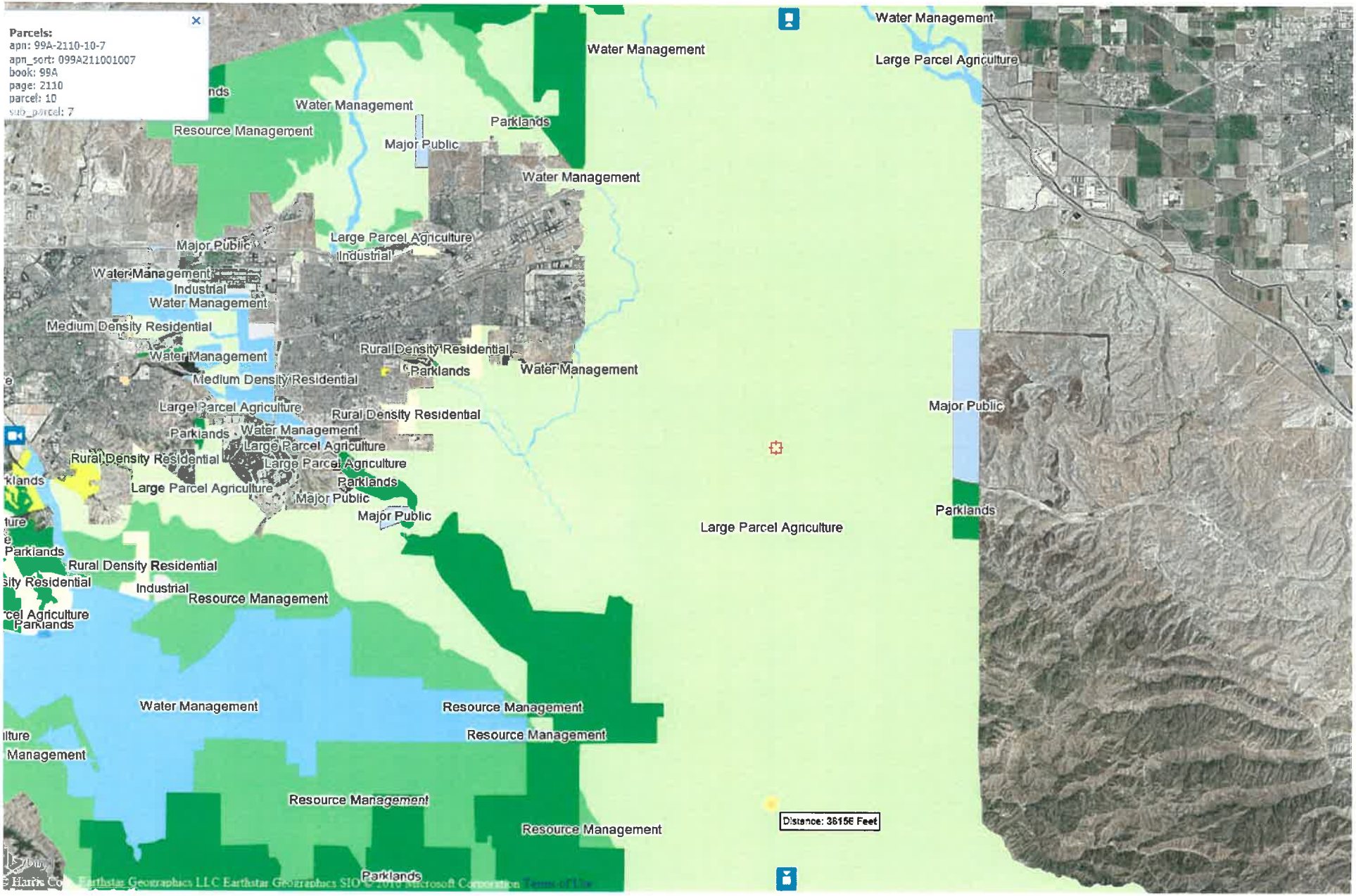
Eagles Run Road Property

Photos taken August 2016

Photo 1. As the property is grazed by only a few bulls, there is an accumulation of thatch/residual dry matter.

Photo 2. Water tanks located near the top of the property

Photo 3. Existing livestock fence (Tesla Road in background)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Large Parcel Agriculture
Resource Management
Parklands
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Industrial
Medium Density Residential
Rural Density Residential
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Earthstar Geographics LLC Earthstar Geographics SIO © 2019 Microsoft Corporation Terms of Use

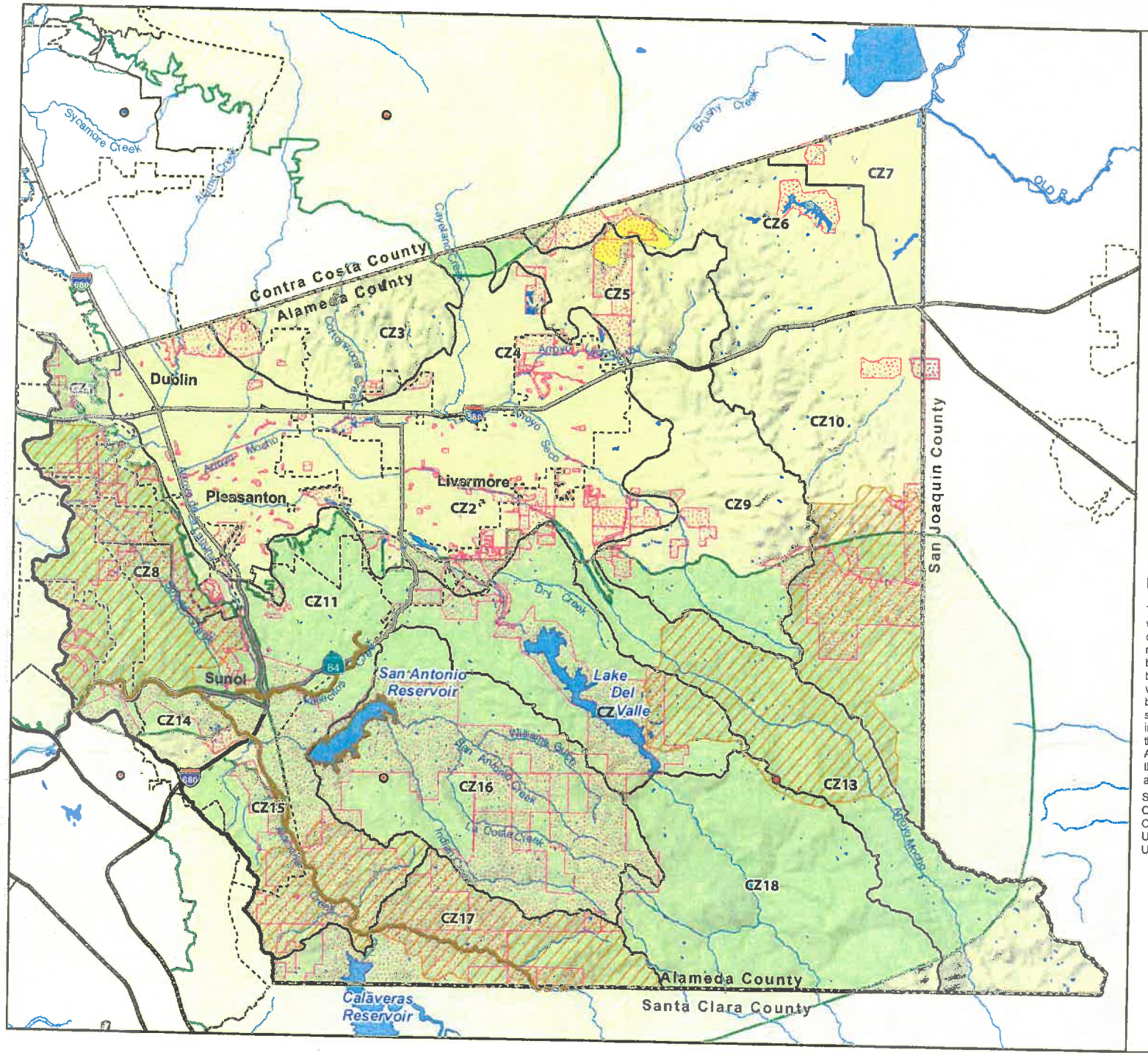

Figure D-11
Potential Alameda Whipsnake (*Masticophis lateralis euryxanthus*) Habitat

October 2010

- Study Area Boundary
- Conservation Zones
- City Limits
- Open Space
- Critical Habitat
- Recovery Units
- Area of Potential Occurence
- Dispersal (Recovery Plan)
- Alameda Whipsnake CNDDB Occurrences

Note: Mapping procedure and habitat are described in the text.

The purpose of the map is to identify areas within the study area where the species occurs or could occur based on known habitat requirements. The data on which this map is based are regional in scale. This map should not be used for site planning and should be verified in the field. Occurrence data are limited by where field surveys have been conducted; some occurrence points may be geographically inaccurate. Occurrence records from the California Natural Diversity Database, 2008. Additional occurrences have been recorded in the study area but they are not publicly available and therefore are not displayed on this figure

Source: California Natural Diversity Database, California Dept. of Fish & Game, Aug. 2008. California Spatial Information Library. U.S. Fish and Wildlife Service, 2002. USFWS Recovery Plan

N

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Miles

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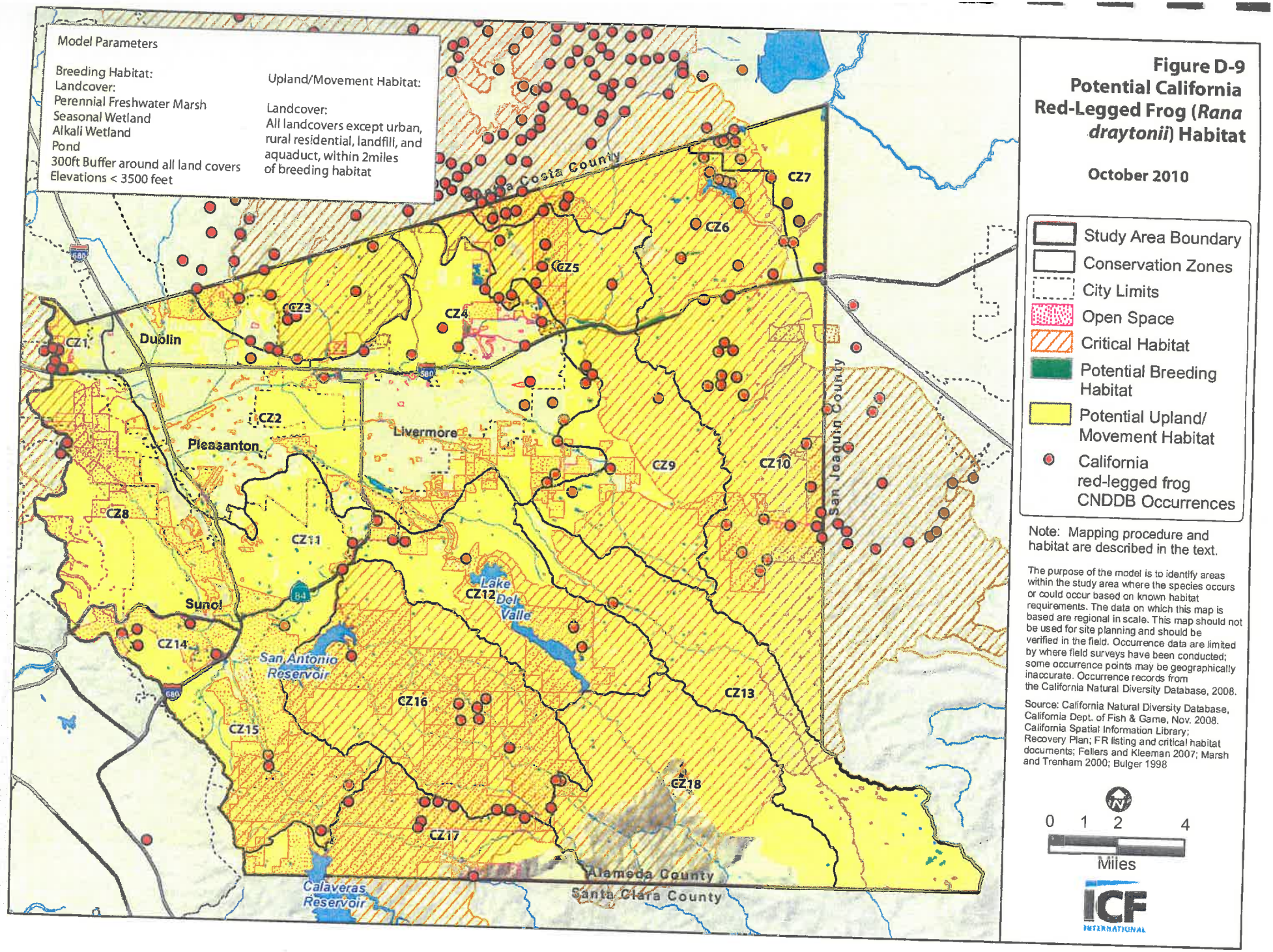
Model Parameters
Breeding Habitat:
Landcover:
Perennial Freshwater Marsh
Seasonal Wetland
Alkali Wetland
Pond
300ft Buffer around all land covers
Elevations < 3500 feet
Upland/Movement Habitat:
Landcover:
All landcovers except urban, rural residential, landfill, and aquaduct, within 2miles of breeding habitat
Contra Costa County
CZ1
CZ2
CZ3
CZ4
CZ5
CZ6
CZ7
CZ8
CZ9
CZ10
CZ11
CZ12
CZ13
CZ14
CZ15
CZ16
CZ17
CZ18
Dublin
Pleasanton
Livermore
Sunol
Lake Del Valle
San Antonio Reservoir
Calaveras Reservoir
San Joaquin County
Alameda County
Santa Clara County
580
680
84
Figure D-9
Potential California Red-Legged Frog (Rana draytonii) Habitat
October 2010
Study Area Boundary
Conservation Zones
City Limits
Open Space
Critical Habitat
Potential Breeding Habitat
Potential Upland/ Movement Habitat
California red-legged frog CNDDB Occurrences
Note: Mapping procedure and habitat are described in the text.
The purpose of the model is to identify areas within the study area where the species occurs or could occur based on known habitat requirements. The data on which this map is based are regional in scale. This map should not be used for site planning and should be verified in the field. Occurrence data are limited by where field surveys have been conducted; some occurrence points may be geographically inaccurate. Occurrence records from the California Natural Diversity Database, 2008.
Source: California Natural Diversity Database, California Dept. of Fish & Game, Nov. 2008. California Spatial Information Library; Recovery Plan; FR listing and critical habitat documents; Fellers and Kleeman 2007; Marsh and Trenham 2000; Bulger 1998
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INTERNATIONAL

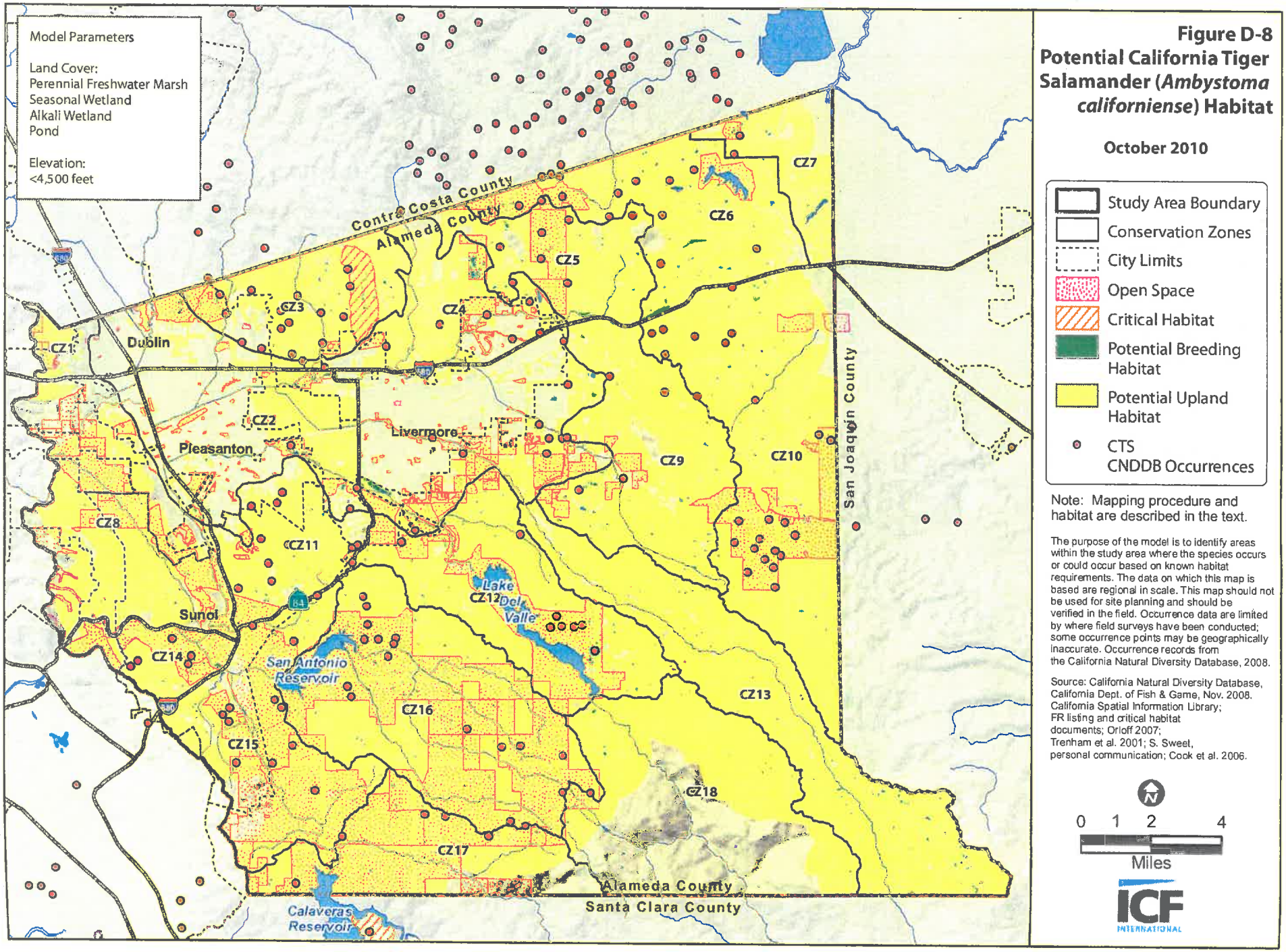

Figure D-8
Potential California Tiger Salamander (*Ambystoma californiense*) Habitat

October 2010

Note: Mapping procedure and habitat are described in the text.

The purpose of the model is to identify areas within the study area where the species occurs or could occur based on known habitat requirements. The data on which this map is based are regional in scale. This map should not be used for site planning and should be verified in the field. Occurrence data are limited by where field surveys have been conducted; some occurrence points may be geographically inaccurate. Occurrence records from the California Natural Diversity Database, 2008.

Source: California Natural Diversity Database, California Dept. of Fish & Game, Nov. 2008. California Spatial Information Library; FR listing and critical habitat documents; Orloff 2007; Trenham et al. 2001; S. Sweet, personal communication; Cook et al. 2006.

Curry, Damien, CDA

Subject: FW: Smilin Dogs/Eagles Run Road report

From: Grefsrud, Marcia@Wildlife
Sent: Thursday, September 01, 2016 4:53 PM
To: 'Curry, Damien, CDA'
Subject: RE: Smilin Dogs/Eagles Run Road report

Hi Damien,
This is in the range for San Joaquin kit fox (federally and state endangered) as well as the other listed species. I agree with the installation of openings for small mammals to be able to navigate the fence. Also, the site is close to potential breeding habitat for CTS, so installation of the fence could cause take.
Marcia

From: Autumn Meisel [mailto:ameisel@migcom.com]
Sent: Friday, August 26, 2016 10:34 AM
To: Curry, Damien, CDA <damien.curry@acgov.org>
Cc: Taylor Peterson <tpeterson@migcom.com>; Konrad Thaler <konrad@smilindogs.com>
Subject: Smilin Dogs/Eagles Run Road report

Hello Damien,

Please find attached our letter report on biological resources at the Eagles Run Road property in Livermore. Please let me know if you have any questions.

Best,

Autumn Meisel
Senior Biologist
MIG|TRA Environmental Sciences
(415) 254-0805
Schedule: M, Tu, Th, Fri; off Wednesdays

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Chris Bazar
Agency Director

Albert Lopez
Planning Director

224
West Winton Ave
Room 111

Hayward
California
94544

phone
510.670.5400
fax
510.785.8793

www.acgov.org/cda

RCVD AUG 05 2016

PROJECT REFERRAL

Date: July 13, 2016
RE: Case No. PLN2016-00114
Conditional Use Permit

SAM2016-00034
→ RDL
8/5/16

Due Date: August 2, 2016

ACPWA LAND DEVELOPMENT
ACPWA JOHN ROGERS
ZONE 7
ACPWA GRADING DIVISION
ACPWA BUILDING DEPARTMENT
ALAMEDA CO. FIRE DEPT.
ACPWA CLEAN WATER DIVISION

The following application is referred to you for your information and recommendation:

To allow an Outdoor Recreation Facility (private off-leash dog exercise park, accessed only by applicant's vehicles), located at Reuss Rd (), north side, 700 ft. north of Tesla Rd.
APN: 099A-2110-010-07

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines (Section 15301 - Class 1 Existing Facilities)

Receipt of your comments by the indicated due date will enable the inclusion of relevant information in the preparation of a written staff report; otherwise, please initial and date below that your organization, department or agency has no comment and return this notice by the indicated due date.

Please send a copy of your recommendation(s) to the applicant.

If you have any questions, please contact me at the above number.

Sincerely,

Damien Curry
Development Planning Division
damien.curry@acgov.org

cc: Applicant: KONRAD THALER 2719 Monserat Ave., Belmont, Ca 94002

PROJECT REFERRAL

Date: July 13, 2016
RE: Case No. PLN2016-00114

Owner: YUNG CATHERINE L TR 810 Polaris Way, Livermore, Ca 94550-6338

_____ No Comment - Date 8/9/16

Attachments

Rosemarie De Leon
X 55209

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Chris Bazar
Agency Director

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PROJECT REFERRAL

Date: July 13, 2016
RE: Case No. PLN2016-00114
Conditional Use Permit

Due Date: August 2, 2016

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If you have any questions, please contact me at the above number.

Sincerely,

Damien Curry
Development Planning Division
damien.curry@acgov.org

cc: Applicant: KONRAD THALER 2719 Monserat Ave., Belmont, Ca 94002

PROJECT REFERRAL

Date: July 13, 2016
RE: Case No. PLN2016-00114

Owner: YUNG CATHERINE L TR 810 Polaris Way, Livermore, Ca 94550-6338

_____ No Comment - Date 8/5/2016

Attachments

BID - Obtain Permit(s) from Building Department for any work requires permits (including plumbing, electrical or mechanical work. (Allen Lang)

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Chris Bazar
Agency Director

Albert Lopez
Planning Director

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Hayward
California
94544

phone
510.670.5400
fax
510.785.8793

www.acgov.org/cda

PROJECT REFERRAL

Date: July 13, 2016
RE: Case No. PLN2016-00[illegible]
Conditional Use Permit

Due Date: August 2, 2016

ACPWA LAND DEVELOPMENT
ACPWA JOHN ROGERS
ZONE 7
ACPWA GRADING DIVISION
ACPWA BUILDING DEPARTMENT
ALAMEDA CO. FIRE DEPT.
ACPWA CLEAN WATER DIVISION

The following application is referred to you for your information and recommendation:

To allow an Outdoor Recreation Facility (private off-leash dog exercise park, accessed only by applicant's vehicles), located at Reuss Rd (), north side, 700 ft. north of Tesla Rd.
APN: 099A-2110-010-07

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines (Section 15301 - Class 1 Existing Facilities)

Receipt of your comments by the indicated due date will enable the inclusion of relevant information in the preparation of a written staff report; otherwise, please initial and date below that your organization, department or agency has no comment and return this notice by the indicated due date.

Please send a copy of your recommendation(s) to the applicant.

If you have any questions, please contact me at the above number.

Sincerely,

To:

Damien Curry
Development Planning Division
damien.curry@acgov.org

cc: Applicant: KONRAD THALER 2719 Monserat Ave., Belmont, Ca 94002

PROJECT REFERRAL

Date: July 13, 2016
RE: Case No. PLN2016-00114

Owner: YUNG CATHERINE L TR 810 Polaris Way, Livermore, Ca 94550-6338

_____ No Comment - Date 7/15/16

Attachments

PAR
Bonnie Terra
NO FIRE Comments.

COUNTY OF ALAMEDA

PUBLIC WORKS AGENCY

INTER-OFFICE COMMUNICATION

DATE : July 25, 2016

TO : Damien Curry, Development Planning Division

FROM : Andy Cho, Grading Section, Construction and Development Services

SUBJECT : **Case No. PLN 2016-00114, Conditional Use Permit**

This office is in receipt of your referral letter dated July 13, 2016 with a copy of Exhibit "A" for review and comment regarding the subject application. Per the referral letter, this application is to allow an outdoor recreational facility, located at Reuss Road, in an unincorporated Livermore area, Alameda County, bearing APN 099A-2110-010-07.

Due to the lack of grading information provided in the submitted exhibit plan, it is premature to provide any detailed grading comments at this time. Should this application receive favorable consideration by the Planning Department, please consider the following general recommendations in establishing the conditions of approval:

1. According to the Seismic Hazard Zones map published by the *California Geologic Survey,* the proposed site is located within the designated zone of required investigation for **earthquake-induced landslide**. Pursuant to the Seismic Hazards Zoning Act (SHZA), Cities and Counties, or other local permitting authority, must regulate certain development "*projects*[1]" within the zones. Consequently, the geologic and soil conditions of the project site should be investigated and appropriate mitigation measures, if any, should be incorporated into development plans in accordance with the provisions of the SHZA prior to issuance of the development permit(s) for a regulated "project".

2. No grading work shall be permitted until a grading plan and erosion and sedimentation control plans have been reviewed by the County and a grading permit is obtained in accordance with the Alameda County Grading Ordinance. Grading plan shall include all information required by Chapter 15.36.240 and 250 of the Alameda County Grading Ordinance as required.

3. A geotechnical/geologic investigation report shall accompany the grading permit application in accordance with the provisions of the Alameda County Grading Ordinance Chapter 15.36.320. The report shall contain all of the elements listed under the Alameda County Grading Ordinance Chapter 15.36.350 as they may be applicable to the project.

4. Any geotechnical/geological report submitted to the county might be subject to a technical in-depth geotechnical/geologic review by one of the County's consulting geotechnical/geologic firms. Funding for such review would be provided for by the developer as required.

---

[1] *"Project" is defined by the Seismic Hazards Mapping Act as any structures for human occupancy, or any subdivision of land that contemplates the eventual construction of structures for human occupancy. Unless lead agencies impose more stringent requirements, single-family frame dwellings are exempt unless part of a development of four or more dwellings.*

5. No grading work would be allowed during the rainy season, from October 1 to April 30, except upon a clear demonstration, to the satisfaction of the director of the public works, that at no stage of the work will there be any substantial risk of increased sediment discharge from the site.

6. Grading work associated with the construction of a fire access road must be reviewed and approved by the jurisdictional fire agency prior to issuance of a grading permit.

7. Any proposal for grading work that will disturb more than one (1) acre of soil must file a Notice of Intent and a Storm Water Pollution Prevention Plan (SWPPP) with the State under the provisions of the State construction general permit prior to land disturbing activities.

Feel free to contact me at andyhjc@acpwa.org or (510) 670-6451 if you have any questions.

/AC
Cc: applicant