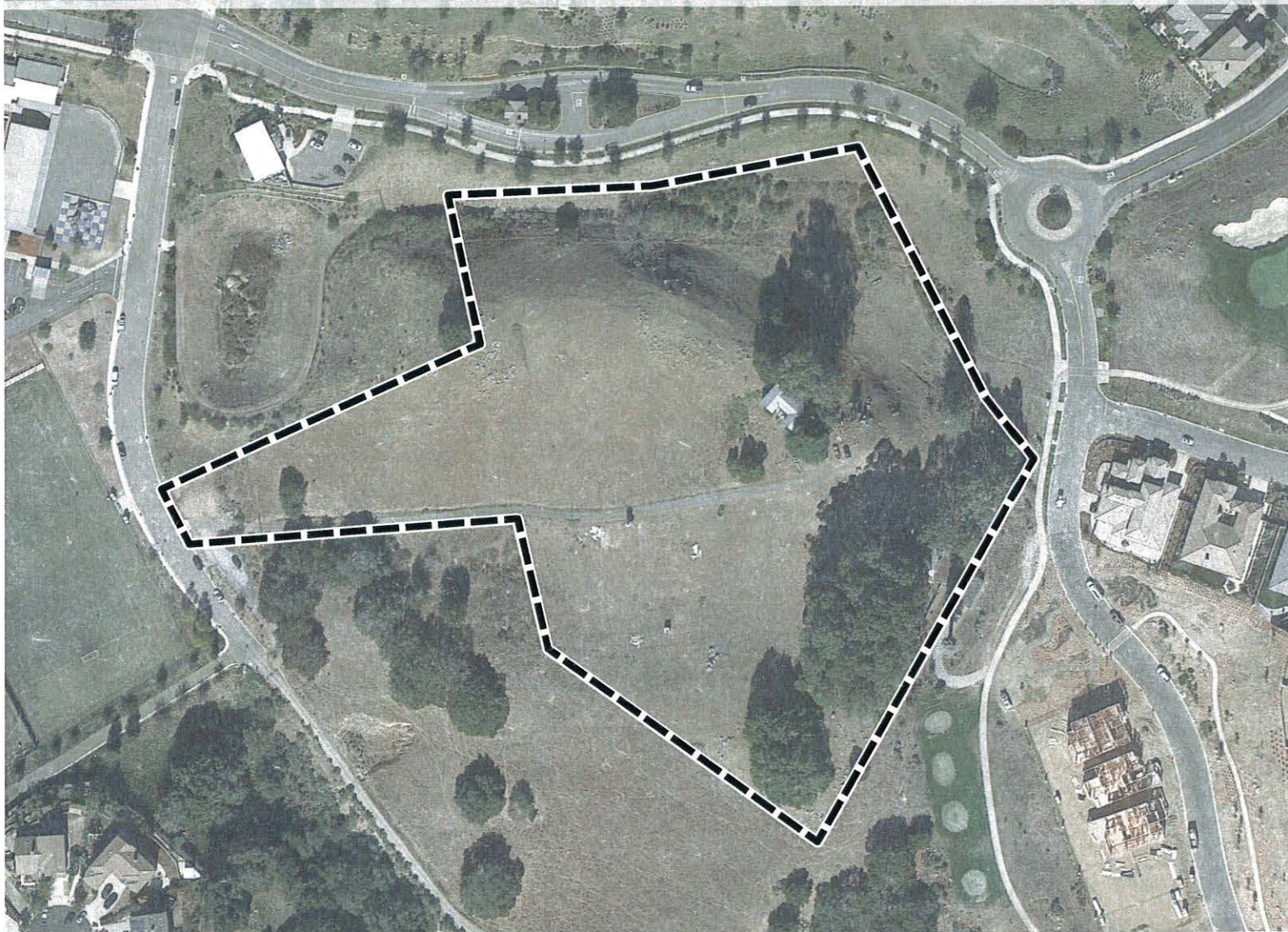


Cavallo Highlands Residential Project Initial Study  
2019039135



Prepared by



**HAYWARD**

In Consultation with



**DAVID J. POWERS**  
& ASSOCIATES, INC.  
ENVIRONMENTAL CONSULTANTS & PLANNERS

RECEIVED

MAR 15 2019

PLANNING DIVISION

March 2019





## TABLE OF CONTENTS

---

Acronyms and Abbreviations.....	iii
Section 1.0 Introduction and Purpose .....	1
Section 2.0 Project Information .....	2
Section 3.0 Project Description.....	7
Section 4.0 Environmental Checklist and Impact Discussion .....	10
4.1 Aesthetics.....	12
4.2 Agricultural and Forestry Resources .....	18
4.3 Air Quality .....	20
4.4 Biological Resources .....	29
4.5 Cultural Resources.....	46
4.6 Geology and Soils.....	53
4.7 Greenhouse Gas Emissions.....	59
4.8 Hazards and Hazardous Materials .....	63
4.9 Hydrology and Water Quality .....	70
4.10 Land Use and Planning.....	77
4.11 Mineral Resources .....	79
4.12 Noise and Vibration.....	80
4.13 Population and Housing.....	86
4.14 Public Services .....	88
4.15 Recreation.....	93
4.16 Transportation/Traffic.....	95
4.17 Utilities and Service Systems .....	102
4.18 Mandatory Findings of Significance .....	107
Section 5.0 References.....	112
Section 6.0 Lead Agency and Consultants.....	114

# TABLE OF CONTENTS

---

## Figures

Figure 2.2-1	Vicinity Map .....	4
Figure 2.2-2	Regional Map .....	5
Figure 2.2-3	Aerial Photograph and Surrounding Land Uses.....	6
Figure 3.0-1	Proposed Site Plan.....	9
Figure 4.4-1	Tree Locations.....	34
Figure 4.16-1	Study Intersections .....	98

## Photos

Photos 1 & 2.....	13
Photos 3 & 4.....	14

## Tables

Table 4.3-1	Thresholds of Significance Used in Air Quality Analyses .....	22
Table 4.3-2	Criteria Air Pollutants and Precursors and GHG Screening Level Size.....	24
Table 4.3-3	Construction Source Health Risks at Nearby Receptors .....	27
Table 4.4-1	Tree Survey Summary .....	33
Table 4.16-1	Unsignalized Intersection Level of Service Standards .....	97
Table 4.16-2	Traffic Scenarios Analyzed .....	97
Table 4.16-3	Existing and Existing Plus Project Intersection Levels of Service.....	100

## Appendices

Appendix A	Construction Toxic Air Contaminant Analysis
Appendix B	Biological Resource Reports
Appendix C	Geotechnical Investigation
Appendix D	Phase I Environmental Site Assessment
Appendix E	Traffic Impact Study

## ACRONYMS AND ABBREVIATIONS

---

BAAQMD	Bay Area Air Quality Management District
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
MND	Mitigated Negative Declaration
NOD	Notice of Determination
PM	Particulate Matter
RWQCB	Regional Water Quality Control Board
TAC	Toxic Air Contaminant
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service



## **SECTION 1.0 INTRODUCTION AND PURPOSE**

---

### **1.1 PURPOSE OF THE INITIAL STUDY**

The City of Hayward as the Lead Agency has prepared this Initial Study for the Aitken Property Residential Subdivision project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of Hayward, California.

The project proposes to construct a residential development project on an approximately 8.88-acre property located on the east side of Carden Lane in the City of Hayward. The proposed project would subdivide the site into 22 lots in order to construct 19 single-family residential lots, two open space lots, and one private roadway. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

### **1.2 PUBLIC REVIEW PERIOD**

Publication of this Initial Study marks the beginning of a 30-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 30-day public review period should be sent to:

City of Hayward  
Development Services Department  
777 B Street  
Hayward, CA 94541

Damon Golubics, Senior Planner  
(510) 583-4200  
Damon.Golubics@hayward-ca.gov

### **1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT**

Following the conclusion of the public review period, the City of Hayward will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

### **1.4 NOTICE OF DETERMINATION**

If the project is approved, the City of Hayward will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).





## **SECTION 2.0      PROJECT INFORMATION**

---

### **2.1              PROJECT TITLE**

Cavallo Highlands Residential Project

### **2.2              PROJECT LOCATION**

The approximately 8.88-acre site is located on the east side of Carden Lane in the City of Hayward. The project site is bounded by Stonebrae Road to the north, Country Club Drive to the east, Carden Lane to the west, and Garin Regional Park to the south. Regional and vicinity maps of the project site are shown in Figures 2.2-1 and 2.2-2. An aerial photograph showing surrounding land uses is shown on Figure 2.2-3.

### **2.3              LEAD AGENCY CONTACT**

City of Hayward  
Development Services Department  
777 B Street  
Hayward, CA 94541

Damon Golubics, Senior Planner  
(510) 583-4200  
Damon.Golubics@hayward-ca.gov

### **2.4              PROJECT APPLICANT**

Carrie Aitken  
192 Carrick Circle  
Hayward, CA 94542  
(949) 697-0440

### **2.5              ASSESSOR'S PARCEL NUMBER**

APN 85A-6428-2

### **2.6              GENERAL PLAN DESIGNATION AND ZONING DISTRICT**

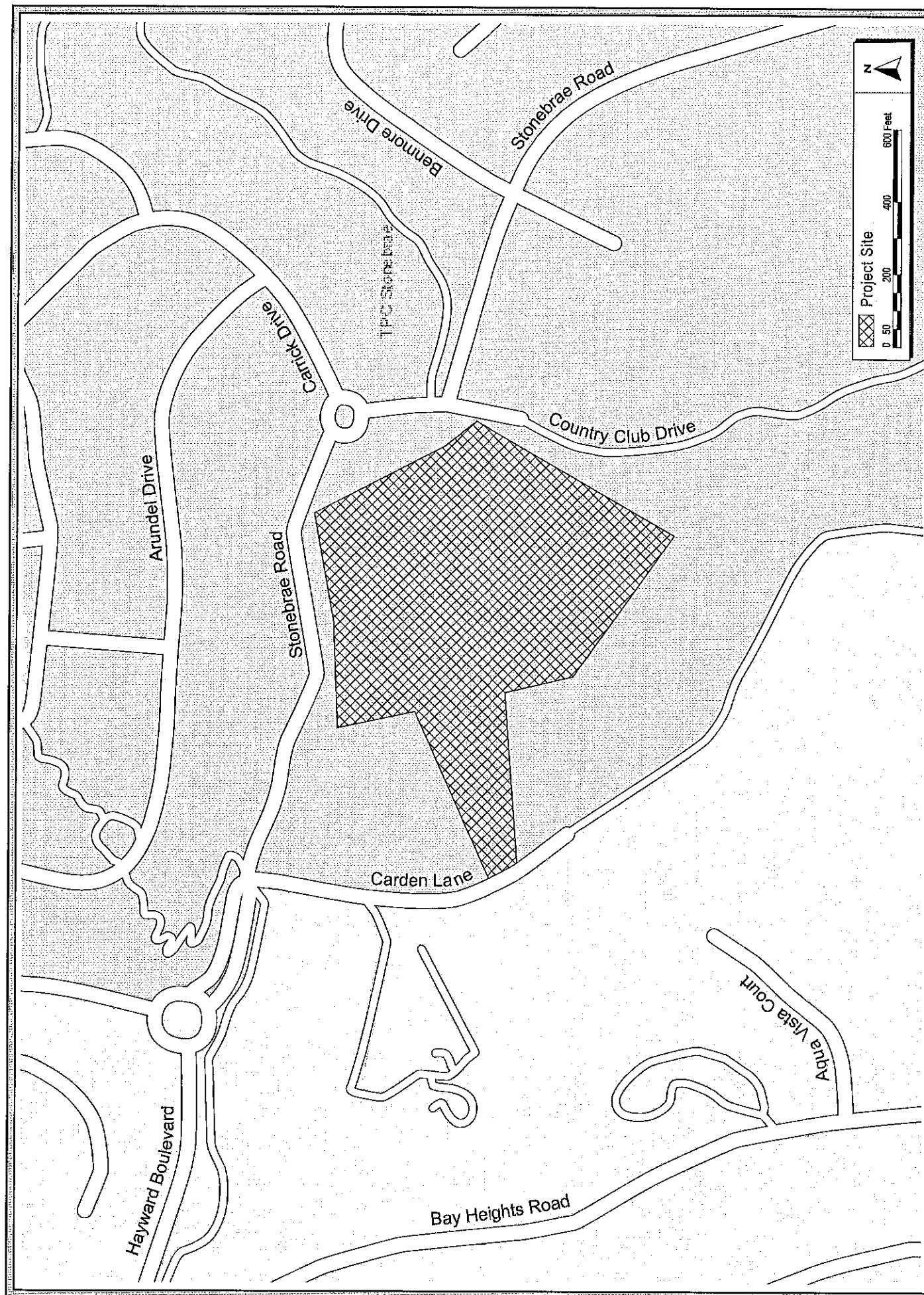
General Plan Designation:      *Suburban Density*

Zoning District:                      *Agricultural*

### **2.7              PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS**

- Planned Development Rezoning
- Tentative Map and Final Map to subdivide the existing parcels
- Grading Permit
- Building Permit
- Design Review

- Protected Tree Removal Permit
- U.S. Army Corps of Engineers 404 Permit
- California Department of Fish and Wildlife Incidental Take Permit
- U.S. Fish and Wildlife Incidental Take Permit
- Regional Water Quality Control Board 401 Permit



VICINITY MAP

FIGURE 2.2-1



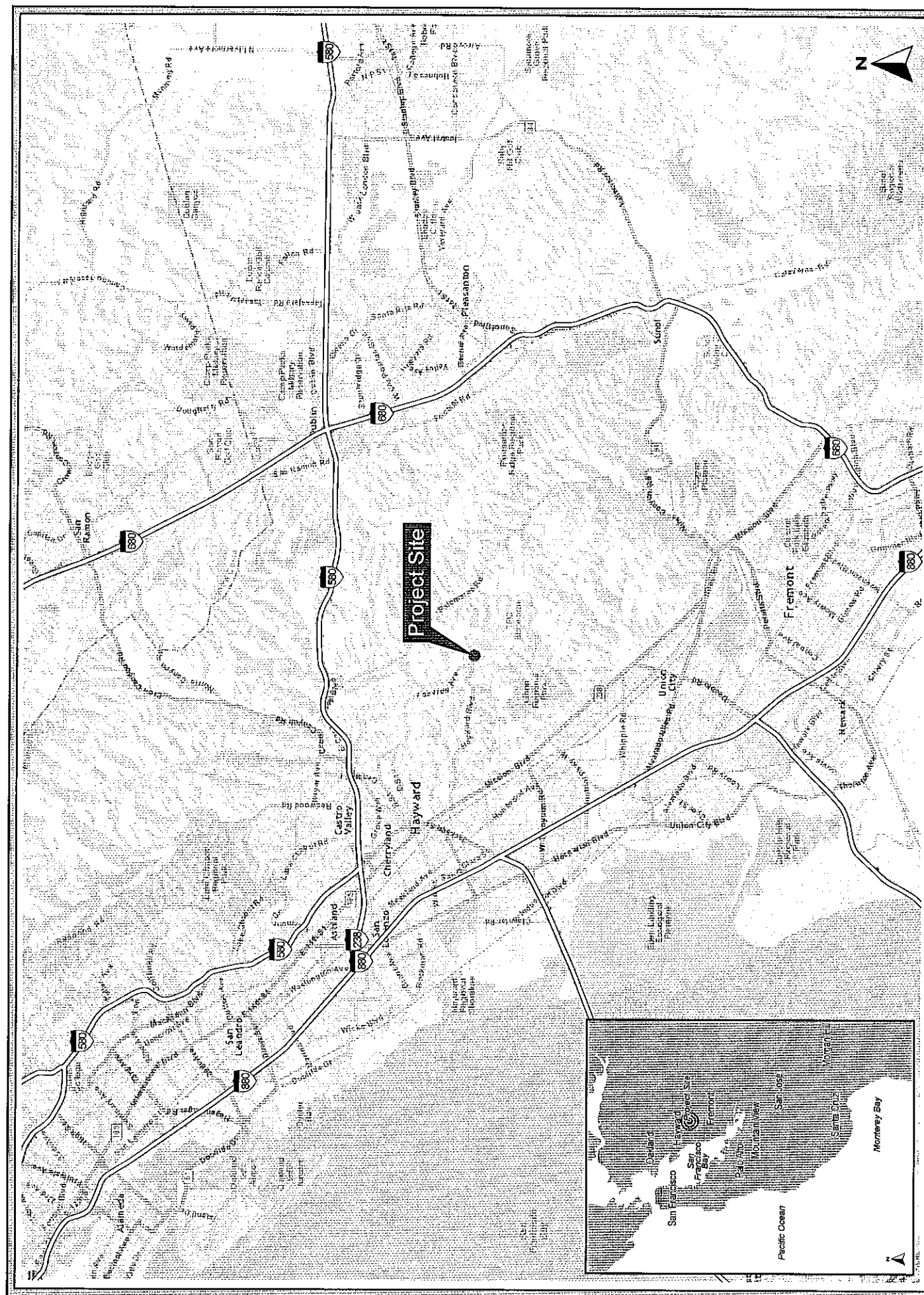
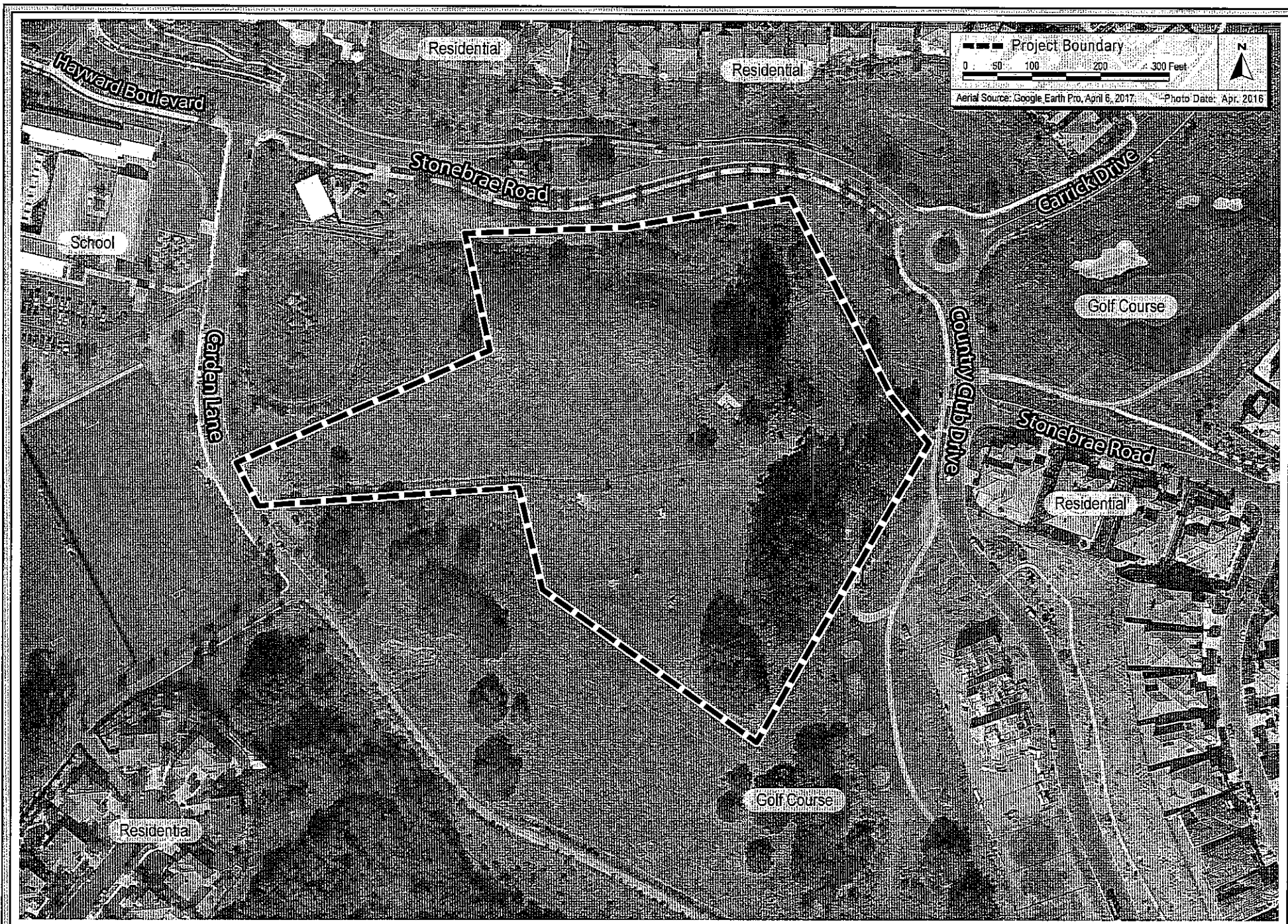


FIGURE 2.2-2

## REGIONAL MAP







AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.2-3



## **SECTION 3.0     PROJECT DESCRIPTION**

---

### **3.1                OVERVIEW**

The approximately 8.88-acre project site is addressed as 29080 Fairview Avenue in the City of Hayward within a master-planned residential area known as the Stonebrae development, although the project site is not part of Stonebrae. The project proposes to demolish the single residence and associated structures on the site and subdivide the property into 22 lots in order to construct 19 single-family residences (refer to Figure 3.0-1).

### **3.2                PROPOSED DEVELOPMENT**

The project proposes to subdivide the property into 22 lots comprised of 19 single-family residential lots, two open space lots, and a private roadway. The proposed residences would have three to five bedrooms and up to three baths. The proposed lots on the site would range in size from 7,915 to 21,034 square feet (s.f.). The proposed residences would range in size from approximately 3,600 s.f. to 4,200 s.f.

#### **3.2.1            Building Heights and Setbacks**

The residences would be set back approximately 20 feet along the private street frontage to allow for driveway apron parking. The residences would be set back approximately 10 feet on the sides, and approximately 15 to 20 feet from the backyards of the smaller internal lots. The setbacks for residences along the outer site boundary would be much larger.

#### **3.2.2            Site Access and Parking**

A private roadway that ranges in width between 20 and 36 feet would provide vehicular and pedestrian access to the site. The proposed residences would be constructed with two- to three-car garages to provide parking for residents of the site. In addition, project driveways of each unit would accommodate a minimum of two (2) cars and guest parking would also be available along the private internal roadways.

#### **3.2.3            Landscaping**

Due to the slopes on the site, the lot sizes have been limited to retain the natural hillside character with smaller formal landscaping areas provided due to the slopes on the site. The front yard of each residence will include variations of landscaping including small trees, shrubs, and grasses. Landscaping included on the two open space lots would be maintained by the Homeowners Association.

#### **3.2.4            Demolition and Grading**

Demolition activities on the site would involve the removal of an existing residence and associated structures.

The proposed project will require some grading for building pads and roadway construction. The project would require an estimated 66,000 cubic yards of cut that would be reused as fill on the site,

with no remaining soil to be exported off-site. Minor retaining walls are proposed at various locations on the site ranging up to six feet in height.

### **3.2.5      Construction Schedule**

The project is anticipated to require 16 months to complete from demolition and grading through construction of the proposed residences. Grading of the site is anticipated to take approximately three months to complete. Three model homes will be constructed during initial project construction and the other proposed residences will be constructed at a predetermined pace.

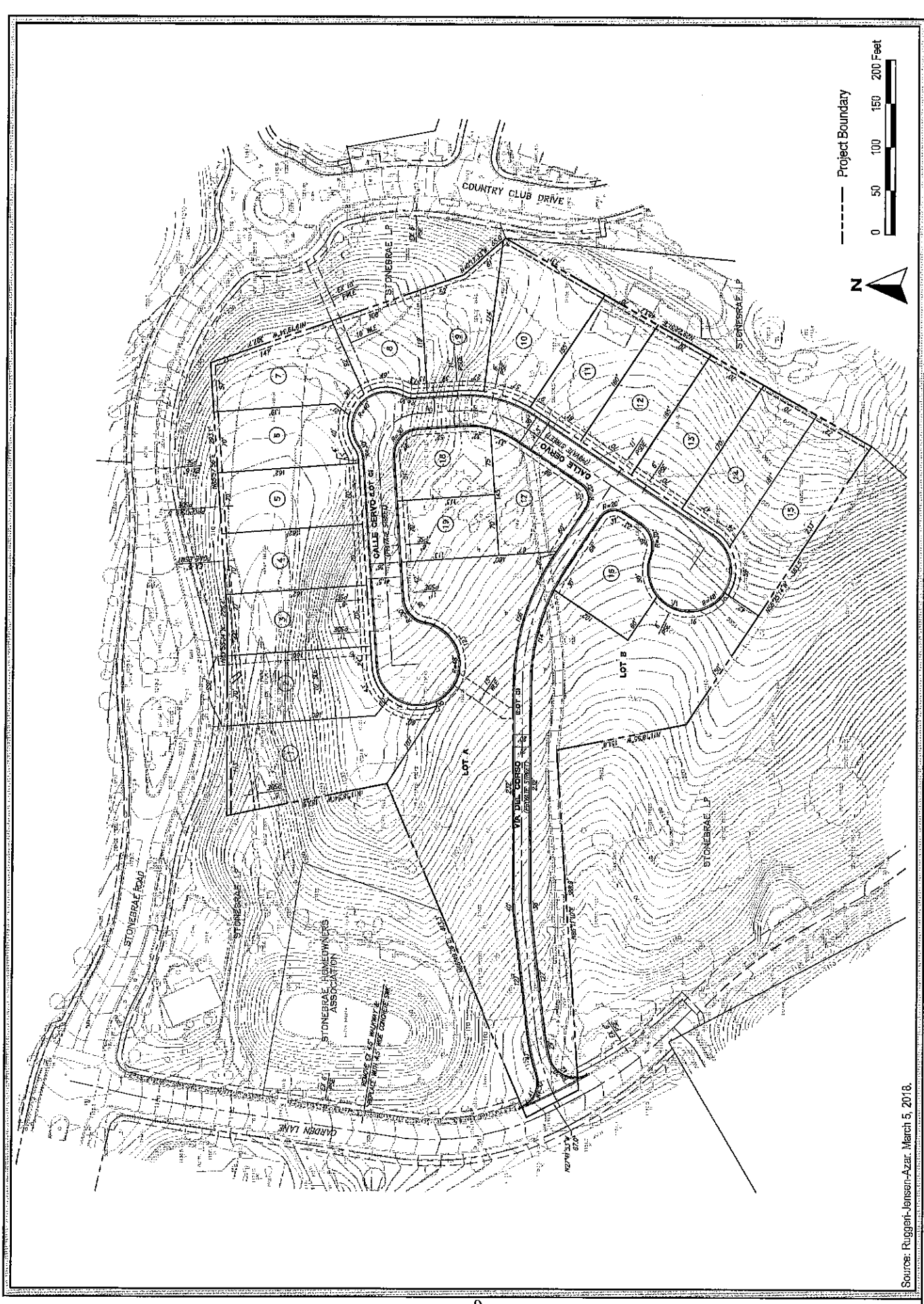
### **3.2.6      Utility Improvements**

The project proposes to connect to existing sanitary sewer and water lines. All on-site sanitary sewer and water lines will be publicly owned and maintained by the City of Hayward. A separate irrigation meter and service will be furnished for common area landscaping. The proposed project would construct an eight-inch sanitary sewer line between lots 2 and 3 that would connect to an existing line on Country Club Drive through a sanitary sewer easement on the adjacent Stonebrae property. The proposed project would utilize an existing connection to the Stonebrae water line.

### **3.2.7      Drainage Improvements**

The project proposes to construct common open space areas that are landscaped and would include permeable pavers to retain and minimize stormwater runoff. The roof impervious areas will direct stormwater flows directly to vegetated areas located on each lot that would drain into the existing bio-swale located northwest of the site. The on-site storm drain shall be private, owned and maintained by the Homeowners Association.





Source: Ruggieri-Jensen-Azar, March 5, 2018.

PROPOSED SITE PLAN

FIGURE 3.0-1



## SECTION 4.0 ENVIRONMENTAL CHECKLIST AND IMPACT DISCUSSION

---

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.10	Land Use and Planning
4.2	Agricultural and Forestry Resources	4.11	Mineral Resources
4.3	Air Quality	4.12	Noise and Vibration
4.4	Biological Resources	4.13	Population and Housing
4.5	Cultural Resources	4.14	Public Services
4.6	Geology and Soils	4.15	Recreation
4.7	Greenhouse Gas Emissions	4.16	Transportation/Traffic
4.8	Hazards and Hazardous Materials	4.17	Utilities and Service Systems
4.9	Hydrology and Water Quality	4.18	Mandatory Findings of Significance

The discussion for each environmental subject includes the following subsections:

- **Environmental Checklist** – The environmental checklist, as recommended by CEQA, identifies environmental impacts that could occur if the proposed project is implemented. The right-hand column of the checklist lists the source(s) for the answer to each question. The sources are identified at the end of this section.
- **Impact Discussion** – This subsection discusses the project's impact as it relates to the environmental checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact GEO – 1** denotes the first potentially significant impact discussed in the Geology and Soils section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM BIO – 2.2** refers to the second mitigation measure for the second impact in the Biological Resources section.

### **Important Note to the Reader**

The California Supreme Court in a December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (No. S 213478)] confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of Hayward currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project, which are also addressed in this section. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective

information to decision-makers and the public regarding a project. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an “environmental impact” as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter will discuss Planning Considerations that relate to policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

## 4.1 AESTHETICS

### 4.1.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

### 4.1.2 Existing Setting

The project site is a grassy hillside with a private driveway extending from the base of the hill on the western portion of the property, to the top of the hillside where the existing one-story single-family residence is located (see Photos 1 through 4). The project site is bounded by Stonebrae Road to the north and east, Carden Lane to the west, a golf course to the south, and Garin Regional Park to the southwest. Stonebrae Elementary School is located approximately 300 feet northwest of the project site across Carden Lane.

#### 4.1.2.1 *Surrounding Visual Character*

The project site is surrounded on three sides by existing suburban development that has been constructed since the mid-1990s and roadways. Two-story, single-family homes with stucco finishes are located north of the site. Stonebrae Elementary School is located northwest of the site. Single-family homes, as part of the full build-out of Stonebrae Country Club, are in the process of being constructed southeast of the site. Stonebrae golf course and Garin Regional Park are substantial open space areas located south and southwest of the site. There are numerous large, mature trees on the property and on surrounding properties, in particular in the nearby Garin Regional Park.

#### 4.1.2.2 *Scenic Views*

The hillside of the project site rises above the surrounding residential development to the west and can be seen from various locations in the surrounding neighborhoods. Views of the San Francisco Bay and the East Bay Hills are present from the project site. The project site has remained vacant and mostly undeveloped and no historic buildings (refer to *Section 4.5 Cultural Resources*), are present on the site. Numerous mature trees (refer to *Section 4.4 Biological Resources*) are present on-site. The site is slightly visible from Garin Regional Park located south and southwest of the project site and Jalquin Vista Park located southwest of the project site.







**PHOTO 1:** View of the project driveway from Carden Lane looking east.



**PHOTO 2:** View from the project site looking northeast at the adjacent development, Stonebrae Country Club, and drainage basin below Stonebrae Road.





**PHOTO 3:** View of the project site from Stonebrae Road looking south.



**PHOTO 4:** View of the existing home on the eastern portion of the property facing north.





#### 4.1.2.3 *Applicable Plans, Policies, and Regulations*

##### **City of Hayward General Plan**

The Land Use and Community Character Element contains policies to preserve scenic views of the City. The proposed project would be subject to conformance with applicable General Plan policies, including those listed below.

Policies	Description
Policy LU-1.2	The City shall maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies.
Policy LU-7.2	The City shall discourage the placement of homes and structures near ridgelines to maintain natural open space and preserve views. If ridgeline development cannot be avoided, the City shall require grading, building, and landscaping designs that mitigate visual impacts and blend the development with the natural features of the hillside.
Policy LU-7.3	The City shall require curvilinear street patterns in hillside areas to respect natural topography and minimize site grading.
Policy LU-7.4	The City shall encourage narrow streets in hillside areas. Streets should be designed with soft shoulders and drainage swales (rather than sidewalks with curbs and gutters) to maintain the rural character of hillside areas and minimize grading impacts. The City shall prohibit parking along narrow street shoulders to provide space for residents to walk and ride horses.
Policy LU-7.5	The City shall encourage the clustering of residential units on hillsides to preserve sensitive habitats and scenic resources as natural open space. Sensitive areas and scenic resources include woodlands, streams and riparian corridors, mature trees, ridgelines, and rock outcroppings.
Policy NR-8.1	The City shall regulate the design of streets, sidewalks, cluster home development, architecture, site design, grading, landscaping, utilities, and signage in hillside areas to protect aesthetics, natural topography, and views of surrounding open space through the continued Hillside Design and Urban/Wildland Interface Guidelines.
Policy NR-8.2	The City shall require low-impact site grading, soils repair, foundation design, and other construction methods to be used on new residential structures and roadways above 250 feet in elevation to protect aesthetics, natural topography, and views of hillsides and surrounding open space.
Policy NR-8.4	The City shall maintain and implement residential and non-residential design guidelines in order to protect existing views of the Bay shoreline.

#### 4.1.3 **Impact Discussion**

##### *a) Have a substantial adverse effect on a scenic vista?*

According to the Hayward General Plan, there are no designated scenic vistas in the vicinity of the project and the project is not located within or visible from a designated scenic vista. Due to intervening topography, the site is not prominently visible from Garin Park. Therefore, the project would not have an impact on scenic vistas. **(No Impact)**

- b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

The project site is not located within a state scenic highway, nor does it contribute to views visible from a state scenic highway. Therefore, the construction of the project would not have impacts on state scenic highways.

The project site contains small rock outcroppings scattered throughout the site that the City of Hayward has not identified as a significant visual resource in the Natural Resources Element of the General Plan. The rock outcroppings are not substantially visible from public views of the project site, and therefore, the removal of the rock outcroppings during project construction would be a less than significant impact.

The site is a grassy hillside with scattered blackwood acacia, big leaf maple, plum, pine, olive, blue gum, coast live oak, red willow, and California bay trees. Approximately 76 of the total 78 trees proposed to be removed are protected under the City of Hayward Tree Preservation Ordinance (refer to *Section 4.4 Biological Resources*). The trees, however, are not considered to be an irreplaceable scenic resource since most of the species (with the exception of the big leaf maple, coast live oak, red willow, and California bay) are not indigenous to the region, and the project will pay tree removal fees to fund tree replanting to offset the loss of on-site trees. The project does not include substantial new landscaping, fences, or other changes in the natural environment, consistent with General Plan policies. **(Less Than Significant Impact)**

- c) *Substantially degrade the existing visual character or quality of the site and its surroundings?*

The project would place single-family development on a mostly undeveloped site consisting mainly of gently sloping grasslands. Although the proposed development would occur on a hillside, views of the site are limited to surrounding local streets including Hayward Boulevard, Stonebrae Road, and Carden Lane, and the project proposes new residential development in keeping with the scale and character of the recent residential development in the area. Additionally, the project proposes extensive grading that would serve to lower the elevation of the proposed single-family homes 20 feet below the existing grade.

The project would introduce structures that would be primarily visible from existing neighborhoods and roads surrounding the site. In addition, the project site is in a suburban setting with existing single-family development, a school, and recreational uses. Placement of homes on the slope 20 feet below the existing grade would reduce the height of the proposed houses, thus reducing the overall impact of the development viewed from Stonebrae Road and Hayward Boulevard. The proposed project would alter the visual character of the site by removing numerous mature trees and rock outcroppings. The aesthetic character of the proposed development, however, would be in keeping with the surrounding area and, therefore, would result in a less than significant impact. **(Less Than Significant Impact)**

- d) *Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?*

The project site is in a suburban setting, surrounded by residences, a golf course, and Garin Regional Park. The project would introduce development including street lights and private residential lighting to a mostly undeveloped site which would create new sources of light and glare compared to the project site's existing condition. The project will comply with the City's Municipal Code and design requirements relating to aesthetics, light and glare, which are intended to prevent spillover light and minimize impacts related to the introduction of new light sources as a standard condition of approval (Hayward Municipal Code (HMC) Section 10-1.445(j)). Therefore, the additional light and glare created by the project would be in keeping with that produced by surrounding residential development and a less than significant impact. **(Less Than Significant Impact)**

#### **4.1.4        Conclusion**

Implementation of the proposed project would not result in significant adverse visual or aesthetic impacts. **(Less Than Significant Impact)**

## 4.2 AGRICULTURAL AND FORESTRY RESOURCES

### 4.2.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,4
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,4
d) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,4
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,4

### 4.2.2 Existing Setting

The project site has been developed with a residential structure and associated outbuildings since the 1930's. According to the *Alameda County Important Farmland 2014* map, the project site is designated as *Grazing Land*, meaning that the land contains existing vegetation that is suited to the grazing of livestock.<sup>1</sup> The site is currently zoned *Agricultural*, which allows for crop and tree farming; a farm or ranch; selling of fruits, vegetables, and flowers; a single-family residence; a Christmas tree or pumpkin patch lot; a day care home; public agency facility; or a group home for six or fewer residents.

The surrounding land uses are primarily suburban in nature, including single-family residences, Stonebrae Elementary School, Stonebrae Golf Course, and Garin Regional Park. Although Garin Regional Park is zoned *Agricultural*, it is currently used as a regional open space.

<sup>1</sup> California Department of Conservation, Division of Land Resource Protection. *Alameda Mateo County Important Farmland 2014 Map*. 2016.

#### 4.2.3 Impact Discussion

- a – b) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use? Conflict with existing zoning for agricultural use, or Williamson Act contract?*

The project site is designated as *Grazing Land*; therefore, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. Although the project would rezone the site from *Agricultural* to *Planned Development Zoning*, the project would have minimal impact on agricultural resources or operations due to the size of the site and lack of substantial agricultural use of the site or surrounding area. **(Less Than Significant Impact)**

- c – d) *Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production? Result in a loss of forest land or conversion of forest land to non-forest use?*

“Forest land” is defined as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. “Timberland” means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees.

While the site does contain numerous mature trees, the site and surrounding area is not used or zoned for timberland or forest land. Therefore, the project would not impact timberland or forest land. **(No Impact)**

- 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?*

According to the *Alameda County Important Farmland 2014* map, the project site and surrounding area are designated as *Grazing Land*. The project site is located on the edge of Garin Regional Park to the south, which is primarily designated as *Grazing Land*. The development of the project site would not result in conversion of any forest or farmlands. **(Less Than Significant Impact)**

#### 4.2.4 Conclusion

The project would not result in significant impacts to agriculture or forestry resources. **(Less Than Significant Impact)**

### 4.3 AIR QUALITY

The following discussion is based in part on a Construction TAC Analysis prepared by *Illingworth & Rodkin, Inc.* in August 2016. A copy of this report is attached as Appendix A.

#### 4.3.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,6
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,6
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,6,7
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,6

#### 4.3.2 Background

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of a pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and for photochemical pollutants, sunshine.

The U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for what are commonly referred to as "criteria pollutants," because they set the criteria for attainment of good air quality. Criteria pollutants include carbon monoxide, ozone, nitrogen dioxide, sulfur dioxide, and particulate matter (PM).

##### 4.3.2.1 *Climate and Topography*

The project site is located in Alameda County, which is part of the San Francisco Bay Area Air Basin. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on its climate.

#### **4.3.2.2      *Regional and Local Criteria Pollutants***

Major criteria pollutants, listed in “criteria” documents by the USEPA and CARB include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter. These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms. Ambient air quality standards have been established at both the state and federal level. Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. Areas with air quality that exceed adopted air quality standards are designated as “nonattainment” areas for the relevant air pollutants. Nonattainment areas are sometimes further classified by degree (marginal, moderate, serious, severe, and extreme for ozone, and moderate and serious for carbon monoxide and PM<sub>10</sub>) or status (“nonattainment-transitional”). Areas that comply with air quality standards are designated as “attainment” areas for the relevant air pollutants. “Unclassified” areas are those with insufficient air quality monitoring data to support a designation of attainment or nonattainment, but are generally presumed to comply with the ambient air quality standard. State Implementation Plans must be prepared by states for areas designated as federal ambient air quality standard.

The Bay Area is considered a non-attainment area for ground-level ozone and fine particulate matter (PM<sub>2.5</sub>) under both the federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for respirable particulates or particulate matter with a diameter of less than 10 micrometers (PM<sub>10</sub>) under the California Clean Air Act, but not the federal act. High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NO<sub>x</sub>). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling emissions of these precursor pollutants is the focus of the Bay Area’s attempts to reduce ozone levels. High ozone levels aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort. Elevated concentrations of PM<sub>10</sub> and PM<sub>2.5</sub> are the result of both region-wide (i.e. cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

#### **4.3.2.3      *BAAQMD Guidelines***

The Bay Area Air Quality Management District (BAAQMD) is the regional agency tasked with managing air quality in the region. The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. As noted above, air quality standards are set by the federal government (the 1970 Clean Air Act and its subsequent amendments) and the state (California Clean Air Act and its subsequent amendments).

Regional air quality management districts such as BAAQMD must prepare air quality plans specifying how state air quality standards would be met. BAAQMD’s most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two closely-related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the Plan describes how the BAAQMD will continue its progress toward attaining all State and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities.

The 2017 CAP includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic



air contaminants; to reduce emissions of methane and other “super-GHGs” that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion. The BAAQMD has published CEQA Air Quality Guidelines that are used in this assessment to evaluate air quality impacts of projects. The thresholds of significance for construction- and operation-related pollutant emissions are shown in Table 4.3-1.

Table 4.3-1			
Thresholds of Significance Used in Air Quality Analyses			
Pollutant	Construction	Operation-Related	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
ROG, NO <sub>x</sub>	54	54	10
PM <sub>10</sub>	82 (exhaust)	82	15
PM <sub>2.5</sub>	54 (exhaust)	54	10
Fugitive Dust (PM <sub>10</sub> /PM <sub>2.5</sub> )	Best Management Practices	None	None
Risk and Hazards for New Sources and Receptors (Project)	Same as Operational Threshold	<ul style="list-style-type: none"><li>Increased cancer risk of &gt;10.0 in one million</li><li>Increased non-cancer risk of &gt; 1.0 Hazard Index (chronic or acute)</li><li>Ambient PM<sub>2.5</sub> increase: &gt; 0.3 μ/m<sup>3</sup> [Zone of influence: 1,000-foot radius from property line of source or receptor]</li></ul>	
Risk and Hazards for New Sources and Receptors (Cumulative)	Same as Operational Threshold	<ul style="list-style-type: none"><li>Increased cancer risk of &gt;100 in one million</li><li>Increased non-cancer risk of &gt; 10.0 Hazard Index (chronic or acute)</li><li>Ambient PM<sub>2.5</sub> increase: &gt; 0.8 μ/m<sup>3</sup> [Zone of influence: 1,000-foot radius from property line of source or receptor]</li></ul>	
Sources: BAAQMD Thresholds Options and Justification Report (2009) and BAAQMD CEQA Air Quality Guidelines (dated May 2011).			

#### 4.3.2.4 Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). These contaminants tend to be localized and are found in relatively low concentrations in ambient air. Exposure to low concentrations over long periods, however, can result in adverse chronic health effects. Diesel exhaust is a predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average).

Fine Particulate Matter (PM<sub>2.5</sub>) is a complex mixture of substances that includes elements such as carbon and metals; compounds such as nitrates, organics, and sulfates; and complex mixtures such as diesel exhaust and wood smoke. Long-term and short-term exposure to PM<sub>2.5</sub> can cause a wide range of health effects. Common stationary sources of TACs and PM<sub>2.5</sub> include gasoline stations, dry

cleaners, diesel backup generators, and motor vehicles. The other, more significant, common source is motor vehicles on roadways and freeways.

#### **4.3.2.5      *Sensitive Receptors***

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 14, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, elementary schools, and parks. For cancer risk assessments, children are the most sensitive receptors, since they are more susceptible to cancer causing TACs. Residential locations are assumed to include infants and small children.

#### **4.3.2.6      *Construction TAC and PM<sub>2.5</sub> Health Risks***

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations. Construction exhaust emissions may still pose health risks for sensitive receptors such as surrounding residents and school children. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to PM<sub>2.5</sub>. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. The closest sensitive receptors to the project site are the single-family dwellings to the east and Stonebrae Elementary School adjacent to the western property boundary.

#### **4.3.3      Impact Discussion**

##### **a)      *Conflict with or obstruct implementation of the applicable air quality plan?***

The proposed project will not conflict with the latest Clean Air planning efforts since; (1) the project's operational emissions would be well below the BAAQMD thresholds of significance for air pollutants as discussed below in Section 4.3.3(b) and (2) due to the project's small size (19 units). **(Less Than Significant Impact)**

##### **b)      *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?***

The 2011 BAAQMD *CEQA Air Quality Guidelines* contain a screening table that lists the minimum unit count for single-family residential projects, below which the project would not result in the generation of operational or construction criteria air pollutants, or greenhouse gas emissions, that exceed the threshold of significance. The project proposes 19 residences on the site and, as summarized in Table 4.3-2 below, the screening threshold for operational criteria pollutants is 325 units; for operational greenhouse gas emissions is 56 units; and for construction criteria pollutants is 114 units. The proposed residential development would not exceed the screening level for operational and construction criteria pollutants or greenhouse gas emissions and, therefore, the project would not result in significant air quality impacts. **(Less Than Significant Impact)**

Table 4.3-2 Criteria Air Pollutants and Precursors and GHG Screening Level Size			
Land Use Type	Operational Criteria Pollutant Screening Size	Operational GHG Screening Size	Construction Criteria Pollutant Screening Size
Single-family Residences	325 units	56 units	114 units
Below screening threshold?	Yes	Yes	Yes

- c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?*

Non-attainment pollutants of concern for the San Francisco Bay Air Basin are ozone, PM<sub>10</sub> and PM<sub>2.5</sub>. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed in impact (b) above, the project size is below the BAAQMD's screening thresholds, therefore, the project's operational and construction emissions would be less than significant. In addition, construction on the site will be required to implement BAAQMD's Best Management Practices for dust control in accordance with the City's General Plan policies. **(Less Than Significant Impact)**

- d) *Expose sensitive receptors to substantial pollutant concentrations?*

#### Construction Dust Emissions

Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when and if underlying soils are exposed to the atmosphere. Construction activities would increase dustfall and locally elevated levels of PM<sub>10</sub> downwind.

Nearby land uses, particularly sensitive receptors adjacent to the project site, could be affected by dust generated during construction activities.

**Impact AQ – 1:** The project would generate dust during construction activities that would affect nearby sensitive receptors. **(Significant Impact)**

**Mitigation Measure:** The project shall implement the following mitigation measure to ensure project impacts from construction are reduced to a less than significant level:

**MM AQ – 1.1:** During any construction period which causes ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures

recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:

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

### **Construction TAC and PM<sub>2.5</sub> Health Risks**

Construction activity is anticipated to include demolition, grading and site preparation, trenching, building construction, and paving. A health risk assessment of the project construction activities was completed (see Appendix A) that evaluated potential health effects of sensitive receptors at nearby residences and Stonebrae Elementary School from construction emissions of DPM and PM<sub>2.5</sub>. Construction period emissions were modeled using the California Emissions Estimator Model, Version 2013.2.2 (CalEEMod).

Increased cancer risks were calculated using the maximum modeled concentrations for 2017 and BAAQMD recommended risk assessment methods for infant exposure (3<sup>rd</sup> trimester through two years of age) and for an adult exposure. The cancer risk calculations were based

on applying the BAAQMD recommended age sensitivity factors to the TAC concentrations, as described above. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs. Infant, child, and adult exposures were assumed to occur at all residences through the entire construction period.

The CalEEMod analysis completed for the project evaluated a larger, earlier version of the project at 33 residential units with 58,000 cubic yards of cut, 57,000 cubic yards of fill, and 500 cubic yards of soil export. The current project that is being analyzed in this Initial Study has been reduced in size to 19 units and associated grading quantities have increased to approximately 66,000 cubic yards of cut and fill that would be redistributed on-site, with no remaining soil to be exported off-site. The air quality consultant who modeled construction activity has confirmed that with the additional approximately 8,000 cubic yards of cut and 9,000 cubic yards of fill proposed by the project, the conclusions of this construction health risk analysis remain valid that construction impacts would have a significant impact on existing residents and students in the project vicinity requiring mitigation.<sup>2</sup>

The maximum community risk impacts associated with project construction are shown in Table 4.3-3. Results of the assessment for project construction indicate the maximum incremental residential child cancer risk at the maximally exposed individual MEI receptor would be 44.7 in one million and the residential adult incremental cancer risk would be 0.8 in one million. The maximum-modeled annual PM<sub>2.5</sub> concentration, which is based on combined exhaust and fugitive dust emissions, would be 0.46 µg/m<sup>3</sup>, which exceeds the BAAQMD significance criterion of 0.3 µg/m<sup>3</sup>. The maximum modeled annual residential diesel particulate matter (DPM) concentration (i.e., from construction exhaust) was 0.2048 µg/m<sup>3</sup>, which is lower than the reference exposure level. The maximum hazard index (HI) based on this DPM concentration is 0.11 which is lower than the BAAQMD significance criterion of a hazard index greater than 1.0.

The maximum modeled annual PM<sub>2.5</sub> concentration at Stonebrae Elementary School was found to be 0.09 µg/m<sup>3</sup>. The cancer risk for child exposure was computed to be 1.3 in one million which is below the BAAQMD single-source significance thresholds. The maximum-modeled DPM concentration was 0.0368 µg/m<sup>3</sup> and the non-cancer HI based on this DPM concentration was calculated as 0.01, which is much lower than the BAAQMD significance criterion.

---

<sup>2</sup> Reyff, James. President. *Illingworth & Rodkin, Inc.*, Personal Communication via Email. March 15, 2018.

Table 4.3-3 Construction Source Health Risks at Nearby Receptors						
Source	Cancer Risk (Per Million)		PM <sub>2.5</sub> Concentration (µg/m <sup>3</sup> )		Acute and Chronic Hazard (HI)	
Proposed Project Construction Unmitigated	Residence	School	Residence	School	Residence	School
	Infant = 44.7 Adult = 0.8	Child = 1.3	0.46	0.09	0.04	0.01
<i>BAAQMD Thresholds Single Source</i>	10.0		0.3		1.0	
<i>Significant?</i>	Yes		No		No	
Proposed Project Construction Mitigated	Infant= 1.4 Adult=0.0	Child= 0.01	~0	~0	~0	~0
<i>Significant After Mitigation?</i>	No		No		No	

**Impact AQ – 2:** Construction of the proposed project would generate significant quantities of toxic air contaminant emissions. **(Significant Impact)**

**Mitigation Measure:** The project shall implement the following mitigation measure to ensure project impacts from construction TACs are reduced to a less than significant level:

**MM AQ – 2.1:** The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 78 percent reduction in DPM exhaust emissions. One feasible plan to achieve this reduction would include the following:

- All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement. Other measures may include the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant.
- The project shall be required to implement the measures listed above as conditions of approval. These measures shall be placed on project plan documents prior to issuance of any building permits for the project. The proposed project, therefore, would not result in a significant air quality impact due to construction

dust emissions. **(Less Than Significant Impact With Mitigation)**

#### **Roadway TAC Health Risks**

In accordance with the City of Hayward's Community Risk Reduction Plan, the project's future residents would not be exposed to elevated levels of TACs since no high-volume roadways or other TACs sources are in the vicinity of the project site.

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

Implementation of the proposed project would not create objectionable odors affecting a substantial number of people near the site. No new stationary odor sources are anticipated as part of the project and there are no odor sources in the vicinity of the site that would emit substantial odors with the potential to impact future project residents. **(Less Than Significant Impact)**

#### **4.3.4 Conclusion**

With the implementation of MM AQ – 1.1, and MM AQ – 2.1, the proposed project would have a less than significant impact on air quality. **(Less Than Significant Impact With Mitigation)**



## 4.4 BIOLOGICAL RESOURCES

This discussion is based in part on the Updated Final Biological Constraints Analysis, Tree Inventory and Valuation, and Wetland Delineation prepared by *LSA*. The reports are attached in Appendix B of this Initial Study.

### 4.4.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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 (CDFW) or United States Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,8,10
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9,10
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,9
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, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,10
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,8
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,10

#### 4.4.2 Existing Setting

##### 4.4.2.1 *Existing Conditions*

The project site occurs on a hillside near Garin Regional Park and contains numerous mature trees on site and along the southeastern perimeter. The project site contains a 280-foot-long swale that conveys intermittent flows towards an off-site detention basin located northwest of the project site.

An LSA biologist conducted a reconnaissance-level general field survey of the site on February 3, 2016. Additional surveys were conducted by LSA biologists on May 6, 2016; June 1, 2016; May 11, 2017, and April 19, 2018. The purposes of these surveys were to evaluate the site's potential to support special-status species and sensitive natural communities, delineate potential jurisdictional features, inventory trees on the site, and conduct focused surveys for a rare plant.

#### Vegetation

The project site is composed of a mixture of non-native annual grassland, scattered planted ornamental and fruit trees, a grove of eucalyptus trees, a grove of California bay laurel (*Umbellularia californica*) trees, and other native trees including coast live oak (*Quercus agrifolia*), red willow (*Salix laevigata*), and big leaf maple (*Acer macrophyllum*). Coyote brush (*Baccharis pilularis*) is the most common shrub species on the property, followed by poison oak (*Toxicodendron diversilobum*). A small area with standing water south of the driveway and outside the gate supports a few rush (*Juncus effuses*) plants. Italian thistle (*Carduus pycnocephalus*) is present, most dominantly in the flat parts of the swale on the north side of the site.

Most of the site is covered with non-native annual grasslands typical of historically grazed ranches in the area. It is dominated by Italian ryegrass (*Lolium multiflorum*), clovers (*Trifolium* sp.) and other small herbaceous plants. A small patch of bracken fern (*Pteridium aquilinum pubescens*) grows out of the grassland on the north side of the property, on the steep north-facing slope on the southern side of the drainage ditch. Several rock outcroppings are scattered throughout the grasslands.

A grove of approximately 50 eucalyptuses with a diameter at breast height (DBH) of eight inches or more is present on the eastern side of the property. A small grove of California bay laurels is growing in a rock outcrop in the southeastern corner of the property. There are approximately 26 trunks with a DBH of eight inches or more in the grove. The largest trunk had a DBH of approximately 40 inches.

#### Wildlife

The project site provides suitable habitats for many wildlife species, especially those that are adapted to high levels of human disturbance.

The grassland has consistently been grazed by horses, and a few cattle were also grazing the site at the time of the April 2018 site visit. Less rocky portions of the grasslands were observed to have meadow vole (*Microtus californicus*) runways and Botta's pocket gopher (*Thomomys bottae*) burrows.

Small mammals present at the site attract avian predators including the white-tailed kite (*Elanus leucurus*) and red-tailed hawk (*Buteo jamaicensis*). No nests were observed in the eucalyptus grove, but the large trees provide potentially suitable nest locations for red-tailed hawks, owls, and other bird species. Some of the trees have cavities that could be used by nesting birds. The nests of most native birds are protected under the federal Migratory Bird Treaty Act and Section 3503 of the California Fish and Game Code.

### **Regulated Waters and Wetlands**

The U.S. Army Corps of Engineers (Corps) is responsible under Section 404 of the Clean Water Act to regulate the discharge of fill material into Waters of the U.S.

LSA conducted a wetland delineation of the site on May 6, 2016. According to the wetland delineation prepared by LSA, the ephemeral swale that runs along the northern side of the property had flowing water at the time of the reconnaissance-level field survey in February 2016. Near its western end, stormwater flow enters a culvert which then carries the water to an off-site constructed detention basin. The Corps conducted a field survey of the site on May 11, 2017, and provided a letter verifying the preliminary jurisdiction dated October 26, 2017. The swale qualifies as a jurisdictional tributary, classified as a non-relatively permanent water, intermittent riverine. The jurisdictional area of this tributary is approximately 280 square feet.

### **Special-Status Species**

State and federal “endangered species” legislation has provided the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the CDFW and USFWS if activities associated with a proposed project would result in the incidental “take” of a species that is listed as endangered or threatened. To “take” a listed species, as defined by the state of California, is “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill” said species (California Fish and Game Code, Section 86).

#### **Plant Species**

The California Natural Diversity Database (CNDDB) contained occurrences for six special-status plant species within five miles of the site. The two occurrences for one of these species, alkali milk-vetch (*Astragalus tener* var. *tener*) are considered extirpated, and no suitable vernal pool habitat is present on the site. The remaining five species include the Diablo helianthella (*Helianthella castanea*), Hairless Popcornflower (*Plagiobothrys glaber*), Most Beautiful Jewelflower (*Streptanthus albidus* ssp. *peramoenus*), Oregon Polemonium (*Polemonium carneum*), and Santa Cruz Tarplant (*Holocarpha macradenia*). The project site contains marginally suitable habitat for only one of these species, Diablo helianthella. Two focused surveys by LSA biologists during the species’ blooming period in 2017 and 2018 did not detect the species, so it is now considered to be absent from the site.

### Animal Species

There is little or no potential for most special-status species to occur on the property due to habitat degradation or lack of suitable habitat on the site. However, there is some potential for one special-status animal species to occur.

A special-status species with a high potential to occur on the site is the San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*). Two houses built by woodrats were present within 50 feet of the southern boundary of the site during LSA's site visits in 2016 and 2018. Special-status species with a moderate potential to occur on the site include the California red-legged frog (*Rana draytonii*) and white-tailed kite (*Elanus leucurus*). Special-status species with a low potential to occur on the site include the pallid bat (*Antrozous pallidus*), golden eagle (*Aquila chrysaetos*), and Alameda striped racer (*Coluber lateralis euryxanthus*) (formerly known as the Alameda whipsnake [*Masticophis lateralis euryxanthus*]).

### **Mature Trees**

The City's Municipal Code Chapter 10, Article 15 Tree Preservation Ordinance states that "no person shall remove, destroy, perform cutting of branches over one inch in diameter, or disfigure or cause to be removed or destroyed or disfigured any Protected Tree without having first obtained a permit to do so."

Hayward Municipal Code Chapter 10-15.13 defines a protected as: any tree having a minimum trunk diameter of eight inches measured at 54 inches above the ground; street trees or other trees such as those required as a condition of approval, Use Permit, or other Zoning requirement, regardless of size; all memorial trees dedicated by an entity recognized by the City, and all specimen trees that define a neighborhood or community; trees of the following species that have reached a minimum of four inches in diameter trunk size: big leaf maple (*Acer macrophyllum*), California buckeye (*Aesculus californica*), Pacific madrone (*Arbutus menziesii*), western dogwood (*Cornus nuttallii*), Western sycamore (*Platanus racemosa*), coast live oak (*Quercus agrifolia*), canyon live oak (*Quercus chrysolepis*), blue oak (*Quercus douglasii*), Oregon white oak (*Quercus garryana*), California black oak (*Quercus kelloggii*), valley oak (*Quercus lobata*), interior live oak (*Quercus wislizenii*), California bay (*Umbellularia californica*); and any tree or trees of any size planted as replacement for a protected tree. When measuring a multi-trunk tree, the diameters of the largest three trunks are added together.

A tree survey was completed in June 2016 and identified 78 trees of 11 different species present on the project site. The trees were reevaluated in April 2018, and there were no significant changes in the condition or size of any of the trees.

Of the 78 trees on the site that were inventoried, 76 trees are protected by the Hayward Tree Preservation Ordinance. As summarized in Table 4.4-1, the survey identified one blackwood acacia (*Acacia melanoxylon*), one big leaf maple, one deodar cedar (*Cedrus deodara*), 56 blue gum (*Eucalyptus globulus*), one olive (*Olea europaea*), three Aleppo pine (*Pinus halepensis*), one longleaf pine (*Pinus palustris*), three plum (*Prunus cerasifera*), four coast live oak, one red willow, and six California bay trees. Two of the blue gum eucalyptus trees surveyed on the project site are not protected, because their DBH is less than 8 inches. Except for big leaf maple, coast live oak, red

willow, and California bay, none of the other tree species in the project site are indigenous to the region. Additionally, seven protected coast live oaks occur on adjacent property within 20 feet of the project site boundary that would be preserved.

Table 4.4-1 Tree Survey Summary							
Common Name	Scientific Name	Diameter in Inches		Total # of Trees	Tree Condition*		
		4 -7.9	8 or more		Poor	Fair	Good
Blackwood acacia	<i>Acacia melanoxylon</i>	--	1	1	--	1	--
Big leaf maple	<i>Acer macrophyllum</i>	--	1	1	1	--	--
Deodar cedar	<i>Cedrus deodara</i>	--	1	1	--	--	1
Blue Gum	<i>Eucalyptus globulus</i>	2	54	56	6	50	--
Olive	<i>Olea europaea</i>	--	1	1	--	--	1
Aleppo pine	<i>Pinus halepensis</i>	--	3	3	--	--	3
Longleaf pine	<i>Pinus palustris</i>	--	1	1	--	1	--
Plum	<i>Prunus cerasifera</i>	1	2	3	3	--	--
Coast live oak	<i>Quercus agrifolia</i>	1	3	4	--	--	4
Red willow	<i>Salix laevigata</i>	1	--	1	--	--	1
California bay	<i>Umbellularia californica</i>	--	6	6	--	--	6
<b>Total</b>		<b>5</b>	<b>73</b>	<b>78</b>	<b>10</b>	<b>52</b>	<b>16</b>
Notes: * The condition of each tree with respect to overall health was recorded according to the following system:							
<ul style="list-style-type: none"> <li>• Good – New growth is vigorous as evidenced by stem elongation and color, canopy is dense;</li> <li>• Fair – Tree is developing in a manner typical of others in the area, canopy is full;</li> <li>• Poor – Tree displays some die-back of branches, foliar canopy is sparse, little to no sign of new growth or vigor, possible pathogen infection;</li> </ul>							
Dead – Dead tree							





TREE LOCATIONS

FIGURE 4.4-1





#### 4.4.3

#### Impact Discussion

- 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 CDFW or USFWS?*

#### **Special-status Species**

The potential for special-status species to occur on the project site was reviewed by LSA. As discussed in Section 4.4.2.1, the San Francisco dusky-footed woodrat has a high potential to occur on the site. Two species (California red-legged frog, and white-tailed kite) were determined to have a moderate potential to occur on the site, and three species (pallid bat, Alameda striped racer, and golden eagle) were determined to have a low potential to occur on the site. Therefore, the project has the potential to adversely impact several special-status species.

**Impact BIO – 1:** Construction of the proposed project could result in significant impacts to special-status species. **(Significant Impact)**

**Mitigation Measures:** Implementation of the following mitigation measures would reduce impacts to special-status species to a less than significant level:

**MM BIO – 1.1:** A qualified biologist will conduct an environmental education program for all persons employed or otherwise working on the project site before they perform any work. The program shall consist of a presentation from the biologist that includes a discussion of the biology and general behavior of special-status species on or near the site; information about the distribution and habitat needs of the species; sensitivity of the species to human activities; the status of the species pursuant to the Federal Endangered Species Act, the California Endangered Species Act, and the California Fish and Game Code including legal protection; recovery efforts; penalties for violations; and any project-specific protective measures described in this document or any subsequent documents such as an Incidental Take Permit and/or Biological Opinion. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers before their performing work on the site. The biologist shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry on the site. Upon completion of the program, employees shall sign a form stating they attended the program and understand all the protection measures. Copies of the form shall be provided to the City.

**MM BIO – 1.2:** A qualified biologist will be on the site daily to monitor initial vegetation clearing and ground-disturbing activities. **(Less Than Significant Impact With Mitigation)**

### White-Tailed Kite

The white-tailed kite and other bird species could nest in trees and shrubs in and adjacent to the project site. Tree removal, grading, and construction on the site may result in the destruction of nests and/or cause nest abandonment.

**Impact BIO – 2:** Construction of the proposed project could adversely impact the white-tailed kite or other migratory bird species. **(Significant Impact)**

**Mitigation Measures:** Implementation of the following mitigation measures would reduce impacts to White-tailed kite and other migratory birds to a less than significant level:

**MM BIO – 2.1:** Information on white-tailed kites and other protected migratory birds shall be included in the environmental education program, as detailed in Mitigation Measure MM BIO – 1.1.

**MM BIO – 2.2:** If feasible, construction activities shall occur during the non-breeding season (September 1 - January 31). If such activities are scheduled during the breeding season, a qualified biologist shall conduct a preconstruction nest survey of all trees and shrubs and other suitable nesting habitat in and within 300 feet of the limits of work. The survey shall be conducted not more than five (5) days prior to the start of work. If the survey indicates the potential presence of nesting white-tailed kites or other birds, the biologist shall determine an appropriately sized buffer around the nest and no work will be allowed in this buffer until the young have successfully fledged. The size of the nest buffer will be determined by a qualified biologist in consultation with CDFW and will be based on the nesting species and its sensitivity to disturbance. In general, buffer sizes of up to 300 feet for raptors and 50 feet for other birds would prevent disturbance, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest. **(Less Than Significant With Mitigation)**

### Pallid Bat

The pallid bat may roost in trees and buildings on the site. All the trees and buildings on the site would be removed to allow development of the property. In the unlikely event pallid bats or other bat species are present on the site, building demolition and tree removal could result in injury or mortality to bats.

**Impact BIO – 3:** Construction of the proposed project could result in significant impacts to the pallid bat. **(Significant Impact)**

**Mitigation Measures:** Implementation of the following mitigation measures would reduce impacts to pallid bat to a less than significant level:

**MM BIO – 3.1:** *Pre-demolition Bat Survey.* A qualified bat biologist shall conduct a bat survey, no more than 14 days prior to the removal of any buildings or structures, to determine if bats are present. No activities that would result in disturbance to an active roost shall proceed prior to completion of the survey. If no active roosts are observed, then no further action shall be warranted. If a maternity roost is present, a qualified biologist shall determine the extent of a construction-free buffer zone around the active nurseries located during the survey. CDFW shall be notified of any active nurseries within the demolition/construction zone. No demolition or construction activities shall occur within the construction-free buffer zone between March 1 and August 31 to avoid construction disturbance to the maternity roost, as determined by the bat biologist. After August 31, roosting bats shall be safely evicted by a qualified bat biologist. A final report documenting the survey effort and any protection measures implemented by the project shall be submitted to the City Planning Department prior to the start of any demolition or grading activity. **(Less Than Significant Impact With Mitigation)**

*Dusky-footed Woodrat*

The San Francisco dusky-footed woodrat may inhabit the site. Two houses built by woodrats are present within 50 feet of the southern boundary of the site. Construction of the proposed project may result in impacts to San Francisco dusky-footed woodrats.

**Impact BIO – 4:** Construction of the proposed project may impact San Francisco dusky-footed woodrats on the site. **(Significant Impact)**

**Mitigation Measures:** Implementation of the following mitigation measures would reduce impacts to San Francisco dusky-footed woodrat to a less than significant level:

**MM BIO – 4.1:** Information on the San Francisco dusky-footed woodrat shall be included in the environmental education program, as detailed in Mitigation Measure BIO – 1.1.

**MM BIO – 4.2:** A qualified biologist shall conduct a preconstruction survey for San Francisco dusky-footed woodrat houses within 14 days prior to any tree removal or ground-disturbing activities. Any woodrat houses shall be identified, and their locations mapped and flagged to be avoided during construction activities. No work shall occur within a 20-foot buffer of any woodrat houses. If it is not possible to avoid a woodrat house, a qualified biologist shall develop a relocation plan. The relocation plan shall be submitted to CDFW for approval and then implemented as necessary. Copies of the relocation plan shall be provided to the City. **(Less Than Significant Impact With Mitigation)**

### Alameda Striped Racer

The Alameda striped racer (snake) is known to historically occur in the vicinity of the site. Individual Alameda striped racers may travel through the site. Grading and other construction activities may crush or entomb individual Alameda striped racers, resulting in injury or mortality. The project could likely to indirect impacts to the Alameda striped racer, including an increase in the number of non-native predators such as rats and domestic or feral dogs and cats. The project could also attract native and non-native urban-adapted mammalian predators, such as rats, raccoons, and striped skunks. These species are often attracted to urban environments to feed on urban-generated garbage. Alameda striped racers will avoid areas that lie adjacent to urban development due to losses of cover habitats in combination with the increase in native and non-native predator presence.

Project grading and development will permanently impact approximately 8.2 acres<sup>3</sup> of potential Alameda striped racer habitat.

**Impact BIO – 5:** Grading and other construction activities may crush or entomb individual Alameda striped racers resulting in injury or mortality to individual snakes and result in the loss of 8.2 acres of habitat.  
(Significant Impact)

**Mitigation Measures:** Implementation of the following mitigation measures would reduce impacts to Alameda striped racer to a less than significant level:

**MM BIO – 5.1:** Information on the Alameda striped racer shall be included in the environmental education program, as detailed in Mitigation Measure BIO – 1.1.

**MM BIO – 5.2:** A qualified biologist shall survey for Alameda striped racer during all initial ground-disturbing activities on the site. If an Alameda striped racer is found, it shall be captured and relocated away from the construction area by a qualified biologist in accordance with an approved relocation plan in compliance with all applicable regulations and guidelines. The biologist shall submit the results of the survey (and capture/relocation plan if applicable) to CDFW and USFWS for review and approval.

**MM BIO – 5.3:** Unless alternative (equivalent or more effective) measures are recommended by the qualified biologist and approved by the Planning Director, the project applicant shall install a solid fence to deter Alameda striped racers from entering the work site. The snake exclusion fence shall be constructed as follows:

---

<sup>3</sup> The entire site is approximately 8.88 acres. Buildings, a paved driveway, and a dense eucalyptus grove cover approximately 0.68 acres of the site, leaving 8.2 acres of potential habitat.

- Plywood sheets at least three feet in height, above ground. Heavy duty geotextile fabric or other materials approved by USFWS and CDFW may also be used for the snake exclusion fence;
- Buried four (4) to (six) 6 inches into the ground;
- Soil back-filled against the plywood fence to create a solid barrier at the ground;
- Plywood sheets maintained in an upright position with t-posts or stakes;
- Ends of plywood sheets overlapped with no gaps to ensure a complete barrier;
- Escape funnels installed in the fence every 200 linear feet; and
- Work site shall be completely enclosed by the exclusion fence or approved traps shall be installed at the ends of exclusion fence segments to allow capture and relocation of Alameda striped racer away from the construction area by a permitted biologist.
- The location and design of the proposed exclusion fence shall be submitted for review and approval by CDFW, USFWS, and Planning Director and be included on plans for all construction-related permits. If permits obtained through the implementation of Mitigation Measure BIO-5.6 require an alternate design or approach, those requirements will take precedence.

**MM BIO – 5.4:** The project applicant shall comply with the requirements in the above sections during construction activities. The approved protocol from Mitigation Measure BIO – 5.2 above shall be followed in the event an Alameda striped racer is encountered. The snake exclusion fence from Mitigation Measure BIO – 5.3 shall be installed and remain in place throughout the construction period. All construction activities and equipment/materials/debris storage shall take place on the project side of the exclusion fence.

**MM BIO – 5.5:** To compensate for permanent impacts to 8.2 acres of degraded, low-quality potential Alameda striped racer habitat, the project applicant shall purchase 8.2 acres of Alameda striped racer credits from a CDFW-approved mitigation or conservation bank(s) or other approved site. Permanent protection and funding for perpetual management of compensatory habitat shall be complete before starting construction.

**MM BIO – 5.6:** The applicant shall obtain the appropriate permits from USFWS and CDFW agencies or shall obtain concurrence from these agencies that no permits are required prior to initiation of construction activities and implement all conditions stipulated in the permits. **(Less Than Significant Impact With Mitigation)**

### California Red-legged Frog

California red-legged frogs are known to breed in ponds within one (1) mile of the site. No potential breeding habitat is located on the site. Although unlikely, individual California red-legged frogs may occasionally disperse through the site. The project, therefore, may cause the potential for harassment, injury, and/or mortality of individual adults and juveniles during construction. This includes the risk of incidental take crushing or entombment of individuals during grading. The project will result in permanent alteration of 8.2 acres of degraded but potentially occupied upland habitat. Implementation of the perimeter wildlife exclusion fencing as described in Mitigation Measure BIO – 5.3 would, in part, reduce the potential for dispersing frogs to move into the site.

**Impact BIO – 6:** Construction of the proposed project could cause injury and/or mortality of California red-legged frogs and result in the permanent loss of habitat. **(Significant Impact)**

**Mitigation Measures:** Implementation of the following mitigation measures would reduce impacts to California red-legged frogs to a less than significant level:

**MM BIO – 6.1:** Information on the California red-legged frog shall be included in the environmental education program, as detailed in Mitigation Measure BIO – 1.1.

**MM BIO – 6.2:** No more than 24 hours prior to the date of initial ground disturbance, a preconstruction survey for the California red-legged frog shall be conducted by a USFWS-approved biologist at the project site. The survey shall consist of walking the project limits and within the project site to ascertain the possible presence of the species. The USFWS-approved biologist shall investigate all potential areas that could be used by the California red-legged frog for feeding, breeding, sheltering, movement, and other essential behaviors. This includes an adequate examination of mammal burrows. If any California red-legged frogs are found, the USFWS-approved biologist shall contact the USFWS to determine if moving any of the individuals is appropriate. In making this determination the USFWS will consider if an appropriate relocation site exists. If the USFWS approves moving animals, the applicant shall ensure that the USFWS-approved biologist is given sufficient time to move the animals from the work site before ground disturbance is initiated. Only USFWS-approved biologists shall capture, handle, and monitor the California red-legged frog.

**MM BIO – 6.3:** To the extent practicable, initial ground-disturbing activities will be avoided between November 1 and March 31, when California red-legged frogs are most likely to be moving through upland areas. When ground-disturbing activities must take place between

November 1 and March 31, the applicant shall ensure that daily monitoring by the USFWS-approved biologist is completed for the California red-legged frog.

**MM BIO- 6.4:** The applicant shall obtain the appropriate permit from USFWS and implement all conditions stipulated in the permit or shall obtain concurrence that no permit is required prior to initiation of construction activities.

**MM BIO – 6.5:** To compensate for permanent impacts to 8.2 acres of degraded, low-quality potential California red-legged frog upland habitat, the project applicant shall purchase 8.2 acres of California red-legged frog credits from a USFWS-approved mitigation or conservation bank(s). Permanent protection and funding for perpetual management of compensatory habitat shall be complete before starting construction. If a permit issued by the USFWS has differing requirements, those requirements shall take precedence.

Implementation of these mitigation measures would reduce impacts to special-status plants and animals and breeding birds to a less than significant level. **(Less Than Significant With Mitigation)**

- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?*

The project would not adversely affect any riparian habitat, which is absent from the site. The ephemeral swale on the northern side of the property conveys stormwater but does not support any aquatic wildlife. This drainage only carries water intermittently, is lined with plastic sheeting, and does not support typical riparian plant species such as cattails and cottonwood trees. This ephemeral swale conveys stormwater from the adjacent Stonebrae development. A riparian corridor associated with an ephemeral stream located outside of the project area to the south shall not be directly or indirectly impacted by the project.

The CDFW tracks the occurrences of natural plant communities that are of limited distribution Statewide or within a county or region. Many special-status natural communities support special-status plants and animals and are addressed separately as habitat for those species. Northern coastal salt marsh (a baylands habitat) is the only special-status natural community that the CNDDDB lists within five (5) miles of the site. Northern coastal salt marsh is not present at the project site and will not be affected by the project. **(No Impact)**

- 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?*

There are no vegetated wetlands in the project site. There is one potentially jurisdictional feature on the project site that the Army Corps of Engineers (Corps) conducted a preliminary

jurisdictional determination and stated in a letter dated October 26, 2017 that one feature on the site may be subject to the Corps regulatory authority. The feature is an ephemeral swale that measures approximately 280 feet long and averages one (1) foot in width located on the northern portion of the project site. The project, due to grading of the site, would affect all approximately 280 linear feet of this ephemeral swale.

**Impact BIO – 7:** The construction of the proposed project would impact a potentially jurisdictional waterway as defined by the Corps. **(Significant Impact)**

**Mitigation Measures:** Implementation of the following mitigation measure would reduce impacts to jurisdictional waters to a less than significant level:

**MM BIO – 7.1:** The project will compensate for impacts to all areas delineated as jurisdictional on the site. The impacted feature shall be mitigated at a 1:1 ratio consistent with the Corps “no net loss” policy. The project applicant will obtain the necessary permits from the Corps, Regional Water Quality Control Board, and CDFW for any fill of jurisdictional areas. All terms of the permits shall be implemented as a condition of the project.

With the implementation of Mitigation Measure BIO – 7.1, impacts to jurisdictional waters would be reduced to a less than significant level. **(Less Than Significant With Mitigation)**

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, impede the use of native wildlife nursery sites?*

The project would not affect any fish. The project would affect the movement of common native resident wildlife species and a grazed open space area that is mostly surrounded by residential development and a school. Two black-tailed deer (*Odocoileus hemionus*) (a doe and a fawn) were seen on the project site on June 1, 2016, and numerous deer trails cross the property. Existing paved roads, residential housing, and tall fences surrounding the school sports fields already obstruct wildlife movements to some degree. Although the development would permanently block existing deer trails, deer are a common, non-special-status species and are able to persist in altered suburban landscapes and nearby Garin Regional Park provides substantial habitat; therefore, the proposed project would not impact this species.

Several species of native birds are expected to nest in the trees, shrubs, and grasslands in and adjacent to the project site. Native birds may also nest on manmade structures on the property. The nests of most native birds are protected under the federal Migratory Bird Treaty Act and Section 3503 of the California Fish and Game Code. If conducted during the nesting season (February 1 to August 31), proposed tree removal, demolition, and grading activities could directly impact nesting birds by removing vegetation or structures that support active nests. Implementation of Mitigation Measures BIO-2.1 and BIO-2.2 above would avoid or reduce impacts to nesting birds to a less than significant level. **(Less Than Significant With Mitigation)**



- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

A tree survey and appraisal was completed for the project site by LSA in June 2016 and re-evaluated in April 2018 (refer to Appendix B). Of the 78 trees on the site, 76 are protected under the City of Hayward Tree Preservation Ordinance. An additional off-site tree would be removed which is located north of Lot 3 on the proposed site plan and east of the proposed sewer line that would connect to an existing sewer line in Country Club Drive.

The City of Hayward protects trees that have a minimum trunk diameter of eight inches or more (measured 54 inches above the ground), street trees, memorial trees, trees that were planted as replacements for protected trees, and trees of certain species.<sup>4</sup> Based on the development envelope including extensive proposed grading for the project, all on-site trees including 76 protected trees and an additional off-site tree would be removed by the proposed development.

The project would be required to comply with the Tree Preservation Ordinance, which includes submittal of an application for a Protected Tree Removal or Cutting permit. The ordinance also requires replacement of removed or disfigured trees with like-size, like-kind trees or an equal value tree or trees as determined by the City's Landscape Architect. The replacement trees shall be located on site wherever possible. Where there is not enough room on-site for the replacement trees in the judgment of the City Landscape Architect or his or her designated representative, another site may be designated that is mutually agreeable. The Ordinance also includes protection measures for trees that would be retained to ensure they are not impacted during construction activities.

**Impact BIO – 8:** Development of the proposed project would result in significant impacts to on-site protected trees and one off-site tree. **(Significant Impact)**

**Mitigation Measures:** Implementation of the following mitigation measures would reduce impacts to protected trees to a less than significant level.

**MM BIO – 8.1:** All applicable requirements shall be followed and all permits obtained as required by the City's Tree Ordinance (HMC Chapter 10, Article 15). Per that ordinance, every effort shall be made to preserve the character of the area and the more valuable tree specimens on site to the greatest extent practicable. Final landscape plans shall be reviewed and approved by the City of Hayward Landscape Architect prior to issuance of any grading, trenching, encroachment, demolition, or building permit for development. Final landscape plans shall clearly identify all "protected trees," as defined in the Tree Preservation Ordinance, and all trees to be removed from the project

---

<sup>4</sup> The following tree species with a trunk diameter of four inches or more are protected under the City of Hayward Tree Preservation Ordinance: Big Leaf Maple, California Buckeye, Madrone, Western Dogwood, California Sycamore, Coast Live Oak, Canyon Live Oak, Blue Oak, Oregon White Oak, California Black Oak, Valley Oak, Interior Live Oak, and California Bay.

site and the size, location, type, value of trees and specify the species of all replacement trees.

**MM BIO – 8.2:**

The project applicant shall implement all tree protection measures recommended in the Arborist Report prepared for the project, which include the following:

- *Tree Avoidance.* The project plan shall avoid protected trees adjacent to the project site. The project plan shall incorporate placement of Tree Protection Fencing (TPF) outside the drip line of the off-site protected trees. The location of the TPF shall be shown on the project plans.
- *Excavation.* Within the dripline of retained trees, digging should be done with low impact machinery and hand tools. If the roots of retained trees become exposed during construction and need to be removed to allow construction to proceed, these roots must be cut cleanly with a sharp saw blade. Tree roots shall not be pulled or torn.
- *Tree Protection Fencing.* Prior to the start of construction, TPF shall be installed at the drip line of protected trees to be retained. The TPF should be maintained during the construction process to prevent direct damage to trees and their growing environment. The TPF should consist of high density polyethylene fencing with 3.5 inch by 1.5-inch openings (orange warning barrier fence) supported by metal “T-post” fence posts.
- *Use of Heavy Equipment.* Heavy machinery should not be staged or operated within the drip line of retained trees.
- *Incidental Damage to Retained Trees.* The attachment of wires, signs, and ropes to any retained tree should be prohibited. Injury to trees must be avoided.
- *Trimming.* The pruning of retained trees shall comply with the guidelines established by the International Society of Arboriculture; BMP; tree pruning and any special conditions as determined by a certified arborist.

By complying with the City’s Tree Preservation Ordinance for replacement of on-site trees and implementing tree protection measures for off-site trees, the project would not conflict with any local policies or ordinances protecting biological resources. **(Less Than Significant With Mitigation)**

- 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?*

There are no habitat conservation plans affecting the property, specifically, the project site is not located in an area covered by an adopted Habitat Conservation Plan or Natural Community Conservation Plan. **(No Impact)**

#### **4.4.4      Conclusion**

The proposed project, with the implementation of MM BIO – 1.1 through MM BIO – 8.2, would have a less than significant impact on biological resources. **(Less Than Significant Impact With Mitigation)**

## 4.5

## CULTURAL RESOURCES

This discussion is based on a Cultural Resources Assessment prepared by *Basin Research Associates, Inc.* in July 2016. A copy of this report is on file at the City of Hayward Planning Department.

4.5.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,11
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,11
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
e) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,11
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,11

#### **4.5.2      Setting**

Cultural resources are evidence of past human occupation and activity and include both historical and archaeological resources. These resources may be located above ground or underground and have significance in the history, prehistory, architecture, or culture of the nation, State of California, or local or tribal communities.

Paleontological resources are fossils, the remains or traces of prehistoric life preserved in the geologic record. They range from the well-known and well publicized (such as mammoth and dinosaur bones) to scientifically important fossils.

##### **4.5.2.1      *Prehistoric Context and Resources***

The proposed project is located on Walpert Ridge in the City of Hayward within the Stonebrae Country Club master planned residential area. Native American occupation of the area extended over 5,000 to 7,000 years and possibly longer. Springs and water courses were often a focus of prehistoric occupation in central California with Native American groups exploiting a variety of ecological resources associated with flowing and seasonal water. The project site is located within the vicinity of several creeks and their intermittent tributaries. The various sources of water would have provided a favorable environment during the prehistoric period with riparian and inland resources readily available and the bayshore in relatively close proximity.

Native American site types in the general Hayward area consist of habitation sites (e.g., villages and long-term camps including burials, temporary camps), non-habitation sites (e.g., workshops, hunting and butchering sites, etc.), bedrock mortars or other milling feature sites, rock art sites (e.g., petroglyph and pictographs), quarries, burial sites (including isolated burials), and trails.

The aboriginal inhabitants of southern Alameda County belonged to a Native American group known as the “Costanoan,” derived from the Spanish word *Costanos* (“coast people” or “coastal dwellers”) who occupied the central California coast as far east as the Diablo Range. The descendants of these Native Americans now prefer to be called Ohlone.

The project area is within the territory of the Chochenyo tribelet of the Ohlone. Historic accounts of the distribution of the tribelets and villages in the 1770s-1790s suggest that the Native Americans may have had a major village site along San Lorenzo Creek approximately four miles to the west as well as temporary camps in its vicinity. A major aboriginal trail passed through the City of Hayward, but no known Native American villages or trails have been identified in, adjacent or near the proposed project site.

#### **Archaeological Records**

The project site is not listed on the National Register of Historic Places, the California Inventory of Historic Resources, or the Office of Historic Preservation’s Directory of Properties in the Historic Property data file for Alameda County. In July 2016, a record search for prior archaeological studies was conducted at the Northwest Information Center, California Historical Resources Information System, at Sonoma State University. The records search noted no recorded archaeological resource sites within or adjacent to the project site.

The project site is located within an area designated as containing moderate sensitivity for archaeological resources. This determination was based on a review of recorded archaeological resources in Alameda County in the 1970's and has not been updated. In addition, sensitivity was also based on the presence of several flowing water sources and the number of archaeological sites recorded in the general Walpert Ridge area. Two archaeological resources were recorded within 0.25 miles of the project site.

### **Assembly Bill (AB) 52**

Assembly Bill (AB) 52 was approved by the Governor September 25, 2014. It adds a new category of resources to CEQA that must be considered during project planning – Tribal Cultural Resources. It also establishes a framework and timeline for consultation. AB 52 applies to projects that have a notice of preparation or a notice of negative declaration or mitigated negative declaration filed on or after July 1, 2015.

AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact.

This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. At the time of preparation of this Initial Study, the City of Hayward received request for consultation by the Ione Band of Miwok Indians.

#### **4.5.2.2      *Historic Resources***

The period of initial historic exploration of the project area started in 1769. Between 1769 and 1776, several Spanish expeditions went through Ohlone territory, including those led by Portola, Fages, Fages and Crespi, Anza, Rivera, and Moraga. Even though the routes of the early explorers cannot be determined with total accuracy, a number are known to have traveled near the project area. San Lorenzo Creek was viewed by Father Juan Crespi during the Pedro Fages expedition in 1772 and later in 1775/1776 by Father Pedro Font of the Juan Bautista de Anza expedition. The 1776 Juan Bautista de Anza National Historic Trail places the historic route along the foothills and would have proceeded through present-day Hayward.

### **Hispanic Era**

During the Spanish Period, the project was within the lands of Mission San Jose, established in 1797, the 14th of the 21 missions founded in California. This mission, located in the southeast area of present-day Fremont had jurisdiction over southern Alameda County. As one of seven missions in Ohlone territory, Mission San Jose had the greatest impact on the aboriginal population living in the project area. Settlement was concentrated around the Vallejo Mills (present day Niles in the City of Fremont) as well as Mission San Jose.