INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

TOLARI RESIDENCE PROJECT

HAYWARD, CALIFORNIA

LSA

April 2023

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April 7, 2023

Alameda County Clerk
1106 Madison Street
Oakland, CA 94607

City of Hayward Notice of Intent to Adopt a Mitigated Negative Declaration

Tolari Residence on Santos Ranch Road
Site Plan Review Application No. 202204010

Lead Agency: City of Hayward Planning Division
777 B Street, 1st Floor
Hayward, California 94541
Contact: Steve Kowalski, Associate Planner

Project Description: The proposed project consists of the construction of an approximately 6,700-square-foot, three-story single-family residence with a 918-square-foot attached garage and a 433-square-foot workshop. An approximately 1,000-foot-long, 20-foot-wide gated private driveway would be constructed at the south end of the project site that would lead from Santos Ranch Road to the residence near the center of the site. The proposed project includes the installation of a new on-site well for water service and a septic system for wastewater. Three 5,000-gallon water tanks and a 1,200-square-foot leach field would also be installed on the project site.

The proposed project requires Site Plan Review approval (a discretionary approval) from the City of Hayward Planning Director.

Project Location: The project site consists of two parcels totaling 19.96 acres located on the north side of Santos Ranch Road in Hayward, Alameda County. The majority of the project site consists of Assessor's Parcel Number (APN) 946-3800-004-12 (Parcel 1), which is approximately 16.86 acres in size. The remainder of the site consists of APN 946-3800-004-09 (Parcel 2), which is approximately 3.1 acres in size and located immediately south of Parcel 1. Vehicular access to the project site is provided by Santos Ranch Road, access to which is provided by Foothill Road in the City of Pleasanton to the east. Regional access to the project site is provided by Interstate 680 (I-680), on-ramps for which are located approximately 1.8 miles northeast and 1.3 miles southeast of the project site and also in the City of Pleasanton.

The project site is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, including a hazardous waste facility, land designated as hazardous waste property, a hazardous waste disposal site, or information in the Hazardous Waste and Substances Statement required under subdivision(f) of that section.

Project Applicant: Dean Finnegan on behalf of MDI Inc., 9767 Santos Ranch Road, Pleasanton, CA 94588

Property Owner: Geno Tolari, 1700 Championship Boulevard, Franklin, TN 37064

Providing Comments & Review Period: Please post this letter with the attached Draft Mitigated Negative Declaration and Initial Study for a period of 30 days to conform to CEQA Guidelines Section 15072. The specified posted comment period is from **Friday, April 7, 2023 to Monday, May 8, 2023 at 5:00 p.m.** Please send all comments by either: 1) U.S. mail; or 2) electronic mail (email) to:

Steve Kowalski, Associate Planner
City of Hayward Planning Division
777 B Street, 1st Floor
Hayward, California 94541
Email: Steve.Kowalski@hayward-ca.gov

Copies of the Draft Mitigated Negative Declaration and Initial Study are available for public review at Hayward City Hall at 777 B Street, Hayward on the First Floor Permit Center, Monday through Thursday from 9 a.m. to 1 p.m. Copies are also available for public review at the Hayward Public Library located at 888 C Street and at the Weekes Branch Library at 27300 Patrick Avenue in Hayward. Please see the Library and Community Services webpage at https://www.hayward-ca.gov/public-library/using-library/locations-hours for library days and hours. You may also review the document on the City's website at https://www.hayward-ca.gov/content/projects-under-environmental-review-0.

If the Mitigated Negative Declaration is approved by the Planning Director, the City will promptly file a Notice of Determination for the project with the Alameda County Clerk's Office.

If you have any questions, please contact the project planner, Steve Kowalski, at (510) 583-4210 or Steve.Kowalski@hayward-ca.gov.

INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

TOLARI RESIDENCE PROJECT

HAYWARD, CALIFORNIA

Submitted to:

City of Hayward
Planning Division
777 B Street
Hayward, California 94541

Prepared by:

LSA
157 Park Place
Pt. Richmond, California 94801
510.236.6810

Project No. HAY2001.08

LSA

April 2023

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LIST OF ABBREVIATIONS AND ACRONYMS

AB160A	Agriculture
APN	Assessor's Parcel Number
BAAQMD	Bay Area Air Quality Management District
BMP	best management practice
Cal-IPC	California Invasive Plant Council
CAP	City of Hayward Climate Action Plan
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CGS	California Geological Survey
CH_4	methane
CNEL	Community Noise Equivalent Level
CO_2	carbon dioxide
Corps	United States Army Corps of Engineers
dBA	A-weighted decibel
ESA	environmentally sensitive area
GHG	greenhouse gas
HMP	Habitat Mitigation Plan
I-680	Interstate 680
LID	Low Impact Development
L_{max}	maximum instantaneous sound level
LOS	Limited Open Space

MLD	Most Likely Descendant
mph	miles per hour
MRP	Municipal Regional Stormwater NPDES Permit
N_2O	nitrous oxide
NAHC	Native American Heritage Commission
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
OPR	Governor's Office of Planning and Research
PAR	Property Analysis Record
RWQCB	Regional Water Quality Control Board
SLF	Sacred Lands File
SRA	State Responsibility Area
TPZ	Tree Protection Zone
UCMP	University of California Museum of Paleontology
USFWS	United States Fish and Wildlife Service
VMT	vehicle miles traveled
WEF	wildlife exclusion fencing

1.0 PROJECT INFORMATION

1. **Project Title:**
   Tolari Residence Project

2. **Lead Agency Name and Address:**
   City of Hayward, Planning Division
   777 B Street
   Hayward, CA 94541

3. **Contact Person and Phone Number:**
   Steve Kowalski, Associate Planner
   Phone: (510) 583-4210
   Email: Steve.Kowalski@hayward-ca.gov

4. **Project Sponsor's Name and Address:**
   Dean Finnegan, MDI Inc.
   9767 Santos Ranch Road
   Pleasanton, CA 94588

5. **General Plan Designation:** Limited Open Space (LOS)

6. **Zoning:** Agriculture (AB160A)

7. **Project Location:**
   The approximately 19.96-acre project site consists of two parcels located on the north side of Santos Ranch Road in Hayward, Alameda County. The majority of the project site consists of Assessor's Parcel Number (APN) 946-3800-004-12 (Parcel 1), which is approximately 16.86 acres in size. The remainder of the site consists of APN 946-3800-004-09 (Parcel 2), which is approximately 3.1 acres in size and located immediately south of Parcel 1. Vehicular access to the project site is provided by Santos Ranch Road, access to which is provided by Foothill Road in the city of Pleasanton to the east. Regional access to the project site is provided by Interstate 680 (I-680), on-ramps for which are located approximately 1.8 miles northeast and 1.3 miles southeast of the project site and also in the city of Pleasanton. Figure 1-1 shows the regional site location, and Figure 1-2 shows an aerial photograph of the project site and surrounding land uses.

8. **Description of Project:**
   The project site is currently vacant and consists of steeply sloped terrain that has been previously affected by several landslides. As shown in Figure 1-2, dense woodlands cover the northern half of the project site, while the southern half is occupied by a mix of non-native grasslands, ruderal shrubs, and purple needlegrass. A small willow scrub and coyote brush scrubs are located near the northeast corner of the site.

The proposed project would consist of the construction of an approximately 6,700-square-foot, three-story single-family residence with a 918-square-foot attached garage and a 433-square-foot workshop on the southern half of the project site. The proposed residence would be a maximum of approximately 35 feet in height. The building would be all-electric as required by the City of Hayward's Reach Code.

An approximately 1,000-foot-long, 20-foot-wide gated, paved driveway would be constructed at the south end of the project site that would lead to the residence near the center of the site. Construction of the driveway would also include the installation of a culvert to cross a roadway ditch near the southern boundary of the project site. The residential structure and the majority of the proposed improvements would be located on Parcel 1, but a portion of the proposed driveway would be located on the neighboring Parcel 2 under a private access easement.

The proposed project would include the installation of a new on-site well for water service and a septic system for wastewater. Three 5,000-gallon water tanks and a 1,200-square-foot leach field would also be installed. The leach field would be located at the northeast corner of the project site. Six drainage management areas are proposed for the site, one of which would be treated by cartridge filtration, four of which would be treated by bioretention areas, and one of which would be self-treating.

A conceptual site plan is shown in Figure 1-3, and the proposed elevations are shown in Figures 1-4 and 1-5.

Project construction would take approximately 16 months and would occur in a single phase. Project construction is expected to begin upon issuance of building permits. Construction vehicles would access the site via Santos Ranch Road, and construction staging would occur within the existing project site. Grading for proposed improvements would require approximately 28,800 cubic yards of soil to be cut from the project site. Approximately 18,500 cubic yards would be used for fill, and the remaining 10,300 cubic yards would be exported from the project site. Construction of the proposed project would not require the removal of any trees.

9. Surrounding Land Uses and Setting:

The project site is bordered by Santos Ranch Road to the east and south and open space to the west and north. Farther south are single-family residential and agricultural uses and a large water tank owned by Pleasanton Township County Water District used for municipal consumption. As shown in Figure 1-2, the surrounding area primarily consists of open space with some sparsely placed residential development. Land owned by East Bay Regional Park District consisting of open space and recreational trails is located west of the project site.

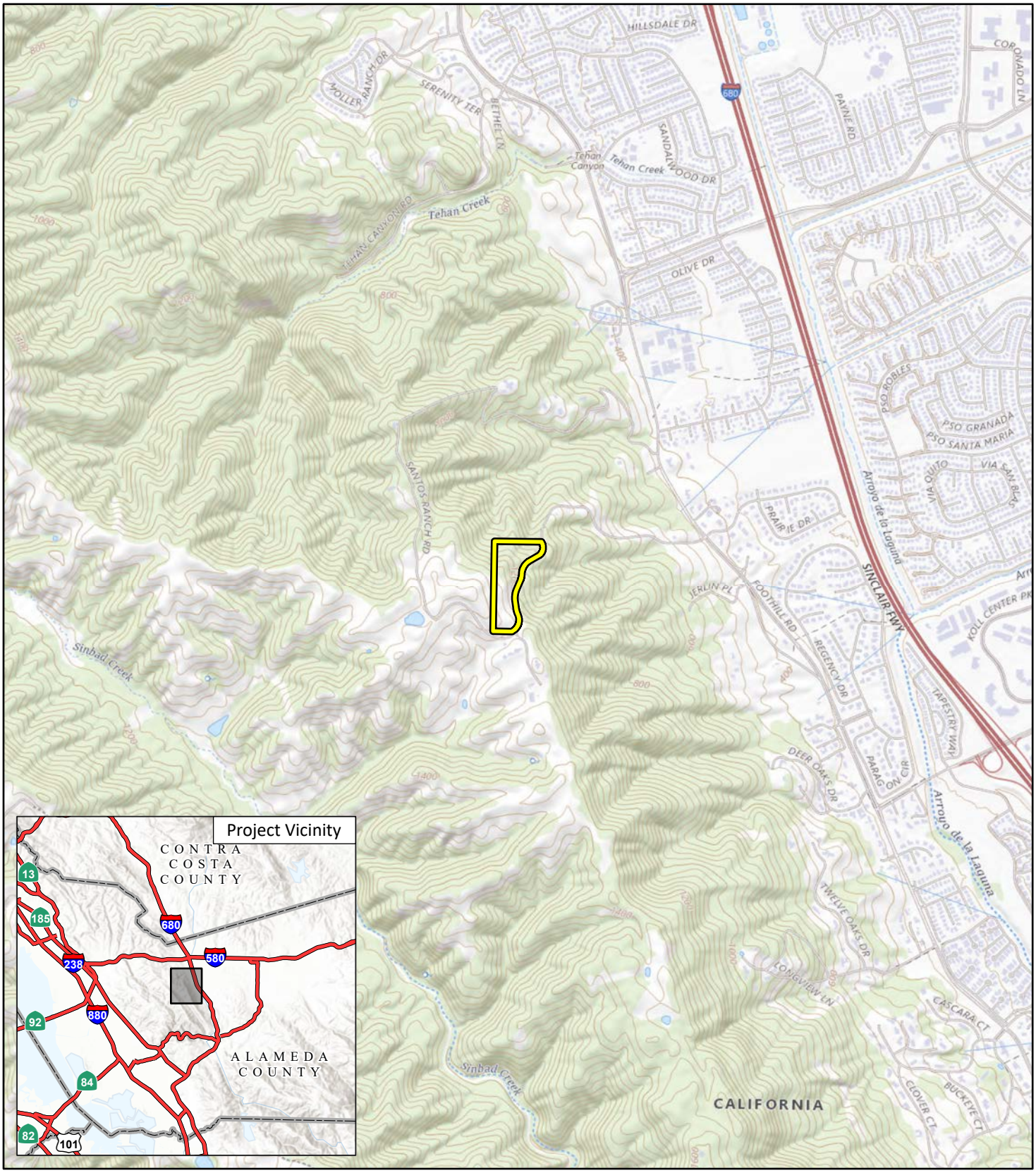
10. Other Public Agencies Whose Approval is Required (e.g., permits, financial approval, or participation agreements):

California Department of Fish and Wildlife; San Francisco Bay Regional Water Quality Control Board

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

A request form describing the proposed project was sent to the Native American Heritage Commission (NAHC) in West Sacramento requesting a list of tribes eligible to consult with the City, pursuant to Public Resources Code section 21080.3.1. The City sent letters regarding the proposed project to the two individuals who requested consultation, with one of the letters being sent to the Chairperson of the Confederated Villages of Lisjan on September 8, 2022 and one being sent to the Chairperson of the Ione Band of Miwok Indians on September 12, 2022. The City sent additional letters to all tribes traditionally affiliated with the project site on February 16, 2023. On February 22, 2023, the Chairperson of the Confederated Villages of Lisjan requested additional information related to the Sacred Lands File (SLF) search. The City replied that the SLF search was negative on February 23, 2023, and on March 8, 2023, the Chairperson noted that the Confederated Villages of Lisjan had no further information to supply about the proposed project. The Chairperson did, however, request to be contacted if any cultural resources are uncovered during project construction. No other requests for consultation were received. Therefore, the City considers the Assembly Bill 52 process complete.

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Project Location

FIGURE 1-1

N

0 1000 2000
FEET

SOURCE: USGS The National Map (2017)

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Tolari Residence Project IS/MND

Project Location and Regional Vicinity

This page intentionally left blank



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Project Location

FIGURE 1-2

N

0 500 1000

FEET

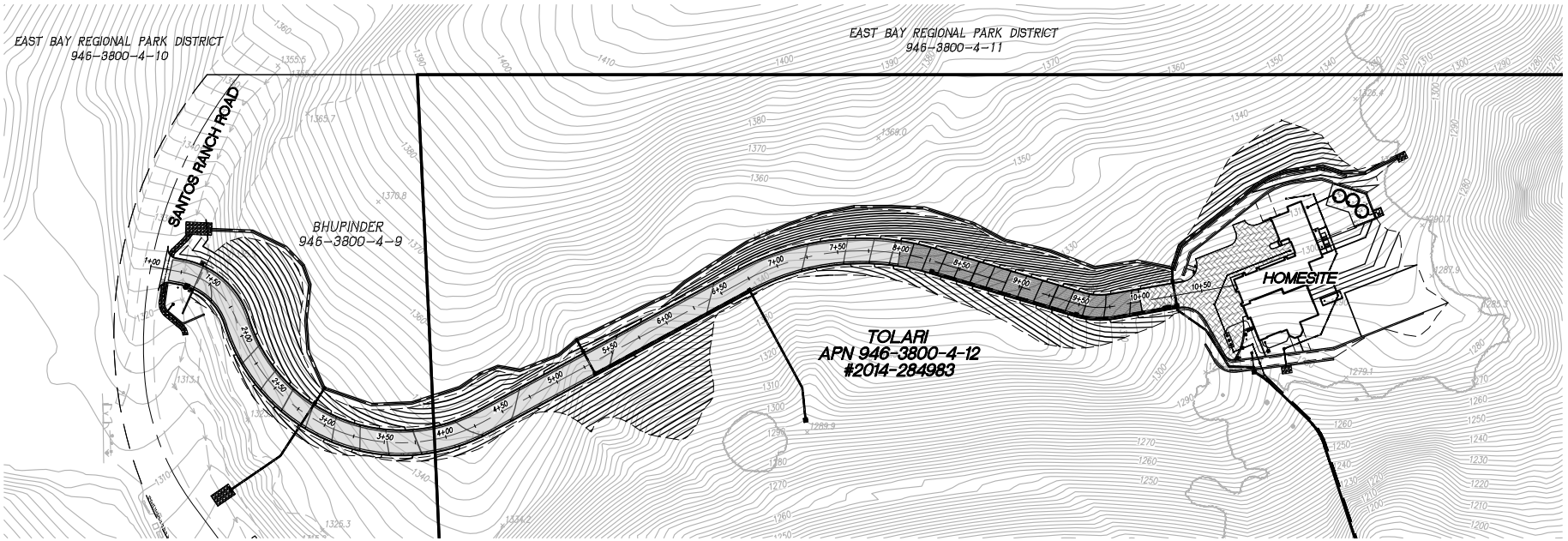
SOURCE: Nearmap (2022)

Tolari Residence Project IS/MND

Aerial Photograph of Project Site and Surrounding Land Uses

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FIGURE 1-3

N

0 80 160

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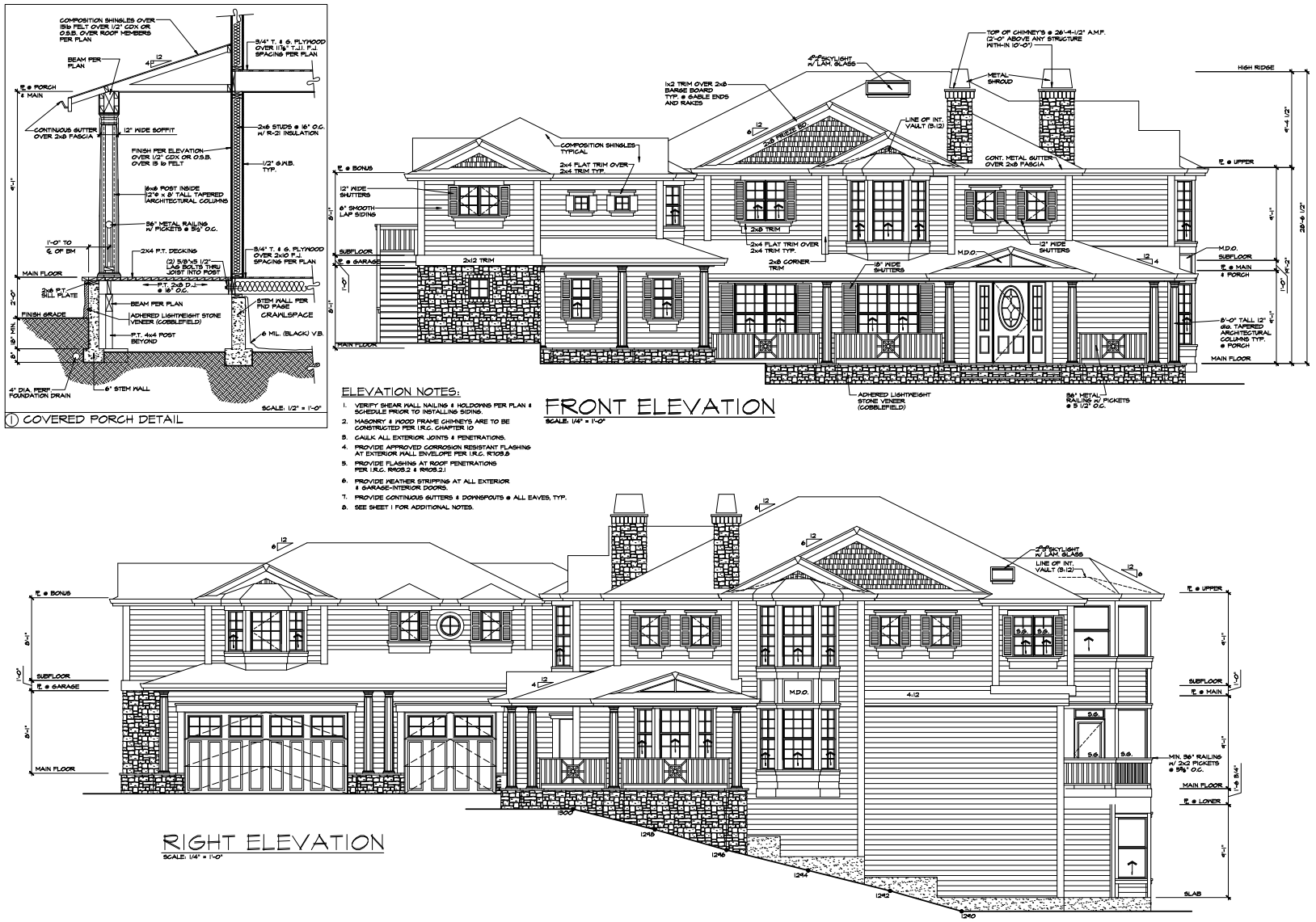
SOURCE: Milani and Associates

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Tolari Residence Project IS/MND

Proposed Site Plan

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FIGURE 1-4

0 8.5 17

FEET

SOURCE: Cornerstone Designs

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Tolari Residence Project IS/MND

Proposed Building Elevations – Front and Right

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FIGURE 1-5

0 8.5 17

FEET

SOURCE: Cornerstone Designs

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Tolari Residence Project IS/MND

Proposed Building Elevations – Rear and Left

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2.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist in Chapter 3.0.

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

2.1 DETERMINATION

On the basis of this initial evaluation:

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

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

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

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

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



Signature

April 7, 2023

Date

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3.0 CEQA ENVIRONMENTAL CHECKLIST

3.1 AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion

In Hayward, scenic vistas are characterized by public views of natural topography, open grassland vegetation, rolling hills, and the San Francisco Bay shoreline.[1] The proposed project would result in development of a single residential structure and associated improvements within a grassy, undeveloped hillside; however, the proposed single-family residence would be consistent with nearby land uses and visibility of the site from public vantage points would be limited due to intervening topography and surrounding dense tree cover. Additionally, the proposed project would be subject to the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines, which include requirements related to architecture and site design to ensure development in hillside areas enhances the aesthetic character of the hillside setting and protects and preserves environmental resources and significant natural features in the hills. Therefore, the proposed project would not have a substantial effect on a scenic vista, and this impact would be **less than significant**.

The project site is approximately 1 mile west of Interstate 680 in Pleasanton, which is an Officially Designated State Scenic Highway.[2] However, the project site is not visible from Interstate 680 due to existing development, intervening topography, and existing trees and vegetation. Nevertheless, the proposed project would not result in damage to any scenic resources such as trees, rock outcroppings, and historic buildings. Therefore, the proposed project would not substantially damage scenic resources within view of a State scenic highway and there would be **no impact**.

1 Hayward, City of, 2014. *Hayward 2040 General Plan Background Report.* January.

2 Caltrans, 2023. *Scenic Highways.* Website: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways (accessed February 24, 2023).

The project site is located within an urban area as it is within the City of Hayward, which is an incorporated city. As noted in Section 1.0, Project Information, the project site is located within the Agriculture (AB160A) zoning district. The AB160A district has a minimum lot size of 1 acre, maximum site coverage of 40 percent, and a maximum building height of 40 feet. The proposed project would consist of an approximately 6,700-square-foot, three-story single-family residence with a 918-square-foot garage and a 433-square-foot workshop on a 16.86-acre property. The proposed residence would be a maximum of approximately 35 feet in height and have a site coverage of approximately 0.69 percent. Therefore, the proposed residence would be consistent with the development standards for the AB160A zoning district and surrounding single-family residential land uses and would not degrade the visual character of the project site. This impact would be **less than significant**.

Streetlights, vehicle headlights and taillights, and lighting associated with existing homes in the adjacent neighborhoods are the existing sources of light and glare. The proposed project would introduce new sources of light and glare to the project site that do not currently exist. However, the proposed land use would be consistent with surrounding single-family residential uses and new sources of light and glare associated with the proposed project would not be substantial in the context of existing lighting sources. In addition, on-site lighting would be further reviewed during the Building Permit processes. Therefore, the proposed project would not adversely affect day or nighttime views in the area and this impact would be **less than significant**.

3.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Discussion

The project site is vacant and undeveloped and has not historically been used for any agricultural uses. The project site is classified as "Other Land" by the State Department of Conservation,[3] and the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. The project site is within the AB160A zoning district; however, single-family dwellings are listed as a permitted, primary use in the AB160A zoning district, and therefore the proposed project would not conflict with existing agricultural zoning. The project site has not been designated as an agricultural preserve and is less than 100 acres in size; therefore,

[3] California Department of Conservation, 2016. California Important Farmland Finder (map). Website: maps.conservation.ca.gov/dlrp/ciff/ (accessed January 13, 2023).

the project site is not eligible for a Williamson Act contract.[4] The project site is not zoned as forest land, timberland, or timberland production. Additionally, the proposed project would not result in the loss of forest land or conversion of forest land to non-forest use as the proposed project would not require the removal of any trees. Therefore, the proposed project would have **no impact** related to agriculture and forestry resources.

[4] California Department of Conservation, 2022. *Williamson Act Contracts.* Website: https://www.conservation.ca.gov/dlrp/wa/Pages/contracts.aspx (accessed January 13, 2023).

3.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Discussion

The applicable air quality plan is the Bay Area Air Quality Management District (BAAQMD) 2017 Clean Air Plan (Clean Air Plan), which was adopted on April 19, 2017. The Clean Air Plan is a comprehensive plan to improve Bay Area air quality and protect public health. The Clean Air Plan defines control strategies to reduce emissions and ambient concentrations of air pollutants; safeguard public health by reducing exposure to air pollutants that pose the greatest heath risk, with an emphasis on protecting the communities most heavily affected by air pollution; and reduce greenhouse gas emissions to protect the climate. Consistency with the Clean Air Plan can be determined if the project: (1) supports the goals of the Clean Air Plan; (2) includes applicable control measures from the Clean Air Plan; and (3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan.

The primary goals of the Bay Area Clean Air Plan are to: attain air quality standards; reduce population exposure and protect public health in the Bay Area; and reduce greenhouse gas emissions and protect climate. The BAAQMD has established significance thresholds for project construction and operational impacts at a level at which the cumulative impact of exceeding these thresholds would have an adverse impact on the region's attainment of air quality standards. The health and hazards thresholds were established to help protect public health. As discussed below, implementation of the proposed project would result in less than significant operation-period emissions and, with implementation of Mitigation Measure AIR-1, the proposed project would result in less than significant construction-period emissions. Therefore, the proposed project would not conflict with the Clean Air Plan goals.

The control strategies of the Clean Air Plan include measures in the following categories: Stationary Source Measures, Transportation Measures, Energy Measures, Building Measures, Agriculture Measures, Natural and Working Lands Measures, Waste Management Measures, Water Measures,

and Super-Greenhouse Gas (GHG) Pollutants Measures. The proposed project would result in the construction of a single-family residence, garage, workshop, driveway, groundwater well, and septic system; therefore, the Stationary Source, Energy Control, Agricultural Control, Natural and Working Lands Control, Water Control, and Super GHG Control Measures are not applicable to the proposed project.

The proposed project is not expected to result in a significant increase in the generation of vehicle trips or vehicle miles traveled. Therefore, the proposed project would not conflict with the BAAQMD's initiatives to reduce vehicle trips and vehicle miles traveled. In addition, the proposed project would be required to comply with the 2019 Title 24 standards, aimed at reducing greenhouse gas emissions. Therefore, the proposed project would not conflict with the Building Control Measures. Furthermore, the proposed project would comply with local requirements for waste management (e.g., recycling and composting services), as applicable, and would therefore be consistent with the Waste Management Control Measures. Therefore, the proposed project would not disrupt or hinder implementation of a control measure from the Clean Air Plan and this impact would be **less than significant**.

The proposed project would consist of the construction of an approximately 6,700-square-foot single-family residence and associated improvements. Grading for proposed improvements would require approximately 28,800 cubic yards of soil to be cut from the project site. Approximately 18,500 cubic yards would be used for fill, and the remaining 10,300 cubic yards would be exported from the project site. For single-family residential land uses, the BAAQMD screening size for construction criteria pollutants is 114 units. Therefore, based on the BAAQMD's screening criteria, construction activities associated with the proposed project are not anticipated to exceed established thresholds. In addition, the BAAQMD requires the implementation of the BAAQMD's Basic Construction Mitigation Measures (best management practices) to reduce construction fugitive dust impacts to a **less than significant** level as follows:

Mitigation Measure AIR-1 In order to meet the BAAQMD fugitive dust threshold, the construction contractor shall implement the following BAAQMD Basic Construction Mitigation Measures during all construction activities: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 tracked 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 5 miles per hour (mph).

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. If feasible, roadways, driveways, and sidewalks should be completed prior to excavation for utilities and foundations of the main house.
- Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the 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.
- A publicly visible sign shall be posted with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number (415-749-5000) shall also be visible to ensure compliance with applicable regulations.

As discussed above, the BAAQMD has developed screening criteria to determine whether a project requires an analysis of project-generated criteria air pollutants. If all the screening criteria are met by a proposed project, then the lead agency does not need to perform a detailed air quality assessment. For single-family residential land uses, the BAAQMD screening size for operational criteria pollutants is 325 units. The proposed project would develop a single-family residence and associated improvements. Therefore, based on the BAAQMD's screening criteria, the proposed project is not anticipated to exceed established thresholds and operation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the proposed project is nonattainment under applicable federal or State ambient air quality standards. Impacts would be **less than significant**.

The closest sensitive receptors to the project site include single-family residences located south and northwest of the project site along Santos Ranch Road. Construction of the proposed project may expose these surrounding sensitive receptors to airborne particulates, as well as a small quantity of construction equipment pollutants (i.e., usually diesel-fueled vehicles and equipment). However, construction contractors would be required to implement Mitigation Measure AIR-1 described above. With implementation of this mitigation measure, project construction pollutant emissions would be below the BAAQMD significance thresholds. Once the proposed project is constructed, the

proposed project would not be a source of substantial pollutant emissions. Therefore, sensitive receptors are not expected to be exposed to substantial pollutant concentrations during project construction and operation, and potential impacts would be considered **less than significant**.

During project construction, some odors may be present due to diesel exhaust. However, these odors would be temporary and limited to the construction period. The proposed project would not include any activities or operations that would generate objectionable odors, and once operational, the proposed project would not be a source of odors. Therefore, the proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. This impact would be **less than significant**.

3.4 BIOLOGICAL RESOURCES

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

Discussion

This section summarizes the conclusions of the Biological Resources Report prepared for the proposed project, which is included in Appendix A.[5]

Special-Status Plants and Sensitive Natural Communities

No special-status plant species were found at the project site, and the proposed project would not impact any special-status plants. As detailed in the Biological Resources Report, construction of the proposed project would impact two Sensitive Natural Communities including permanent (0.07 acres) and temporary (0.06 acres) impacts to Purple Needlegrass Grassland and 0.01 acres of permanent impacts to Coast Live Oak Woodland and Forest. Impacts to non-native grassland (1.07 acres permanent, 0.71 acres temporary), Coyote Brush Scrub (0.003 acres temporary), and Ruderal Herbaceous (0.05 acres permanent, 0.02 acres temporary) vegetation communities would also occur. Purple needlegrass as well as other native species are adapted to habitat conditions present

[5] Mosaic Associates, 2023. *Biological Resources Report for the Santos Ranch Road Residential Development Project, Hayward, Alameda County, California*. February.

on the project site and are expected to readily re-establish in the areas temporarily disturbed during construction. Purple needlegrass was observed on the project site growing in areas subject to past disturbance and competition from non-native grasses and forbs, and therefore purple needlegrass and other native grasses and forbs seeded on the project site are anticipated to persist in perpetuity. Therefore, with implementation of Mitigation Measures BIO-1a through BIO-1c, which require sensitive natural communities on the project site to either be protected or revegetated with native plant seeds to either reduce or replace the amount that are impacted by the proposed project, the impact of the proposed project on Sensitive Natural Communities would be reduced to a **less than significant** level.

Mitigation Measure BIO-1a

Revegetation with Native Plant Seed Mix. The approximately 0.13 acres of combined permanent and temporary impacts to Purple Needlegrass Grassland shall be mitigated by the application of the native plant seed mix detailed in Table 3.A to the approximately 0.79 acres of temporarily disturbed Non-native Grassland, Purple Needlegrass Grassland, and Ruderal Herbaceous vegetation in the fall after the completion of grading. Temporary impacts to up to 0.03 acres of Non-native Grassland, Coast Live Oak Woodland, and Ruderal Herbaceous vegetation due to leach field construction shall be mitigated by the application of the native plant seed mix in Table 3.A following the restoration of surface soils and topography. Seeding shall occur between April and October to allow sufficient time for herbaceous species to germinate, grow, and become established before the summer months when there is less rainfall. Any straw or other material added to the ground shall be certified weed free. The project applicant shall submit a revegetation plan for review and approval by the City of Hayward Community Development Director, or their designee, prior to any vegetation removal activities.

Table 3.A: Native Plant Seed Mix for Revegetation

Species	Annual or Perennial	Application Rate Pure Live Seed (pounds/acre)
Stipa pulchra Purple Needlegrass	Perennial	8.0
Bromus carinatus California brome	Perennial	6.0
Festuca microstachys Small fescue	Annual	1.5
Eschscholzia californica California poppy	Annual/perennial	1.0
Amsinckia menziesii Small-flowered fiddleneck	Annual	1.0
	Perennial	1.0

Table 3.A: Native Plant Seed Mix for Revegetation

Species	Annual or Perennial	Application Rate Pure Live Seed (pounds/acre)
Sisyrinchium bellum Blue-eyed grass *Plantago erecta* California plantain	Annual	2.0

Source: *Biological Resources Report for the Santos Ranch Road Residential Development Project* (Mosaic Associates 2023).

Mitigation Measure BIO-1b **Temporary Fencing for Sensitive Natural Communities.** Vegetation removal and ground disturbance shall be limited to the minimum necessary to conduct the proposed project. When work is conducted within 25 feet of Sensitive Natural Communities, temporary fencing (orange construction fencing or similar materials) shall be installed around Sensitive Natural Communities to ensure no equipment, materials, or construction personnel stray from the work area and impact Sensitive Natural Communities under the supervision of a qualified biologist/ecologist beyond impacts already detailed. The fencing shall be removed after project construction is complete. Erosion control measures and other best management practices shall be implemented as necessary to ensure that no sediment, pollutants, or other materials from the project work area reach Sensitive Natural Communities. Seed mixes used for erosion control, soil stabilization, or project landscaping shall not contain any species listed on the California Invasive Plant Council (Cal-IPC) Inventory.

Mitigation Measure BIO-1c **Tree Protection Plan.** The project applicant shall retain the services of an International Society of Arboriculture-certified Arborist prior to the start of construction activities to develop a Tree Protection Plan that will be implemented during construction. The Tree Protection Plan shall include tree protection measures, including specification of a Tree Protection Zone (TPZ), TPZ fencing requirements, pruning recommendations, and restrictions on earthwork within the TPZ. The fencing shall be removed after project construction is complete. The Tree Protection Plan shall be reviewed by the City of Hayward Community Development Director, or their designee, prior to the initiation of construction activities.

Special-Status Wildlife

Based on a site reconnaissance and review of available databases and literature, a total of 54 special-status wildlife species were determined to have the potential to occur on the project site. Of

these, 35 species were ruled out based on the lack of suitable habitat, local range restrictions, regional extirpations, lack of connectivity between areas of suitable or occupied habitat, lack of secondary sign, absence of host plants, and/or incompatible land use and habitat degradation. An additional five species are not expected to occur on the site based on the lack of specific habitat features such as burrows and a suitable prey base, while others were determined to have a low potential of occurrence based on the absence of observable nests and middens at the time of the field reconnaissance.[6] Therefore, the following 15 species have the potential to be affected by the proposed project.

Alameda whipsnake (*Masticophis lateralis euryxanthus*) – Federal and State Threatened. Suitable habitat is present throughout the project site particularly among the rock outcrops, coyote brush scrub, willow scrub, coast live oak woodland and forest, and adjacent grasslands. The rock outcrops provide suitable refugia habitat, and the mosaic of scrub, woodland, and grassland habitats provide suitable foraging habitat. The project site is situated within a continuous matrix of mostly undeveloped habitat with Santos Ranch Road and rural residences functioning as a potential source of mortality and injury. However, these features do not act as a barrier to migration, dispersal, or daily movements within a whipsnake's home range.

Construction-related activities and vegetation removal would result in the permanent and temporary loss of the Alameda whipsnake's critical habitat. Implementation of the proposed project would affect 1.92 acres of Alameda whipsnake critical habitat consisting of 0.773 acres of temporary effects and 1.15 acres of permanent effects. The loss is not expected to appreciably diminish the value of the critical habitat for the Alameda whipsnake or prevent critical habitat from sustaining its role in the conservation and recovery of the species. However, any impact to designated critical habitat would be considered significant. Implementation of Mitigation Measure BIO-2 would result in the permanent protection of approximately 4.30 acres of habitat in perpetuity, reducing potential impacts to a **less than significant** level.

Mitigation Measure BIO-2

Alameda Whipsnake Habitat Management Plan. To offset permanent effects to Alameda whipsnake critical habitat, the project applicant shall compensate for the permanent and temporary loss of Alameda whipsnake critical habitat at a ratio of 3:1 for permanent effects and 1.1:1 for temporary effects by permanently protecting 4.30 acres of habitat in perpetuity. If the leach field is located in Non-native Grassland, an additional 0.033 acres of compensation would be required to offset temporary impacts.

The applicant shall seek habitat that comprises high quality breeding, foraging, sheltering, migration, and/or dispersal habitat, or provides a functional linkage to areas of occupied habitat(s) to facilitate the (re)colonization from source populations.

[6] California tiger salamander (*Ambystoma californiense*), golden eagle (*Aquila chrysaetos*), burrowing owl (*Athene cunicularia*), San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*), and American badger (*Taxidea taxus*).

Compensation may consist of on-site or off-site habitat preservation, restoration and/or enhancement or a combination of on- and off-site habitat preservation, restoration, and/or enhancement. Coordination with the Unites States Fish and Wildlife Service (USFWS)/California Department of Fish and Wildlife (CDFW) shall be conducted at the discretion of the applicant as necessary.

Habitat Mitigation Plan. Prior to site disturbance, the applicant shall have an Alameda whipsnake Habitat Mitigation Plan (HMP) prepared by a qualified biologist that specifies on-site habitat restoration and preservation, habitat management, and habitat compensation; temporary and permanent impacts and compensation; performance criteria and monitoring measures to assess success; and long-term habitat protection through a deed restriction or conservation easement. The HMP shall be reviewed and approved by the City of Hayward Community Development Director, or their designee, prior to the issuance of any grading or building permits.

On-Site Habitat Restoration and Preservation. At a minimum, the applicant shall restore temporarily disturbed habitat(s) to original contours and baseline conditions. Credit for on-site restoration of areas subject to temporary disturbance shall be achieved once it is returned to and functions at baseline conditions or better consistent with performance criteria specified in the HMP. On-site habitat restoration for temporary impacts can be combined with preservation to fully mitigate impacts to Alameda whipsnake critical habitat if the aforementioned conditions are achieved. Permanent impacts to Alameda whipsnake habitat shall be mitigated through preservation in perpetuity of a deed restriction on Alameda whipsnake compensation land that would preclude land use inconsistent with Alameda whipsnake habitat conservation. Habitat management of Alameda whipsnake compensation land shall be consistent with the performance criteria and long-term habitat management specified in the HMP. Implemented as described above, on-site habitat restoration and preservation would fully mitigate temporary and permanent impacts to Alameda whipsnake critical habitat.

Conservation Bank Credits. The applicant shall purchase conservation bank credits at a USFWS/CDFW-approved conservation bank whose service area encompasses the action area for the species listed above. Conservation bank credits shall be purchased and documentation provided to the USFWS/CDFW comprising the Agreement for Sale of Conservation Credits, Bill of

Sale, Payment Receipt, and Updated Credit Ledger within 30 calendar days prior to the initiation of project ground-breaking activities.

Off-Site Habitat Acquisition and In-Perpetuity Preservation. The applicant shall contribute toward the acquisition of habitat approved by the USFWS/CDFW. Acquisition of land shall either be through a conservation easement or fee title. The conservation easement shall name the USFWS/CDFW as third-party beneficiaries or grantees and shall be held by an entity qualified to hold conservation easements subject to USFWS/CDFW approval. The endowment to manage the land and monitor the conservation easement shall be based on the management plan or a Property Analysis Record (PAR) (or PAR-equivalent) analysis. The endowment shall be secured with a Funding Assurance Letter stating that there are sufficient funds to compensate for the effects to Alameda whipsnake critical habitat. The Funding Assurance Letter provides evidence that the applicant has allocated sufficient funding to implement the proposed compensation/mitigation, monitoring, and reporting requirements including habitat conservation credits or land acquisition costs, costs of managing the compensation/mitigation lands, and an endowment. The Funding Assurance Letter shall be provided to the USFWS/CDFW for approval prior to project ground-breaking. The endowment shall be held by a USFWS/CDFW-approved entity in an amount agreed to by the USFWS/CDFW. A management plan shall be developed prior to or concurrent to the acquisition of land and shall include at a minimum: a description of existing habitats and proposed habitat creation, restoration, and/or enhancement; success criteria for habitat modification; monitoring criteria for Alameda whipsnakes; an integrated pest management plan; and adaptive management strategies. The applicant shall submit the management plan to the USFWS/CDFW for approval.

Construction-related activities and vegetation removal may also result in direct impacts to individual whipsnakes (e.g., mortality, injury or harassment, flushing from refugia, avoidance of on-site habitat, disruption to breeding, foraging, migration, dispersal or daily movement within its home range, and/or alterations to normal behaviors) or indirect impacts (e.g., seasonal habitat avoidance, altered travel pathways, truncation or home ranges, noise or light pollution, etc.). Implementation of Mitigation Measures BIO-3a through BIO-3j, which require various avoidance or precautionary measures to be taken during construction of the proposed project, would reduce these impacts to a **less than significant** level.

Mitigation Measure BIO-3a **Seasonal Work Window for Alameda Whipsnake.** Construction actions resulting in ground disturbance including clearing and

grubbing, grading, trenching, cut and fill, etc., shall be scheduled to occur between April 15 and October 15 during the Alameda whipsnake active season to minimize effects on Alameda whipsnakes and their habitat. Framing, building, paving, etc., after all ground disturbing activities occur would not constitute "ground disturbance" and could occur outside of this seasonal work window.

Mitigation Measure BIO-3b **Training Program for Construction Personnel.** Prior to the start of construction, a biologist experienced in biology and ecology of Alameda whipsnakes shall conduct an educational training program for all construction personnel including subcontractors. The training shall include, at a minimum, a description of the Alameda whipsnake and its habitat; sensitive habitats within the project area; an explanation of the status and protection under State and federal laws; the avoidance and minimization measures to be implemented to reduce the potential of take; communication and work stoppage protocols in case a listed species is observed within the project area; and an explanation of the environmentally sensitive areas and wildlife exclusion fencing and the importance of maintaining these structures. A fact sheet conveying this information shall be prepared and distributed to all construction personnel. Upon completion of the program, personnel shall sign a form stating that they attended the program and understand all the avoidance and minimization measures and implications of the governing environmental regulations.

The qualified biologist shall have a minimum of 5 years of academic training and professional experience in biological sciences and related resource management activities with a minimum of 2 years of experience with Alameda whipsnakes including surveys, habitat assessments, CDFW/USFWS permit applications, and/or mitigation and management planning.

Mitigation Measure BIO-3c **Environmentally Sensitive Area Fencing.** Prior to the start of construction, environmentally sensitive areas (ESAs)—defined as areas containing sensitive habitats adjacent to or within construction work areas where physical disturbance is not allowed—shall be clearly delineated using high-visibility orange safety fencing; on a case-by-case basis, one fence can serve as both wildlife exclusion fencing and ESA fencing (see Mitigation Measure BIO-3e). Construction work areas include the active construction site and all vehicle parking and staging areas. The qualified biologist shall work with the applicant and contractor to determine where ESA fencing will be installed. The ESA fencing shall remain in place throughout the duration of the proposed project, while

construction activities are ongoing, and be regularly inspected and fully maintained at all times.

Mitigation Measure BIO-3d **Wildlife Exclusion Fencing.** Prior to the start of construction, wildlife exclusion fencing (WEF) shall be installed along the project footprint in all areas where Alameda whipsnakes could enter the construction work area. A WEF Plan shall be prepared by the qualified biologist detailing the location, fencing and installation specifications, monitoring, and repair criteria. Vegetation shall be cleared at least 3 feet from the non-project side of the WEF and kept clear for the duration of the proposed project. Jump-outs or one-way exits shall be incorporated in the WEF design to allow Alameda whipsnakes to exit if present within the active construction site. On a case-by-case basis, one fence can serve as both wildlife exclusion fencing and ESA fencing. The WEF shall remain in place throughout the duration of the proposed project and be regularly inspected and fully maintained. Repairs to the WEF shall be made the same day of discovery to the extent feasible. Upon project completion the WEF shall be completely removed and the area cleaned of debris and trash and returned to natural conditions.

Mitigation Measure BIO-3e **Erosion Control Materials.** To prevent Alameda whipsnakes from becoming entangled or trapped in erosion control materials, plastic mono-filament netting (i.e., erosion control matting) or similar material shall not be used on the project site. This includes products that use photodegradable or biodegradable synthetic netting, which can take several months to decompose. Acceptable materials include tackified hydroseeding compounds and natural fibers such as burlap, jute, or twine with a wide aperture mesh.

Mitigation Measure BIO-3f **Clearance Survey.** Immediately prior to the initiation of any vegetation clearing, grubbing, grading, cut and fill, or other ground-disturbing activities, the qualified biologist shall conduct a clearance survey for Alameda whipsnakes. The qualified biologist shall conduct clearance surveys at the beginning of each day and regularly throughout the workday when the aforementioned activities are occurring that may result in take of Alameda whipsnakes.

Mitigation Measure BIO-3g **Biological Monitor.** The qualified biologist shall be present on site to monitor for Alameda whipsnakes and on-site compliance with mitigation measures outlined herein. The designated monitor and qualified biologist shall have the authority to halt construction if an Alameda whipsnake is observed within or near the work area. Once all ground-disturbing activities are complete, biological monitoring shall cease and a monthly compliance visit shall be conducted to

ensure the proposed project is compliant with all mitigation measures.

Mitigation Measure BIO-3h **Cease Work within 50 Feet.** If an Alameda whipsnake is observed on site, all work within 50 feet of the individual shall cease immediately. If the qualified biologist is not on site, the applicant or on-site supervisor shall immediately notify the qualified biologist. Alameda whipsnakes shall not be handled without authorization from the USFWS/CDFW and shall be allowed to exit the work area on their own. Based on the professional judgment of the qualified biologist, if project activities can be conducted without injuring or harassing the animal, it may be left at the location of discovery and monitored by the biologist while work continues. If construction activities pose a risk to the animal, work shall not proceed until the animal has left the area on its own. All project personnel shall be notified, and at no time shall work occur within 50 feet of the Alameda whipsnake(s) without a qualified biologist present. The qualified biologist shall be present during all construction activities where Alameda whipsnakes could occur.

Mitigation Measure BIO-3i **Escape Ramps.** To prevent inadvertent entrapment of animals during construction, all excavated, steep-walled holes or trenches more than 1 foot deep shall be covered with plywood or similar materials at the close of each working day or provided with one or more escape ramps constructed of earth fill or wooden planks. The qualified biologist shall inspect all holes and trenches at the beginning of each workday and before such holes or trenches are filled. All staged materials, equipment, and vehicles shall be inspected by the biologist prior to moving.

Mitigation Measure BIO-3j **Construction Site Management Practices.** The following construction site management practices shall be implemented to avoid or minimize effects on Alameda whipsnakes and their habitat:

1. A speed limit of 15 miles per hour (mph) in the project footprint in unpaved areas shall be enforced to reduce dust and excessive soil disturbance.

2. Construction access, staging, storage, and parking areas shall be located outside of any designated ESA or in areas environmentally cleared by the contractor. Access routes and the number and size of staging and work areas shall be limited to the minimum necessary to construct the proposed project. Routes and boundaries of roadwork shall be clearly marked prior to initiating construction or grading.

3. All food and food-related trash items shall be enclosed in sealed trash containers daily and properly disposed of off site.

4. No pets from project personnel shall be allowed anywhere in the project area during construction.

5. No firearms shall be allowed on the project site except for those carried by authorized security personnel or local, State, or federal law enforcement officials.

6. A Spill Response Plan shall be prepared. Hazardous materials such as fuels, oils, solvents, etc. shall be stored in sealable containers in a designated location that is at least 50 feet from hydrologic features.

7. All equipment will be properly maintained and free of leaks. Servicing of vehicles and construction equipment including fueling, cleaning, and maintenance shall occur at least 50 feet from any hydrologic features unless it is an existing gas station.

California red-legged frog (*Rana draytonii*) – Federal and State Threatened, State Species of Special Concern. Habitat within the project site comprises a matrix of grassland, oak woodland, and scrub habitat supporting annual grasses, herbaceous vegetation, and shrubs that provide suitable upland foraging and refugia habitat. California red-legged frogs can spend several days to weeks in upland habitat away from aquatic features during cool, damp periods and utilize dense vegetative ground cover. Based on the proximity of nearby breeding populations, confirmed observations, and the absence of movement barriers, California red-legged frogs can be expected to forage, migrate, and disperse across the project site.

Construction-related activities and vegetation removal may result in direct or indirect impacts to individual California red-legged frogs. However, implementation of Mitigation Measures BIO-3a through BIO-3j would partially reduce these impacts to a less than significant level. In addition, with implementation of Mitigation Measures BIO-4a and BIO-4b, ground-disturbing activities would not occur when California red-legged frogs would have a higher potential to occur on the project site and construction activity within 50 feet of any California red-legged frog would halt if encountered. Therefore, with implementation of Mitigation Measures BIO-4a and BIO-4b, potential impacts to California red-legged frogs would be reduced to a **less than significant** level.

Mitigation Measure BIO-4a **No Ground-Disturbance after Qualifying Rain Event.** No ground-disturbing activities (clearing and grubbing, grading, trenching, cut and fill, etc.) shall occur during or within 24 hours following a rain event exceeding 0.2 inch as measured by the National Oceanic and Atmospheric Administration (NOAA) National Weather Service for the Livermore Municipal Airport, CA (KLVK) base station.

Mitigation Measure BIO-4b **California Red-Legged Frog Encounter and Relocation.** If a California red-legged frog(s) is encountered in the active construction site, work activities within 50 feet of the individual(s) shall cease immediately and the applicant and qualified biologist shall be notified. Based on the professional judgment of the qualified biologist, if project activities can be conducted without harming or injuring the California red-legged frog(s), it may be left at the location of discovery and monitored by the USFWS-approved biologist. All project personnel shall be notified of the finding, and at no time shall work occur within 50 feet of the frog(s) without a qualified biologist present. If it is determined by the qualified biologist that relocating the California red-legged frog(s) is necessary, the following steps shall be followed:

1. Prior to handling and relocation, the qualified biologist with an applicable USFWS 10(A)(1)(a) recovery permit for California red-legged frogs shall take precautions to prevent introduction of amphibian diseases in accordance with the USFWS 2005 Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog. Disinfecting equipment and clothing is especially important when biologists are coming to the action area to handle amphibians after working in other aquatic habitats.

2. California red-legged frogs shall be captured by hand, dipnet, or other USFWS-approved methodology, transported by hand, dipnet, or temporary holding container, and released as soon as practicable the same day of capture. Handling of California red-legged frogs shall be minimized to the maximum extent practicable. Holding/transporting containers and dipnets shall be thoroughly cleaned, disinfected, and rinsed with freshwater prior to use within the project area.

3. California red-legged frogs shall be relocated to nearby suitable habitat outside of the work area and released in a safe area at a minimal distance from where it was discovered based on the qualified biologist's professional judgement. If California red-legged frogs are relocated, the USFWS/CDFW shall be notified within 24 hours of relocation.

Crotch bumble bee (*Bombus crotchii*) – State candidate for listing as Endangered. The project site supports suitable habitat for the crotch bumble bee, and associated food plants present on site include the ear-shaped wild buckwheat (*Eriogonum nudum* var. *auriculatum*) in purple needlegrass grassland, California poppy (*Eschscholzia californica*) in the non-native grasslands, and chaparral clarkia (*Clarkia affinis*) in the coyote brush scrub community.

Western bumble bee (*Bombus occidentalis*) – State candidate for list as Endangered. The project site supports suitable habitat for the western bumble bee, and associated food plants present on site include the ear-shaped wild buckwheat (*Eriogonum nudum* var. *auriculatum*) in purple needlegrass grassland, and rose clover (*Trifolium hirtum*), narrow leaf clover (*Trifolium angustifolium*), and subterranean clover (*Trifolium subterraneum*) in the non-native grasslands.

Obscure bumble bee (*Bombus caliginosus*) – State Special Animal. The project site supports suitable habitat for the obscure bumble bee, and associated food plants present on site include the coyote brush (*Baccharis pilularis* subsp. *consanguinea*) and miniature lupine (*Lupinus bicolor*) in the coyote brush scrub vegetation community, and silver lupine (*Lupinus albifrons* var. *albifrons)* in the non-native grasslands.

Construction-related activities and vegetation removal may result in direct or indirect impacts to Crotch bumble bees, western bumble bees, and obscure bumble bees. In particular, implementation of the proposed project could result in the loss of food plants, including buckwheat (*Eriogonum nudum* var. *auriculatum*), California poppy (*Eschscholzia californica*), chaparral clarkia (*Clarkia affinis*), coyote brush (*Baccharis pilularis* subsp. *consanguinea*), miniature lupine (*Lupinus bicolor*), narrow leaf clover (*Trifolium angustifolium*), rose clover (*Trifolium hirtum*), silver lupine (*Lupinus albifrons* var. *albifrons*), and subterranean clover (*Trifolium subterraneum*). These food plants easily repopulate areas, and removal of these host plants combined with the abundance of similar host plants on neighboring parcels will not appreciably diminish the overall habitat value of the property. However, temporary impacts to these species would be considered significant. Implementation of mitigation measures BIO-1a through BIO-1c and BIO-3a through BIO-3j reduce potential impacts to Crotch bumble bees, western bumble bees, and obscure bumble bees to a **less than significant** level.

Bridges' coast range shoulderband snail (*Helminthoglypta nickliniana bridgesi*) – State Special Animal. Suitable habitat is present throughout the project site especially in areas supporting thistles (*Cirsium* spp.), star thistle (*Centaurea* spp.), rock outcrops, and small woody debris.

Construction-related activities and vegetation removal may result in direct or indirect impacts to individual Bridges' coast range shoulderband snails, including through the loss of host plants such as thistles (*Cirsium* spp.*)* and star thistle (*Centaurea* spp.*)*. These host plants easily repopulate areas, and removal of these host plants combined with the abundance of similar host plants on neighboring parcels will not appreciably diminish the overall habitat value of the property. However, temporary impacts to these species would be considered significant. However, implementation of Mitigation Measures BIO-1a through BIO-1b and BIO-3a through BIO-3j would partially reduce these impacts to a less than significant level. In addition, Mitigation Measure BIO-5 would require the relocation of any snails that are found on the project site to ensure direct impacts are reduced. With implementation of Mitigation Measure BIO-5, potential impacts would be reduced to a **less than significant** level.

Mitigation Measure BIO-5 **Biological Survey for Snails.** Prior to the start of surface-disturbing activities, a qualified biologist should conduct a survey to locate individual snails. If any snails are found in the project footprint, they should be collected and relocated to suitable areas outside the

project footprint and if possible, placed on similar vegetation from which they were collected.

White-tailed kite (*Elanus leucurus)* – State Fully Protected. Suitable nesting habitat is present among the mature trees on site, and suitable foraging habitat is present throughout the project site. Evidence of small mammal activity within the study area was minimal, comprising scattered gopher burrows. Sign of other prey species including meadow voles, mice, and lizards was observed on the project site.

California horned lark (*Eremophila alpestris actia)* – State watch list. Suitable nesting and foraging habitat is present throughout the study area.

Cooper's hawk (*Accipiter cooperii*) (nesting) – State watch list. Cooper's hawks utilize the same nesting habitat as white-tailed kites. The mature trees on site provide suitable nesting habitat, and suitable foraging habitat is present throughout the study area. Cooper's hawks are relatively common throughout Alameda County and have the potential to nest or forage on site.

Ferruginous hawk (*Buteo regalis)* – State watch list. Overwintering ferruginous hawks utilize a variety of open grassland, agricultural, and desert habitats. The grasslands and edge habitat along the woodlands within the study area provide suitable overwintering and foraging habitat. Based on the location of the project amidst a larger matrix of grasslands and woodlands with abundant prey, ferruginous hawks have the potential to overwinter, roost, and forage within the project site.

Sharp-shinned hawk (*Accipiter striatus*) – State Species of Special Concern, USFWS Birds of Conservation Concern. Sharp-shinned hawks utilize the same nesting habitat as white-tailed kites. The mature trees on site provide suitable nesting habitat, and suitable foraging habitat is present throughout the project site.

The proposed project would not result in the loss of known nests or nest trees. However, construction-related activities and vegetation removal may result in direct impacts to individual white-tailed kites, Cooper's hawks, sharp-shinned hawks, ferruginous hawks, California horned larks, and nesting migratory birds. Implementation of Mitigation Measures BIO-1b, BIO-1c, BIO-3d, and BIO-3j would all partially reduce potential impacts. In addition, Mitigation Measures BIO-6a through BIO-6c would reduce potential impacts to special-status birds and nesting migratory birds by limiting the tree removal period, requiring surveys to determine whether or not birds would be present, and requiring specific procedures to be followed in the event active nests are found. Implementation of Mitigation Measures BIO-6a through BIO-6c would reduce potential impacts to a **less than significant** level.

Mitigation Measure BIO-6a **Work Period to Avoid Impacts to Nesting Birds.** Tree removal, pruning, or grubbing activities should be conducted in the fall during the non-breeding season (i.e., between September 1 and January 31), if possible, to avoid impacts to nesting migratory birds.

Mitigation Measure BIO-6b **Preconstruction Nesting Bird Surveys.** If project construction begins during the breeding season (February 1 to August 31),

preconstruction nesting bird surveys should be conducted within the project footprint and a 50-foot buffer for migratory birds and a 300-foot buffer for raptors, by a qualified biologist no more than 7 days prior to equipment or material staging, pruning/grubbing, or surface-disturbing activities. If no active nests are found, no further mitigation is necessary.

Mitigation Measure BIO-6c **Buffers for Active Nests.** If active nests (i.e., nests with eggs or young birds present) are found, non-disturbance buffers should be established at a distance sufficient to minimize disturbance based on the nest location, topography, cover, the nesting pair's tolerance to disturbance, and the type/duration of potential disturbance. The non-disturbance zone may be further reduced if a qualified biologist is present to educate workers about the sensitivity of working in proximity to active nests and be on site to monitor the nest during work adjacent to the buffer to determine if project activities are causing nest disturbance. The qualified biologist should conduct regular monitoring visits to document nest phenology and potential for disturbance during the different nest stages. If buffers are established and it is determined that project activities are resulting in nest disturbance, work should cease immediately and the CDFW and the USFWS Migratory Bird Regional Permit Office should be contacted for further guidance.

Hoary bat (*Lasiurus cinereus*) – State Special Animal. Suitable roosting habitat is present among the mature trees particularly along the edge habitat between the woodlands and grasslands/scrub. Hoary bats are less likely to forage on the project site based on their preference for riparian habitat, but they may forage at nearby stock ponds.

Pallid bat (*Antrozous pallidus*) – State Species of Special Concern. The project site supports suitable roosting habitat among the rock outcrops and mature trees with hollows, bole cavities, and exfoliating bark in the coast live oak woodland and forest vegetation community. The entire project site provides suitable foraging habitat.

Townsend's western big-eared bat (*Corynorhinus townsendii*) – State Species of Special Concern. The study area supports suitable roosting habitat among the rock outcrops and mature trees with hollows, bole cavities, and exfoliating bark in the coast live oak woodland and forest vegetation community. The entire property provides suitable foraging habitat, although the species is likely to seek foraging areas along riparian corridors or the nearby stock ponds.

Construction-related activities and vegetation removal may result in direct impacts to individual hoary bats, pallid bats, and Townsend's western big-eared bats (e.g., mortality, injury or loss of roosting habitat including rock outcrops and mature trees with hollows, bole cavities, and exfoliating bark in the coast live oak woodland and forest vegetation community) and/or indirect impacts (e.g., temporary loss of habitat, roost site avoidance, shift in foraging behaviors, noise or light pollution, etc.). Implementation of Mitigation Measures BIO-1a, BIO-1b, BIO-3c, BIO-3d, and BIO-3j would all

partially reduce potential impacts. In addition, implementation of Mitigation Measures BIO-7a through BIO-7d would reduce potential impacts to special-status bats by identifying any bat roosting habitats, limiting the habitat that could be trimmed, identifying roosting bats, and establishing a buffer zone for any roosting bats. With implementation of Mitigation Measures BIO-7a through BIO-7d, potential impacts would be **less than significant**.

Mitigation Measure BIO-7a **Preconstruction Surveys for Bat Roosting Habitat.** Preconstruction surveys shall be conducted by a qualified biologist for all areas that provide suitable bat roosting habitat including snags, rotten stumps, decadent trees with broken limbs, exfoliating bark, bole cavities or hollows, dense foliage, rock outcrops, etc. Sensitive habitat areas and roost sites shall be avoided to the maximum extent practicable. If no suitable roost sites are identified, no further minimization measures are necessary.

Mitigation Measure BIO-7b **Trimming or Removal of Potential Roost Sites**. If potential roost sites (trees, snags, rock outcrops, etc.) are to be removed or trimmed, limbs smaller than 3 inches in diameter shall be cut and the tree left overnight to allow any bats that may be using the tree/snag time to locate another roost. A qualified biologist shall be present during the trimming or removal of trees, snags, stumps, or rock outcrops.

Mitigation Measure BIO-7c **Preconstruction Survey for Roosting Bats.** Prior to tree trimming, a qualified biologist shall conduct a preconstruction clearance survey to identify if any bats are roosting within the structures. If bats are roosting within the structure bat exclusion measures shall be implemented that allow bats to freely leave the structure but prevents them from returning.

Mitigation Measure BIO-7d **Buffer Zone for Roosting Bats.** If roosting bats are detected in the work area, work should not proceed if the qualified biologist determines if they will be directly impacted by project activities. A non-disturbance buffer zone of 50 feet should be established until guidance from CDFW is obtained.

Monarch butterfly (*Danaus plexippus plexippus pop. 1*) – Federal candidate species. Suitable overwintering habitat for the monarch butterfly is not present on the project site. However, the butterfly's host plant, the narrow leaf milkweed (*Asclepias fascicularis*), was identified on the project site. Monarch butterflies could utilize these host plants for breeding. Construction-related activities and vegetation removal may result in indirect impacts to monarch butterflies through the removal of the narrow leaf milkweed. Implementation of Mitigation Measures BIO-8a through BIO-8c would reduce this potential impact to a **less than significant** level by identifying, protecting, and replacing milkweed plants on the project site, which would ensure breeding habitat for the monarch butterfly would be retained.

Mitigation Measure BIO-8a **Preconstruction Surveys for Milkweed and Nectar Plants.** Preconstruction surveys shall be conducted during the monarch breeding season (March 16 through November 30) to determine if milkweed is present in the proposed development footprint and is being used for monarch breeding. Surveys shall be conducted by a qualified biologist no more than 14 days prior to ground or vegetation disturbance activities. The biologist shall search for evidence of monarch eggs, caterpillars, chrysalises, and adults. If active monarch breeding is identified, the milkweed stand shall be avoided until the applicant develops and implements a salvage and relocation plan that has been reviewed and approved by the applicable Resource Agencies.

Mitigation Measure BIO-8b **Revegetation of Milkweed Plants.** The combined permanent and temporary impacts to milkweed plants shall be mitigated by the application of the milkweed seed to the temporarily disturbed milkweed area between April and October after the completion of grading. Milkweed as well as other native species are adapted to habitat conditions present on the project site and are expected to readily re-establish in the areas temporarily disturbed during construction. Temporary impacts to up to 0.03 acres of milkweed habitat due to leach field construction would be mitigated by the application of the milkweed seed. Seeding in the fall is expected to allow sufficient time for herbaceous species to germinate, grow, and become established before the summer drought. Any straw or other material added to the ground should be certified weed free.

Mitigation Measure BIO-8c **Protection of Milkweed Plants.** Vegetation removal and ground disturbance shall be limited to the minimum necessary to conduct the proposed project. When work is conducted in the vicinity of the milkweed plants, temporary fencing (orange construction fencing or similar materials) shall be installed around milkweed to ensure no equipment, materials, or construction personnel stray from the work area and impact milkweed beyond impacts already detailed. The fencing shall be removed after project construction is complete. Erosion control measures and other best management practices shall be implemented as necessary to ensure that no sediment, pollutants, or other materials from the project work area reach the milkweed plants. Seed mixes used for erosion control, soil stabilization, or project landscaping shall not contain any species listed on the California Invasive Plant Council (Cal-IPC) Inventory.

Wetlands and Riparian Habitat

Construction of the proposed driveway requires the installation of a culvert to cross a roadway ditch, and riprap placement in the ditch to abate erosion. Culvert and riprap placement in the ditch

would be permanent features, but these impacts would not be considered significant due to the poor habitat value and eroding character of the earthen ditch that would be subject to construction disturbance. However, placement of the culvert and riprap would require the discharge of fill material in what may be regarded as Waters of the State, potentially requiring authorization from the California Department of Fish and Wildlife (CDFW) pursuant to Section 1602 of the California Fish and Game Code and the Regional Water Quality Control Board (RWQCB) pursuant to the Porter-Cologne Water Quality Control Act and California Water Code Sections 13000–14920. The roadside ditch appears to have been excavated or developed as an erosional feature in uplands and is likely exempt from United States Army Corps of Engineers (Corps) jurisdiction as a Water of the U.S. Therefore, mitigation is not warranted and this impact would be **less than significant**. The City may require the project applicant to submit applications for authorization to the CDFW and RWQCB and provide documentation that the work is authorized or that authorization by those agencies is not required.

Wildlife Movement Corridors

The proposed project would not interfere or impede in the movement of native wildlife. The project site is located in a matrix of undeveloped contiguous habitat comprising oak woodland, riparian, grassland, and scrub habitat with scattered rural residences. The scope and footprint of the proposed project are small compared to the surrounding available habitat. The proposed project would not appreciably increase the footprint of developed habitat or modify existing wildlife movement corridors. Species can freely move between habitat types and avoid the project area during the construction phase. Temporarily disturbed habitat as part of the proposed project is expected to recover within one calendar year to pre-project conditions. The proposed project would not result in significant impacts to the movement of native fish, wildlife, or established wildlife corridors, and this impact would be **less than significant**.

Local Policies and Habitat Conservation Plans

The proposed project was designed to be consistent with the City of Hayward General Plan Natural Resource Policies described in Section 4.9 of the Biological Resources Report prepared for the proposed project, which is included in Appendix A. The proposed project would minimize impacts to sensitive natural communities and would implement mitigation measures to ensure that impacts to special-status species would be avoided during construction. Through careful design, construction of the proposed project would protect habitat for rare and endangered wildlife species and would not impede the mobility of terrestrial wildlife. Based on consideration of the relevant local goals and policies from the Natural Resources Element of the City of Hayward General Plan, the proposed project does not conflict with local policies or ordinances related to biological resources and this impact would be **less than significant**.

Additionally, no local, regional, or statewide habitat conservation plans have been adopted for the area in which the proposed project is located; therefore, there is no conflict and **no impact**.

3.5 CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☒	☐	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Discussion

The project site does not contain any known historic, or potential historic, resources as defined by *State CEQA Guidelines* Section 15064.5.[7] Although no archaeological deposits that qualify as historical resources are known to be present at the project site, the potential for such resources cannot be discounted. If significant archaeological deposits were unearthed during project construction, a substantial adverse change in the significance of a historical resource would occur from its demolition, destruction, relocation, or alteration such that the significance of the resource would be materially impaired pursuant to *State CEQA Guidelines* Section 15064.5(b)(1). With implementation of the following mitigation measure, potential impacts to archaeological historical resources would be reduced to a **less than significant** level.

Mitigation Measure CUL-1 Should an archaeological deposit be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology contacted to assess the situation, determine if the deposit qualifies as a historical resource, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. If the deposit is found to be significant (i.e., eligible for listing in the California Register of Historical Resources), the applicant shall be responsible for funding and implementing appropriate mitigation measures. Mitigation measures may include recordation of the archaeological deposit, data recovery and analysis, and public outreach regarding the scientific and cultural importance of the discovery. Upon completion of the selected mitigations, a report documenting methods and findings shall be prepared and submitted to the City for review, and the final report shall be submitted to the Northwest Information Center at Sonoma State University. Significant archaeological materials shall be submitted to an appropriate

[7] Hayward, City of. 2014. *Hayward General Plan Update Background Report.* January 31.

curation facility and used for public interpretive displays, as appropriate and in coordination with a local Native American tribal representative.

The applicant shall inform its contractor(s) of the sensitivity of the project area for archaeological deposits and shall verify that the following directive has been included in the appropriate contract documents:

> *"The subsurface of the construction site may be sensitive for Native American archaeological deposits. If archaeological deposits are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist contacted to assess the situation, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any archaeological materials. Archaeological deposits can include shellfish remains; bones; flakes of, and tools made from, obsidian, chert, and basalt; and mortars and pestles. Contractor acknowledges and understands that excavation or removal of archaeological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5."*

There are no known human remains at the project site. In the event that human remains are identified during project construction, these remains would be treated in accordance with Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources Code, as appropriate.

Section 7050.5 of the California Health and Safety Code states that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the California Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Section 5097.98 of the Public Resources Code states that the NAHC, upon notification of the discovery of Native American human remains pursuant to Health and Safety Code Section 7050.5, shall immediately notify those persons (i.e., the MLD) it believes to be descended from the deceased. With permission of the landowner or a designated representative, the MLD may inspect the remains and any associated cultural materials and make recommendations for treatment or disposition of the remains and associated grave goods. The MLD shall provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being

granted access to the site. With these regulations in place, no impact on human remains is anticipated. This impact would be **less than significant**.

3.6 ENERGY

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

Discussion

The proposed project would not substantially increase energy demand during construction and operation, as described below.

Construction-Period Energy Use

The anticipated construction schedule assumes that the proposed project would be built over a 16-month period. The proposed project would require grading, site preparation, and building activities during construction.

Construction of the proposed project would require energy for the manufacture and transportation of construction materials, preparation of the site for grading activities, and construction of the building and associated improvements. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. In order to increase energy efficiency on the site during project construction, the proposed project would be required to restrict equipment idling times to 5 minutes or less and would require construction workers to shut off idle equipment, as required by Mitigation Measure AIR-1, identified in Section 3.3. In addition, construction activities are not anticipated to result in an inefficient use of energy as gasoline and diesel fuel would be supplied by construction contractors who would conserve the use of their supplies to minimize their costs on the proposed project. Energy usage on the project site during construction would be temporary in nature and would be relatively small in comparison to the State's available energy sources. Therefore, with implementation of Mitigation Measure AIR-1, construction energy impacts would be **less than significant**.

Operational Energy Use

Typically, energy consumption is associated with fuel used for vehicle trips and electricity and natural gas use. The expected energy consumption during operation of the proposed project would be consistent with typical usage rates for residential uses; however, energy consumption is largely a function of personal choice and the physical structure and layout of buildings. The proposed project would be required to comply with the Title 24 standards, which would help to reduce energy consumption. The building would be all-electric as required by the City of Hayward's Reach Code.[8] In

[8] Hayward, City of, 2022. *Ordinance No. 22-11.* November 15. Website: https://www.hayward-ca.gov/sites/default/files/0rdinance%2022-11%20-%20reach%20code.pdf (accessed February 28, 2023).

addition, the proposed project is not expected to result in a significant increase in the generation of vehicle trips or vehicle miles traveled. Therefore, the proposed project would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy and would incorporate renewable energy or energy efficiency measures into building design, equipment use, and transportation. Impacts would be **less than significant**.

Energy usage on the project site during construction would be temporary in nature. In addition, energy usage associated with operation of the proposed project would be relatively small in comparison to the State's available energy sources and energy impacts would be negligible at the regional level. Because California's energy conservation planning actions are conducted at a regional level, and because the proposed project's total impact to regional energy supplies would be minor, the proposed project would not conflict with California's energy conservation plans as described in the California Energy Commission's (CEC) 2020 Integrated Energy Policy Report. Thus, the proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and this impact would be **less than significant**.

3.7 GEOLOGY AND SOILS

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

Discussion

The project site is not located within an Alquist-Priolo Zone or a liquefaction zone as identified by the California Geological Survey (CGS), and there would be **no impact**.[9] However, the project site is located within a CGS-identified landslide zone. Additionally, moderately expansive soils occur at the project site.[10] Therefore, impacts related to seismic-related ground failure, expansive soils, and landslides could occur. Implementation of Mitigation Measure GEO-1, which requires the preparation of and implementation of measures recommended in a Geotechnical Report, would ensure this impact would be reduced to a **less than significant** level.

Mitigation Measure GEO-1 A site-specific, design level geotechnical report satisfactory to the Chief Building Official shall be submitted for review and approval to the Building Division prior to the issuance of any construction-

[9] California Department of Conservation and California Geological Survey, 2021. *Earthquake Zones of Required Investigation.* September 23. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/ (accessed January 18, 2023).

[10] Baez Geotechnical Group, 2020. *Geologic Hazards Investigation and Preliminary Geotechnical Investigation, Tolari Residence.* June 30.

related permits and contain design recommendations for grading, footings, retaining walls, and provisions for anticipated differential settlement within the project site. Specifically:

- The Geotechnical Report shall include an analysis of expected ground motion at the project site. The analysis shall be in accordance with applicable City ordinances and policies, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults in the project vicinity. The analysis presented in the geotechnical investigation report shall provide recommendations to minimize seismic damage to structures. All design measures, recommendations, design criteria, and specifications set forth in the final geotechnical investigation report shall be implemented.

- The Geotechnical Report shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, and roadways).

- The Geotechnical Report shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the geotechnical engineer shall be included in the final design, as approved by the City of Hayward.

Soil erosion, which is discussed in Section 3.10, Hydrology and Water Quality, could occur during project construction when excavation and grading would expose site soils. The proposed project would be required to comply with existing regulations for stormwater protection, including preparation of an Erosion Control Plan. Therefore, impacts related to erosion and loss of topsoil would be **less than significant**.

The proposed project would include the installation of a new on-site septic system for wastewater. The leach field would be located at the northeast corner of the project site. The proposed on-site wastewater treatment would be required to be permitted by the Alameda County Department of Environmental Health. County regulations provide minimum standards for the construction and operation of on-site wastewater treatment systems to safely treat and dispose of sewage, and on-site soils would be evaluated as part of the permitting process to ensure soils on site are capable of adequately supporting the use of septic tanks. Therefore, the proposed project would have a **less than significant** impact associated with soils incapable of supporting alternative wastewater disposal systems.

Although no paleontological resources or unique geological features are known to exist within or near the already disturbed project site, according to the locality search through the University of California Museum of Paleontology (UCMP) at the University of California, Berkeley, there are 543

known localities that have produced 9,283 specimens within Alameda County.[11] Therefore, the possibility of accidental discovery of paleontological resources during project construction cannot be discounted. Implementation of Mitigation Measure GEO-2, described below, would reduce potential impacts to paleontological resources to a **less than significant** level.

Mitigation Measure GEO-2

Should paleontological resources be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a "qualified paleontologist" shall be an individual with the following qualifications: (1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; (2) at least 2 years of professional experience related to paleontology; (3) proficiency in recognizing fossils in the field and determining their significance; (4) expertise in local geology, stratigraphy, and biostratigraphy; and (5) experience collecting vertebrate fossils in the field. If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the proposed project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.

The project applicant shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract documents:

> *"The subsurface of the construction site may be sensitive for fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted*

[11] University of California Museum of Paleontology. Databases. Website: ucmp.berkeley.edu/collections/databases/ (accessed January 19, 2023).

to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5."

3.8 GREENHOUSE GAS EMISSIONS

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

Discussion

This section describes the proposed project's construction- and operational-related greenhouse gas (GHG) emissions and contribution to global climate change.

Construction Activities

Construction activities associated with the proposed project would produce combustion emissions from various sources. During construction, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). Furthermore, CH_4 is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change.

The BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. The proposed project would develop a single-family residence and associated improvements. Based on the project size, it is not expected that construction of the proposed project would result in substantial GHG emissions during construction. Implementation of Mitigation Measure AIR-1, identified in Section 3.3, would reduce GHG emissions by reducing the amount of construction vehicle idling and by requiring the use of properly maintained equipment. Therefore, project construction impacts associated with GHG emissions would be **less than significant**.

Operational Emissions

According to the BAAQMD *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans*,[12] a project would have a less than significant impact related to GHG emissions if it would:

a. Include, at a minimum, the following project design elements:

[12] Bay Area Air Quality Management District, 2022. *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans*. April.

1. Buildings

    a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).

    b. The project will not result in any wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the *State CEQA Guidelines*.

2. Transportation

    a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:

        1. Residential projects: 15 percent below the existing VMT per capita

        2. Office projects: 15 percent below the existing VMT per employee

        3. Retail projects: no net increase in existing VMT

    b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

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

The City of Hayward Climate Action Plan (CAP) was adopted by the City Council on July 28, 2009 and later incorporated into the City's General Plan in 2014. The purpose of the CAP is to make Hayward a more environmentally and socially sustainable community by reducing GHG emissions. However, the City's CAP does not meet the requirements for a local GHG reduction strategy that meets the criteria under *State CEQA Guidelines* Section 15183.5(b). Therefore, this section evaluates the proposed project's consistency with the BAAQMD's project design elements.

Natural Gas Usage. According to the BAAQMD, a less than significant GHG impact would occur if the project does not include natural gas appliances or natural gas plumbing. The proposed project would not increase the demand for natural gas as the proposed project would be designed to be all-electric as required by the City of Hayward's Reach Code and would not include the use of any natural gas systems. Since the proposed project would not include new natural gas connections, the proposed project would be consistent with this design element.

Energy Usage. The project must not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under Section 21100(b)(3) and Section 15126.2(b) of the *State CEQA Guidelines*. Long-term GHG emissions are typically generated from mobile sources (e.g.,

cars, trucks, and buses), area sources (e.g., maintenance activities and landscaping), indirect emissions from sources associated with energy consumption, waste sources (land filling and waste disposal), and water sources (water supply and conveyance, treatment, and distribution). For single-family residential land uses, the BAAQMD screening size for operational GHG pollutants is 56 units. The proposed project would develop a single-family residence and associated improvements. Therefore, based on the BAAQMD's screening criteria, the proposed project is not anticipated to exceed established thresholds. Therefore, operation of the proposed project would not result in any wasteful, inefficient, or unnecessary energy usage and the proposed project would be consistent with this design element.

Vehicle Miles Traveled. To meet the BAAQMD's VMT threshold, the proposed project must achieve a reduction in project-generated VMT below the regional average consistent with the current version of the California Climate Change Scoping Plan or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's 2018 *Technical Advisory on Evaluating Transportation Impacts in CEQA*. The *Technical Advisory on Evaluating Transportation Impacts in CEQA* states that projects that generate fewer than 110 average daily trips can be presumed to have a less than significant impact related to VMT. As discussed in Section 3.17, Transportation, the proposed project would consist of the construction of one single-family residence and therefore would generate fewer than 110 vehicle trips per day and would have a less than significant impact related to VMT.

As discussed above, the proposed project would be consistent with all the BAAQMD's project design elements related to natural gas, energy, and VMT. Therefore, the proposed project would be consistent with the BAAQMD's GHG emission thresholds. As such, the proposed project would not result in the generation of GHG emissions that would have a significant impact on the environment and this impact would be **less than significant**.

As noted above, the City of Hayward CAP is incorporated into the City's General Plan. The CAP presents goals, principles, and strategies for reducing the City's GHG emissions, conserving energy and natural resources, and preparing for climate change. These strategies relate to transportation, electricity and natural gas, solid waste, water, adaptation, and carbon sequestration. Most of the CAP strategies would need to be implemented by the City; however, the proposed project would be constructed in compliance with City requirements and 2022 Title 24 standards, which would promote the CAP's strategies related to conserving energy and natural resources. In addition, the proposed project is not expected to result in a significant increase in the generation of vehicle trips or vehicle miles traveled, consistent with the CAP's transportation strategies. Overall, the proposed project would be consistent with the CAP and, therefore, would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the GHG emissions. Therefore, the proposed project would have a **less than significant** impact related to GHG emissions.

3.9 HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☒	☐	☐

Discussion

The proposed project would result in the construction of a new single-family residence and associated improvements. Proposed residential land uses would involve only small quantities of commercially available hazardous materials for routine maintenance (e.g., paint and cleaning supplies).

Construction of the proposed project would involve the use and transport of hazardous materials. These materials could include fuels, oils, paints, and other chemicals used during construction activities. Handling and transportation of hazardous materials could result in accidental releases or spills and associated health risks to workers, the public, and environment. Transport and use of hazardous materials would be subject to all applicable State and federal laws, such as the Hazardous Materials Transportation Act, the Resource Conservation and Recovery Act, the California Hazardous Materials Management Act, the California Health and Safety Code, and California Code of Regulations Title 8 and Title 22. Additionally, the construction contractor would be required to prepare and implement an Emergency Response and Cleanup Plan in the event a spill were to occur, as specified in Mitigation Measure HAZ-1. Implementation of Mitigation Measure HAZ-1 would

ensure that the proposed project would not create a significant hazard to the public or the environment through the use of hazardous materials during the construction period.

Mitigation Measure HAZ-1 **Emergency Response and Cleanup Plan**. Prior to commencement of construction activities, the construction contractor shall prepare an emergency response and cleanup plan. The construction contractor shall implement the plan during construction. The plan shall detail the methods to be used to contain and clean up a spill of petroleum products or other hazardous materials in the work area.

The project site is vacant and undeveloped; therefore, it is unlikely that soils on the project site would contain any hazardous materials that could be released into the environment during project construction. The project site is not located within one-quarter mile of any school. Therefore, development of the proposed project would have a **less than significant** impact on the public and the environment related to the routine transport, use, and handling of hazardous materials.

The project site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5,[13] nor is it located within an airport land use plan or within 2 miles of a public use airport. The proposed project would not include any modifications to the existing public roadways on or in the vicinity of the project site, and therefore **no impact** related to emergency access or an adopted emergency response plan would occur.

The project site is located within a designated high fire hazard severity zone and wildland urban interface.[14] Additionally, the site is generally surrounded by undeveloped land. Therefore, the proposed project could expose people or structures to risks related to wildland fires. Therefore, Mitigation Measure HAZ-2, which requires the implementation of a Vegetation Management Plan, would be required. Mitigation Measure HAZ-2 would ensure that this impact would be reduced to a **less than significant** level.

Mitigation Measure HAZ-2 The project applicant shall develop a Vegetation Management and Fire Prevention Plan satisfactory to the Chief Building Official and shall implement the approved plan during construction and operation of the proposed project. The Vegetation Management and Fire Prevention Plan, which shall be submitted to the Chief Building Official for review and approval prior to the issuance of any construction-related permit, shall include, at a minimum, the following measures:

- Use of spark arrestors on all vehicles and equipment used for landscape and vegetation management;

[13] California Environmental Protection Agency, 2020. Cortese List Data Resources. Website: calepa.ca.gov/sitecleanup/corteselist/ (accessed January 18, 2023).

[14] Hayward, City of, 2014. Op. cit.

- Planting and placement of fire-resistant plants near the structure and phasing out flammable vegetation;
- Schedule for trimming back vegetation around windows;
- Pruning the lower branches of tall trees;
- Clearing out ground-level brush and debris; and
- Storing combustible materials away from vegetated areas.

3.10 HYDROLOGY AND WATER QUALITY

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

Discussion

Pollutants of concern during construction include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. During construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion and transport of sediment downstream compared to existing conditions. During a storm event, soil erosion could occur at an accelerated rate. Additionally, construction-related pollutants such as liquid and petroleum products and concrete-related waste could be spilled, leaked, or transported via storm runoff into downstream receiving waters.

An Erosion and Sediment Control Plan would be required as part of the application for a grading permit, which would include construction best management practices (BMPs) aimed at reducing erosion. Additionally, the construction contractor would prepare and implement an Emergency Response and Cleanup Plan in the event a spill were to occur, as specified in Mitigation Measure HAZ-1 identified in Section 3.9. Therefore, construction of the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality and this impact would be **less than significant**.

The proposed project would create more than 2,500 square feet of impervious surface and therefore would be required to meet site design requirements in Provision C.3.i of the Municipal Regional Stormwater NPDES Permit (MRP).[15] The MRP requires the project applicant to either: (1) disperse runoff from some amount of roof or paved area to a vegetated area; (2) incorporate some amount of permeable pavement; (3) include a cistern or rain barrel (if allowed); or (4) incorporate a bioretention facility or planter box. The project site includes six drainage management areas, one of which would be treated by cartridge filtration, four of which would be treated by bioretention areas, and one of which would be self-treating. Bioretention areas would be used for stormwater control, infiltration, and treatment. Therefore, the proposed project would collect and treat stormwater on the project site and would not violate any water quality standards or waste discharge requirements and this impact would be **less than significant**.

The proposed project would include the installation of a new on-site well to serve as a water source for the residence. The well would be used exclusively for the project site and single residential unit and therefore would not substantially decrease groundwater supplies. As previously discussed, the proposed project would include bioretention areas which would be used for stormwater control, infiltration, and treatment. Therefore, the proposed project would not interfere substantially with groundwater recharge. While the proposed project would alter existing drainage patterns on the project site, the proposed project would not result in substantial on- or off-site erosion, increase flooding on or off site, exceed the capacity of existing stormwater systems, or impede flood flows as stormwater would be collected and treated by cartridge filtration and bioretention areas. Therefore, these impacts would be **less than significant**.

The project site is not located within a 100-year flood zone[16] or a tsunami hazard zone.[17] Additionally, the project site is not located within a seiche zone as there are no enclosed bodies of water in the nearby vicinity of the site. Therefore, the proposed project would not release pollutants due to project inundation and there would be **no impact**.

The project site is not located within a Division of Water Rights delineated groundwater basin,[18] and therefore the proposed project would not conflict with or obstruct implementation of a sustainable groundwater management plan. Implementation of existing regulatory requirements including the development of an Erosion and Sediment Control Plan and compliance with the MRP, and implementation of Mitigation Measure HAZ-1 would ensure that the proposed project would not conflict with or obstruct implementation of a water quality control plan; therefore, this impact would be **less than significant**.

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15 Alameda Countywide Clean Water Program, 2019. *C.3 Stormwater Technical Guidance*. September 11.

16 Federal Emergency Management Agency, 2009. FEMA FIRM No. 06001C0316G. August 3. Website: https://msc.fema.gov/portal/search?AddressQuery=santos%20ranch%20road%2C%20hayward%2C%20ca#searchresultsanchor (accessed January 30, 2023).

17 California Department of Conservation, 2023. *Alameda County Tsunami Hazard Areas.* Website: https://www.conservation.ca.gov/cgs/tsunami/maps/alameda (accessed January 30, 2023).

18 Division of Water Rights. *Groundwater Basin Boundary Assessment Tool.* Website: https://gis.water.ca.gov/app/bbat/ (accessed January 30, 2023).

3.11 LAND USE AND PLANNING

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

Discussion

The proposed project would result in the construction of a new single-family residence and associated improvements in the city of Hayward. Surrounding land uses primarily consist of open space with some sparsely placed residential development. The proposed project would not include modifications to any of the existing public roadways within the vicinity of the site and would not physically divide an established community. Therefore, there would be **no impact**.

The project site is located within the city of Hayward and is subject to the land use designations and zoning classifications of the City of Hayward General Plan and zoning ordinance. The General Plan designates the site as Limited Open Space (LOS). The LOS designation generally applies to established cemeteries and hillside areas that are largely undevelopable due to natural resources, slopes, or other hazards. Allowed uses include open space and grazing lands, and supporting uses include detached single-family homes (on large lots), agriculture, cemeteries, and hiking and biking trails. The maximum allowable density is 0.2 dwelling units per net acre, or one unit per 5 acres.

The project site is within the AB160A zoning designation which is intended for agricultural uses, residential uses, and other uses. The proposed project would be consistent with the AB160A zoning designation, which allows for construction of a single-family dwelling, and would not conflict with any existing land use plans. Therefore, the proposed project would have a **less than significant** impact related to land use and planning.

3.12 MINERAL RESOURCES

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

Discussion

The United States Geological Survey has identified 11 past, present, or prospective mining sites within the city. The past and present mining sites include those owned by the American Salt Company, the Oliver Salt Company, East Bay Excavation Company, and Ideal Cement Company, as well as the La Vista Quarry and Mill. These sites contain or contained a variety of mineral resources, including: stone, limestone, clay, fire clay, halite, and salt. There are three sites identified for prospective stone and clay extraction. The only designated mineral resource "sector" of regional significance in Hayward is the La Vista Quarry, located in the area east of Mission Boulevard and Tennyson Road, approximately 6.5 miles southwest of the project site. The quarry is designated as Sector N, a greenstone deposit in the city of Hayward. "Probable" and "potential" resource zones have been designated in the vicinity of the quarry. However, the quarry has been redeveloped with residential and recreational park uses. No other significant aggregate or mineral resources are located in the city.[19]

No known mineral resources are located on or near the project site. Additionally, as noted in Section 1.0, Project Information, the project site is within the AB160A zoning district, which does not include mineral resource collection or production as an approved use. Therefore, the proposed project would have **no impact** related to mineral resources.

[19] Hayward, City of, 2014. Op. cit.

3.13 NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion

The following section describes how the short-term construction and long-term operational noise impacts of the proposed project would be less than significant with mitigation.

Short-Term (Construction) Noise Impacts

The closest sensitive receptors to the project site include single-family residences located approximately 200 feet south and 1,500 feet northwest of the project site along Santos Ranch Road. Project construction would result in short-term noise impacts on the nearby sensitive receptors. Maximum construction noise would be short-term, generally intermittent depending on the construction phase, and variable depending on receiver distance from the active construction zone. The duration of noise impacts generally would be from one day to several days depending on the phase of construction. The level and types of noise impacts that would occur during construction are described below. Short-term noise impacts would occur during grading and site preparation activities. Table 3.B lists typical construction equipment noise levels (L_{max}) recommended for noise impact assessments, based on a distance of 50 feet between the equipment and a noise receptor, obtained from the FHWA Roadway Construction Noise Model. Construction-related short-term noise levels would be higher than existing ambient noise levels currently in the project area but would no longer occur once construction of the project is completed.

Two types of short-term noise impacts could occur during construction of the proposed project. The first type involves construction crew commutes and the transport of construction equipment and materials to the site, which would incrementally increase noise levels on roads leading to the site. As shown in Table 3.B, there would be a relatively high single-event noise exposure potential at a maximum level of 84 A-weighted decibels maximum instantaneous sound level (dBA L_{max}) with trucks passing at 50 feet.

The second type of short-term noise impact is related to noise generated during grading and construction on the project site. Construction is performed in discrete steps, or phases, each with its

own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on site. Therefore, the noise levels vary as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase.

Table 3.B lists maximum noise levels recommended for noise impact assessments for typical construction equipment, based on a distance of 50 feet between the equipment and a noise receptor. Typical maximum noise levels range up to 87 dBA L_{max} at 50 feet during the noisiest construction phases. The site preparation phase, including excavation and grading of the site, tends to generate the highest noise levels because earthmoving machinery is the noisiest construction equipment. Earthmoving equipment includes excavating machinery such as backfillers, bulldozers, draglines, and front loaders. Earthmoving and compacting equipment includes compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full-power operation followed by 3 or 4 minutes at lower power settings.

Table 3.B: Typical Construction Equipment Noise Levels

Equipment Description	Acoustical Usage Factor (%)	Maximum Noise Level (dBA L_{max}) at 50 Feet[1]
Backhoes	40	80
Compactor (ground)	20	80
Compressor	40	80
Cranes	16	85
Dozers	40	85
Dump Trucks	40	84
Excavators	40	85
Flat Bed Trucks	40	84
Forklift	20	85
Front-end Loaders	40	80
Graders	40	85
Impact Pile Drivers	20	95
Jackhammers	20	85
Pick-up Truck	40	55
Pneumatic Tools	50	85
Pumps	50	77
Rock Drills	20	85
Rollers	20	85
Scrapers	40	85
Tractors	40	84
Welder	40	73

Source: *Roadway Construction Noise Model* (FHWA 2006).
Note: Noise levels reported in this table are rounded to the nearest whole number.
[1] Maximum noise levels were developed based on Spec 721.560 from the Central Artery/Tunnel (CA/T) program to be consistent with the City of Boston's Noise Code for the "Big Dig" project.
dBA = A-weighted decibels
L_{max} = maximum instantaneous sound level

Construction details (e.g., construction fleet activities) are not yet known; therefore, this analysis assumes that scrapers, bulldozers, and water trucks/pickup trucks would be operating

simultaneously during construction of the proposed project. As discussed above, noise levels associated with this equipment operating simultaneously would be approximately 87 dBA L_{max} at 50 feet.

Construction would comply with the City of Hayward Noise Ordinance (Section 4-1.03.4 of the City of Hayward Municipal Code), which limits the allowable noise level produced by construction activities between the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday, and 10:00 a.m. to 6:00 p.m. on Sundays and holidays. Typically, construction would occur between 8:00 a.m. and 5:00 p.m. In addition, Mitigation Measure NOI-1 would be required to limit construction activities to daytime hours and reduce potential construction-period noise impacts.

Mitigation Measure NOI-1 The project contractor shall implement the following measures during construction of the proposed project:

- Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.
- Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all construction activities.
- Ensure that all general construction related activities are restricted to between the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday, and 10:00 a.m. to 6:00 p.m. on Sundays and holidays.
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem.

Implementation of Mitigation Measure NOI-1 would limit construction hours and require the construction contractor to implement noise reducing measures during construction, which would reduce short-term construction noise impacts to a **less than significant** level.

Operational Noise Impacts

Motor vehicles with their distinctive noise characteristics are the dominant noise source in the project vicinity. The amount of noise varies according to many factors, such as volume of traffic,

vehicle mix (percentage of cars and trucks), average traffic speed, and distance from the observer. Implementation of the proposed project would result in new daily trips on local roadways in the project site vicinity. A characteristic of sound is that a doubling of a noise source is required in order to result in a perceptible (3 dBA or greater) increase in the resulting noise level. The proposed project would develop a single-family residence and associated improvements on the project site. The proposed project is not expected to result in a significant increase in the generation of vehicle trips and would not result in a doubling of traffic volumes along any roadway segment in the project vicinity. As such, the proposed project would not result in a perceptible increase in traffic noise levels at receptors in the project vicinity and this impact would be **less than significant**.

In addition, with implementation of the proposed project, there would be an increase in activity at the project site. The project site itself is located in an area surrounded primarily by open space with some sparsely placed residential development. Noise from the proposed project would be similar to existing conditions and would generally include noise from vehicles, air conditioner units, and other similar equipment. Due to its location near other residential land uses, it is not expected that the proposed project would result in a perceptible increase in noise to surrounding land uses. Therefore, it is not expected that the proposed project would substantially increase noise levels over existing conditions. Operation of the proposed project would result in similar noise levels as existing conditions and, therefore, it is not expected that the proposed project would substantially increase noise levels over existing conditions, and impacts would be **less than significant**.

The closest sensitive receptors to the project site include single-family residences located south and northwest of the project site along Santos Ranch Road. The closest sensitive receptors would be located more than 25 feet from construction activities. Therefore, beyond 25 feet, construction activities associated with implementation of the proposed project are not expected to result in excessive groundborne vibration or groundborne noise levels. Once operational, no permanent noise sources would be located within the project site that would expose persons to excessive groundborne vibration or noise levels. Therefore, implementation of the proposed project would not permanently expose persons within or around the project site to excessive groundborne vibration or noise and the project impacts would be **less than significant**.

The project area is not located within an airport land use plan, or within 2 miles of a public airport or public use airport. Aircraft noise is occasionally audible at the project site; however, no portion of the project site lies within the 60 dBA Community Noise Equivalent Level (CNEL) noise contours of any public airport nor does any portion of the project site lie within 2 miles of any private airfield or heliport. Therefore, the proposed project would not result in the exposure of people residing or working in the project area to excessive noise levels. There would be **no impact**.

3.14 POPULATION AND HOUSING

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

Discussion

The proposed project would consist of the construction of a new single-family residence and associated improvements on a vacant, undeveloped lot. As previously discussed, the AB160A zoning district allows for single-family residential uses. Therefore, the proposed project would not result in any new unplanned population growth. The project site does not contain any existing residential units and therefore would not displace any existing people or housing. Therefore, the proposed project would have **no impact** related to population and housing.

3.15 PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☐	☒
ii. Police protection?	☐	☐	☐	☒
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒

Discussion

The proposed project would result in the construction of a single-family residence in an area already served by police and fire services. As previously discussed, the AB160A zoning district allows for single-family residential uses and the proposed project would not result in any new unplanned population growth. Therefore, the proposed project would not require the provision of new fire or police facilities, schools, parks, or other public facilities, or result in the need for physically altered facilities. Therefore, the proposed project would have **no impact** related to public services, parks, or other public facilities.

3.16 RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

The proposed project would consist of the construction of a new single-family residence and associated improvements on a vacant, undeveloped lot. As previously discussed, the AB160A zoning district allows for single-family residential uses and the proposed project would not result in any new unplanned population growth. The proposed project would not result in an increase in population that would result in the increase in use of existing neighborhood or regional parks such that substantial physical deterioration would occur. Therefore, the proposed project would have **no impact** related to recreational facilities.

3.17 TRANSPORTATION

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

Discussion

The proposed project would not result in any modifications to the existing transportation network in the vicinity of the project site and therefore would not conflict with any program, plan, ordinance, or policy addressing the circulation system. The Governor's Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA states that projects that generate fewer than 110 average daily trips can be presumed to have a less than significant impact related to vehicle miles traveled (VMT). The proposed project would consist of the construction of one single-family residence and therefore would generate fewer than 110 vehicle trips per day and would have a **less than significant** impact related to VMT.

An approximately 1,000-foot-long, 20-foot-wide gated, paved driveway would be constructed at the south end of the project site that would lead to the residence near the center of the site. The residential structure and the majority of the proposed improvements would be located on Parcel 1, but a portion of the proposed driveway would be located on the neighboring Parcel 2 under a private access easement. Access to, from, and on the site for emergency vehicles would be reviewed and approved by the applicable emergency services providers (i.e., fire and police), which would ensure adequate emergency access would be provided and there would not be any hazards related to site design. The proposed project would comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on site for emergency vehicles. Therefore, the proposed project would have a **less than significant** impact related to transportation and emergency vehicle access.

3.18 TRIBAL CULTURAL RESOURCES

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

Discussion

As noted in Chapter 1.0, Project Information, a request form describing the proposed project was sent to the Native American Heritage Commission (NAHC) in West Sacramento requesting a list of tribes eligible to consult with the City, pursuant to Public Resources Code section 21080.3.1. The City sent letters regarding the proposed project to the two individuals who requested consultation, with one of the letters being sent to the Chairperson of the Confederated Villages of Lisjan on September 8, 2022 and one being sent to the Chairperson of the Ione Band of Miwok Indians on September 12, 2022. The City sent additional letters to all tribes traditionally affiliated with the project site on February 16, 2023. On February 22, 2023, the Chairperson of the Confederated Villages of Lisjan requested additional information related to the Sacred Lands File (SLF) search. The City replied that the SLF search was negative on February 23, 2023 and, on March 8, 2023, the Chairperson noted that the Confederated Villages of Lisjan had no further information to supply about the proposed project. However, the Chairperson did request to be contacted if any cultural resources are uncovered. No other requests for consultation were received. Therefore, the City considers the Assembly Bill 52 process complete.

As noted in Section 3.5, Cultural Resources, the project site is not listed on, or eligible for listing on, the California Register of Historic Resources. Additionally, the City, as Lead Agency, has not determined that there are any existing resources significant to Native American tribes within the project site. Implementation of Mitigation Measure CUL-1 would ensure that any potential impacts to previously unknown tribal cultural resources would be **less than significant**.

3.19 UTILITIES AND SERVICE SYSTEMS

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

Discussion

The proposed project would result in the construction of a single-family residence and associated improvements. The proposed project would include the installation of a new on-site well for water service and a septic system for wastewater. Three 5,000-gallon water tanks and a 1,200-square-foot leach field would also be installed. The leach field would be located at the northeast corner of the project site. The proposed project would include six drainage management areas, one of which would be treated by cartridge filtration, four of which would be treated by bioretention areas, and one of which would be self-treating. The proposed project would not include connections to City water, wastewater, natural gas, or stormwater drainage facilities.

The proposed on-site wastewater treatment system would be required to be permitted by the Alameda County Department of Environmental Health, and the well would be required to be permitted by the Alameda County Public Works Agency. County regulations provide minimum standards for the construction and operation of on-site wastewater treatment systems and wells, and the associated permitting processes would ensure that the proposed project would not result in significant environmental effects. Additionally, as previously discussed, the proposed project would create more than 2,500 square feet of impervious surface and therefore would be required meet site design requirements in Provision C.3.i of the MRP, which would ensure that the proposed stormwater drainage facilities would not result in significant environmental effects.

As previously discussed, the water source for the proposed project would be an on-site well. The well would be used exclusively for the project site and single residential unit and is anticipated to be

adequate to serve the proposed project. Additionally, three 5,000-gallon water tanks would be installed which could store hauled water for use on site if needed during drought years.

The project site is within the AB160A zoning district which includes single-family dwellings as a primary use. Therefore, the proposed project is not expected to generate substantially more solid waste beyond what was previously planned for and would not impair the attainment of solid waste reduction goals. The proposed project would not require the relocation or construction of any utilities that would cause significant environmental effects, and sufficient water, wastewater, and solid waste capacity would be available to service the proposed project. Therefore, impacts related to utilities and service systems would be **less than significant.**

3.20 WILDFIRE

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

Discussion

The project site is not located within a State Responsibility Area (SRA), but it is located within a high fire hazard severity zone and is immediately adjacent to land in an SRA that is classified as a high fire hazard severity zone.[20] Additionally, the project site is generally surrounded by undeveloped hilly land; therefore, the proposed project could expose people or structures to risks related to wildland fires. However, implementation of Mitigation Measure HAZ-2, which requires the implementation of a Vegetation Management Plan, would ensure that this impact would be reduced to a **less than significant** level. Furthermore, the proposed project would be subject to the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines which address building construction standards for fire protection, fuel modification and management at the urban/wildland interface, and fire-resistant landscaping, which would further ensure that significant impacts related to wildfire would not occur.

The proposed project would not include any modifications to the existing public roadways on or in the vicinity of the project site and therefore would result in **no impact** related to emergency access or an adopted emergency response plan. Additionally, the proposed project does not include the installation or maintenance of any associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or result in temporary or ongoing impacts to the environment.

The proposed project would be required to implement Low Impact Development (LID) techniques as required by the MRP and, as detailed in Section 3.10, Hydrology and Water Quality, would not significantly alter drainage patterns compared to existing conditions. As previously discussed, the

[20] Hayward, City of. 2014. Op. cit.

project site is located within a CGS identified landslide zone. However, implementation of Mitigation Measure GEO-1, which requires the preparation and implementation of a Geotechnical Report, would ensure that the proposed project would not result in any significant impacts related to landslides. Furthermore, the project site is not located within a flood zone. Therefore, the proposed project would not have the potential to expose people or structures to downslope or downstream flooding or landslides and impacts would be **less than significant**.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion

With implementation of Mitigation Measures BIO-1a through BIO-8c, the proposed project would not threaten to eliminate a plant or animal species or substantially reduce the number or restrict the range of a rare or endangered plant or animal. Implementation of Mitigation Measure CUL-1 would ensure examples of the major periods of California history or prehistory are not eliminated.

The proposed project would consist of the construction of a new residence and associated improvements. Therefore, the proposed project's impacts would be individually limited and not cumulatively considerable, as the proposed project does not include a substantial increase in population or a change in use that would combine with other projects in the vicinity to result in considerable impacts.

As noted throughout this document, the proposed project would not have any adverse environmental impacts that could not be reduced through the implementation of mitigation measures, and this impact would be **less than significant**.

4.0 LIST OF PREPARERS

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APPENDIX A

BIOLOGICAL RESOURCES REPORT

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