

**Addendum to a Prior Initial Study & Mitigated Negative
Declaration**

**2492 D Street Subdivision Project
Vesting Tentative Tract Map, TR 8775
Planning Application PLN2025-00184**

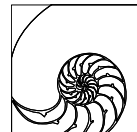
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May 2026

2492 D Street Residential Subdivision Project – CEQA Addendum

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Introduction

Executive Summary

In January of 2026, 94541 D LLC (Owner/Applicant) filed an application with the Alameda County Community Development Agency for a Vesting Tentative Map/Preliminary Development Plan on a 3.11-acre property at 2492 D Street in unincorporated Alameda County (Assessor's Parcel Number [APN] 416-200-22-6). This Vesting Tentative Map/Preliminary Development Plan (Application Tract-8775) proposes to create 17 separate parcels for residential use, one parcel serving as an internal roadway, and 3 separate parcels that would remain undeveloped as private open space. Of those 17 residential parcels, the Preliminary Development Plan shows 14 parcels that would contain one single-family residential unit on each parcel, and 3 residential parcels would contain a total of 7 townhomes (1 residential parcel would contain three townhomes and 2 residential parcels would contain 2 townhomes each), for a total of 21 residential housing units. Together, the Vesting Tentative Map and the Preliminary Development Plan comprise the proposed Project (Project).

Per Alameda County Zoning Ordinance Section 17.54.210, this proposed Vesting Tentative Map/Preliminary Development Plan is subject to the County's Site Development Review (SDR) process. Site Development Review for this Project will be a discretionary action by the Alameda County Planning Director, with recommendations by the Fairview Municipal Advisory Council (with a limit of two public hearings before the Fairview MAC). As a project subject to a discretionary action, the Project is subject to the California Environmental Quality Act (CEQA). This document is intended to provide the Alameda County Planning Director with the necessary environmental review pursuant to the requirements of CEQA.

As more fully described below, there is a long history of prior applications for development of this property and a prior history of associated CEQA reviews. This history includes a subdivision map approved by Alameda County in 2004 that authorized creation of 16 single family lots. That 2004 subdivision was the subject of an Initial Study/Mitigated Negative Declaration (the prior 2004 MND), adopted by the Alameda County Planning Commission per Resolution R-04-32 in October 2004. Although approved, that subdivision map was not finalized and the subdivision was not constructed. Additionally, a modified subdivision map was approved in 2014 that authorized creation of 12 single family lots. That 2014 subdivision was the subject of an Initial Study/Addendum to the prior 2004 MND, adopted by the Alameda County Planning Commission in 2004.

Pursuant to CEQA Guidelines Section 15162, when the Mitigated Negative Declaration was adopted for that 2004 project, no subsequent environmental review is required for that project unless changes to the Project or its circumstances have occurred or if new information becomes available. If any of these conditions occur, the County (as lead agency) shall prepare a subsequent EIR if these conditions are found to result in new or more severe environmental effects than were disclosed in the prior 2004 MND. Otherwise, the County shall determine whether to prepare a subsequent Negative Declaration, another Addendum or no further documentation.

Pursuant to CEQA Guidelines Section 15164, Alameda County may prepare another Addendum to the previously approved 2004 MND if some changes or additions to that 2004 MND are necessary, but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a Subsequent EIR would occur. This CEQA document provides substantial evidence to demonstrate that the currently proposed Project would not result in any of the conditions requiring preparation of a subsequent EIR, and that an Addendum to the prior 2004 MND is appropriate and adequate environmental review for the Project. This CEQA document serves as an Addendum to that prior 2004 MND.

Prior Project Applications and CEQA Reviews

A brief description of prior project applications and prior CEQA reviews pertaining to the Project site is listed below, intended to provide context for the current Project and for this current CEQA document.

- Tract Map 7337 was approved by Alameda County in 2001, intended to create 16 single family lots on the same Project site, of which 15 lots were intended for construction of new single-family homes and one lot would retain the then-existing residence at 2512 D Street. A MND was prepared and adopted by Alameda County for that 2001 project pursuant to CEQA. The California Subdivision Map Act and Alameda County's Subdivision Ordinance provide that approved tentative maps are valid for a period of three years. No final map or extension of the tentative map approval was filed prior to the 3-year period ending in 2004, so the validity of that 2001 map lapsed and its approval was nullified.
- A modified Tract Map (MTR-7337) was later approved by Alameda County in October 2004. The modifications for MTR-7337 were limited to changes in the number and configuration of on-site parking spaces and minor changes to the grading plans for certain slopes. A separate MND was prepared and adopted by Alameda County pursuant to CEQA for that 2004 modified project.¹ Again, no final map or extension of the tentative map approval was filed prior to the 3-year period ending in 2007, so the validity of that map lapsed, and its approval was again nullified.
- A later Tract Map (TR-8022) for the same site was approved by Alameda County in May 2010. TR-8022 involved the same physical site as the previously approved tract maps and was intended to subdivide the same site into 15 single family lots (14 new lots for single family homes and one lot to retain the existing residence at 2512 D Street). The only action taken pursuant to that approval was to adjust an existing lot line that defined the property at 2512 D Street. That lot line adjustment reduced the land area of the parcel at 2512 D Street by approximately 7,600 square feet and correspondingly increased the land area of the vacant parcel. The net effect of the lot line adjustment was to remove the existing residence from the subdivision area, which then became APN 416-200-22-6. Other than accomplishing this boundary line adjustment, TR-8022 was not acted upon.
- Again in 2013, a different subdivision application was made (TR-8143). This Vesting Tentative Tract Map proposed to reduce the number of residential lots down to 12 lots, allowing for retention of larger portions of the site in its natural condition. Other changes included minor adjustments to the configuration of lots and lot lines, and revised grading and storm water control plans. To address CEQA matters, the County prepared a 2014 Addendum to the prior 2004 MND.² That 2014 Addendum provided the County with a factual basis for determining there were no changes in the project, no changes in circumstances and no information required further environmental review.

Currently, the 2004 MND remains as the most current and applicable environmental review document pursuant to the requirements of CEQA, as was updated and amended by the 2014 Addendum.

Alameda County 2023-2031 Housing Element

In October of 2024, Alameda County approved its latest update to the County General Plan, the 2023-2031 Housing Element Update (2023-2031 HEU).³ The 2023-2031 HEU establishes policies and

¹ Alameda County, Initial Study and Proposed Mitigated Negative Declaration - Modified Tract Map, MTR-7337, August 2004

² Alameda County, Addendum to a Prior Initial Study & Mitigated Negative Declaration, 2492 D Street Subdivision Project Vesting Tentative Tract Map 8143, March 2014

³ Alameda County, *2023-2031 Housing Element Update*, December 2024

programs to further the County’s goal of meeting existing and projected housing needs of households of varying income levels throughout the unincorporated County. It also includes a housing sites inventory that provides evidence of the County’s ability to accommodate its Regional Housing Needs Allocation (RHNA) established by the Association of Bay Area Governments (ABAG) through the year 2031.

California Government Code provides that Housing Elements must include an inventory of adequate sites that are appropriately zoned and available within the planning period to meet the jurisdiction’s fair share of regional housing needs across all income levels. The 2023-2031 HUE housing sites inventory includes a projection of anticipated accessory dwelling units (ADUs), housing projects that are either entitled or that are in the development review process, and sites that are currently zoned to accommodate new residential development. This inventory was found to be not adequate to accommodate the unincorporated County’s full RHNA, so additional sites (both vacant and non-vacant land) were considered for re-zoning to accommodate additional housing. The sites identified for re-zoning were intended to either match the zoning of nearby residential areas, enable higher densities such that the sites can be used for lower income densities, or sites that enable higher densities of above-moderate income densities (primarily on vacant lots in Fairview and northern Castro Valley). The intent of these re-zonings is to enable new housing construction and to maintain existing uses in conformity with the County Zoning Code. The 2023-2031 HEU housing site inventory demonstrates that, with the identified re-zonings, the unincorporated portion of Alameda County is capable of accommodating its Regional Housing Needs Allocation of 4,711 units for the 2023 to 2031 planning period.⁴ Pursuant to the 2023-2031 HEU, Alameda County amended the Castro Valley General Plan, Eden Area General Plan, Ashland Cherryland Business District Specific Plan, Castro Valley Central Business District Specific Plan, Fairview Specific Plan, San Lorenzo Village Center Specific Plan, and the Alameda County Municipal Code as needed to achieve consistency with, and to implement the 2023-2031 HEU.⁵

The Project site at 2492 D Street (APN 416-200-22-6) is among the 2023-2031 HEU’s housing sites inventory.⁶ Based on HEU amendments to the Fairview Area Specific Plan, the General Plan land use designation of the Project site was changed from Low Density Residential (LDR) to Residential Small Lot. Amendments to the Alameda County Municipal Code changed the applicable zoning of the Project site from Single-Family Residential (R1), to Residential 17 zoning, with permitted residential densities of up to 17 units per net acre.

⁴ Alameda County, *2023-2031 Housing Element Update*, Table 3-2, December 2024

⁵ Alameda County, *Resolution No. 2024-634 - Resolution Of The Board Of Supervisors Adopting the Alameda County Housing Element 5th Cycle (2023-2031) General Plan Element, Adopting The Initial Study And Mitigated Negative Declaration Prepared for the Project, and Making General and Specific Plan Text and Map Amendments to Implement the Housing Element*, December 2024

⁶ Alameda County, *2023-2031 Housing Element Update*, Figure B36-G, December 2024 and Resolution 2024-634 Figure 30

CEQA Determination

This document relies on several key provisions of CEQA Guidelines, including the following:

- CEQA Guidelines Section 15162: Subsequent EIRs and Negative Declarations,
- CEQA Guidelines Section 15183: Projects Consistent with a Community Plan or Zoning, and
- CEQA Guidelines Section 15164: Addendum to an EIR or Negative Declaration

These provisions of CEQA are defined below, followed by a discussion of how these provisions apply to the current Project.

CEQA Guidelines Section 15162: Subsequent EIRs and Negative Declarations

Section 15162 of the CEQA Guidelines provides the following guidance:

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

Applicability to the Project

A Mitigated Negative Declaration (MND) for a prior project at the same site was adopted by Alameda County in October 2004. That prior 2004 MND evaluated the environmental effects associated with creation of 15 single family lots on the site, of which 14 lots were intended for construction of new

single-family homes and one lot that would be retained for the then-existing residence at 2512 D Street.

The currently proposed Project does involve changes to the previously approved 2004 project:

- The one lot that was to be retained at the existing residence at 2512 D Street (APN #416-200-19-9) has been established, and the current Project does not propose any further changes to that existing lot.
- Rather than the 14 single family lots on the remaining portion of the site as approved in 2004, the current Project proposes 17 new lots, 14 lots that would contain single-family residential units and 3 lots that would contain a total of 7 townhomes, for a total of 21 residential housing units.

As evaluated in this CEQA document, these changes to the prior 2004 project (i.e., the 3 additional lots and the 7 additional residential units) would not result in a new significant environmental effect not identified in the prior 2004 MND, or a substantial increase in the severity of a significant effect that was previously identified in the 2004 MND. As also evaluated in this CEQA document, there are changes that have occurred with respect to the circumstances under which the current Project is undertaken. In 2024, Alameda County approved its 2023-2031 Housing Element Update (HEU), which included identifying the Project site as part of its housing sites inventory. Subsequent actions by the County included changing the General Plan land use designations and re-zoning the Project site for higher residential densities. As also evaluated in this CEQA document, these changes in circumstances do not result in a new significant environmental effect not identified in the prior 2004 MND, or a substantial increase in the severity of a significant effect that was previously identified in the 2004 MND. There is no current information of substantial importance that was not known in 2004 that would result in a new significant environmental effect or a substantial increase in the severity of a significant effect as previously disclosed in the prior 2004 MND.

Whereas none of these conditions would occur, no subsequent EIR or Negative Declaration needs to be prepared prior to granting any discretionary approvals for the current Project. Minor technical changes and additions to that prior 2004 MND are necessary to adequately address the current Project, and those changes and additions are fully addressed in this CEQA Addendum.

CEQA Guidelines Section 15183: Projects Consistent with a Community Plan or Zoning

The portions of CEQA Guidelines Section 15183 that are relevant to the current Project include the following:

- f) *An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR.*

Such development policies or standards need not apply throughout the entire city or county but can apply only within the zoning district in which the project is located, or within the area subject to the community plan on which the lead agency is relying. Moreover, such policies or standards need not be part of the general plan or any community plan but can be found within another pertinent planning document such as a zoning ordinance. Where a city or county, in previously adopting uniformly applied development policies or standards for imposition on future projects, failed to make a finding as to whether such policies or standards would substantially mitigate the effects of future projects, the decision-making body of the city or

county, prior to approving such a future project pursuant to this section, may hold a public hearing for the purpose of considering whether, as applied to the project, such standards or policies would substantially mitigate the effects of the project. Such public hearing need only be held if the city or county decides to apply the standards or policies as permitted in this section.

Development Standards of the Alameda County MND for the 2023-2031 Housing Element Update

Alameda County’s adopted MND for the 2023-2031 Housing Element Update assessed the potential environmental consequences of a “reasonable maximum development scenario,” assuming that all of the re-zone sites identified in the HEU would be developed as housing. This conservative approach focused on the physical changes that would result from implementation of the re-zonings required to meet the unincorporated County’s Regional Housing Needs Allocation (RHNA), including re-zoning of the Project site at 2492 D Street.

The 2023-2031 Housing Element Update MND did not examine any of the re-zone sites individually but rather provided a more programmatic analysis of County-wide cumulative buildout. As specifically noted in the 2023-2031 HEU MND, *“this analysis is cumulative in nature in that it analyzes future development under the proposed HEU throughout unincorporated Alameda County and takes into consideration the effects associated with development of multiple projects in the Housing Element cycle through 2031.”*⁷ As also noted in the 2023-2013 HEU MND, *“it is anticipated that potential impacts associated with individual development projects would be addressed on a case-by-case basis and would be subject to the mitigation measures outlined in [the 2023-2031 HEU MND], County policies and local and State regulations. Compliance with the existing policies and regulations and mitigation measures [as identified in the 20123-2031 HEU MND], future development would be required to avoid or mitigate impacts.”*⁸

The Final Initial Study/MND for the 2023-2031 HEU identifies those applicable mitigation measures to be established and applied as standard conditions of approval for those projects on re-zone sites that require County discretionary approvals.

Applicability to the Project

Based on 2023-2031 HEU amendments to the Fairview Area Specific Plan, the General Plan land use designation of the Project site at 2492 D Street was changed from Low Density Residential (LDR) to Residential Small Lot.⁹ Amendments to the Alameda County Municipal Code changed the applicable zoning of the Project site from Single-Family Residential (R1), to Residential Small Lot zoning, with permitted residential density use up to 17 dwelling units per net acre.¹⁰ As a project on a re-zone site that now requires County discretionary approvals, those mitigation measures identified in the 2013-2031 HEU MND are applicable to the current Project and will be applied as standard conditions of approval.

This CEQA document for the 2492 D Street Project incorporates those standard conditions of approval from the 2023-2031 HEU MND that are now applicable to the Project, and also incorporates by reference those updated County policies, updated local and State regulations, and mitigation measures cited in the 2023-2032 HEU MND as applicable to the 2492 D Street Project. These standard conditions of approval, updated County policies and updated local and State regulations can and will serve to mitigate potential impacts of the 2492 D Street Project.

⁷ Alameda County, 2023-2031 Housing Element Update - Initial Study – Mitigated Negative Declaration, November 2023, page 214

⁸ Ibid

⁹ Alameda County, Resolution No. 2024-634, December 2024, page 28

¹⁰ Ibid, page 46

CEQA Guidelines Section 15164: Addendum

Section 15164 of the CEQA Guidelines provides the following requirements for preparation of an Addendum:

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

Applicability to the Project

To establish whether an Addendum to the prior 2004 MND is the appropriate type of document for compliance with CEQA, this document includes the following information and substantial evidence regarding the Project and its potential environmental effects:

- The Project Description describes the current Project, including a description of the differences between the current Project and the Project as analyzed in the prior 2004 MND and prior 2014 Addendum.
- The environmental analysis conducted in this CEQA document provides the County with the factual basis for determining whether any changes in the Project, any changes in the circumstances or any new information since the prior 2004 MND was adopted require further environmental review via preparation of a Subsequent MND or EIR, or if a new Addendum to the prior 2004 MND is appropriate.

CEQA Determination

As lead agency, Alameda County's determination for compliance with California Environmental Quality Act requirements for the Project are informed by CEQA Guidelines Section 15162: Subsequent EIRs and Negative Declarations, CEQA Guidelines Section 15183: Projects Consistent with a Community Plan or Zoning, and CEQA Guidelines Section 15164: Addendum to an EIR or Negative Declaration. As summarized above, detailed in the Project Description and fully addressed in the Environmental Analysis sections of this document:

- Changes to the project as analyzed in the prior 2004 MND are now proposed, primarily including an increase from 14 new single-family lots to the current proposal for 17 new lots, and an increase from 14 single family dwelling units to a total of 21 residential housing units (14 single-family homes and 7 townhomes). As demonstrated in this Environment Analysis, these changes in the Project do not result in any new significant environmental effects or substantial increases in the severity of significant effects previously identified in the prior 2004 MND.
- Changes have occurred with respect to the circumstances under which the Project is being undertaken. In 2024, Alameda County approved the 2023-2031 Housing Element Update,

which identifies the Project site as part of its housing sites inventory, with a corresponding change in the Project site's General Plan land use designation from Low Density Residential (LDR) to Residential Small Lot and a corresponding re-zoning of the site from Single-Family Residential (R1) to Residential 17 zoning with permitted residential densities of up to 17 units per net acre. However, as demonstrated in this Environment Analysis, these changes in circumstances do not result in any new significant environmental effects or substantial increases in the severity of significant effects previously identified in the prior 2004 MND.

- There is no other new information of substantial importance pertaining to the site, the Project or other matters that were not known and could not have been known with the exercise of reasonable diligence at the time the previous 2004 MND was adopted and that would result in a new significant environmental effect or a substantial increase in the severity of significant effects previously identified in the prior 2004 MND.

The changes in the Project and its circumstances are fully described in the Project Description of this CEQA document. The Environment Analysis sections of this CEQA document provide substantial evidence to demonstrate that these changes in the Project and its circumstances do not result in any new significant environmental effects or any substantial increase in the severity of significant effects previously identified in the prior 2004 MND.

Accordingly, Alameda County has determined that the prior 2004 MND continues to serve as the applicable environmental review document pursuant to the requirements of CEQA, and that an Addendum to the prior 2004 MND is necessary to adequately describe the proposed changes to Project and to disclose the current changes in circumstances that pertain to the Project.

This document serves as that Addendum.

Project Information

Requested Project Entitlements:	Approval of Vesting Tentative Tract Map, TR 8775 Planning Application PLN2025-00184
Lead Agency:	County of Alameda
Lead Agency Contact:	William Chin, Planner County of Alameda Planning Department 224 W. Winton Avenue, Suite 111 Hayward, CA 94544 510-670-6519 email: William.Chin@acgov.org
Project Sponsor:	Sumita Somani, Manager 94541 D LLC 408-621-4453
Project Location:	2492 D Street, unincorporated Fairview area of Alameda County Assessor’s Parcel Number: 416-200-22-6
General Plan Designation:	Residential Small Lot
Zoning:	Residential 17
Other public agencies whose approval may be required:	The Project is assumed to require updated jurisdictional determinations by both the RWQCB and the US Army Corps of Engineers. Depending on these jurisdictional determinations, the Project may require updated permits from either or both of these public agencies.

Project Description

Project Site

Location

The Project site is located at 2492 D Street, on the north side of D Street and approximately 100 feet west of Madeiros Avenue in the unincorporated Fairview area of Alameda County (see **Figure 1**). The Project site is comprised of Alameda County Assessor's Parcel Number 416-200-22-6, with a gross land area of 136,518 square feet (3.13 acres).

General Plan Designation

Prior to adoption of Alameda County's 2023-2031 Housing Element Update (2024), the Project site had a General Plan land use designation of Low-Density Residential, as identified in the 2021 Fairview Area Specific Plan. The Low-Density Residential category corresponds to areas that are single family residential in character and with a variety of lot sizes. The maximum allowable density ranges from 7.2 to 8.7 units per net acre and no minimum density applies. Most Fairview neighborhoods are in this land use category.

Pursuant to the Alameda County 2023-2031 Housing Element Update, the Project site was identified as one of the Housing Element's inventory of sites needed to increase maximum allowable densities to accommodate the County's Regional Housing Needs Assessment. Per County Resolution, the Fairview Area Specific Plan's land use designation for the Project site was amended from Low-Density Residential to Medium Low Residential.

Zoning

Prior to adoption of Alameda County's 2023-2031 Housing Element Update (2024), the Project site was zoned as Single Family Residence (R-1) with a 5,000 square-foot minimum building site area.

Pursuant to the Alameda County 2023-2031 Housing Element Update, the Project site was identified as one of the Housing Element's inventory of sites needed to increase maximum allowable densities to accommodate the County's Regional Housing Needs Assessment. Per County Resolution, zoning for the Project site was amended from R-1 to Fairview Area Specific Plan to Residential 17, which allows residential uses as the primary use, with residential densities of use up to 17 units per net acre.

Existing Conditions

Surrounding Land Uses and Setting

Single family residential homes are the prevailing land use in the surrounding neighborhoods. The Glenbrook subdivision is adjacent to the Project site to the east, with homes that overlook the Project site. A larger-lot development adjacent to the Project site to the north along Palazzo del Kayla. Three larger, deep lots of more than an acre front onto D Street directly west of the Project site.

Elsewhere along D Street are single-family homes with varying lot sizes, an approximately 9-acre condominium complex of 43 dwelling units, and San Felipe Park is roughly 1,000 feet to the west of the Project site (see **Figure 2**).



Figure 1
Project Location

Source: Alameda County, Fairview Specific Plan, March 2021



Figure 2
Surrounding Land Uses and Setting

Project Site

The Project site (see **Figure 3**) consists of one irregularly shaped parcel totaling approximately 3.13 acres of gently to steeply sloping terrain, characterized primarily by open ground cover of native and non-native grasses. There is one densely wooded and steeply sloped area of roughly 15,000 square feet in the southwest portion of the site, two small creeks crossing the property from east to west, and one vacant and deteriorated single-family house dating from the 1950s located near the middle of the site.¹¹ A compacted dirt access road runs from D Street through the site from south to north that provides access to the house and the rear portion of the property. The existing dirt road bisects each of the two creeks, and these creeks were previously placed in culverts beneath this road. Each non-culverted segment of the existing creeks was previously delineated as wetlands (i.e., as waters of the United States) according to the requirements and procedures established by the U.S. Army Corps of Engineers and pursuant to the previous 2004 MND. The two creeks converge off-site about 150 feet to the west and within an adjoining area of mature eucalyptus trees.

Due to a lot line adjustment completed in 2010 and past patterns of lot creation and development, the Project site now has an irregular shape with about 88 feet of frontage along D Street, an average depth of approximately 630 feet from D Street to the northerly (rear) property line, and widths that range from 235 feet to 320 feet between the irregularly shaped easterly and westerly property lines.

The steepest areas of the site are on the sides of the two creeks, with slopes of approximately 30% along the lower reach of the southern stream closest to D Street. Another notable feature on the site is a grove of mature eucalyptus trees located on the steep southern portion of the site behind the adjacent existing lots on D Street. Portions of the site have previously been graded into rounded hills with smooth contours using un-verified fill (presumably from the dirt road base), and there are also limited areas of previous cut slopes along the existing dirt access road that date to the 1950s or 1960s. The road grade extends across the central segments of each of the two on-site streams, which flow through concrete culverts below the road base.

The tall eucalyptus trees on the Project site and on the adjacent properties are visible at some distance away, especially from the upper ridges of the Fairview area.

Project Description

Site Plan

The proposed Project would subdivide the Project site into seventeen (17) lots for future residential dwellings (see **Figure 4**). Residential Lot 1 would contain two townhomes (Units 1A and 1B), Lot 2 would contain three townhomes (Units 2A, 2B and 2C) and Lot 3 would contain two townhomes (Units 3A and 3B). The remaining residential lots (Lots 4 through 17) would each contain one single-family residential home site. The total number of residential units would be 14 single-family dwellings and 7 townhomes, or 21 total residential dwelling units. The Vesting Tentative Map shows proposed single-family lot sizes that range from 3,420 square feet (Lot 5) to 6,180 square feet (Lot 10), with an average single family lot size of 4,610 square feet. The townhome lots range in size from 5,560 square feet to 10,850 square feet. The approximate location of each dwelling unit is shown on the Project's proposed Preliminary Development Plan, but individual designs for these units are not included in the current Project.

¹¹ For the purpose of reference, D Street is considered to be oriented east/west and therefore serves as the southern edge of the Project site

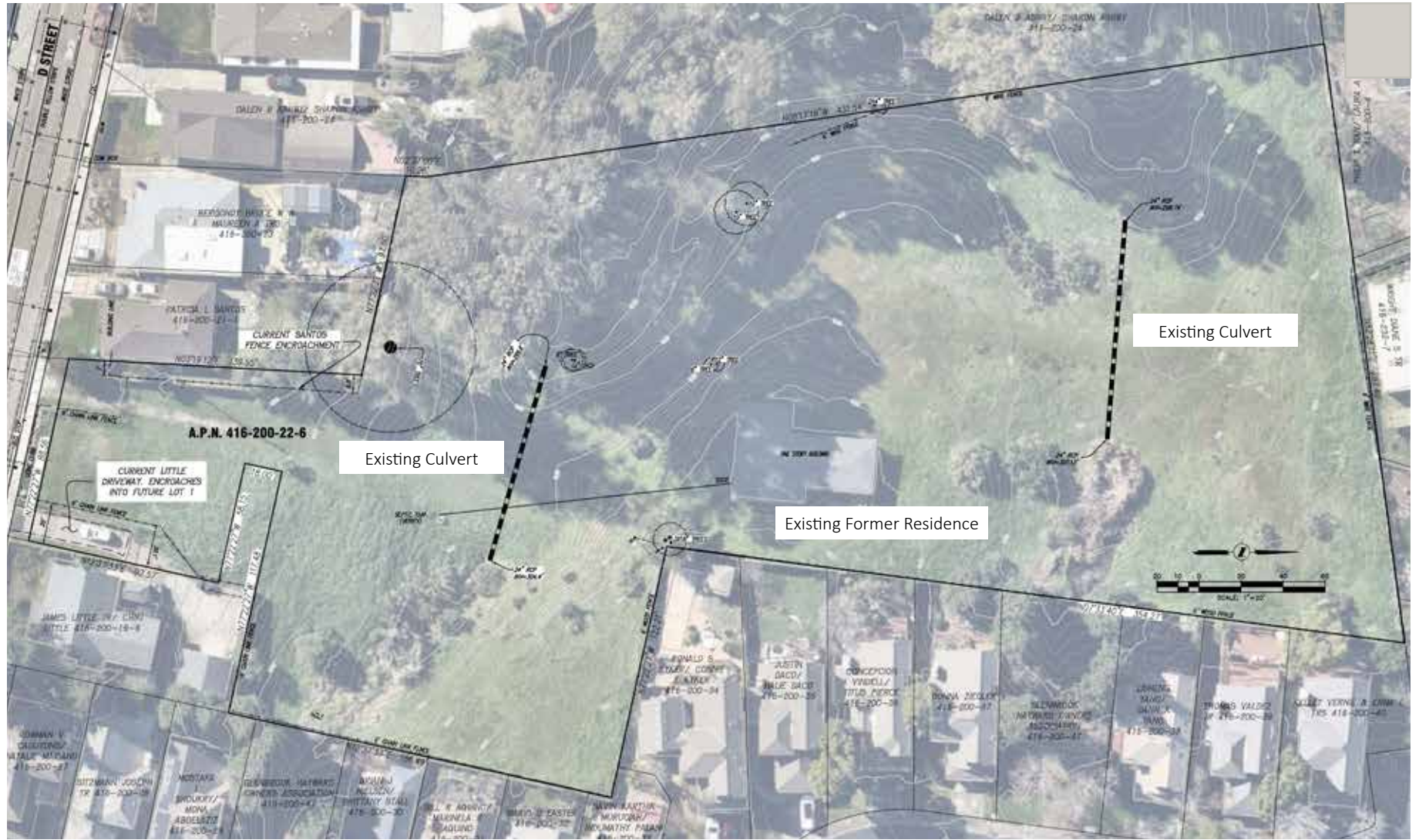


Figure 3
Project Site (Existing)

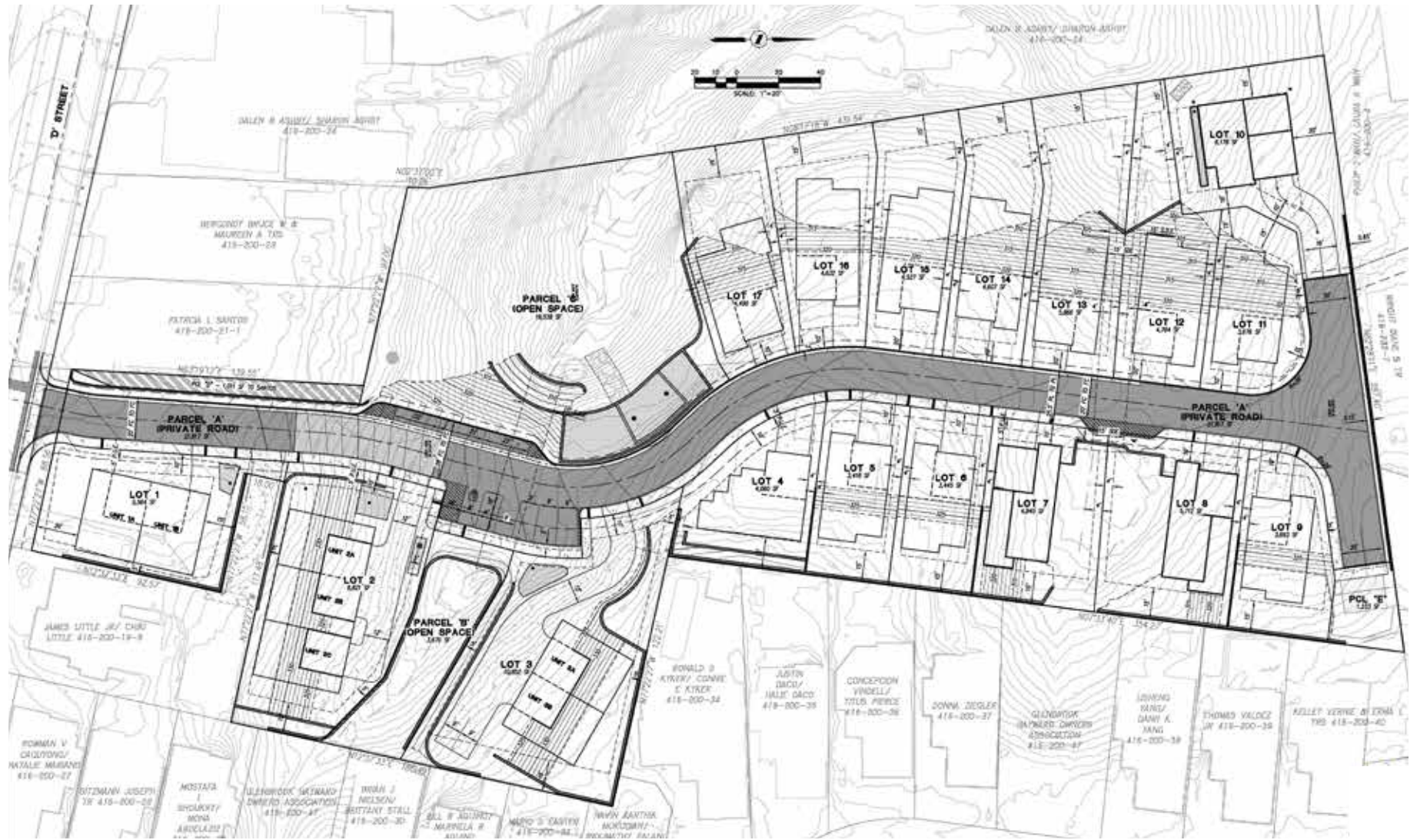


Figure 4
Proposed Vesting Tentative Map/Preliminary Development Plan

Source: Milani Associates, Lotting Plan - Sheet C-10, December 2025

Site access to each parcel would be from a new private road intersecting with D Street west of Madeiros Avenue. This private road would be an approximately 630-foot-long road (Parcel A) ending in a 'hammerhead' type of cul-de-sac designed to accommodate the turning movements of emergency fire equipment. None of the proposed new homes would have direct access to D Street, rather all new homes would be accessed via this private street.

Three additional lots (Parcels B, C and E) would be retained as private open space, inclusive of the eucalyptus grove, the non-culverted portions of the southerly creek, and a small passive open space at the end of the private road cul-de-sac. The non-culverted portions of the northerly stream would be retained within easements across Lots 12 and 13 (to the west) and across Lots 7 and 8 (to the east).

A small additional parcel (Parcel D) would consist of an easement dedicated to the neighboring property on D Street to accommodate the existing fence line between these two properties, which currently encroaches into the Project site.

Consistency with Zoning Requirements for Dwelling Units

Per the currently effective FASP Residential 17 zoning of the Project site, the permitted residential density permits up to 17 units per net acre. The proposed Vesting Tentative Map shows that the net acreage of all residential lots (Lots 1 through 17) is approximately 89,750 square feet, or 2.06 net acres. At the permitted density range of 17 dwelling units per net acre, the range of permitted development is up to a maximum of 35 dwelling units. The Project's proposed development of 21 dwelling units (14 single family homes and 7 townhomes) is within this permitted density range.

Proposed Construction

Site Preparation and Grading

Site preparation activities for the Project would begin with demolition of the existing vacant residential structure located near the middle of the site, and removal of six existing trees that are located within the future development envelope. Site preparation will also include over excavation of unverified fill areas within the center of the site, backfilled with engineered fill and then compacted. The site would be stripped of all organic topsoil to depths of 4 to 6 inches and the predominantly organic material from the stripping will be removed from the site.¹²

Following these site preparation activities, rough grading of the site would occur. These grading activities will include a combination of cut and fill work along the alignment of the proposed new private road to provide a more consistent slope from north to south along the roadway centerline, and to provide a generally flat (2%) cross-slope from the east to west edges of the roadway (curb-to-curb). Cut soils from the roadway grade and from new homesites on uphill sites will be used as fill material to establish a more level grade for the new roadway and for fill of other new homesites on downhill sites. Retaining walls (including building pad foundations) will be used to hold those cuts and fills at locations where existing grade will remain. A generalized diagram of cut and fill grading activities is presented in **Figure 5**.

¹² Wayne Ting & Associates, Inc., *Geotechnical Report Review*, May 2013



Figure 5
Grading Plan

Source: Milani Associates, Rough Grading Plan - Sheet C-13, December 2025

Utilities and Infrastructure

Once the rough grading is completed, on-site utility infrastructure will be installed. These infrastructure components are as described below and shown on **Figure 6**.

Water Supply Line

An 8-inch water supply line will be connected to the existing 12-inch water main within the D Street right-of-way. The new water line servicing the Project will follow the alignment of the new internal roadway and at a minimum depth of 4 to 5 feet below the finished roadway grade. Individual 1 ½ to 2-inch water laterals will connect from the new water line to serve each new residential lot. The new water line will terminate at the cul-de-sac terminus of the new internal roadway.

Sewer Line

From each new residential lot, 4-inch sewer laterals will connect to an 8-inch sewer line that also follows the alignment of the new internal roadway. The new 8-inch sewer line will begin near the D Street intersection at Lot 1 and follow the new roadway alignment to the hammerhead turn-around. At the terminus of the new internal roadway the new sewer line will angle to the west and then follow the alignment of an existing off-site 10-foot sewer easement. That off-site sewer easement follows property boundaries on the neighboring lots to the north and connects to an existing 8-inch sewer line with a manhole within the right-of-way of Palazzo del Kayla.

Storm Drain

The Project includes a storm drain plan that is intended to manage stormwater flows on the site and to provide consistency with current requirements and standards of the federal Clean Water Act regulations and the National Pollutant Discharge Elimination System (NPDES) permit requirements. Within Alameda County, NPDES permits are primarily managed pursuant to a Municipal Regional Stormwater Permit (MRP) issued by the State Water Board, and this MRP regulates stormwater and wastewater discharges to protect water quality. The Alameda Countywide Clean Water Program (ACCWP) works to ensure compliance with Clean Water Act/NPDES requirements for new development projects through implementation of specific measures (known as C.3 provisions of the NPDES permit). These C.3 provisions of the NPDES are focused on reducing pollutant loads in urban stormwater runoff and avoiding increases in peak hour stormwater flows.

Pursuant to these requirements, the Project proposes a system of self-treating pervious surfaces combined with a series of C.3 water quality treatment facilities (stormwater retention and bio-filtration basins). Stormwater runoff from individual rooftops and from the impervious surface of the new roadway would flow within the roadway gutter system to these C.3 retention/bio-filtration facilities. Pollutants will be removed via natural biological filtration, and peak stormwater flows will be retained prior to release. Discharge of these post-biofiltration stormwater flows will be into the existing natural drainages that cross the Project site, passing over energy dissipators before entering the creek channels (see further discussion in the Hydrology section).

Street Improvements

The approximately 630-foot private roadway serving the Project (Parcel A) will have a cross-section pavement width of 20 feet from curb-to-curb, curb and gutters on both sides of the street, and a 4 ½-foot-wide sidewalk on the easterly side of the street, only. Typical grade along the center of the roadway will vary from 1% to 4% slope, with a short segment of roadway (in front of Lot 2) at a 13% grade along the centerline. This approximately 70-foot-long segment of the roadway will be a concrete pavement surface, while the remainder of the road will be asphalt paving over the road base.

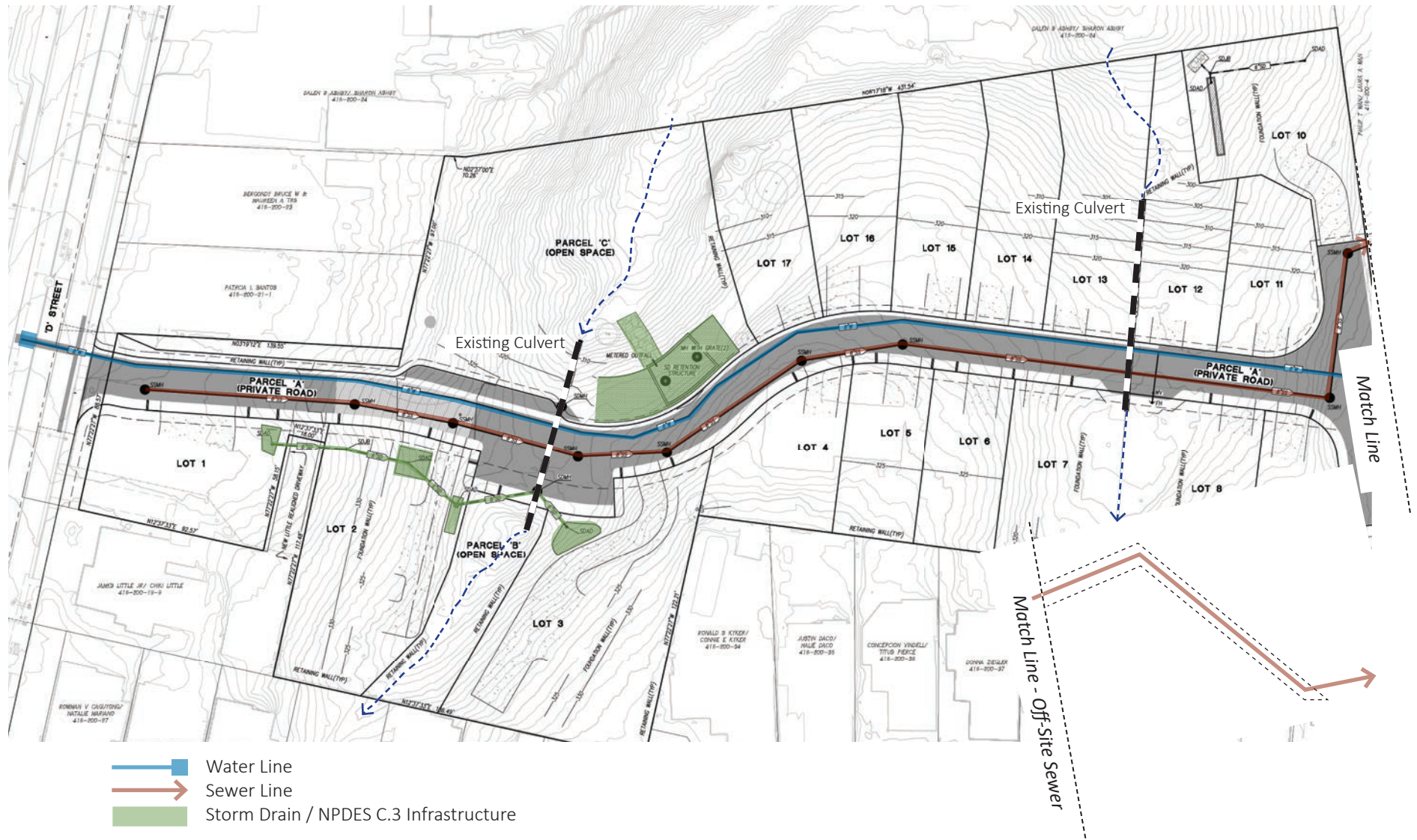


Figure 6
Utility/Infrastructure Plan

At two locations along this roadway near Lots 2 and 3 (i.e., the townhome lots) street parking is provided, including 3 parallel parking spaces on the west side of the road and 6 perpendicular (head-in) parking spaces along the east side of the road. An additional curb widening along this street will provide space for emergency vehicles to stop and connect to a proposed fire hydrant.

The hammerhead turnaround at the northern terminus of the roadway is specifically designed to meet Alameda County and City of Hayward Fire Department specifications for emergency vehicle turn-arounds and turning radii.

Near the intersection of D Street, a private access easement and roadway extension will be provided to maintain access to the non-Project adjacent property to the east that was previously split off from the remainder of the site in 2010.

Home Construction

The approximate location of each new home is shown on the Project's proposed Preliminary Development Plan. The new homes are custom designed to fit the unique topography and shape of each lot. Each home is between approximately 2,200 square feet and 3,000 finished square feet, with smaller townhouse units. Each new home will have an attached two-car garage or other off-street parking provided. All of the homes are two stories tall but would not exceed the 25-foot average height limit. Yards of varying sizes are incorporated in the design according to the individual aspects of each lot.

Pursuant to Alameda County zoning provisions of Section 17.54.210, these new homes are subject to individual Site Development Review. Alameda County Zoning Section 17.54.200 provides that the Planning Director or his or her designated representative shall receive and decide applications for Site Development Review or may request that another public body holds a public hearing to consider Site Development Review. The Project's application for Site Development Review of the individual building sites is being reviewed by the Planning Director concurrent with review of the subdivision map. That Site Development Review is accompanied by a site plan that includes the following information:

- parcel dimensions
- proposed buildings and structures, including their location, size, height and use
- dimensions of yards and open spaces between buildings
- fences and walls, including their location, height and materials
- parking space locations, numbers, dimensions and internal circulation
- vehicular, pedestrian and service access, and
- other data as may be required under the circumstances of the case to make required findings

Project Changes as Compared to the Prior Approved Project

Project Changes from 2004 to 2014

The most significant changes from the approved 2004 project (Modified Tract Map 7337) to the 2014 project (Tract Map 8143) included a reduction in the total number of proposed on-site residential lots (from 14 to 12 lots), retention of greater portions of the site in natural condition, improved water quality infrastructure in conformance with NPDES C.3 regulations, minor adjustments to the configuration of lots and lot lines, and a revised grading plan. These 2014 changes were viewed at the time as being generally consistent with, but an overall improvement over the 2004 project. The 2014 CEQA Addendum found that these changes to the 2004 project would not result in any new or more severe environmental effects, and that many of these changes were environmentally beneficial.

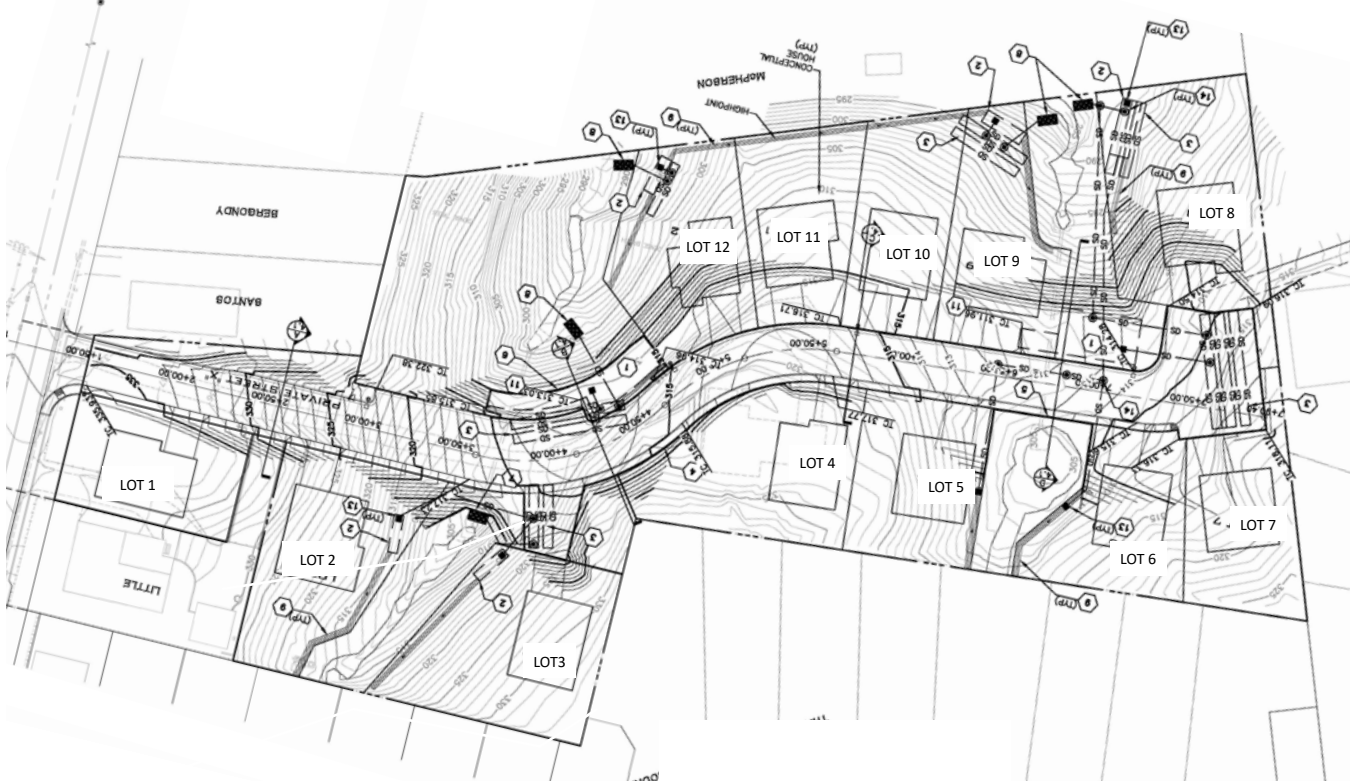
Project Changes from 2014 to the Current (2026) Project

The currently proposed Project is similar in many respects to the previously approved 2014 project. As shown in the comparative site plans presented in **Figure 7**, the current Project retains a subdivision layout that is similar to that 2014 project, including the following:

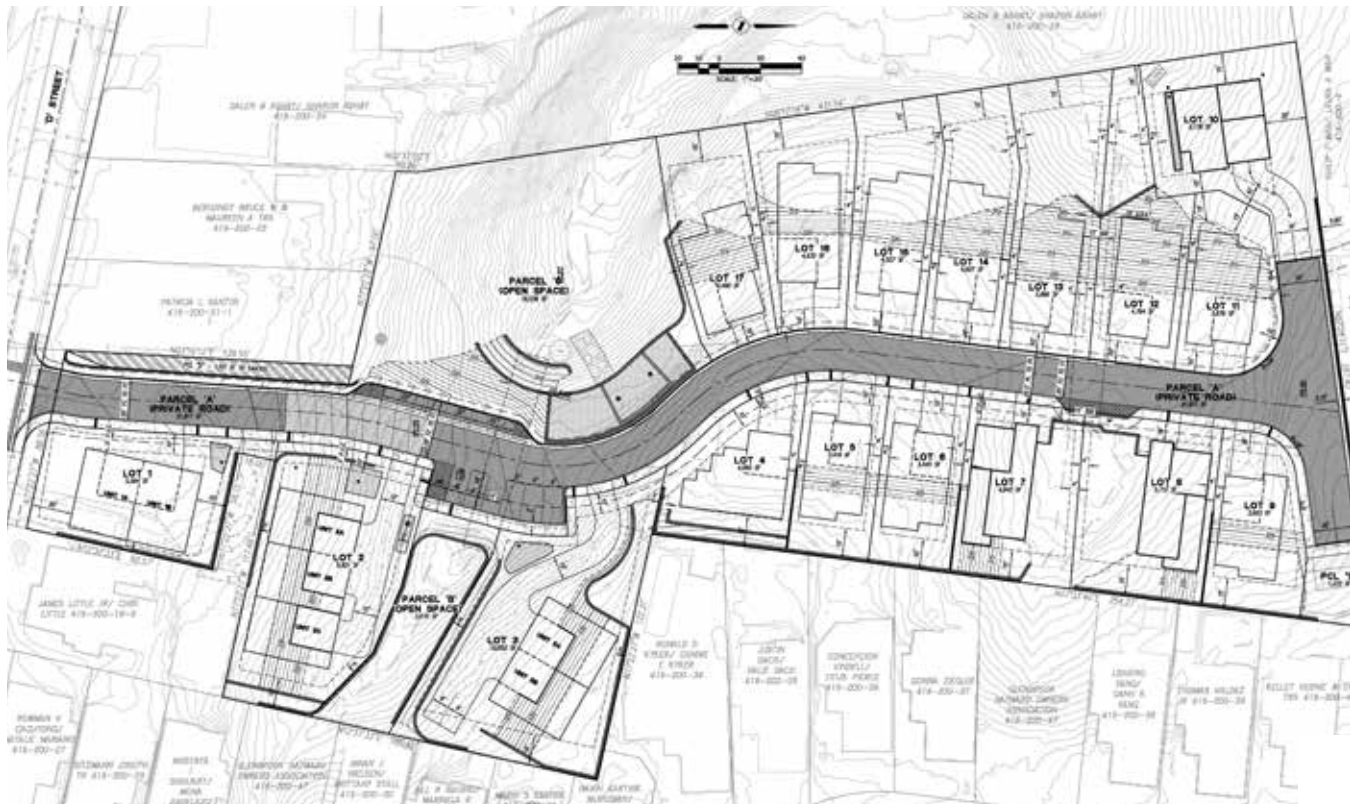
- The current Project's proposed development plan retains the existing residence at 2512 D Street as a separate parcel, not a part of the proposed Vesting Tentative Map.
- The current Project's internal private road that serves the subdivision (Parcel A) is in a similar alignment and grade as the roadway previously approved in 2014, with a similar but larger hammerhead turn-around for fire access at the northerly boundary of the site.
- The grading plan for the currently proposed Project is similar to the grading plans previously approved in 2014, with cut and fill to create a more gradual slope for the internal road, and generally flat building pads on either side of the road.
- The current Project's open space parcels at Parcels B and C are similar to the 2014 plan, containing the existing eucalyptus grove and the more southerly on-site creek/wetlands. These open space parcels are of similar size and fully encompass the existing wetland areas associated with this creek, as did the previously approved 2014 site plan. Different from the 2014 site plan, the more northerly on-site creek and associated wetland is preserved behind proposed retaining walls but not contained in separate open space parcels. Instead, the northerly creek/wetlands are proposed to be held within private yards/open spaces within the adjoining lots, but where no grading or fill is proposed.
- Similar to the 2014 project, the current Project's storm drain infrastructure includes biofiltration features designed in conformance with current NPDES C.3 regulations for water quality.

Differences between the current Project and the previously approved 2014 project are represented by the following:

- The current Project allocates approximately 11 percent more of the overall site (approximately 9,000 more square feet) as net residential development area as compared to the prior 2014 project.
- The greater portion of the site allocated for residential parcels is offset by a similar total reduction in land area dedicated for the internal roadway (as a 20-foot versus the prior 26-foot curb-to-curb dimension), and a reduction in land designated as open space (although the northerly creek/wetlands are still retained as private open spaces within the adjoining lots).
- The current Project has a significant increase in total residential units (21 dwelling) as compared to the previously approved 2014 project (12 dwelling units). This increase in residential density is a function of the 2023-2031 Housing Element Update's identification of the Project site as part of its housing sites inventory, with a commensurate rezoning of the site for higher density residential development.



Previously Approved 2014 Project



Current (2026) Project

Figure 7
Comparative Site Plans – 2014 Project vs Current Project

Sources: Greenwood & Moore, VTM 8143, 02/2014 and Milani & Associates, Lotting Plan, 12/2025

A detailed comparison of the prior approved 2014 development plan to the currently proposed Project is shown in the following **Table 1**.

Table 1: Comparison of the Current Project to the Prior 2014 Project			
	<u>Project</u>	<u>2014 Project</u>	<u>Difference</u>
<u>Project Site</u>	3.13 acres	3.13 acres	same
Net Residential Developable Land	89,750 sf (2.06 ac)	80,690 sf (1.85 ac)	+11%
Roadway	21,500 sf	25,850 sf	-17%
Open Space	24,260 sf	29,990 sf	-16%
Other (Easements)	1,010 sf		
	Total: 136,520 sf (3.13 ac)	136,520 sf (3.13 ac)	same
<u>Dwelling Units</u>			
Single Family	14	12	+ 2
Townhomes	7		+ 7
	Total: 21	12	+ 9
	Net Density: 10.2 du/net acre	6.5 du/net acre	
	Gross Density: 6.7 du/gross acre)	3.8 du/gross acre	

The extent to which these changes as represented by the current Project may result in any new or more severe environmental impacts than those impacts identified in the prior 2004 MND are evaluated in the following chapter of this CEQA document.

Comparative Environmental Analysis

The following comparative environmental analysis has been undertaken pursuant to the provisions of CEQA Guidelines Section 15162 and Section 15164 to provide the County with a factual basis for determining whether any changes in the Project, any changes in circumstances, or any new information since the prior 2004 MND was adopted require additional environmental review of the currently proposed Project.

The Project site was identified in the Alameda County 2023-2031 Housing Element Update as one of the Housing Element's inventory of sites where increased maximum allowable densities were needed to help accommodate the County's Regional Housing Needs Assessment, and the Project site was zoned to permit these greater residential densities. Accordingly, those mitigation measures and standard condition of approval cited in the County's Housing Element EIR and that are applicable to the specifics of the Project now also apply to the Project, as indicated in the comparative environmental analysis that follows.

This comparative environmental analysis provides conclusions regarding the relative significance of potential environmental effects, which include the following:

- No Impact – indicates that the project would have no effect on the environment relative to this topic
- LTS – indicates that the project would have a less than significant impact on the environment (i.e., the impact would not exceed the CEQA threshold) relative to this topic
- LTS with Reg. Reqmt. – indicates that the project will be subject to existing regulatory requirements and that implementation of these required regulatory requirement would mitigate the potential environmental effects of the project relative to this topic to a less than significant level
- LTS with MM – indicates that the project may have potentially significant impacts on the environment relative to this topic, but that mitigation measures as previously identified in the prior 2004 MND (or as identified in the County's 2023-3031 Housing Element MND and that are now also applicable to the project) would reduce the potential environmental effects of the project relative to this topic to a less than significant level

AESTHETICS

Scenic Vistas

- a) *Would the project have a substantial adverse effect on a scenic vista?*

Conclusions of the Prior 2004 MND (LTS)

The prior 2004 MND also noted that views into the site from D Street are not designated public vistas and do not meet the requirements for such a designation. The 2004 project's impact on scenic vistas was found to be less than significant.

The prior 2004 MND noted that the Project site is substantially hidden from public view, and that public views into the Project site from D Street would be even further limited with construction of a new house fronting onto D Street. However, views of the site were not determined to be a publicly accessible scenic vista, and the more limited views of the site post construction were not found to have been a significant effect on the environment. Similarly, the prior 2004 MND concluded that the 2004 project would obstruct certain private views from homes in the adjacent Glenbrook subdivision, potentially obstructing certain views to San Francisco Bay. The prior 2004 MND found that the 2004 project was consistent with applicable provisions of the Fairview Area Specific Plan, and the obstruction of individual private views was not considered a significant effect on the environment.

Currently Proposed Project (LTS)

The current Project would have increased density and more residential development than was considered in the 2004 MND. However, this development would be on infill site surrounded by existing neighborhoods, where publicly accessible scenic vistas either do not exist or are already partially obstructed. Like the prior 2004 project, the current Project would further obstruct certain private views from homes in the adjacent neighborhood. Adverse effects on private views are generally not considered physical impacts on the environment, provided that the Project is consistent with applicable rules, regulations and policies of the currently effective Fairview Area Specific Plan. Neither the current Fairview Area Specific Plan nor the 2023-2031 Housing Element Update include any new policies or regulations pertaining to private views. Accordingly, the current Project would have a less than significant adverse effect on scenic vistas.

Scenic Resources and Scenic Routes

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

Conclusions of the Prior MND (No Impact)

The prior 2004 MND found that the Project site cannot be seen from and is not located within a designated scenic highway and concluded that the 2004 project would have no impact on scenic resources and routes.

Currently Proposed Project (No Impact)

The conclusions of the prior 2004 MND pertaining to no impacts on scenic highways and resources remain valid for the current Project, and no further analysis is required.

Visual Character

- c) *Would the project, in a non-urbanized area, 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?*

Conclusions of the Prior MND (LTS)

The prior 2004 MND noted that the Project site is located in a residential area and would be adjacent to other single-family residential subdivisions and private homes. The Prior MND concluded that the 2004 project was in accord with the surrounding visual context of the area and would not substantially degrade the existing visual character or quality of the site and its surroundings. The 2004 project's impact on visual character was found to be less than significant.

Currently Proposed Project (LTS)

The Project site is located in a mostly urbanized, developed area, but the unincorporated Fairview area does not meet the CEQA Guidelines definition of an "urbanized area."¹³ As such, the following analysis focuses on whether the proposed Project would substantially degrade the existing visual character or quality of public views of the site and its surroundings. Impacts associated with scenic views are discussed under threshold question a), above.

Development of the Project would fill an undeveloped site with a similar residential development pattern as is currently present in the surrounding area. Development of the Project would not substantially degrade the existing visual character or quality of site or its surroundings. The new homes constructed pursuant to the Project would be required to adhere to applicable policies of the Fairview Specific Plan to preserve public views, and this impact would be less than significant.

Light and Glare

- d. *Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?*

Conclusions of the Prior MND (LTS with MM)

The prior 2004 MND found that the addition of new homes on the site would add new sources of light, both from inside the future homes and from lighting along the private street. These new sources of light could adversely affect nighttime views of nearby neighbors. This impact was considered to be potentially significant and a mitigation measure (Mitigation Measure 3-1: Lighting Design Plan) was recommended.

Currently Proposed Project (LTS with MM)

The current Project would similarly result in new homes on the site that would add new sources of light, both from inside lighting of the future homes, exterior security lights, and from lighting along the private street. These new sources of light could adversely affect nighttime views of nearby neighbors, and this impact would be potentially significant unless otherwise addressed.

Mitigation Measures

The following mitigation measure from the prior 2004 MND remains applicable to the currently proposed Project.

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

- a. *Applicant shall design public area lighting so as to evenly illuminate areas of concern but so as not to intrude upon private areas any more than necessary. Public areas that are not*

¹³ According to PRC § 21071, the Fairview area does not fit the strict definition of an "urbanized area" because it is not completely surrounded by one or more incorporated cities and has an existing residential population of less than 5,000 persons per square mile. However, Fairview is generally thought of as an urban area due to its nature as a built-out community.

- essential to security should be illuminated only when necessary for occupation by use of timers or motion detector circuits.*
- b. Applicant shall use the lowest wattage lamps reasonable for illumination of the area of concern.*
 - c. Applicant shall install only full cutoff-shielded lights for illumination of public areas. Non-shielded lighting presently in place shall be replaced when required only with shielded fixtures.*
 - d. Applicant shall design and place night time lighting and security lighting so that it is no higher than necessary to illuminate the area of concern for security or visual comfort, and that the lighting is directed toward the area of concern, and always below the horizontal.*
 - e. Applicant shall not position night lighting to illuminate areas beyond the site boundaries, nor shall the applicant position general lighting to radiate above the horizontal but shall place lights or install shielded lights to illuminate only the area of concern.*
 - f. Residents shall extinguish any light not required for onsite security reasons.*
 - g. For any lighting on areas non-essential for security or active operations, applicant shall place lights on a motion detector circuit so that illumination only occurs when required for occasional visibility.*
 - h. The Homeowners Association shall enforce these conditions through CC&Rs for the Project.*
 - i. Applicant shall submit a lighting plan for review and approval by the Planning Director prior to issuance of building permits.*

As was concluded in the prior 2004 MND, implementation of Mitigation Measure Aesthetics-1 would reduce impacts on light and glare to a less than significant level.

CEQA Conclusions – Aesthetics

As demonstrated above, there are no changes in the project, changes in circumstances or new information that would result in a new significant aesthetic impacts or a substantial increase in the severity of a previously identified aesthetic impact. Mitigation measures previously required of the 2004 project remain applicable to the current Project, and these measures would fully mitigate impacts pertaining to light and glare. No further analysis is required for topics related to aesthetics.

AGRICULTURE AND FORESTRY RESOURCES

Conclusions of the Prior MND (*No Impact*)

The prior 2004 MND found that the surrounding area was urbanized and that the site and surrounding properties were not farmland or forested land. Therefore, the prior 2004 project was found to have no impact on agriculture or forest resources.

Currently Proposed Project (*No Impact*)

The area surrounding the Project site remains urbanized and the site and surrounding properties are not farmland or forested land. As determined in the Housing Element MND, the Fairview area does not contain Prime Farmland, Unique Farmland or Farmland of Local Importance. The Project would have no impact on agricultural or forestry resources.

CEQA Conclusion – Agriculture and Forestry Resources

As demonstrated above, there are no changes in the project, changes in circumstances or new information that would result in a new significant impact on agricultural or forestry resources. No further analysis is required for topics related to agriculture or forestry resources.

AIR QUALITY

Conflicts With Applicable Air Quality Plan

a. *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

Conclusions of the Prior MND (LTS)

The prior 2004 MND found that the project site was designated and zoned for residential use and consistent with population growth forecasts of the Fairview Area Specific Plan. Because land use and growth assumptions of local general plans were used for the applicable Air Quality Plan, the population growth attributed to the 2004 project was considered as being included in the growth estimate of the Air Quality Plan and the 2004 project was found to have a less than significant impact pertaining to conflicts with the applicable Air Quality Plan and would not obstruct implementation of the control measures contained within the Air Quality Plan.

Currently Proposed Project (LTS)

The most recently adopted air quality plan for the Bay Area is the Bay Area Air District's (BAAD) 2017 Clean Air Plan. The 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate. It does not include control measures that apply directly to individual development projects. Instead, the control strategies included in the 2017 Clean Air Plan control measures related to stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water and super-GHG pollutants.

As noted in the 2023-2031 Housing Element MND, "*development facilitated by the Housing Element would not contain elements that would disrupt or hinder implementation of a 2017 Clean Air Plan control measures.*"¹⁴ As a development project facilitated by the 2023-2031 Housing Element, the Project would support the primary goals of the 2017 Clean Air Plan. Therefore, the project would be consistent with (not in conflict with) the 2017 Clean Air Plan.

Violate Air Quality Standards – Construction-Period Emissions

b. *During construction, would the project 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?*

Conclusions of the Prior MND (LTS with MM)

The prior 2004 MND found that demolition of the existing residential structure on the project site, along with site grading, earth movement and construction of new homes would have a short-term effect on air quality, primarily due to the generation of particulate matter (PM10) and that the emissions of particulate matter would be potentially significant. The prior 2004 MND cited BAAQMD's recommended implementation of effective and comprehensive dust control measures during project construction, listed in the prior 2004 MND as Mitigation Measure 3-2A: Implement Site-Specific Dust Abatement Programs. Prior MND, implementation of Mitigation Measures 3-2A and 3-2B would reduce fugitive PM dust emissions levels to a less than significant level.

Currently Proposed Project (LTS with MM)

Similar to the 2004 project, the current Project does involve demolition, site grading, earth movement and construction of new homes, and these activities would have a short-term effect on air quality primarily due to the generation of particulate matter (PM10) – or dust. Based on the BAAD's most current CEQA Guidelines, if all of the following screening criteria are met, the construction of a

¹⁴ Alameda County, 2023-2031 Housing Element MND, October 2024, page 45

proposed project would result in a less than significant impact related to criteria air pollutants and precursor emissions:

- the project size is at or below the applicable screening level size for construction
- all best management practices are included in the project design and implemented during construction
- construction-related activities would not overlap with operational activities, and
- construction-related activities would not include demolition, simultaneous occurrence of two or more construction phases, extensive site preparation, extensive material transport, or stationary sources subject to Air District rules and regulations ¹⁵

The applicable construction-period screening level size for single-family housing projects is 254 dwelling units.¹⁶ At only 21 dwelling units the current Project is well below the screening size. No construction-related activities would overlap with operational activities, simultaneous occurrence of two or more construction phases is not expected, and no extensive site preparation, extensive material transport, extensive demolition or stationary sources subject to Air District rules and regulations are anticipated. The only remaining screening criteria is whether best management practices are included in the project design and implemented during construction.

Mitigation Measures

To address these best management practices, Mitigation Measure 3-2A of the prior 2004 MND is updated for the current Project based on the BAAD's most current CEQA Guidelines and modified in this Addendum are set forth below, requiring implementation of the following dust control and construction-related emission reduction measures:

Updated Mitigation Measure AQ-1: Implement Site-Specific BMPs. Based on BAAD recommendations for all projects, the following Basic Construction Mitigation Measures are required of the Project:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
- All vehicle speeds on unpaved roads shall be limited to 15 mph.*
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.*
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.*
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.*

¹⁵ BAAD CEQA Guidelines 2022, page 4-2

¹⁶ BAAD CEQA Guidelines 2022, Table 4-1

- i. *Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations*

The current Project meets the BAAD's applicable construction-period screening level size for single-family housing projects, and with implementation of BAAD's recommended Basic Construction Mitigation Measures, construction-period criteria air pollutant emissions would be less than significant.

Violate Air Quality Standards – Operational Criteria Pollutants

- c. *During operations, would the project 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?*

Conclusions of the Prior MND (LTS)

The prior 2004 MND found that operational air quality impacts would result primarily from emissions of automobiles operated by future residents of the project for their daily transportation needs. However, given the low number of proposed homes, the degree of pollutant emissions from the expected number of daily vehicle trips was determined to be below applicable thresholds of significance and no mitigation was required.

Currently Proposed Project (LTS)

Based on the BAAD's most current CEQA Guidelines, if all the following screening criteria are met, the operation of a proposed project would result in a less than significant impact related to criteria air pollutants and precursor emissions:

- If the project size is at or below the applicable screening level size for operations
- If operational activities would not include stationary engines (e.g., backup generators) or industrial sources subject to Air District rules and regulations
- If operational activities would not overlap with construction-related activities

The applicable BAAD operational screening level size for single-family housing projects is 421 dwelling units.¹⁷ At 21 dwelling units the current Project is well below the applicable screening size. The Project does not include stationary engines or industrial sources, and its operational activities would not overlap with construction-related activities. Therefore, the Project meets screening criteria and its operational impacts related to criteria air pollutants and precursors would be less than significant.

Construction-Period Toxic Air Contaminants

- d. *Would the project expose sensitive receptors to substantial pollutant concentrations?*

Conclusions of the Prior MND (LTS with MM)

The prior 2004 MND found that heavy equipment used in site grading and earth movement operations during construction would have a short-term effect on air quality, primarily due to the generation of diesel particulate matter. The prior 2004 MND required implementation of mitigation measures to reduce diesel exhaust, as identified in Mitigation Measure 3-2B: Implement Site-Specific Diesel Reduction Programs. The 2004 MND concluded that with implementation of these diesel exhaust reduction measures the 2004 project would not expose sensitive receptors to substantial pollutant concentrations.

¹⁷ BAAD CEQA Guidelines 2022, page 4-3

The Project shall demonstrate compliance with all applicable County regulations and operating procedures prior to issuance of building or grading permits, and shall use its best efforts to adhere to the following diesel reduction efforts

Currently Proposed Project (LTS with MM)

Consistent with findings of the prior 2004 MND, construction-related activities for the current Project would result in short-term emissions of diesel particulate matter (DPM) exhaust emissions from off-road, heavy-duty diesel equipment for site preparation (e.g., excavation, grading, and clearing), building construction, and other miscellaneous activities. DPM is recognized as a toxic air contaminant (TAC) by the California Air Resources Board (CARB). Generation of DPM from construction typically occurs in a single area for a short period.

Construction of the Project would occur over a relatively short period and would cease when construction is complete. However, according to the California Office of Environmental Health Hazard Assessment (OEHHA), construction of individual projects lasting longer than two months could potentially expose sensitive receptors to substantial pollutant concentrations and therefore could result in potentially significant health risk impacts. Construction of the Project would occur within 1,000 feet of sensitive receptors (i.e., nearby homes) and could expose those receptors to TAC concentrations. Consistent with the analysis presented in the prior 2004 MND, construction-period TAC emissions would have potentially significant impacts, and mitigation measures are required.

Mitigation Measures

To best address diesel particulate emissions during construction, Mitigation Measure 3-2B of the prior 2004 MND is updated for the current Project based on the County's recent 2023-2032 Housing Element MND and modified in this Addendum is set forth below, requiring implementation of the following diesel particulate emission reduction measures:

Updated Mitigation Measure AQ-2, Implement Site-Specific Diesel Reduction Programs: *The following Standard Conditions of Approval, as applicable to all projects on 2023-2031 HEU re-zone sites, shall apply to the Project. Prior to issuance of construction permit(s), the County shall confirm that the applicable construction plans stipulate that the measure listed below will be implemented by the construction contractor during construction:*

- a) *All mobile off-road equipment (wheeled or tracked) used during construction activities shall meet the U.S. EPA Tier 4 final standards and/or be electrically powered.*
- b) *Tier 4 certification can be for the original equipment or equipment that is retrofitted to meet the Tier 4 Final standards.*
- c) *In the event that Tier 4 or electric-powered engines are not commercially available, use of alternatively fueled equipment or other control technology (i.e., diesel particulate filters) may suffice, as long as emissions during construction can be demonstrated by a qualified air quality consultant to not exceed BAAQMD health risk thresholds.*

Requiring use of U.S. EPA Tier 4 construction equipment or other equivalent measures would reduce health risk to below significant levels. Consistent with the conclusions of the 2004 MND, this impact would be less than significant with mitigation.

Odors

- d. *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

Conclusions of the Prior MND (No Impact)

The prior 2004 MND concluded that the 2004 project would have no impact in terms of creating objectionable odors affecting a substantial number of people.

Currently Proposed Project (No Impact)

There are no changes in the project, changes in circumstances or new information that would result in a new significant impact resulting from objectionable odors. The conclusion of the prior 2004 MND that the project would not generate objectionable odors remains valid for the currently proposed Project.

CEQA Conclusions – Air Quality

As demonstrated above, there are no changes in the project, changes in circumstances or new information that would result in a new significant air quality impact or a substantial increase in the severity of a previously identified air quality impacts. Mitigation measures previously required of the 2004 project remain applicable to the current Project, and these mitigation measures have been updated for consistency with the requirements of the County's recent 2023-2031 Housing Element and current BAAD recommendations. These updated mitigation measures will fully mitigate impacts pertaining to air quality and no further air quality analysis is required.

BIOLOGICAL RESOURCES

Special Status Species

- a. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Conclusions of the Prior MND (LTS with MM)

The prior 2004 MND relied on a number of biological resource studies prepared by Natural Resources Management, LSA, Jones & Stokes, Monk & Associates and Bear Republic Ecological Consulting. With respect to special-status species or critical habitat on the site, the focus of these studies was given to the potential for amphibians (specifically the California red-legged frog), western burrowing owl, avian raptor species and on wetlands as potential critical habitat. These prior studies concluded the following:

- Habitat for the California red legged frog, which was federally listed as threatened and a state species of special concern, was not supported on the site including in the wetland areas on the site.
- There was extremely little potential for western burrowing owls to be present on the site due to the absence of any ground squirrel burrows, the small size of the site and lack of other suitable nesting habitat, leading to a determination that the presence of western burrowing owl was very unlikely.
- The potential for special-status bird species to be present on the project site (except incidentally) was found to be unlikely, and the 2004 project was found to not adversely affect special status birds to a significant or substantial extent.
- Site disturbance activities required for implementation of the 2004 project, particularly removal of eucalyptus trees, had the potential to disturb raptors, which are protected under state and federal regulations, and that impact was determined to be potentially significant.
- The lack of open habitat on the site, surrounding urban landscapes and adaptive use of residential subdivisions were reasons why other special status bird species were unlikely to occur in the project vicinity, and cumulative impacts were also deemed to be quite minor and not considerable. Nonetheless, the Prior MND recognized that potential impacts on the nesting of special status bird species could be significant and identified a mitigation measure (Mitigation Measure 3-4: Raptor Survey and Buffer Zones) to address potential impacts on nesting raptor species and passerines.
- No federally- or state-listed special status plant species were observed during focused botanical surveys in 2004, and these surveys did not observe the presence of any plant species listed by the California Native Plant Society (CNPS) as rare or endangered. However, the potential for some special status plant species (bent-flowered fiddleneck, round-leaved filaree, fragrant fritillary and Mt. Diablo cottonweed) to exist on the site was noted due to the presence of suitable or marginally suitable habitat, and loss of these species as a result of the 2004 project was found to have a potentially significant impact, and a mitigation measure (Mitigation Measure 3-5: CNPS-Listed Plant Species) was recommended to address the potential future presence of these status plant species.

Currently Proposed Project (LTS with MM)

The following assessment of potential effects of the current Project on special status animal and plant species is derived from an assessment conducted by LSA Associates in June 2013 (**Appendix A**). As

determined in that 2013 assessment, no substantial changes in biological resource values on the site had occurred in the 10 years between the prior 2003 studies referenced in the prior 2004 MND and the 2013 LSA study. Similarly, it is highly unlikely that any changes in biological resource values on the site have occurred since in the 2013 assessment due to the high density of non-native grasses and prior disturbance over the entire site.

With regard to special status species, the 2013 LSA assessment concluded the following:

- The two watercourses on the Project site are too small to support habitat for the California red-legged frog (*Rana draytonii*) and western pond turtle (*Emys marmorata*).
- California tiger salamander (*Ambystoma californica*) and California linderiella (*Linderiella occidentalis*) generally do not occur in watercourses and would not occur in such small watercourses as those on site.
- Western burrowing owls (*Athene cunicularia*) were not observed on the site in 2013, habitat consisting of holes dug by ground squirrels or other mammals was not observed, and burrowing owls are therefore not likely to occur on the project site.
- Migratory birds might use trees on or near the Project site for nesting.
- Special-status bats might be present in the vacant residential structure that is to be demolished.
- There remains some potential for certain special status plant species (bent-flowered fiddleneck, round-leaved filaree, fragrant fritillary and Mt. Diablo cottonweed) to have become established on the site due to the presence of suitable or marginally suitable habitat.
- Since the current Project does not propose to remove the eucalyptus grove (which provides potential nesting habitat for raptors), the need for mitigation measures is no longer specifically required.

Mitigation Measures

The following mitigation measures from the prior 2004 MND are applicable to the current Project, as amended and supplemented by the 2023-2031 HEU MND's Standard Condition of Approval for projects on re-zone sites that require discretionary approval (i.e., the Project):

Mitigation Measure Bio-1, Raptor Survey and Buffer Zones (as amended to include tree-trimming and assign responsibility for compliance): *If tree removal or major trimming activities (i.e., including removal of large limbs with a diameter of 6" or more at the point of cutting, or as determined by a qualified wildlife biologist) occurs in the months between February and August (inclusive), a qualified wildlife biologist shall conduct a survey to determine the presence or absence of nesting raptors.*

- a) If occupied nests are observed, the tree or limb removal activity will not proceed until the biologist has confirmed that the nest is no longer in use and the young have fledged.*
- b) Tree removal or other tree-trimming activities would be prohibited within a 500-foot buffer zone around the nest tree while the nest is in use.*
- c) The Applicant or future homeowner's association shall be responsible for procuring a qualified wildlife biologist to conduct such surveys.*

Mitigation Measure Bio-2 (per the HEU MND for housing projects on rezone sites), Pre-construction Surveys for Birds: *For projects that would involve native or naturalized vegetation or tree removal, a general pre-construction nesting bird survey shall be conducted by a qualified biologist within 14 days prior to the initiation of construction activities. If construction is stopped*

for more than 14 days during the nesting season, a pre-construction survey shall be conducted prior to the re-start of construction activities.

- a) *Surveys shall include the disturbance area plus a 50-foot buffer for passerine species, and a 500-foot buffer for raptors.*
- b) *If active nests are located, an appropriate avoidance buffer shall be established within which no work activity would be allowed that would impact these nests. The avoidance buffer shall be established by the qualified biologist on a case-by-case basis based on the species and site conditions. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest.*
- c) *The buffer area(s) shall be closed to all construction personnel and equipment until juveniles have fledged and/or the nest is inactive. A qualified biologist shall confirm that breeding/nesting is complete, and the nest is no longer active prior to removal of the buffer.*
- d) *If work within a buffer area cannot be avoided, then a qualified biologist shall be present to monitor all project activities that occur within the buffer. The biological monitor shall evaluate the nesting avian species for signs of disturbance and shall have the ability to stop work.*

Mitigation Measure Bio-3 (per the HEU MND for housing projects on rezone sites), Pre-construction Surveys for Bats: *For projects that involve demolition of uninhabited buildings or removal of mature trees large enough to contain crevices and hollows that could support bat roosting, focused surveys to determine the presence/absence of roosting bats shall be conducted prior to demolition or tree removal.*

- a) *If active maternity roosts are identified, a qualified biologist shall establish avoidance buffers applicable to the species, the roost location and exposure, and the proposed construction activity in the area.*
- b) *If active non-maternity day or night roosts are found on the project site, measures shall be implemented to passively relocate bats from the roosts prior to the onset of construction activities. Such measures may include removal of roosting site during the time of day the roost is unoccupied or the installation of one-way doors, allowing the bats to leave the roost but not to re-enter.*
- c) *These measures shall be presented in a Bat Passive Relocation Plan that shall be submitted to and approved by CDFW.*

Mitigation Measure Bio-4, Survey for CNPS-Listed Plant Species: *The Applicant shall provide for two additional focused surveys of the Project site by a qualified botanist to determine the presence or absence of CNPS-listed plant species during the blooming periods of the remaining potentially occurring target species. These focused surveys should be conducted in early-spring (March) and mid-spring.*

- a) *If the plants are found, construction in that portion of the Project area will be delayed until the plants reach the appropriate point in their growth, phenologically and physiologically, to be re-located.*
- b) *Either the plants would set seed that would be collected, or in the case of a species that is a bulb, the bulbs would be collected when the plants reach dormancy.*
- c) *Plants would be moved to a suitable location on-site or off-site for planting.*

The addition of Mitigation Measures Bio-3 and Bio-4 are precautionary measures to further ensure that potential impacts are avoided or reduced to less than significant levels, consistent with the

Standard Conditions of Approval cited in the HEU MND. These mitigation measures are not in response to new information with substantial importance and do not indicated a new or more severe environmental impact. Specifically, MM Bio-3 and Bio-4 are considered current best practices to fully address potential impacts to special status bird and bat species that may nest on the site, as was identified in the prior 2004 MND. With the implementation of these recommended mitigation measures, the Project would not substantially reduce the number or restrict the range of a rare, endangered or threatened plant or animal.

Riparian Habitats, Wetlands and Sensitive Natural Communities

- b. *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*
- c. *Would the project 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?*

Conclusions of the Prior MND (LTS with MM)

The prior 2004 MND addressed the issue of wetland habitat present along the two drainages on the site and identified a freshwater marsh as the single sensitive natural community supported on the site. These features were found to be subject to the jurisdiction of the Regional Water Quality Control Board, the CDFW and/or U.S. Army Corps of Engineers (Corps) as wetlands, waters of the United States and waters of the State.

A preliminary wetland delineation report was prepared in 2004 that identified 0.12 acres of open water habitat (other waters) associated with two drainages and 0.12 acres of associated persistent emergent wetlands.¹⁸ The prior 2004 project proposed a new private road that would cross these two drainages, necessitating placement of portion of these drainages into below-grade culverts (a 40-foot culvert extension at Drainage 1 and a 30-foot long culvert at Drainages 2). Construction of the private roadway and placement of portions of these drainages into culverts resulted in placing a total of 1,260 cubic yards of fill within a total of 70 linear feet of these drainages, impacting a total of 0.06 acres of waters of the State.¹⁹ A mitigation measure was identified in the prior 2004 MND requiring enhancing existing wetlands on-site, creating wetlands off-site, or contribute to a wetland mitigation bank. The prior 2004 MND reported that the applicant intended to enhance the existing wetlands with wetland species plantings and removal of debris and dirt. This approach was indicated in the 2004 MND as being able to reduce impacts to a less than significant level, subject to acceptance by the Corps and the State Regional Water Quality Control Board's San Francisco Bay office (RWQCB).

Between 2004 and 2006, the prior developer obtained approval under Sections 401 and 404 of the Clean Water Act from the Corps and the RWQCB (see **Appendix B**) and also obtained a Section 1602 Lake and Streambed Alteration Agreement from the CDFW for construction of the new road and culverting the drainages below the road.^{20 21 22}

¹⁸ Jones and Stokes, Preliminary Delineation of Waters of the United States, including Wetlands, for the Agarwal Parcel, Alameda County, January 2004

¹⁹ California Regional Water Quality Control Board, San Francisco Region, *Water Quality Certification for the Construction of Two Culverts* (etc.), May 30, 2006

²⁰ U.S. Department of the Army, Army Corps of Engineers, San Francisco District, *Authorization under Nationwide Permit 14 – Linear Transportation Projects*, December 1, 2004

²¹ California Department of Fish and Game, *1602 Lake and Streambed Alteration Agreement*, April 1, 2005

²² California Regional Water Quality Control Board, San Francisco Region, *Water Quality Certification for the Construction of Two Culverts* (etc.), May 30, 2006

In 2013, a different Project applicant prepared and submitted an updated wetland delineation map and supporting documentation to the Corps (LSA, Request for Verification of Jurisdictional, see **Appendix C**) indicating that in 2013 there was 0.084 acres of remaining seasonal wetland swales and 0.010 acres of remaining non-wetland Waters of the United States (the intermittent riparian drainages) for a total jurisdictional area of 0.094 acres.²³ The reduced area of delineated wetlands and waters of the U.S. from a total of 0.24 acres identified in 2004, to 0.094 acres per the 2013 delineation (see **Figure 8**) was the result of permitted culverting of portions of the drainages to accommodate fill placed on the site for an internal roadway following approval of the 2004 project, in accordance with a grading permit and associated mitigation measures as approved by the Regional Water Quality Control Board, the Corps and the CDFW between 2004 and 2006.

That 2013 Request for Verification of Jurisdictional Delineation at the D Street project site was found by the Corps to accurately depict the extent and location of wetlands and other waters of the United States within the boundary area of the site, and that remained subject to U.S. Army Corps of Engineers' regulatory authority at that time (see also **Appendix C**). The Corps approved this jurisdictional determination based on the conditions of the site as verified during a field visit in January 16, 2014.²⁴ The approved jurisdictional determination expired five years from the date of that letter unless new information or a change in field conditions occurred.

In June of 2020, LSA requested from the Corps a subsequent preliminary jurisdictional determination of the remaining extent of waters of the United States on the Project site.²⁵ The Corps concluded that LSA's preliminary delineation accurately depicted the extent and location of wetlands and other waters of the United States within the boundary area of the site that may be subject to the Corps' regulatory authority. The Corps' preliminary jurisdictional determination noted that it was only advisory in nature and made no definitive conclusions on the jurisdictional status of the water bodies in question, that an approved jurisdictional determination that precisely identifies the scope of jurisdictional waters on the site could be requested, and advised against any on-site grading or other construction activity in the interim.²⁶

Currently Proposed Project (No Impact with Reg Reqmt)

In May of 2025, the aquatic resources on the Project site were re-mapped and surveyed by Salix using survey stakes at the aquatic resource boundaries and GPS mapping tools (see **Appendix D**).²⁷ That most recent 2025 survey identified the two drainages that receive upslope stormwater and landscape irrigation runoff collected by underground storm drains in the adjacent Glenbrook Lane and Stratton Court neighborhoods to the east. The watershed of each drainage appears to be small, with little evidence of high flows. The drainages are variable in slope with some reaches nearly flat and other reaches with much higher slope. Each drainage is piped under the existing dirt roadway about midway through the property and then daylight further downslope. The pipe in the southern drainage is just under 100 feet in length and the pipe in the northern drainage is just over 100 feet in length. Both drainages daylight at the Project site's southerly property line and then merge approximately 200 feet from the Project site. This combined drainage joins another similar channel that is tributary to San Lorenzo Creek (possibly via municipal storm piping, approximately ½ mile northwest of the Project site). San Lorenzo Creek is tributary to San Francisco Bay, a navigable water of the United States, approximately 5 miles west of the Project site.

²³ LSA Associates, Letter to US Army Corps of Engineers, *Request for Verification of Jurisdictional Delineation D Street Project Site*, unincorporated Alameda County, California, August 12, 2013

²⁴ Department Of The Army, San Francisco District, U.S. Army Corps Of Engineers, Subject: File Number 2013-00396S, July 16, 2014

²⁵ LSA Associates, Delineation Map titled 2492-2512 D Street Property, June 17, 2020

²⁶ Department Of The Army, San Francisco District, U.S. Army Corps Of Engineers, Subject: File No. 2013-00396S, March 19, 2021

²⁷ Salix Consulting, Inc., *Aquatic Resources Mapping for 2612 D Street, Alameda County, California*, September 15, 2025

The 2025 survey found that each drainage supports common aquatic vegetation including nutsedge, common rush, cattail, rabbitsfoot grass, and Italian ryegrass. Himalayan blackberry is common and dense in areas.

Figure 8 shows a comparison of these 2025 boundaries of current aquatic resources as compared to the prior 2013 wetland delineation map as previously approved by the Corps.

The site plan for the current Project appears to avoid any direct disturbance to these aquatic resources (including both the previously defined and verified 2013 jurisdictional wetlands and the aquatic resources as mapped by Salix in 2025). The current Project proposes to create two open space parcels as part of the Project that fully encompass the southerly drainage and wetland area where no new grading is proposed. The current Project also proposes to restrict site grading activities within the proposed lots that are adjacent to the northerly drainage to areas outside of a minimum 10' buffer zone surrounding that drainage, with retaining walls to prevent erosion into this drainage. These open space parcels and restricted grading areas, relative to the 2013 wetland delineation map of remaining aquatic resources and the 2025 Salix survey are shown on **Figure 9**. The current Project appears to avoid any direct impacts to these drainages.

Regulatory Requirements

Regulatory Requirements Bio-4, Corps and Water Board Delineations: *The RWQCB's latest approved jurisdictional determination of May 2006 has likely expired, and the Corps' preliminary jurisdictional determination of March 19, 2021 was only advisory in nature. Accordingly, the Project is assumed to require updated jurisdictional determinations by both of these regulatory agencies prior to on-site grading or other construction activity.*

1. *If an updated jurisdictional determination concludes that the Project may result in the discharge of fill material within the jurisdiction of Waters of the US, the Project would require Department of the Army reauthorization and the issuance of a permit under Section 404 of the Clean Water Act.*
2. *If an updated jurisdictional determination concludes that the Project may result in the discharge of fill material within the jurisdiction of Waters of the State, the Project would require RWQCB authorization and the issuance of a permit under Section 401 of the Clean Water Act.*
3. *If these updated jurisdictional determinations conclude that the Project would not have any new direct adverse effects on waters of the US or waters of the State, the following requirements of the prior 2006 RWQCB Water Quality Certification - General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification " remain applicable, as will any additional requirements pursuant to updated jurisdictional determinations (if required).*
 - a. *No debris, rubbish, creosote-treated wood, soil, silt, sand, cement, concrete, or washings thereof, or other construction-related materials or wastes, oil or petroleum products or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff, into waters of the State.*
 - b. *Any of these materials placed within or where they may enter waters of the State by the Applicant, or any party working under contract or with the permission of the Applicant, shall be removed immediately.*
 - c. *When construction is completed, any excess material shall be removed from the work area and any areas adjacent to the work area where such material may be washed into waters of the State.*

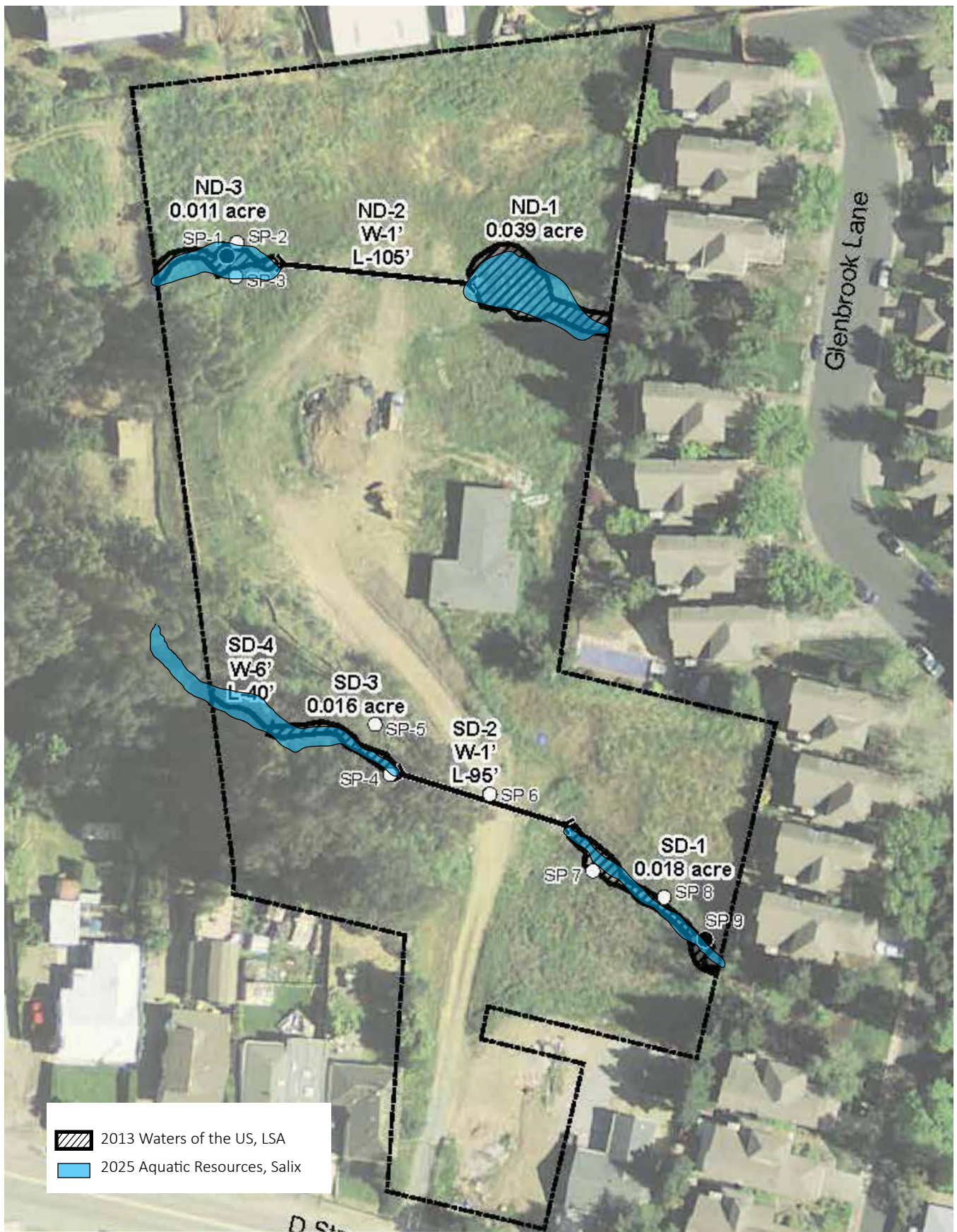


Figure 8
Comparison of 2013 Wetlands and 2025 Aquatic Resources Survey

Source: Salix, November 2025 and LSA, August 2013



- 2013 Waters of the US, LSA
- 2025 Aquatic Resources, Salix
- Open Space Parcel (no grading)
- Private Yard (no grading)

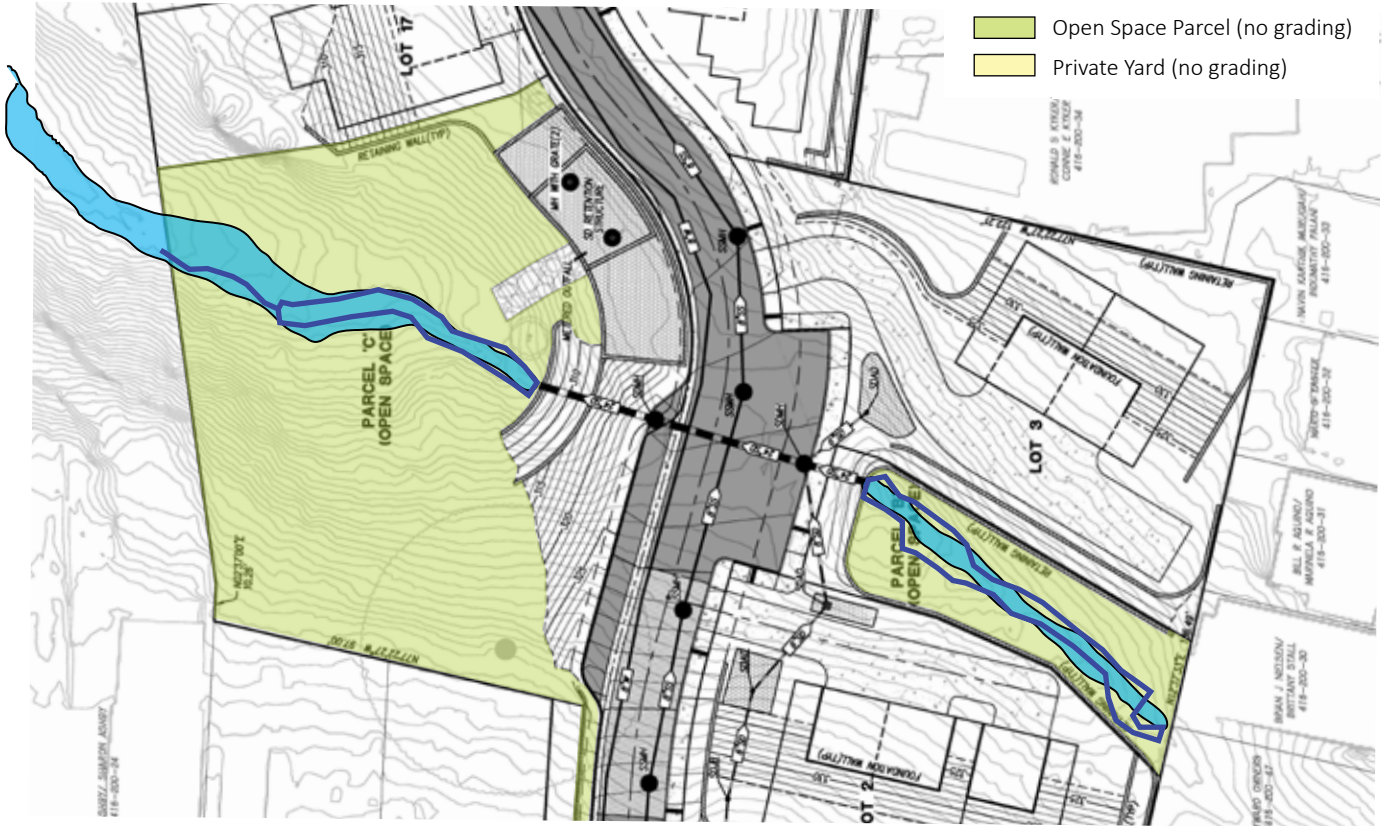


Figure 9
Wetlands/Aquatic Resources Relative to Proposed Grading and Development

Source: Salix, November 2025 and LSA, August 2013

- d. *During construction, neither the Applicant nor any party working under contract, shall dump any litter or construction debris within waters of the State. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.*
- e. *No equipment shall be operated in areas of flowing or standing water. No fueling, cleaning or maintenance of vehicles or equipment shall take place within any areas where an accidental discharge to the drainages may occur. Construction materials and heavy equipment must be stored outside of the creek channel.*
- f. *Prior to the start of the rainy season, the Applicant shall ensure that disturbed areas of the creek banks and disturbed areas that drain to the creeks are protected with correctly installed erosion control measures (jute, straw, coconut fiber erosion control fabric, coir logs, straw, etc.), and revegetated with propagules (seeds, cuttings, divisions) of locally collected native plants.*
- g. *Where areas of bare soil are exposed during the rainy season, silt control measures shall be used where silt and/or earthen fill threaten to enter waters of the State. Silt control structures shall be monitored for effectiveness and shall be repaired or replaced as needed. Build-up of soil behind silt fences shall be removed promptly and any breaches or undermined areas repaired at once.*

The Project is specifically designed and intended to avoid any new direct adverse effects on waters of the US or waters of the State as previously delineated and most currently mapped by Salix. However, delineation of these waters and determinations of potential impacts is subject to review and confirmation by the Corps and the RWQCB, respectively. The mitigation measures listed above assume that the Project's intentional design to avoid waters of the US or waters of the State will require validated or updated jurisdictional determinations by one or both of these regulatory agencies, and that County approvals of on-site grading or other construction activity in proximity to these features will be subject to the County's prior receipt of such determinations and any conditions or requirements of new permits as may be required.

Wildlife Movement

- d. *Would the project 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?*

Conclusions of the Prior MND (No Impact)

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

Currently Proposed Project (No Impact)

There are no changes in the project, changes in circumstances or new information that would result in a new significant impact to wildlife movement or corridors. The current Project would not develop or grade within the existing grove of eucalyptus trees and would reduce potential impacts to special status species and nesting birds, as indicated above.

Conflict with Biological Resource Protection Policies

- e. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Conclusions of the Prior MND (LTS with MM)

The 2004 project involved the removal of 12 mature eucalyptus trees from the eucalyptus grove in the southerly portion of the site. The prior 2004 MND determined that removal of these trees would

be a potentially significant impact due to conflict with policies in the Fairview Area Specific Plan, which require development projects to preserve large, mature and natural trees except under certain conditions when there is no feasible or desirable alternative design that would provide for their preservation, or when a certified arborist recommends pruning or removal due to poor health or condition or fire or safety hazard. A mitigation measure was identified, requiring the applicant to re-establish replacement native specimen trees.

Currently Proposed Project (No Impact)

The design of the current Project does not involve removal of trees within the eucalyptus grove. The Project would result in removal of 9 individual trees that are located in small clusters of 2 or 3 trees each to accommodate the Project's proposed grading plan. The size of these trees varies from 9-inches to 18-inches diameter at breast height (dbh). The Fairview Area Specific Plan (Section 6.4.4 Tree Preservation) includes the following policy pertaining to tree removal/preservation:

- (b) *Development-Related Tree Preservation. Large, mature, natural and introduced trees are to be preserved when a site is developed. Large, mature trees are defined as follows:*
1. *20" diameter breast height (dbh) or greater in circumference measured 4.5 feet above ground level for trees native to this area of California.*
 2. *30" dbh or greater in circumference measured 4.5 feet above ground level for introduced tree species.*

None of the 9 trees to be removed for the current Project are 20-inches or greater dbh and their removal is not subject to this tree preservation policy. The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Conflicts with Habitat Conservation Plans or Natural Community Conservation Plans

- f. *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

Conclusions of the Prior MND (No Impact)

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

Currently Proposed Project (No Impact)

As noted in the 2025 HEU MND, there are no habitat conservation plans or natural community conservation plans adopted in Alameda County, and the Project would have no impact related to hindering implementation of such an HCP or NCCP.

CEQA Conclusions – Biological Resources

As demonstrated above, there are no changes in the project, changes in circumstances or new information that would result in a new significant impact to biological resources or a substantial increase in the severity of a previously identified impacts to biological resources. Certain mitigation measures previously required of the 2004 project remain applicable to the current Project, and these mitigation measures have been updated for consistency with the Standard Conditions of Approval as required pursuant to the County's most recent Housing Element MND. These updated mitigation measures/Standard Conditions of Approval will fully mitigate biological resource impacts of the Project, and no further analysis of biological resources is required.

CULTURAL RESOURCES

Historic Resources

- a. *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

Conclusions of the Prior MND (No Impact)

The prior 2004 MND determined that the only physical structure on the site, which was a vacant residential structure, did not qualify as a historic resource as defined in CEQA Guidelines Section 15064.5. On that basis the prior 2004 MND concluded that the 2004 project would have no impact on historical resources.

Currently Proposed Project (No Impact)

There are no changes in the Project, changes in circumstances or new information that would result in a new significant impact related to historic resources. That the vacant house is now ten years older does not change the prior 2004 determination that it does not qualify as a historic resource. The structure was built in 1944 and was over 50 years old at the time the prior 2004 MND was prepared. No substantial change to its condition and no change to its historic merit has occurred since then.

Archaeological Resources, Paleontological Resources and Human Remains

- b. *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*
- c. *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

Conclusions of the Prior MND (LTS with MM)

The prior 2004 MND determined that there were no known archaeological, paleontological or prehistoric resources, and no known internment of human remains located on the site. However, according to Alameda County's 1976 Map of Archaeological Sensitivity, the archaeological sensitivity of the site was described as "High", indicating a high probability for uncovering such resources during demolition, site preparation and construction. Discovery or disturbance of such resources was determined a potential impact of the 2004 project and mitigation measures (Mitigation Measure 3-8: Cultural Resource Protection Procedures) was required of the 2004 project.

Currently Proposed Project (LTS with Req Reqmts and MM)

There are no changes in the project, changes in circumstances or new information that would result in a new significant impact related to archaeological resources, paleontological resources or human remains. The potential for discovery or disturbance of such resources or human remains is still a possibility pursuant to the current Project.

Regulatory Requirements

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

- There shall be no further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie adjacent human remains until the County Coroner is contacted;
- If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours;
- The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent;

- The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods.

Mitigation Measures

To address the potential discovery of currently unknown archaeological resources, paleontological resources or human remains during construction, the following mitigation measure from the prior 2004 MND (as amended and supplemented by the 2023-2031 HEU MND's Standard Condition of Approval for projects on re-zone sites that require discretionary approval) remains applicable to the Project.

Mitigation Measure Cultural-1, Unanticipated Discoveries of Archaeological Resources: *The following practices shall be implemented in the event that archaeological resources are unexpectedly encountered during ground-disturbing activities related to the Project:*

- Work within 50 feet of the find shall halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the resource.*
- If the resource is determined by the qualified archaeologist to be prehistoric, then a Native American representative shall also be contacted to participate in the evaluation of the resource.*
- If the qualified archaeologist and/or Native American representative determines it to be appropriate, archaeological testing for CRHR eligibility shall be completed.*
- If the resource proves to be eligible for the CRHR and significant impacts to the resource cannot be avoided via project redesign, a qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of California Code of Regulations (CCR) Guidelines Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource's significance.*
- The County of Alameda shall review and approve the treatment plan and archaeological testing as appropriate, and the resulting documentation shall be submitted to the regional repository of the California Historical Resources Information System, per CCR Guidelines Section 15126.4(b)(3)(C).*

In the event of discovery of archaeological resources during construction, implementation of Mitigation Measures Cultural-1 would reduce potential impacts to a less than significant level by requiring the identification and evaluation of any archaeological resources that may be present, and by providing steps for the evaluation and protection of unanticipated finds encountered during construction.

CEQA Conclusions – Cultural Resources

As demonstrated above, there are no changes in the project, changes in circumstances or new information that would result in a new significant impact to cultural resources or a substantial increase in the severity of a previously identified cultural resource impact. Certain mitigation measures previously required of the 2004 project remain applicable to the current Project, and these mitigation measures have been updated for consistency with the Standard Conditions of Approval as required pursuant to the County's most recent Housing Element MND. These updated mitigation

measures/Standard Conditions of Approval will fully mitigate potential impacts of the Project to currently unknown cultural resources, and no further analysis of cultural resources is required.

GEOLOGY AND SOILS

A number of geologic investigations and reports have been prepared for the Project site.²⁸ The more recent geologic reports are cited below:

- Wayne Ting & Associates Inc., Geotechnical Report Review, May 2013 (**Appendix E**); and
- The Grupe Company, Feasibility Level Geologic and Geotechnical Engineering Study, March 2, 2016 (**Appendix F**)

These more recent documents provide a thorough summary of prior investigations and have been relied upon for technical geologic information in the following section of this CEQA document.

Surface Fault Rupture

- a. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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?*

Conclusions of the Prior MND (No Impact)

The prior 2004 MND found that there are no active faults located within the project site and concluded that the 2004 project would have no impact on exposing people or structures to danger from surface rupture of a known earthquake fault.

Currently Proposed Project (No Impact)

The recent geotechnical reports (Ting and Grupe) confirm that the Project site is situated directly east of the active Hayward Fault but no known active faults with Holocene movement (last 11,000 years) lie within the limits of the site. The site is not mapped within an Alquist-Priolo Earthquake Fault Zone. There is no substantial evidence of an on-site fault.

Strong Seismic Ground Shaking

- b. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*

Conclusions of the Prior MND (LTS with Req Reqmts.)

The prior 2004 MND found that damage from a seismic event could occur from strong seismic ground shaking originating from a nearby fault, and that the 2004 project would increase the number of structures and people potentially exposed to earthquake hazards in the region. The prior 2004 MND concluded that the risk of strong seismic ground shaking was significant, but that this impact would be adequately addressed by the seismic provisions of the Uniform Building Code regulations.

Currently Proposed Project (LTS with Req Reqmts.)

The more recent geologic reports (Ting and Grupe) confirm the risk of strong seismic ground shaking and identifies the same regulatory requirements as cited in the prior 2004 MND, which includes compliance with all applicable provisions of the California Building Code and the County Municipal Code.

²⁸ Cleary Consultants, Inc., *Geologic Investigation* July 1989; Buckley Engineering Associates, *Geologic Investigation* August 2002; Buckley Engineering Associates, *Geologic Report Update* September 2005; Wayne Ting & Associates, *Geologic Report Update and Supplemental Recommendations* April 2010; Wayne Ting & Associates, Inc., *Uncontrolled Fill Investigation* August 2010; Wayne Ting & Associates, Inc., *Geotechnical Report Review* May 2013; and Wayne Ting & Associates, Inc., *Uncontrolled Fill Investigation* March 2014

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

The May 2013 Geotechnical Report (Ting and Associates) provides specific site seismic design values that are applicable to the site based on these regulatory requirements. These regulatory requirements would ensure that potential impacts from ground-shaking would be minimized to the extent possible and would reduce impacts related to seismic ground shaking to be less than significant.

Liquefaction

- c. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*

Conclusions of the Prior MND (LTS with Reg Reqmts.)

The prior 2004 MND found that the relatively low threat level of liquefaction risk, and compliance with the standard building practices of Alameda County would ensure that impacts related to the hazards of liquefaction would be less than significant.

Currently Proposed Project (LTS with Reg Reqmts.)

The conclusion of the prior 2004 MND remain valid, and the potential for liquefaction impacts are low and fully addressed through compliance with standard building practices of Alameda County. No further mitigation is required for the currently proposed Project.

Landslides

- d. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

Conclusions of the Prior MND (LTS with Reg Reqmts.)

The prior 2004 MND indicated that there was a relatively low risk level related to landslides based on available maps provided by the Association of Bay Area Governments (ABAG), and that compliance with standard building practices of Alameda County would ensure that potential impacts related to landslide hazards would be less than significant.

Currently Proposed Project (LTS)

The May 2013 Geotechnical Report (Ting and Associates) specifically notes that portions of the Project site consist of moderate (i.e., 2:1 horizontal-to-vertical) slopes that are located within an earthquake-induced landslide zone based on the California Seismic Hazard Zones, Hayward Quadrangle map, dated July 2, 2003.²⁹ The 2016 Grupe Report confirms that a portion of the Project site is located with the mapped seismically induced Landslide Hazard Zone by the California Geological Survey. The portion of the site within this hazard zone includes the steeper slopes of the drainage swale at the southerly portion of the site. However, based on the strength of the soil and strength and favorable structure of the bedrock, Grupe judged that slope instability of the natural slopes in this area is not a concern.³⁰

To address the potential for permanent ground displacement during earthquakes, that 2013 Geotechnical Report (Ting) relied on the California Department of Conservation, Division of Mines and Geology 's Special Publication 117A (SP 117), Guidelines for Evaluation and Mitigating Seismic Hazards

²⁹ Ting and Associates, *Geotechnical Report Review*, May 2013,

³⁰ The Grupe Company, *Feasibility Level Geologic Engineering Study*, March 2016, page 8

in California. Seismic slope stability analysis was conducted consistent with the “Recommended Procedure for Implementation of DMG Special Publication 117A Guidelines for Analyzing and Mitigating Landslide Hazards in California (Blake et al 2002). A factor of safety of 1.2 or greater for the pseudo-static analyses is considered to be adequate.

- The result of the pseudo-static factor of safety at the Project site was determined to average 1.9.
- The current Project’s Grading Plan shows that the area identified as a potential landslide-induced geological hazard zone is not proposed for development (i.e., the area around the lower reach of the southern creek drainage is proposed to remain as open space).

Therefore, the 2013 geotechnical analysis (Ting) indicates that the existing slopes on the site meet the minimum factor of safety criteria and that permanent ground deformation during strong earthquakes would be small, if any (i.e., less than significant).³¹

Erosion or Loss of Topsoil

e. Would the project result in substantial soil erosion or the loss of topsoil?

Conclusions of the Prior MND (LTS with Reg Reqmts.)

The prior 2004 MND found that grading and construction for the 2004 project could lead to substantial erosion of top soil and found this to be a potentially significant impact. The 2004 MND identifies a mitigation measure requiring conformance with the County Grading Ordinance and noted that that the 2004 project would also require a water quality certification or waiver from the Regional Water Quality Control Board. The 2004 MND found that compliance with these requirements would reduce this impact to a less than significant level.

Currently Proposed Project (LTS with Reg Reqmts.)

The current Project would involve cut and fill grading to achieve a desired terrain for the Project, and construction of new homes, the internal roadway, infrastructure elements and new landscape areas. These construction activities could result in substantial soil erosion or the loss of topsoil from the site.

Regulatory Requirement, Alameda County Grading Ordinance: *As was cited in the 2004 MND, the Project is required to comply with all requirements and provisions of the Alameda County Grading Ordinance.*

The Project’s application materials (Sheet 17) provide a preliminary Erosion Control Plan that will be subject to subsequent administrative review and approval by the County, which demonstrates the intent to use silt fences around the limits of grading, use of fiber rolls along steeper slopes, protection of all stormdrain inlets, and the provision of a stabilized construction entrance. These features are all components of the grading plan requirements of the County Grading Ordinance.

Additionally, the Project will disturb a total area greater than 1 acre and will need to apply for and receive approval of a General Construction Permit from the RWQCB.

Regulatory Requirement, General Construction Permit: *Requirements as part of the General Construction Permit include preparation and execution of a Stormwater Pollution Prevention Plan (SWPPP) that outlines construction-period stormwater quality management practices to be implemented during the construction process.*

- a. The SWPPP would describe erosion control measures to be implemented by the Project during construction (such as installation of silt fences, hay bales and stormwater inlet*

³¹ Ting and Associates, Geotechnical Report Review, May 2013, page 3

protections) to prevent sediment and heavy pollutants from running off the site and into the storm drain system.

- b. The SWPPP would also describe measures to be implemented by the Project during construction to reduce the potential for construction-related pollutants (e.g., fuels, motor oils and other contaminants) to contact stormwater, and to eliminate or reduce the discharge of contaminant materials to stormwater.*

Compliance with the regulatory requirements of the County Grading Ordinance and applicable regulations of the Regional Water Quality Control Board to minimize erosion, limit the loss of topsoil and protect water quality would reduce the Project's potential impacts related to erosion or loss of top soil to a less than significant level.

Unstable Soils

- f. Would the project 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?*

Conclusions of the Prior MND (LTS with Reg Reqmts.)

The prior 2004 MND found that the risk of geologic instability at the site is low, such that compliance with the standard building practices of Alameda County would be sufficient to reduce potential impacts to less than significant levels.

Currently Proposed Project (LTS with Reg Reqmts.)

A more recent geologic investigation of the site provides an updated assessments of existing uncontrolled fill on the site.³² This fill was placed as part of an approved grading plan for the internal roadway for the previously approved 2004 project but was not properly compacted due to discontinuation of work. The Grupe Report confirms that two significant areas of artificial fill exist on the site. These areas are located in the east-west trending swales at the north and central parts of the site as shown on **Figure 10**. The fill thickness was identified as up to about 10 feet deep but may be up to 15 feet deep in some areas, amounting to as much as 3,000 cubic yards. The fill is heterogeneous and contains deleterious materials including brick, wood and other debris.³³ These fill deposits are susceptible to settlement and instability unless remediated.

As indicated in both the Ting and Grupe reports, these loose and uncontrolled fills and soft compressible soils underlying the fills should be over-excavated and backfilled with engineered fill and compacted to not less than 95 percent relative compaction. Per Grupe, this on-site fill as well as all native soils can be reused as fill material elsewhere on the site, provided the size requirements for import fill are met and that all deleterious materials, particularly organic materials such as wood debris, is removed as part of the re-grading operations.³⁴

The required grading for the current Project will be subject to an approved grading plan. As indicated in the Project's grading plan, there is more fill than cut planned for the Project. The extent to which this uncontrolled fill will be reused as fill for new development, and proper soils compaction of the uncontrolled fill will be addressed as part of that grading plan, and the final grading operations will be inspected before any pavement is installed or structures constructed pursuant to standard building practices of Alameda County. The presence of this uncontrolled fill is a change in circumstances related to the Project site since 2004 but does not represent a new potentially significant impact that is not fully addressed by existing regulatory requirements.

³² Ting & Associates, Uncontrolled Fill Investigation, May 2014

³³ Grupe, March 2016, page 7

³⁴ Grupe, March 2016, page 10



Figure 10
Limits of Undocumented Fill

Source: Malani & Assoc., Sheet C-7, Remedial Grading Plan, December 2025

Expansive Soils

- g. *Would the project 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?*

Conclusions of the Prior MND (LTS with MM)

Based on project-specific geologic studies, the prior 2004 MND found that the project site is underlain by expansive soils and that expansion and contraction of these expansive soils could cause damage to pavement sections, concrete slabs and foundations. To address this condition, the prior geotechnical report recommended that drilled piers be used to support planned residences and retaining walls. Drilled pier foundations should consist of cast-in-place, straight shaft friction piers tied together with perimeter grade beams, and grade beams should be designed to span between drilled piers. All piers should extend at least eight feet into the underlying bedrock. Piers should be spaced no further apart than eight to ten feet and should have a minimum diameter of 16 inches. Because of the expansion potential of the on-site soils, the geotechnical report recommends that the grade beams be designed and reinforced to resist uplift pressure from the expansive subgrade materials.³⁵

The prior 2004 MND referenced these findings and included a mitigation measure requiring the 2004 project to incorporate the recommendations of the prior Geotechnical Report into the design and construction of the Project.

Currently Proposed Project (LTS with MM)

The more recent geologic investigations of the site provide updated assessments of expansive soils on the site. Specifically, Grupe finds that the native soils, as well as the non-engineered fill at the site appear to have a moderate to high expansion potential. Structures supported on fill will be susceptible to expansive soil pressure, as will flatwork and site pavements. Appropriate foundation solutions will be needed to resist these pressures. These more recent reports conclude that soils on the site are suitable for the proposed construction, provided that the Project's design and construction incorporate detailed foundation design recommendations as cited in these reports. These recommendations include the following:³⁶

- Generally, post-tension concrete slabs would be appropriate for homes on the easterly side of the roadway where these homes will be placed on flat lots or on bedrock cut sites. The design will be driven by the final design grades including differential fill and potential cut into bedrock. Cut/fill transition lots may require additional over-excavation to limit the potential for differential settlement. Post-tension slabs on the order of 10 to 12-inches thick would be required for these lots. Conventional spread footings may also be a possibility for these lots, but all expansive soils will need to be removed in the upper 12-inches under the slab and replaced with a non-expansive fill. Additionally, footings would need to bear in a uniform support layer which might require additional deepening into bedrock with some of the lots.³⁷
- Those lots located on the westerly side of the roadway include a combination of cut, fill and native soil slopes. Due to the variability of soil conditions as well as the expansive soil conditions, these lots should be assumed to require drilled pier foundations. The drilled piers should bear uniformly into the underlying bedrock. Special design provisions for expansive soils will be required, including addressing uplift pressures on grade beams. In general, it is anticipated that drilled piers will need to be on the order of 10 to 12 feet deep, but deeper fill lots may require deeper piers.³⁸

³⁵ Cleary Consultants, Inc., *Geotechnical Investigation*, Tract No. 5965 at 2492 D Street, July 1989

³⁶ Wayne Ting and Associates, *Geotechnical Report Review*, May 7, 2013

³⁷ Grupe, March 2016, page 12

³⁸ Grupe, March 2016, page 12; and Ting, May 2013, page 6

Mitigation Measures

To ensure that these geotechnical recommendations are addressed in the design and construction of the Project, the following mitigation measures from the prior 2004 MND report remain applicable to the Project, but updated per the most recent geotechnical report:

Mitigation Measure Geo-1: Conformance with Geotechnical Report. *The Project shall incorporate the recommendations of the Geotechnical Report into the design and construction of the Project.*

Mitigation Measure Geo-2: Site Plan Review. *The final site plan for the Project shall be reviewed by the appropriate regulatory agencies to ensure that the applicant has incorporated the recommendations of the Geotechnical Report into the design and construction of the Project.*

As previously concluded in the 2004 MND, mitigation measures requiring implementation of detailed geotechnical recommendations addressing expansive soils on the site would mitigate these impacts to a less than significant level.

Septic Tanks

h. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Consistent with the conclusions of the prior 2004 MND, the current Project does not propose to use septic tanks or alternate waste disposal systems. The Project would be served by the County's wastewater system, the Project would not include the use of septic tanks or alternative wastewater disposal systems, and no impact related to this topic would occur.

CEQA Conclusions – Geology and Soils

As demonstrated above, there are no changes in the project, changes in circumstances or new information that would result in a new significant impact related to geologic or soils conditions or a substantial increase in the severity of a previously identified geologic or soils hazard impact. Certain mitigation measures previously required of the 2004 project remain applicable to the current Project, and certain mitigation measures have been updated for consistency with the Standard Conditions of Approval as required pursuant to the County's most recent Housing Element MND and/or updated based on the most recent geological investigations. These updated mitigation measures/Standard Conditions of Approval will fully mitigate potential geologic hazard impacts of the Project, and no further analysis of geology and soils is required.

GREENHOUSE GAS EMISSIONS

- a. *Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?*

Conclusions of the Prior MND (N/A)

The prior 2004 MND did not include an assessment of greenhouse gas (GHG) emissions. Potential impacts of the 2004 project related to GHG were not required at that time. Although AB 32 (the Global Warming Solutions Act) was signed in 1997, CEQA was not amended to require an evaluation of a project's potential contribution to GHG emissions until 2011.

Currently Proposed Project (LTS)

CEQA case law supports a determination that new developments in climate science and new thresholds or regulatory standards are not "new information" requiring subsequent environmental review.³⁹ Nevertheless, the following information is provided to demonstrate that the Project does not have a new or more severe greenhouse gas emissions impact.

The BAAD's most recent thresholds for evaluating the significance of climate impacts from development projects is that projects must either include the specified project design elements or be consistent with a qualified local GHG reduction strategy. Alameda County does not have a qualified Climate Action Plan that meets the criteria under CEQA Guidelines, so the BAAD's specified design elements for the Project are addressed below. Projects that meet these criteria are determined to meet their fair-share obligations to reduce GHG emissions to less than significant levels:

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

The County's HEU MND established a Standard Condition of Approval for all projects on re-zone sites that require a County discretionary approval, requiring that such projects (including the Project) should not include natural gas appliances or natural gas plumbing.⁴⁰ The Project is required to comply with this Standard Condition of Approval.

Building Criteria b: The project will not result in any wasteful, inefficient, or unnecessary energy use as determined by the analysis required under CEQA Guidelines.

The Project is subject to the energy conservation requirements of the California Energy Code (Title 24 Energy Efficiency Standards for Residential Buildings), California Green Building Standards (CALGreen, Title 24, Part 11 of the California Code of Regulations), and multiple section of the Alameda County Municipal Codes that ensure that the Project would not result in wasteful, inefficient or unnecessary consumption of energy.

Transportation Criteria a: The project will 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).

The County's HEU MND evaluated the cumulative effects of all anticipated new housing units that would be facilitated pursuant to the HEU (inclusive of the Project) and found that these new residential projects would result in a cumulative VMT per capita of 12.24, which is substantially below the Alameda County threshold of 16.47 VMT per capita (15 percent below the baseline VMT per capita of 19.38). The County's HEU MND concluded that the cumulative effects of the new housing

³⁹ Citizens for Responsible Equitable Environmental Development v. City of San Diego (2011) 196 Cal.App.4th 515, and Chaparral Greens v. City of Chula Vista (1996) 50 Cal.App.4th 1134

⁴⁰ Alameda County, 2023-2031 Housing Element Update Final MND, October 2024, Mitigation Monitoring and Reporting Program, page 5-8

pursuant to the HEU would meet the locally adopted VMT target, and that future development projects facilitated by the HEU (e.g., the Project) would be consistent with the VMT criteria.⁴¹

Transportation Criteria b: The project will achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

The County's HEU MND established a Standard Condition of Approval for all projects on re-zone sites that require a County discretionary approval, requiring that such projects (including the Project) achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.⁴² The Project is required to comply with this Standard Condition of Approval.

As demonstrated above, the Project does meet all currently applicable criteria for determining a less than significant impact pertaining to GHG emissions.

CEQA Conclusions – GHG

Although CEQA case law supports a determination that new thresholds or regulatory standards are not "new information" requiring subsequent environmental review, the analysis presented above is provided for informational purposes and demonstrates that the Project would meet currently applicable thresholds pertaining to greenhouse gas emissions. There are no changes in the project, changes in circumstances or new information that would result in a new significant impact related to GHG emissions, and the prior 2004 MND did not identify any GHG impacts. Currently applicable Standard Conditions of Approval pursuant to the County's most recent Housing Element MND do apply to the Project and serve to reduce GHG emissions. No further analysis of GHG emissions is required.

⁴¹ Alameda County, 2023-2031 Housing Element Update MND, November 2023, beginning at page 111

⁴² Alameda County, 2023-2031 Housing Element Update Final MND, October 2024, Mitigation Monitoring and Reporting Program, page 5-8

HAZARDS AND HAZARDOUS MATERIALS

Hazardous Materials

- a. *Would the project 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 0.25 mile of an existing or proposed school?*

Conclusions of the Prior MND (LTS with MM)

The prior 2004 MND recognized that demolition of the existing residential structure at the site could present a health risk to construction workers and the public from exposure to asbestos-containing materials or lead-based paint if these substances are found in the structure. The prior 2004 MND recommended a mitigation measure requiring that lead and asbestos surveys be conducted and reviewed, and that a Demolition Plan for safe demolition of existing structures at the Project site be prepared.

Currently Proposed Project (LTS with Reg. Reqmts.)

As a residential use, the Project would be unlikely to use hazardous materials other than small amounts for cleaning and landscaping. These materials would not be different from household chemicals and solvents already in wide use throughout the area. Residents are anticipated to use limited quantities of products routinely for periodic cleaning, repair and maintenance or for landscape maintenance/pest control that could contain hazardous materials, but use of such products would be required to comply with all applicable regulations regarding the disposal of household waste. Therefore, operation of Project poses little risk of exposing the public to hazardous materials, and impacts would be less than significant.

The older residential structure at the site remains and the currently proposed Project requires demolition and removal of this structure. The structure may contain asbestos-containing materials or lead-based paint and could present a health risk to construction workers and the public if not appropriately addressed.

Regulatory Requirements

Regulatory Requirement Haz-1, Asbestos: *Demolition of the older residential structure on the Project site is required to adhere to BAAQMD Regulation 11, Rule 2, which governs the proper handling and disposal of asbestos containing materials for demolition, renovation and manufacturing activities in the Bay Area.*

Regulatory Requirement Haz-2, Lead-Based Paint: *Demolition and cleanup of the older residential structure on the Project site is required to adhere to CalOSHA regulations regarding lead-based materials. The California Code of Regulations, Section 1532.1 requires testing, monitoring, containment and disposal of lead-based materials such that exposure levels do not exceed CalOSHA standards.*

As concluded in the prior 2004 MND, adherence to these State and local regulations the risk of public exposure to hazardous materials would be greatly reduced and impacts related to hazards and hazardous materials during construction would be less than significant.

Hazardous Materials Presence and Cortese List

- d. *Would the Project be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and as a result would create a significant hazard to the public or the environment?*
- e. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within 0.25 mile of an existing or proposed school?*

Conclusions of the Prior MND (No Impact)

The prior 2004 MND found that neither the project site nor properties in the vicinity were identified on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (the “Cortese List”) and concluded the Project would not create a significant hazard to the public or the environment as posed by sites listed on the Cortese List. It also concluded that, because the site was not known to require handling or disposal of hazardous materials or wastes, it would not require handling of hazardous or acutely hazardous materials, substances or waste within 0.25 miles of an existing or proposed school.

Currently Proposed Project (No Impact)

A current review of the State Water Board’s Geotracker website and the DTSC Envirostor website indicates that there has been no change in the Project site’s status, and it remains not listed on any hazardous material sites compiled pursuant to Government Code Section 65962.5.

- Based on a search of the Geotracker website, the Project is not on a list of leaking underground storage tank site (LUST sites), known underground storage tank sites (UST), or any Spills, Leaks, Investigations and Cleanup (SLIC) sites.⁴³
- Similarly, based on a search of the DTSC’s EnviroStor website, the site is not a current or former solid waste disposal site with waste constituents above hazardous waste levels and is not on a list of “active” Cease and Desist Orders or Cleanup and Abatement Orders.⁴⁴

Accordingly, the Project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code (also known as the Cortese List) and construction of the Project would not pose a significant hazard to the public (including schools within ¼ mile of the site) or the environment from known hazardous materials.

Safety Hazards Due to Nearby Airport or Airstrip

- f. *For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

Conclusions of the Prior MND (No Impact)

The prior 2004 MND found that the project site is not within an airport land use plan and is not close enough to an airport for there to be a safety hazard to residents or workers. The prior 2004 MND concluded that the 2004 project would have no impact due to proximity to nearby airports.

Currently Proposed Project (No Impact)

There are no changes in circumstances or new information that would now indicate that the Project site poses a risk due to proximity to nearby airports or a private airstrip. The Hayward is

⁴³ SWRCB Geotracker website, accessed 2/24/26 at:
<https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=2492+D+Street%2C+Hayward+Ca>

⁴⁴ DTSC Envirostor website, accessed 2/24/26 at:
<https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=2492+D+Street%2C+Hayward>

approximately 6.6 miles to the southwest and the Oakland International Airport is approximately 8.6 miles to the northwest. The Project poses no significant adverse environmental impact related proximity to airports.

Conflict with Emergency Response Plan or Emergency Evacuation Plan

- g. Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Conclusions of the Prior MND (No Impact)

The prior 2004 MND found that there were no emergency response or evacuation plans in effect in the Project area and concluded that the 2004 project would have no impact on implementation of any adopted emergency response plan or emergency evacuation plan.

Currently Proposed Project (No Impact)

Similar to the conclusions of the prior 2004 MND, there is not an established emergency evacuation route in effect for the Project area. According to information published by the City of Hayward and Fairview Fire Protection District, “evacuation routes will be dependent upon the location of the disaster. The best way for residents to evacuate will depend on where the disaster is, which way it is moving if it is a fire, and which roads are clear enough for traffic, and this information will be communicated in an evacuation order. Some routes may be used for incoming fire and rescue equipment, while other routes may be designated for traffic in all lanes to exit the area.⁴⁵ The Project site is located along D Street, which provides direct access to SR 238, connecting to evacuation routes to the north and south. The relatively minor increase in evacuation traffic attributable to the Project would not represent a significant impairment to this likely evacuation route.

Wildland Fires

- h. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?*

Conclusions of the Prior MND (LTS with Reg Reqmts)

The prior 2004 MND found that the project site is located near the wildland/urban interface where the risk and likelihood of exposure of people and structures to wildland fires is high. This impact was considered to be potentially significant and a mitigation measure requiring conformance with the Uniform Fire Code was recommended.

Currently Proposed Project (LTS with Reg Reqmts)

Based on currently available mapping tools, Project site is located:

- Within the urban/wildland interface where the risk and likelihood of exposure of people and structures to wildland fires is high,⁴⁶ but
- Outside of the Very High, High and Moderate Fire Hazard Severity Zones in Local Responsibility Areas and outside of any Fire Hazard Severity Zones in Local Responsibility Areas⁴⁷

Regulatory Requirements

The regulatory requirements are now applicable to the Project.

⁴⁵ City of Hayward and Fairview Fire Protection District, Residents Guide To Wildfire Preparedness & Evacuation, accessed at: https://www.fairviewfiredistrictca.gov/files/39b8fe777/COH_FFPD-Resident-Evacuation-Guide-rev1.pdf

⁴⁶ City of Hayward, accessed at: <https://webmap.hayward-ca.gov/> with Urban/Wildland Interface layer

⁴⁷ CalFire, Fire Hazard Severity Zone Viewer, accessed at: <https://experience.arcgis.com/experience/6a9cb66bb1824cd98756812af41292a0>

Regulatory Requirement Haz-2, Conformance with the Uniform Fire Code: *The Project shall be designed in accordance with all provisions of the Uniform Fire Code (UFC) (the most currently adopted revision), and with County of Alameda and State of California Standards for fire safety.*

Regulatory Requirement Haz-3, Preventative Measures Ordinance for the Wildland Urban Interface Area of the Hayward Hills: *The Project must comply with the minimum vegetation management and fire hazard abatement requirements used by the Hayward Fire Department to determine compliance with City and State regulations (14 CCR 1299 and PRC 4291), which require the following:*

- a. *Zone 0: Maintain an Ember Resistant Zone 0 to 5 feet from buildings, structures, decks, etc.*
- b. *Zone 1: Maintain a 30-foot defensible space around all buildings/structures/decks*
- c. *Zone 2: May require additional abatement depending on the property slope, fuel load and/or fuel type – this Zone extends from 30 feet to 100 feet from all buildings, structures, decks, and neighboring structures on adjacent parcels*
- d. *When a structure is less than 100 feet from a property line and prohibited materials on an adjacent parcel present a fire hazard to the structure, the property owner of the adjacent property where the fire hazard exists shall be responsible for clearing the area on that owner's parcel that is within 100 feet of the structure.*
- e. *Maintain a 10-foot minimum clearance next to the roadside; more may be required*
- f. *Install a spark arrestor on chimney and/or stovepipe outlets.*
- g. *Provide street address numbers that are clearly visible from the roadside,*

Implementation of the above regulatory requirements would ensure that the Project complies with County, state and Hayward Fire Department regulations pertaining to exposure to wildland fire hazards and would be considered a less than significant impact.

CEQA Conclusions – Hazards and Hazardous Materials

As demonstrated above, there are no changes in the project, changes in circumstances or new information that would result in a new significant impact or a substantial increase in the severity of a previously identified impact pertaining to hazards and hazardous materials. Mitigation measures previously required of the 2004 project remain applicable to the current Project, and certain of these mitigation measures have been updated for consistency with the requirements of the County's recent 2023-2031 Housing Element and current regulatory requirements. These updated mitigation measures will fully mitigate impacts pertaining to hazards and hazardous materials and no further analysis of these topics is required.

HYDROLOGY AND WATER QUALITY

Water Quality Standards, Waste Discharge Requirements and Impervious Surfaces

- a. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

Conclusions of the Prior MND (LTS with MMs)

The prior 2004 MND found that demolition, grading and associated construction activities could generate an increase in the amount of sediment dissolved in runoff water and increase the amount of pollutants in receiving waters, and that these impacts could violate storm water quality regulations.

The prior 2004 MND also identified potential post-construction impacts to water quality resulting from the increase in impervious surfaces (i.e., the new private street, driveways, walkways and houses). These future conditions could reduce the site's ability to absorb rainfall and correspondingly increase the amount and rate of potentially polluted storm water runoff to the public drainage system and downstream water bodies, also in violation of storm water quality regulations.

The prior 2004 MND recommended mitigation measures that included a requirement to file for a Notice of Intent to comply with terms of the General Construction Permit, preparation of a Storm Water Pollution Prevention Plan (SWPPP), preparation of a post-construction Storm Water Quality Control Plan (SWQCP), and conformance with the County Grading Ordinance.

Currently Proposed Project (LTS with Reg. Reqmts.)

Consistent with the conclusions of the prior 2004 MND, construction activities pursuant to the Project have the potential to cause soil erosion, to accidentally release hazardous materials used for construction equipment and to result in temporary siltation of storm water runoff. Soil disturbance would occur during demolition, grading activities and new construction.

Similarly, the Project's operational impacts have the potential to introduce pollutants into the public drainage system and downstream water bodies. Pollutants of concern in these discharges include certain heavy metals, excessive sediment, petroleum hydrocarbons (such as used motor oil), microbial pathogens from illicit discharges, pesticides, excessive nutrient loads and trash. These pollutants may impair beneficial uses of downstream waters including support for aquatic life and causing toxicity in the receiving waters.

Regulatory Requirements

In the San Francisco Bay Area, the Regional Water Quality Control Board (RWQCB) issues five-year permits to cities, counties and flood control districts. The most recent Stormwater Discharge Permit (or National Pollutant Discharge Elimination System [NPDES] Permit) was issued in May 2022 to municipalities in five Bay Area counties, including Alameda County. The NPDES permit specifies best management practices (BMPs) to reduce or eliminate stormwater pollution. The current NPDES/Stormwater Discharge Permit imposes pollution reduction requirements pertinent to the Project that requires reduced erosion and control sediment at construction sites, and diversion of stormwater water at new development site through a bio-filtration system prior to discharge to the storm drain.⁴⁸ The Project will be required to comply with these water quality regulations, specifically including the following:

Regulatory Requirement Hydro-1, Construction Stormwater General Permit: Pursuant to the NPDES Permit provision C.6. Construction Site Control, the Project will disturb one acre or more of soil and will be required to file a Notice of Intent for permit coverage under the Construction

⁴⁸ California Regional Water Quality Control Board, San Francisco Bay Region, *Municipal Regional Stormwater NPDES Permit: Order No. R2-2022-0018 - NPDES Permit No. CAS612008*, May 11, 2022

Stormwater General Permit, including all applicable best management practices (BMPs). Construction BMPs include scheduling inlet protection, silt fencing, fiber rolls, stabilized construction entrances, stockpile management, solid waste management and concrete waste management.

Regulatory Requirement Hydro-2, Stormwater Pollution Prevention Plan: *Prior to the County's approval of the Project's grading permit, the Project is required to prepare a Stormwater Pollution Prevention Plan (SWPPP) to verify seasonally appropriate and effective BMPs for the following categories:*

- a. *erosion control*
- b. *run-on and runoff control*
- c. *sediment control, including entrance/exit and perimeter controls*
- d. *active treatment systems (as necessary)*
- e. *good site management, including materials and waste management*
- f. *non-stormwater management*

Regulatory Requirement Hydro-3, C.3 Provisions for Stormwater Control Plan: *As a new development project that creates 5,000 square feet or more of impervious surfaces, the Project is considered a Regulated Project and is subject to the C.3 Provisions of the NPDES Permit. The goal of these C.3 provision is to ensure appropriate source control, site design and stormwater treatment measures to address stormwater runoff pollutant discharges and to prevent increases in runoff flows from new development as part of a Stormwater Control Plan (SCP). This goal is to be accomplished primarily through the implementation of low impact development (LID) techniques to reduce runoff and mimic a site's predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source. Each Regulated Project is required to treat its runoff with LID treatment measures. LID treatment measures are harvesting and use, infiltration, evapotranspiration, and biotreatment. Site design and stormwater treatment requirements include at least the following design strategies onsite:*

- a. *limiting disturbance of natural water bodies and drainage systems;*
- b. *conserving natural areas including existing trees, other vegetation and soils;*
- c. *minimizing impervious surfaces;*
- d. *directing stormwater runoff from roof runoff, sidewalks, walkways, patios, driveways and/or uncovered parking lots onto vegetated areas*
- f. *constructing sidewalks, walkways, patios driveways, bike lanes, and/or uncovered parking lots with pervious pavement systems, and*
- e. *treating 100 percent of the amount of runoff with LID treatment measures on-site or at an off-site joint stormwater treatment facility. LID treatment measures are harvesting and use, infiltration, evapotranspiration and biotreatment.*

Regulatory Requirement Hydro-4, Conformance with the County Grading Ordinance. *The Project shall conform to all requirements and provisions of the Alameda County Grading Ordinance. As required by the Grading Ordinance, the Applicant must obtain a Water Quality Certification from the Regional Water Quality Control Board. This process ensures conformance to best management practices during construction to control wind and water erosion that could affect surface and ground water quality.*

Project Designs Addressing Erosion Controls

The Project's application materials include a Preliminary Erosion Control Plan.⁴⁹ This Preliminary Stormwater Control Plan demonstrates the intent to use silt fences around the limits of grading, use of fiber rolls along steeper slopes, protection of all stormdrain inlets, and the provision of a stabilized construction entrance.

Project Designs Addressing Stormwater Control

The Project's application materials also include a Preliminary Stormwater Control Plan intended to demonstrate compliance with the C.3 Provisions of the region's NPDES Permit.⁵⁰ The goal of the Preliminary Stormwater Control Plan is to provide appropriate source control, site design and stormwater treatment measures to address stormwater runoff pollutant discharges. This Preliminary Stormwater Control Plan indicates the following:

- The Project design includes 69,423 square feet of self-treating landscape, or approximately 51% of the site.
- The Project's total area of impervious surfaces (rooftops and pavement) amounts to 61,485 square feet, or approximately 45% of the site.
- Based on calculations prepared by the Project's engineers, the amount of area required to provide adequate biofiltration treatment for runoff from impervious surfaces is reported to be 2,485 square feet.
- The Project's Preliminary Stormwater Control Plan provides for a total of 2,721 square feet of bio-retention area and above-ground planter space, slightly more than is required for treatment of all impervious surfaces.

The proposed bio-retention system (see **Figure 11**) consists of a series of C.3 water quality treatment facilities (stormwater retention and bio-filtration basins) strategically located to catch roof runoff in small bio-retention basins located at the rear of most lots to catch roof runoff, and a series of larger C.3 retention/bio-filtration facilities located at Lots 1, 2 and 3. Stormwater runoff from individual rooftops and from the impervious surface of the new roadway would flow within the stormdrain system and roadway gutter system to these larger bio-retention facilities. Pollutants will be removed via a natural biological filtration prior to release into the existing natural drainages that cross the Project site, passing over energy dissipators before entering the creek channels.

These Preliminary Erosion Control Plan and Preliminary Stormwater Control Plan will be subject to subsequent administrative review and approval by the County to ensure that all applicable requirements of the County Grading Ordinance and NPDES Permit are appropriately addressed. With implementation of these regulatory requirements, water discharges during the construction phase and operation of the Project would not cause or contribute to the degradation of water quality in receiving waters.

⁴⁹ Milani

⁵⁰ Milani & Associates, C.3 Compliance Plan, Sheet C-18, March 1, 2026

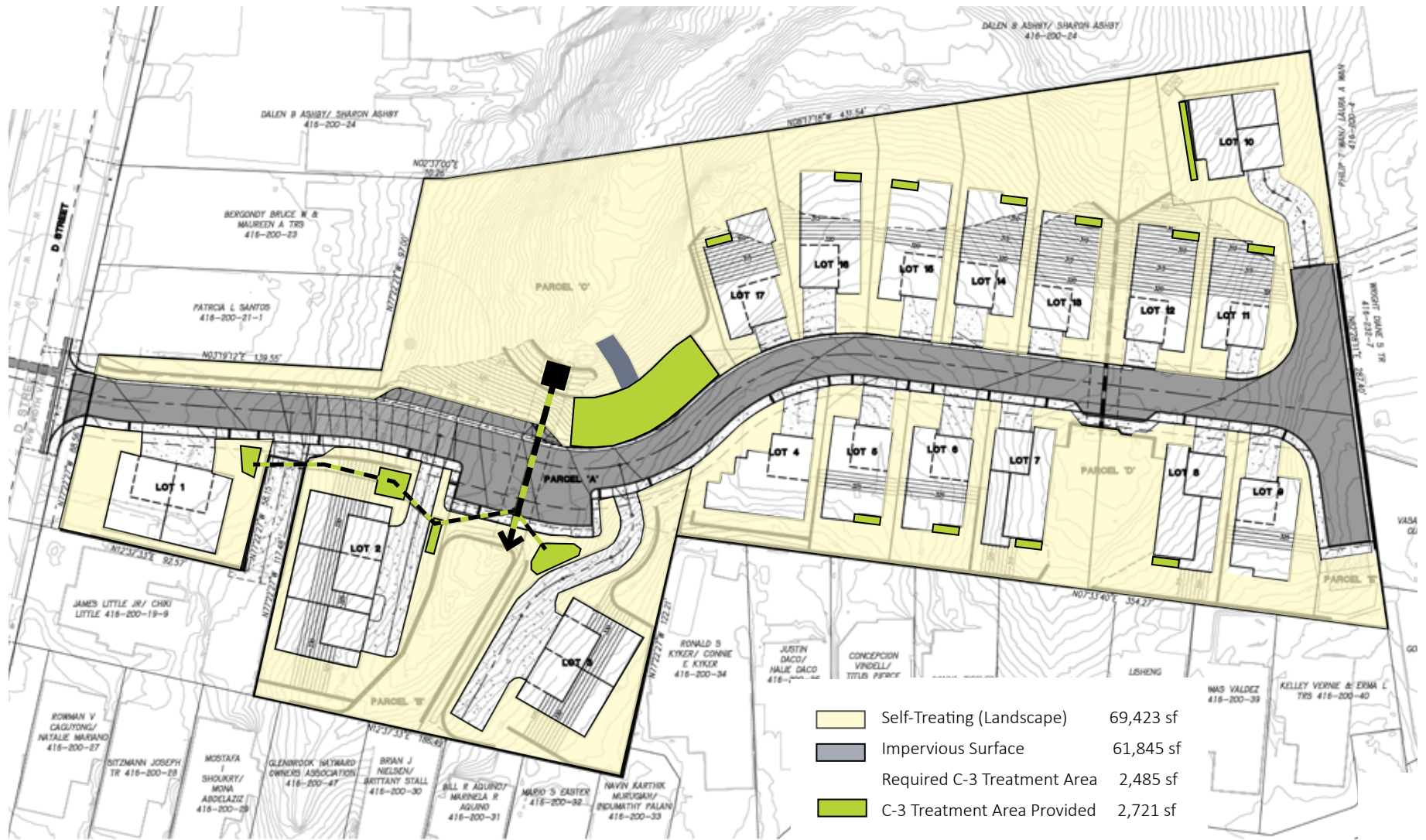


Figure 11
Preliminary C.3 Storm Water Quality Management Plan

Source: Milani Associates, C.3 Compliance Plan - Sheet C-18, March 2026

Depletion of Groundwater Supplies

- b. *Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Conclusions of the Prior MND (LTS)

The prior 2004 MND found that the project would not involve groundwater extraction and the site is not a significant groundwater recharge area.

Currently Proposed Project (LTS)

There are no changes in the Project, changes in circumstances or new information that would result in a new significant impact related to groundwater. The Project would not involve groundwater extraction, and the Project site is not a significant groundwater recharge area.

Increased Surface Runoff

- c. *Would the Project 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems?*

Conclusions of the Prior MND (LTS with MM)

The Prior MND found that during a peak storm event, the increase in impervious surface area could create a surge in the volume of storm water runoff released into the storm drain system, which could overwhelm the capacity of downstream storm drainpipes, resulting in off-site flooding and potentially significant impacts. Mitigation measures cited in the prior 2004 MND required the design of the storm drain system to slow and detain runoff so that storm water is released into the drainage system at a rate no greater than the existing pre-Project peak flow rate.

Currently Proposed Project (LTS with Reg. Reqmts)

Pursuant to the NPDES permit Provision C.3.g, certain projects that meet applicable criteria are required to incorporate one or more hydro-modification measures in the design of the project to reduce erosive flows from a range of runoff conditions. Hydromodification techniques should focus on retaining, detaining or infiltrating runoff to match post-development flows rates to pre-development patterns for a specified range of smaller, more frequent rain events to prevent increases in downstream channel erosion. Projects are required to comply with hydro-modification requirements if they meet the following applicability criteria:

- If the project creates and/or replaces one acre or more of impervious surface,
- If the project will increase impervious surface over pre-project conditions,
- If the project is located in a catchment or sub watershed that is highly developed (i.e., that is 70 percent or more impervious), and
- If the project is located in a susceptible area, as shown on the Susceptibility Map.

The Project does create one acre or more of impervious surface, will increase impervious surface over pre-project conditions, is located in a highly developed area, and is located in a susceptible area.⁵¹

⁵¹ Alameda County Clean Water Program, C.3 Stormwater Technical Guidance Version 8.3, June 2025, accessed at: <https://accwp.maps.arcgis.com/apps/webappviewer/index.html?id=11d7a1bfb90d46ce80f94defc03d012c>

Accordingly, the Project has the potential to increase stormwater runoff from the site under a range of rain events that could result in increased potential for downstream channel erosion.

Regulatory Requirements

Regulatory Requirement Hydro-4, Hydro-Modification Standard: Pursuant to NPDES C.3g regulations, stormwater discharges from the Projects shall not cause an increase in the erosion potential of receiving streams over the pre-project (existing) condition. Increases in runoff flow and volume shall be managed so that post-Project runoff shall not exceed estimated pre-Project rates and durations.

- a. Plans for the current Project include a storm water control plan that includes several on-site bioretention areas to manage stormwater runoff but does not identify pre- and post-Project stormwater volumes.
- b. The design of the proposed storm water control plan will be reviewed by Alameda County Public Works Agency staff to ascertain its compliance with hydro-modification current standards.
- c. The storm water control plan may require modifications prior to approval to demonstrate compliance with NPDES C.3g regulations.

Project Plans Addressing Increased Runoff

The Project's application materials also include a Hydrology and Hydraulic report (see **Appendix G**),⁵² that confirms that the Project will be subject to hydromodification such that post-development storm discharge originating from the site will not exceed historic storm flows, and such that the integrity of all downstream drainages is maintained.

The Hydrology and Hydraulic Report relies on the Modified Rational Method to compute hydrographs for both the historic and post-development conditions and finds that the Project will need to provide on-site detention storage volume of 2,430 cubic feet (cf). The Project design proposes to install an underground storage tank within the larger of the Project's C.3 bio-treatment basin located westerly of Lots 2 and 3. This proposed storage tank is designed to retain approximately 2,725 cf of excess storm runoff and will include an outlet metering structure that maintains outflow from this tank to match historic pre-development levels (see **Figure 12**). Final design elements of this hydromodification system will be subject to County administrative review approval pursuant to final design drawings.

Implementation of these regulatory requirements would ensure that potential impacts related to increased runoff in downstream channels would be reduced to a less than significant level.

⁵² Milani & Associates, Hydrology & Hydraulic Report, Tract 8775 at 2492 D Street, February 27, 2026

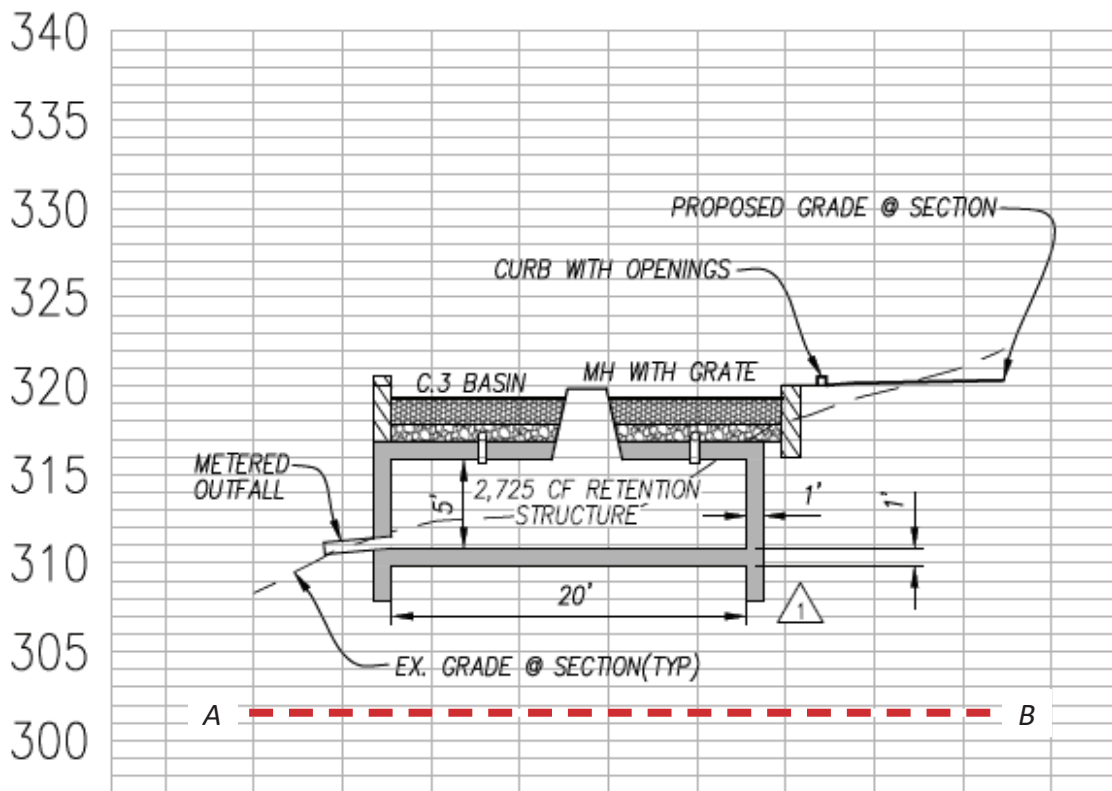
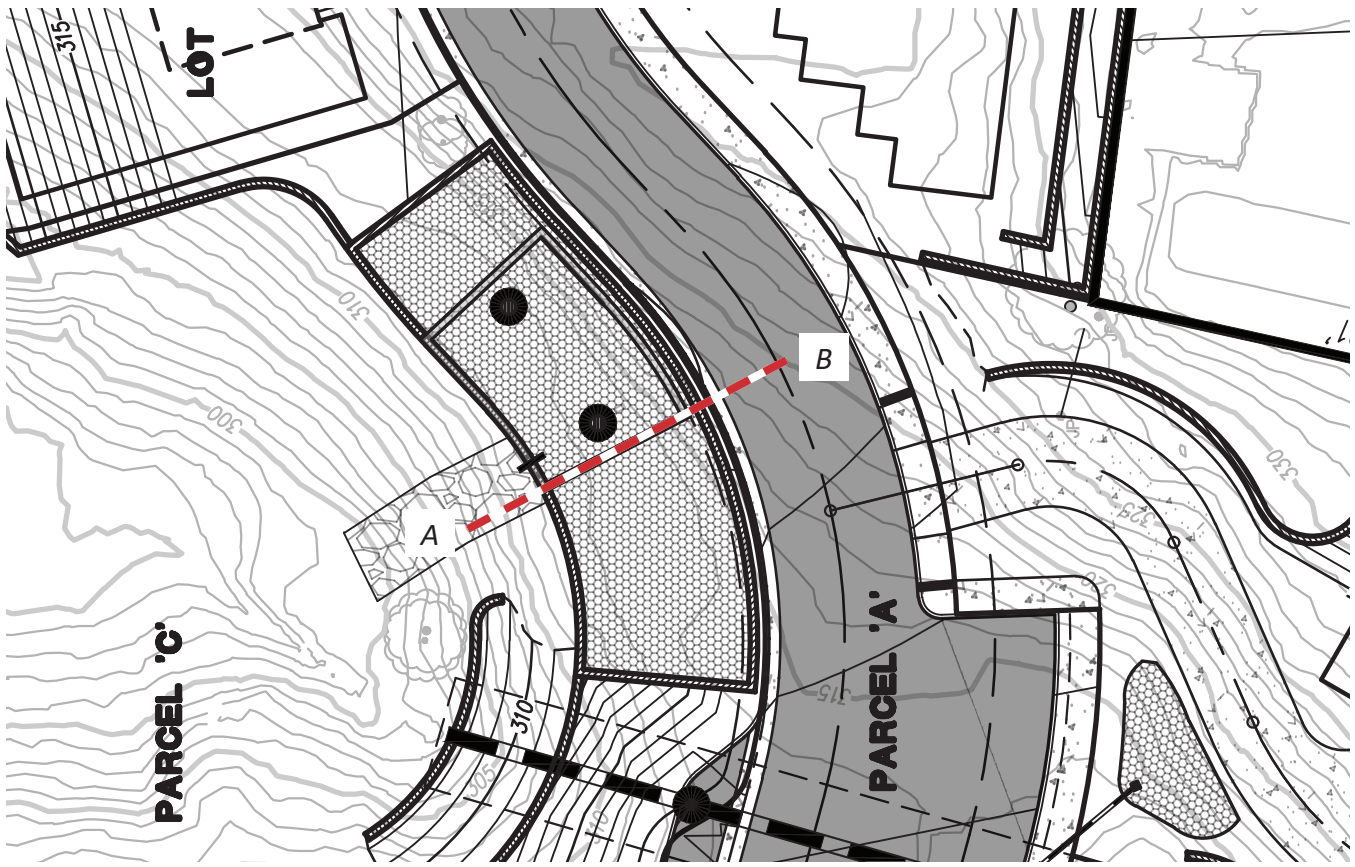


Figure 12
Proposed Hydromodification Feature

Flood Hazards

d. *Would the project impede or redirect flood flows?*

Conclusions of the Prior MND (LTS)

The prior 2004 MND reported that the southerly of the two streams that cross the project site was designated as a 100-year flood hazard area by the Federal Emergency Management Agency (FEMA). However, the prior 2004 MND reported that the 2004 project included a development setback from the flood hazard area boundary as required by the Alameda Watercourse Ordinance to avoid the risk of flood hazards, and this impact was found to be less than significant.

Currently Proposed Project (LTS with Reg. Reqmts)

A review of current FEMA flood maps indicates that there are no FEQA-designated flood hazards on the Project site.⁵³ The nearest FEMA-designated flood zone is at San Lorenzo Creek, more than 0.4 miles to the northwest. There are no FEMA-designated flood hazards applicable to the site.

Regulatory Requirements

Regulatory Requirement Hydro-5, Alameda County Code of Ordinances Section 13.12.090: *No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the Director of Public works:*

- a. *Discharge into or connect any pipe or channel to a watercourse*
- b. *Modify the natural flow of water in a watercourse*
- c. *Carry out development within a setback, as defined in Article V of this chapter*
- d. *Deposit in, plant in or remove any material from a watercourse including its banks, except as required for necessary maintenance*
- e. *Construct, alter, enlarge, connect to, change or remove any structure in a watercourse, or*
- f. *Place any loose or unconsolidated material along the side of or within a watercourse or so close to the side as to cause a diversion of the flow, or to cause a probability of such material being carried away by stormwaters passing through said watercourse.*

The Project's proposed site plan establishes setbacks from both on-site drainages (watercourses), generally establishing a minimum setback of 15 feet or more for any proposed grading, retaining wall construction or new development (i.e., driveways or home sites). Pursuant to the requirements of the County's Watercourse Protection Ordinance, these setbacks will be reviewed by the County Public Works Department to verify the adequacy of these proposed setbacks in safeguarding and preserving the watercourses, preventing damage due to flooding, protecting the drainage facilities, controlling erosion and sedimentation, and restricting the discharge of polluted materials.

Tsunami and Other Water-Related Hazards

Conclusions of the Prior MND (No Impact)

The prior 2004 MND found that the 2004 project was not located within an area subject to tsunami, seiche or mudflows and that there would be no impact from the 2004 project on these inundation conditions.

⁵³ FEMA Flood Map Service Center, accessed at:
<https://msc.fema.gov/portal/search?AddressQuery=2492%20D%20Street%2C%20Hayward%2C%20Ca>

Currently Proposed Project (No Impact)

The Project site remains outside of any area subject to tsunamis, seiche or mudflows, and would have no impact pertaining to these criteria.

CEQA Conclusions – Hydrology and Water Quality

As demonstrated above, there are no changes in the project, changes in circumstances or new information that would result in a new significant impact or a substantial increase in the severity of a previously identified impact pertaining to hydrology or water quality. Mitigation measures previously required of the 2004 project remain applicable to the current Project, and certain of these mitigation measures have been updated for consistency with current regulatory requirements. These updated mitigation measures will fully mitigate impacts pertaining to hydrology and water quality and no further analysis of these topics is required.

LAND USE AND PLANNING

Dividing an Established Community

a. *Would the project physically divide an established community?*

Conclusions of the Prior MND (No Impact)

The prior 2004 MND concluded that the 2004 project would not divide an established community.

Currently Proposed Project (No Impact)

The Project involves infill residential development of the site in a manner generally compatible with surrounding residential land uses and would not disrupt or divide an established neighborhood.

Conflicts with Land Use Plan or Zoning

b. *Would the project 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?*

Conclusions of the Prior MND (LTS)

The prior 2004 MND cited that the 2004 project would be subject to the land use plans and zoning standards set forth in the Fairview Area Specific Plan as was applicable at that time. The prior 2004 MND concluded that the 2004 project would comply with applicable land use plans, and potential impacts related to conflicts with land use and plans and zoning were determined to be less than significant.

Currently Proposed Project (LTS)

As described in the Project Description, the currently effective zoning of the Project site is FASP Residential 17, which permits a residential density of up to 17 units per net acre. The proposed Vesting Tentative Map shows a net acreage of all residential lots at approximately 89,750 square feet, or 2.06 net acres. At the currently effective density range, the site could potentially be allowed to accommodate up to a maximum of 35 dwelling units. The Project's proposed development of 21 dwelling units (14 single family homes and 7 townhomes) is within this permitted density range. Other elements of the Project that demonstrate consistency with Fairview Area Specific Plan policies adopted for the purpose of avoiding or mitigating an environmental effect include the following:

- FASP Policy CO-1.1: Design new development projects in a way that minimizes impacts on natural resources. Development should employ creative site design, landscaping, and architecture that blends with the natural characteristics of each location and surroundings and offers superior design solutions.

The Project's grading and development plan show that the existing steeper slope that contains a eucalyptus grove (to the rear of the adjoining properties to the west) will be retained as an approximately 19,500 square-foot open space parcel.

- FASP Policy CO-1.5: Retain creeks in their natural channels rather than diverting them into man-made channels or altering their flow. Mandatory development setbacks shall be maintained along creeks in order to maintain and enhance their natural functions while minimizing flood hazards.

The Project's grading and development plan show that the currently remaining portions of the existing creek channel in the southerly portion of the site will be retained with open space parcels established on each side of the roadway, such that the natural functions of the creek segments will be maintained. The currently remaining portions of the existing creek channel in

the northerly portion of the site will not be re-graded and will be retained as a natural feature within the underlying proposed residential parcels.

- FASP Policy CO-2.1: Require compliance with all state and federal wetland protection regulations.

The prior 2004 project required permits from the RWQCB, the US Army Corps and State Fish and Wildlife Service to culvert the two drainages that flow across the site, so that the road (as was proposed in 2004) could be constructed. Between 2004 and 2006, that prior project did request and obtain those permits.^{54 55 56} The prior developer then constructed the existing culverts and graded the road bed. The current Project proposes to retain the remaining creeks and wetlands as open/non-developed land with no further disturbance or fill of these remaining existing wetlands.

- Objective Design Standards for By-Right (Ministerial) Approval of a Housing Element Project: Pursuant to implementation of the County's 2023-2031 Housing Element, the County has developed a checklist that takes into consideration the variety of possible housing types that may be permitted and established a set of Objective Design Standards related to the architectural design of such project, including landscaping and other site amenities.

The Project has been designed to achieve compliance with the County's Objective Design Standards for projects pursuant to the County's 2023-2031 Housing Element, with few exceptions. Those elements of the Project that are not fully compliant with these Objective Design Standards are addressed below:

- The Project does include two-story townhomes with pitched roofs, and portions of those roof lines are over 25 feet in height and not 25 feet from the property line. The two townhomes on Lot 1 have a 5-foot setback from the adjacent off-site property to the east where the roof pitch only exceeds 25 feet at 14 to 15 feet from the adjacent property line. On Lot 2 the townhomes have a 5' setback from the adjacent off-site property line to the south and where the roof pitch exceeds 25' at about 14 feet from the site property line. On Lot 3 the townhomes have a 5-foot setback from the property line at the northeast and where the roof pitch exceeds 25 feet at approximately 17 feet from the site property line, and the southeastern corner has a 12' setback where the roof pitch exceeds 25 feet at 21 feet from the site property line. These height encroachments would not result in visual impacts to the surrounding neighborhood as they only occur at points close to the roof ridge and not for the full width of these townhomes.
- The Project does include two-story townhomes that do not fully comply with the maximum floor area of 80 percent. The Townhomes on Lot 1 have a 95 percent second-story FAR coverage due to the small development footprint and required setbacks. These proposed townhomes do incorporate porches and building articulations to comply with the spirit of this regulation.
- The Project does not comply with a minimum setback of 10 feet from the access driveway. Lot 2 has an approximate 7-foot setback from the access driveway that cannot be widened due to site constraints including the steep grading and proximity to the nearby wetland.

⁵⁴ U.S. Department of the Army, Army Corps of Engineers, San Francisco District, Authorization under Nationwide Permit 14 – Linear Transportation Projects, December 1, 2004

⁵⁵ California Department of Fish and Game, 1602 Lake and Streambed Alteration Agreement, April 1, 2005

⁵⁶ California Regional Water Quality Control Board, San Francisco Region, Water Quality Certification for the Construction of Two Culverts, May 30, 2006

- The Project does not have a minimum 3-foot landscaped buffer between pedestrian walkway and access driveway/private street. The site does not have enough space to include a landscape buffer and is proposing an attached sidewalk.

Although the Project does not fully comply with all Objective Design Standards that might otherwise enable a by-right approval, these inconsistencies with objective design standards do not result in any significant environmental effects.

CEQA Conclusions – Land Use

As demonstrated above, there are no changes in the project, changes in circumstances or new information that would result in a new significant impact or a substantial increase in the severity of a previously identified impact pertaining to land use. The changes in the Project site's zoning that were made in response to the County's 2023-2032 Housing Element do represent a changed circumstance, but these changed circumstances do not result in any new or more substantial environmental and no further analysis of these land use topics is required.

MINERALS

Conflicts with Land Use Plan or Zoning

- a. *Would the project 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. *Would the project 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?*

Conclusions of the Prior MND (No Impact)

The prior 2004 MND identified no impact related to mineral resources, given that the site does not contain mineral resources.

Currently Proposed Project (No Impact)

The Project site is not known to contain any mineral resource that are of value to the and would not result in the loss of availability of a locally important mineral resource recovery site as delineated on the General Plan, FASP or other land use plan. The current Project would have no impact regarding the loss of mineral resources.

CEQA Conclusions – Minerals

As demonstrated above, there are no changes in the project, changes in circumstances or new information that would result in a new significant impact or a substantial increase in the severity of a previously identified impact pertaining to mineral resources and no further analysis of this topic is required.

NOISE

Construction-Period Noise

- a. *Would the project result in generation of a substantial temporary 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?*

Conclusions of the Prior MND (LTS with MM)

The prior 2004 MND found that, in light of the proximity of nearby residents, noise from construction equipment and construction activity could adversely affect these nearby residents. The Prior MND included two mitigation measures to reduce the level of impacts related to construction noise, which requires mufflers on all construction period equipment used during construction activities, and also required limits on the operation of excessively noisy tools or equipment used in construction to the period between 7 a.m. and 7 p.m. on weekdays (except legal holidays) and between 8 a.m. and 5 p.m. on weekends.

Currently Proposed Project (LTS with MM)

The types of construction equipment used to construct the current Project, and the nature and extent of construction activity required for the current Project would not be materially different than the level of construction activity and noise levels described in prior 2004 MND and the level of anticipated construction noise would be similar.

Mitigation Measures

To best address construction-period noise, the Mitigation Measures identified in the prior 2004 MND are hereby updated for the current Project based on the County's recent 2023-2032 Housing Element MND and modified in this Addendum as set forth below, requiring implementation of the following construction-period noise reduction measures:

Mitigation Measure Noise-1, Construction Hours. *The Project should limit the operation of excessively noisy tools or equipment used during construction to the period between 7 a.m. and 7 p.m. on weekdays (except legal holidays) and between 8 a.m. and 5 p.m. on weekends.*

Mitigation Measure Noise-2, Construction-Period Noise Reduction (per the HEU MND for housing projects on rezoned sites): *As a project within 500 feet of noise sensitive land uses and that involves excavation and the use of heavy-duty construction equipment, the Project applicant shall include the following measures for demolition, grading and construction plans submitted to the County. The Alameda County Building Department shall verify that grading, demolition, and/or construction plans submitted to the County include these notations prior to issuance of demolition, grading and/or building permits.*

- a. ***Mufflers.*** *During excavation and grading construction phases, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' standards.*
- b. ***Stationary Equipment.*** *All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers.*
- c. ***Equipment Staging Areas.*** *Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise sensitive receivers.*
- d. ***Smart Back-up Alarms.*** *Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to*

ensure safety when mobile construction equipment is moving in the reverse direction in compliance with applicable safety laws and regulations.

- e. Electric Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities, where feasible.*
- f. Noise Disturbance Coordinator. The project applicant shall designate a “noise disturbance coordinator” responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of any noise complaint and shall require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator and the County shall be posted at the construction site.*

Implementation of Mitigation Measures Noise-1 and -2 would require that construction of the Project include feasible mitigation to reduce construction noise at nearby sensitive receptors. With mitigation, this impact would be less than significant.

Operational Noise

- a. Would the project result in generation of a substantial 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?*

Conclusions of the Prior MND (LTS)

The prior 2004 MND found that operational noise levels generated by that 2004 project would be similar to noise levels in existing residential neighborhoods throughout the Fairview area and that any increase in ambient noise levels as a result of that 2004 project would be less than significant and no mitigation was required.

Currently Proposed Project (LTS)

Similar to the conclusions of the 2004 MND, although the current Project would have more residential units and therefore more potential to generate operational noise, there is no unique feature of the current Project that would expect it to generate noise levels exceeding typical residential noise as occurs in existing residential neighborhoods throughout the Fairview area. Additionally, the Project (like all residential area of the County) would be required to comply with current standards of the Alameda County Municipal Code, which include the following:

- Section 6.60.050(B)(1) of the ACMC prohibits radios, television sets, musical instruments and similar devices operating or playing at any time of the day plainly audible at a distance of 50 feet from the device.
- Section 6.60.050(B)(3) of the ACMC also prohibits the operation or use of any electric or gasoline powered leaf blower, sweeper, vacuum, lawn mower, trimmer, edger, hedger or similar tool or device in residential areas between hours of 7 p.m. to 7 a.m. on a weekday and between the hours of 7 p.m. and 8 a.m. on a weekend which produces a sound that is plainly audible at a distance of 50 feet from the device; as well as repairing, building, modifying, or testing any vehicle in residential areas between the hours of 7 p.m. to 7 a.m. in such a manner to produce sound which is plainly audible at a distance of 50 feet from the vehicle.
- Additionally, pursuant to ACMC Section 6.60.050(C), any residential air conditioning or refrigeration system or associated equipment should not exceed an exterior noise level of 50 dBA.

Required compliance with current standards of the Alameda County Municipal Code would ensure that the Project's operational noise impacts would be less than significant and no additional mitigation measures are required.

Groundborne Vibration

- c. *Would the project result in generation of excessive groundborne vibration or groundborne noise levels?*

Conclusions of the Prior MND (N/A)

Although the prior 2004 Project was known to require piers to be used to support planned residences and retaining walls, the 2004 MND did not address the topic of groundborne vibration associated with construction of those piers.

Current Project (LTS)

It is not anticipated that operation of the Project's residential housing units would involve any activities that would result in substantial vibration levels, such as use of heavy equipment or machinery.

The County has not adopted a significance threshold to assess vibration impacts during construction, so thresholds of the FTA Transit Noise and Vibration Impact Assessment Manual (2018) can be used to evaluate construction vibration impacts related to potential building damage. The FTA threshold for residential structures is 0.2 inches/second peak period velocity.

Because the Project site is underlain by expansive soils that could cause damage to pavement sections, concrete slabs and foundations, the Project's geotechnical report recommends that piers be used to support planned residences and retaining walls. If these piers were constructed using a pile driver, the use of such equipment could cause vibration levels of approximately 1.5 inches/second at a distance of 25 feet, potentially affecting nearby homes. However, the 2013 Geotechnical Review Report by Ting & Associates recommends that piers be designed and constructed using drilled piers. Use of drilling methods rather than pile driving will substantially reduce potential groundborne vibrations, such that the effects on nearby homes would not be expected to be significant.

Aircraft Noise

- d. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

Conclusions of the Prior MND (No Impact)

The prior 2004 MND found that the site is far enough from the closest airport so that future residents would not be adversely affected by aircraft noise.

Currently Proposed Project (No Impact)

Consistent with the conclusion of the prior 2004 MND, the Project site is located outside a one-mile radius from the nearest airport (the Hayward Executive Airport) and is well outside any aircraft noise zones related to the Oakland International Airport. Therefore, the Project would not expose future residents to excessive noise levels and there would be no impact.

CEQA Conclusions – Noise

As demonstrated above, there are no changes in the project, changes in circumstances or new information that would result in a new significant impact or a substantial increase in the severity of a

previously identified impact pertaining noise or vibrations. Mitigation measures previously required of the 2004 project remain applicable to the current Project, and certain of these mitigation measures have been updated for consistency with the requirements of the County's recent 2023-2031 Housing Element and current regulatory requirements. These updated mitigation measures will fully mitigate potential construction-period noise impacts and no further analysis of topics pertaining to noise is required.

POPULATION AND HOUSING

Population Growth

- a. *Would the project induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?*

Conclusions of the Prior MND (LTS)

The prior 2004 MND found that the 2004 project would not result in a significant increase in unplanned population and that the 2004 project's impact on population growth was less than significant.

Currently Proposed Project (No Impact)

As noted in the prior 2004 MND, the potential to develop the site with residential units was anticipated in the Fairview Area Specific Plan. More recently, an increase in residential density at the Project site was fully anticipated pursuant to the County's 2023-2031 Housing Element, with a development potential of as many as 37 above moderate-income housing units. The potential growth in in-site housing units is part of the estimated 3,134 additional residential units in the unincorporated County as anticipated under the 2023-2031 Housing Element Update. Development of the Project's proposed 21 new residential units and its likely increase of approximately 60 people (based on an estimated number of 2.84 residents per household) is fully part of planned population growth as anticipated pursuant to the HEU as required to meet the unincorporated County's RHNA and is consistent with growth forecasts for unincorporated Alameda County pursuant to ABAG's Plan Bay Area 2050. The Project would not induce substantial unplanned population growth in the area.

Displacement of Housing or People

- b. *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

Conclusions of the Prior MND (LTS)

The prior 2004 MND found that the 2004 project would eliminate one single family dwelling (i.e., the existing residential structure on the Project site) and would add fifteen new housing units. On that basis, the prior 2004 MND concluded that the 2004 project's impact on housing and population displacement was less than significant.

Currently Proposed Project (No Impact)

The existing structure on the site may have been a conventional single-family home but is now a substantially dilapidated and inhabitable structure. Demolition of the structure would remove a blighting influence from the area, would not displace any individuals or remove a habitable dwelling unit. Consistent with the findings of the prior 2004 MND, the addition of new housing on the Project site would fully offset the loss of this structure, and the Project would have no impacts related to population or housing displacement.

CEQA Conclusions – Population and Housing

As demonstrated above, there are no changes in the project, changes in circumstances or new information that would result in a new significant impact or a substantial increase in the severity of a previously identified impact pertaining to population or housing and no further analysis of these topics is required.

PUBLIC SERVICES and RECREATION

- a. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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 fire protection, police protection, schools, parks or other public facilities?*

Fire Protection, Police Protection, Schools & Parks

Conclusions of the Prior MND (LTS)

As noted in the prior 2004 MND, the 2004 project was found to generate an increased demand for fire protection, emergency services, police protection services, and other services and public facilities. However, any added staffing, equipment and maintenance would be funded by tax revenue to the County and special districts general funds. The prior 2004 MND determined that the Hayward Fire Department and County Sheriff's Department would review the 2004 project plans and identify any project-specific conditions of approval required to ensure adequate access and service is maintained. The prior 2004 MND also found that the 2004 project's increased number of students would not affect service ratios or require additional schools to be built. Impacts related to public services were found to be less than significant.

Currently Proposed Project (LTS)

Even with an increase in housing units, the current Project would not generate a substantial increase in demand for fire protection, emergency services, police protection services or other services, or the need for new or physically altered governmental facilities. Increased demands for these services will be offset through development impact fees and property tax revenues. The Project's impacts related to public services would be less than significant.

Recreational Facilities

Conclusions of the Prior MND (LTS with Reg Reqmts)

The prior 2004 MND noted that the 2004 project would generate an increased use of existing parks and recreation. This increased use of public parks would be offset by required payment of Alameda County's Park Dedication Ordinance Fee whereby the 2004 project would pay its incremental share of improvements necessary to accommodate cumulative demand for park and recreation facilities.

Currently Proposed Project (LTS with Reg Reqmts)

Because of its greater number of residential units and associated population, the current Project would generate a greater demand for use of parks as compared with the project analyzed in the prior 2004 MND. This increase cumulative impact would be mitigated through its payment of a per unit fee pursuant to Alameda County's Park Dedication Ordinance Fee, consistent with the findings of the prior 2004 MND.

CEQA Conclusions – Public Services and Recreation

As demonstrated above, there are no changes in the project, changes in circumstances or new information that would result in a new significant impact or a substantial increase in the severity of a previously identified impact pertaining to public services or recreation and no further analysis of these topics is required.

TRANSPORTATION

Traffic Generation

- a. *Would the Project result in a significant increase in traffic in relation to existing traffic loads and street system capacity?*
- b. *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) addressing vehicle miles travelled?*

Conclusions of the Prior MND (LTS)

The prior 2004 MND projected average weekday trip generation for the 15 single-family homes that were proposed pursuant to the 2004 project, finding that 2004 project to generate approximately 150 trips per day, estimated to represent an approximately 2 percent increase in daily traffic on D Street. The prior 2004 MND concluded that this increase in traffic would have a less than significant impact.

The prior 2004 MND also found that the 2004 project would generate approximately 15 trips during the average weekday evening commute period, which was found to be less than the applicable threshold of 100 evening trips considered by the Alameda County Congestion Management Agency (CMA) to be indicative of a potentially significant impact, and the impact of the 2004 project on the CMA network's level of service was found to be less than significant.

Currently Proposed Project (LTS)

Based on current Institute of Transportation Engineers (ITE) Trip Generation, 11th Edition, the average vehicle trip rate for single-family detached housing is 9.43 daily vehicle trips per unit. Using this trip generation rate, the current Project's 21 residential units would generate approximately 200 daily trips, or approximately 50 daily trips more than was calculated for the 2004 project. Whereas 150 trips per day was previously estimated to represent an approximately 2 percent increase in daily traffic on D Street, 200 trips per day can be estimated to represent an approximately 3 percent increase in daily traffic on D Street. This minor increase in traffic remains less than significant.

Based on the same methodology as the prior 2004 MND, the current Project is estimated to generate approximately 21 pm peak hour trips, which is similarly less than the previous threshold of 100 evening trips, which was considered by the Alameda County Congestion Management Agency (CMA) to be indicative of a potentially significant impact.

Vehicle Miles Traveled

CEQA Guidelines were updated in 2018 and no longer consider traffic level of service metrics as a threshold under CEQA and instead rely on vehicle miles traveled (VMT) as the most appropriate measure of transportation impact. VMT is defined as the total distance traveled by vehicles traveling to and from a land use over a typical day. Alameda County relies on guidelines published by the Governor's Office of Planning and Research (the OPR Guidelines) to establish current thresholds for VMT.

- OPR Guidelines recommend a threshold of significance for residential VMT per capita at 15 percent below baseline, or conversely a project would have a less than significant impact on VMT if the VMT per capita is 85 percent or more below the baseline value.
- Also, OPR Guidelines define small projects that generate fewer than 110 vehicle trips per day as being generally assumed to cause a less than significant transportation impact.

VMT was not an applicable threshold as used in the prior 2004 MND. However, information related to VMT was known and/or could have been known with the exercise of reasonable diligence at the time the previous 2004 MND was adopted. Although not required under CEQA, the following analysis of

VMT is provided to demonstrate that the current Project would not have a new or more significant effect related to VMT than could have been addressed in the prior 2004 MND.

Based on mapping tools prepared by the Alameda County Transportation Commission,⁵⁷ the Project site is located in Traffic Analysis Zone #2894. This same mapping tool identifies that the average VMT per resident generated within Traffic Analysis Zone #2894 is approximately 16.7 vehicle miles travelled per resident. According to the Alameda County Transportation Commission, the average (or baseline) vehicle miles traveled per capita is 19.4 VMT, and the VMT target (85 percent or more below the baseline value) is 16.5 VMT per capita.⁵⁸ Based on this mapping date, the following conclusions can be made relative to the prior 2004 project and the current Project:

- Neither the prior 2004 project (at 150 daily trips) nor the current Project (at 200 daily trips) would meet thresholds recommended in OPR Guidelines for small projects, defined as those that generate less than 100 daily trips and that are assumed to cause a less than significant transportation impact.
- Whereas current VMT impacts are measured on a per capita basis, the increase in total units pursuant to the current Project is not germane to the measure of VMT (i.e., whether the Project is 15 units or 21 units, the per capita VMT for either of these projects would be the same).
- The average VMT per resident generated within Traffic Analysis Zone #2894 (i.e., at the Project site) is approximately 16.7 vehicle miles travelled per resident, as compared to a threshold of no more than 16.5 VMT per resident. Both the 2004 project and the current Project would generate slightly more VMT per resident than the applicable threshold.

Furthermore, the transportation analysis presented in the Alameda County 2023-2031 Housing Element Update MND determined that cumulative traffic generated by the projected buildout of the Housing Element (inclusive of the proposed Project) would result in an average VMT per capita of 12.24, which is substantially below the Alameda County threshold of 16.5 VMT per capita. The Housing Element MND concluded that new cumulative housing constructed pursuant to the Housing Element would meet the locally adopted SB 743 VMT target, and that future development facilitated by the proposed HEU would be consistent with the threshold of achieving a reduction in project-generated vehicle miles traveled (VMT) below the VMT target that reflects the recommendations of the OPR Guidelines for evaluating transportation impacts under CEQA.

Based on the above, the current Project would not have a new significant impact under the newer VMT thresholds and would not have a more substantial impacts VMT impact than what was known and/or could have been known with the exercise of reasonable diligence at the time the previous 2004 MND was adopted.

Construction Traffic Hazards

c. *Would the Project substantially increase hazards due to an incompatible use?*

Conclusions of the Prior MND (LTS with MM)

The prior 2004 MND found that large construction vehicles could result in a significant impact on the operational safety at intersections and roadways near the site, and mitigation was included in the prior 2004 MND to address this potential hazard. These mitigation measures included development and submittal of a precise route of access to the property for construction vehicles, and conformance with all County requirements with regard to construction traffic. With implementation of these

⁵⁷ Alameda County Transportation Commission, Draft Alameda County 2020 VMT per Resident and VMT per Employee, accessed at: <https://experience.arcgis.com/experience/9053a0d926f84368be583007bfc13d10>

⁵⁸ Alameda County Transportation Commission, Vehicle Miles Traveled per Capita in Alameda County, accessed at https://www.alamedact.org/wp-content/uploads/2020/06/VMT_per_Capita_Countywide.pdf

mitigation measures, impacts related to construction-period traffic were found to be less than significant.

Current Project (LTS with MM)

Similar to the conclusions of the prior 2004 MND, large construction vehicles used in construction operations pursuant to the Project could result in a potential safety hazard on surrounding roadways and intersections near the site.

Mitigation Measures

The Project will remain subject to the mitigation measures as recommended in the prior 2004 MND, as listed below:

Mitigation Measure Transportation-1, Routing Plan: *The Applicant shall develop and submit a precise route of access to the property for construction vehicles for the term of construction. Alternative routes that minimize traffic past local residences and passive recreation area should be used if available.*

Mitigation Measure Transportation-2, Conformance with County Construction Traffic Policy: *The Applicant shall conform with all County requirements with regard to construction traffic, such as warning signage and flag-person controls, as well as pilot cars / escorts for large loads.*

With implementation of these mitigation measures, the Project's impacts related to construction-period traffic safety hazards would be less than significant.

Design Features

d. *Would the Project substantially increase hazards due to a design feature?*

Conclusions of the Prior MND (LTS with MM)

The prior 2004 MND identified the presence of a large tree located on D street at the entrance to the site that could impair driver's visibility as they exit onto D Street, and that could potentially interfere with the ability to view oncoming westbound cars on D Street. The prior 2004 MND recommended a mitigation measure to address this potential safety risk that recommended removal of this tree if it is found to obstruct drivers' views.

Currently Proposed Project (No Impact)

There is currently no large tree located at the entrance to the Project site. There is a large tree on the adjacent property at 2512 D Street and that is approximately 50 feet the southeast of the proposed Project entry. The Project does not propose to remove the tree on this separate property and has no means by which to effect removal of a tree on an adjoining property.

According to Alameda County Municipal Code Section 12.11.130, the County Public Works Director may require a property owner to trim, cleanup, repair, replace, perform other maintenance or take other corrective action with respect to any tree adjacent to the frontage of the owner's property and located between the private property line and the edge of the paved street within the right-of-way, if the tree constitutes a hazard to the public. If it is determined that this existing tree may be a potential hazard only to the extent caused by the Project's construction of a nearby intersection, it may be reasonable to assign responsibility for any necessary tree maintenance to the Project applicant.

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

Emergency Access

e. Would the Project result in inadequate emergency access?

Conclusions of the Prior MND (LTS)

The prior 2004 MND cited that the roadway grades, dimensions and turning radii of the 2004 project's access street were intended to be constructed in accordance with all Fire Department access regulations and concluded that the 2004 project's impacts related to emergency access was less than significant.

Currently Proposed Project (LTS)

The current Project's private street is designed with the intention of meeting all standards and guidelines as specified by the City of Hayward and Fairview Fire Protection District, and the Alameda County Fire Code Administration Division's Information Bulletin and Development Guidelines. These standards include the following:

- Fire apparatus access roads shall have an unobstructed width of not less than 20 feet – The Project's roadway design provides for a 20-foot dimension from face-of-curb to face-of-curb, with a 30-foot by 6-foot fire truck pull-out at the proposed fire hydrant
- Fire access roads and driveways serving as access roads in Unincorporated Alameda County shall meet County Road Standards of 14% grade - The Project's roadway design provides for with a maximum grade for a short segment of the roadway of 13 percent
- Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus – The Project's roadway is over 150-feet in length and provides for a dead-end fire apparatus turn-around of 20-feet in width, 120 feet in length and outside turning radii of 28 feet, intended to meet the Fire Department's Title 14 requirements
- Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities – the Project's roadway provides an all-weather surface inclusive of asphalt paving and/or concrete

The City of Hayward and Fairview Fire Protection District will review all final roadway design plans to ensure that all requirements and standards as specified in the Uniform Fire Code and the Fire Departments Development Guidelines are met.

Alternative Transportation

f. Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Conclusions of the Prior MND (No Impact)

The prior 2004 MND evaluated the 2004 project's likely impact on local transit service as provided by AC Transit Service. AC Transit operates the #95 Fairview bus route along D Street, and the nearest bus stop was located adjacent to the Project site on D Street. The sidewalk at the edge of the Project's private street would provide pedestrian access to this bus stop. The prior 2004 MND concluded that the 2004 Project would have no impact on adopted policies, plans or programs that support alternative transportation.

Currently Proposed Project (No Impact)

AC Transit continues to run the #95 bus line from the Fairview District to the Hayward BART Station, with the nearest bus stop on D Street at the Project site frontage.⁵⁹ Similar to the 2004 project, the sidewalk at the edge of the Project's private street would provide pedestrian access to this bus stop. The Project would have no impact on adopted policies, plans or programs that support alternative transportation.

CEQA Conclusions – Transportation

As demonstrated above, there are no changes in the project, changes in circumstances or new information that would result in a new significant impact or a substantial increase in the severity of a previously identified transportation impact. This Addendum does provide new information relating to current CEQA thresholds for transportation (i.e., VMT) but does not find any new or more severe impacts of the Project pertaining to these new thresholds. Mitigation measures previously required of the 2004 project remain applicable to the current Project. These mitigation measures will fully mitigate potential construction-period transportation impacts and no further analysis of topics pertaining to transportation is required.

⁵⁹ AC Transit, accessed at: <https://www.actransit.org/bus-lines-schedules/95>

UTILITIES AND SERVICE SYSTEMS

- a. *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Conclusions of the Prior MND (No Impact)

The prior 2004 MND indicated that the 2004 project would utilize existing utilities and service systems including water, wastewater, storm water and solid waste disposal services. Service providers including the Ora Loma Sanitary District (wastewater), East Bay Municipal Utilities District (water) and Tri-Cities Recycling (waste) all indicated that their systems would have adequate capacity to provide the necessary services for the 2004 project and that impacts on their systems would be less than significant.

Currently Proposed Project (No Impact)

Water

The Project is a residential development within an urban infill areas that is already surrounded by development and served by existing water infrastructure. The Project would not cause significant environmental effects associated with construction or relocation of new water infrastructure and the Project's impacts would be less than significant.

According to information presented in the HEU MND,⁶⁰ the water demand associated with buildout of the Housing Element's projected new housing units (which includes the Project) represents less than one percent of EBMUDs' projected 2030 demand, which EBMUD will be able to meet in normal, single dry, and second dry years through 2050. All development associated with the HEU (including the Project) is required to implement rationing and other programs included in EBMUD's water shortage contingency plan in the event of a water shortage. Additionally, CALGreen requires a 20 percent reduction in residential indoor water use that will effectively lower water demand. The Project will be subject to requirements for water-efficient landscapes, including implementation of the Water Efficient Landscape Ordinance (WELO) which encourages water conservation for new development and encourages the use of drought-tolerant landscaping and low-flow irrigation systems.⁶¹ Sufficient water supplies are available to serve the Project and potential impacts pertaining to water supply would be less than significant.

Wastewater

The Project is located in urbanized areas served by existing wastewater infrastructure and would require only minor construction of new wastewater facilities within an existing sewer line easement.

As described in the Project Description, the Project would construct a new sewer line that follows the alignment of the new internal roadway to the hammerhead turn-around, at which point the Project would need to construct new sewer pipes within an existing off-site 10-foot sewer easement that follows property boundaries on the neighboring lots to the north, connecting to an existing sewer line with a manhole within the right-of-way of Palazzo del Kayla. The Project would not cause significant environmental effects associated with construction of this new sewer infrastructure and the Project's impacts would be less than significant.

According to information presented in the HEU MND,⁶² the wastewater demand associated with buildout of the Housing Element's projected new housing units (which includes the Project) would

⁶⁰ Alameda County, Housing Element Update MND, page 197

⁶¹ Alameda County, Housing Element Update MND, page 199

⁶² Alameda County, Housing Element Update MND, page 200

increase wastewater generation by approximately 163,436 gallons per day, representing less than 1 percent of the remaining capacity of the Castro Valley/Oro Loma Wastewater Treatment Plant. The treatment plant's existing wastewater treatment capacity would be sufficient to accommodate the anticipated demands of the Project without the need to expand the capacity of OLSD or Castro Valley San's facilities, and this impact would be less than significant.

Electrical Service

Based on the availability of existing electrical infrastructure in the surrounding area, it is not anticipated that the construction of new electrical transmission or distribution lines would be required, and the Project would be able to connect to existing electrical infrastructure. The Project would not cause significant environmental effects associated with construction or relocation of new electrical infrastructure and the Project's impacts would be less than significant.

Solid Waste

Oro Loma Sanitary District (OLSD) handles solid waste collection and disposal in the Fairview area, contracting with Waste Management of Alameda County. Solid waste from Fairview is disposed of at the Altamont Landfill. According to information presented in the HEU MND,⁶³ all housing development associated with buildout of the Housing Element (including the Project) would not produce waste in excess of the capacity of Altamont Landfill. The Project will also be required to comply with State and local statutes and regulations related to solid waste that lead to increased recycling and waste diversion. Local infrastructure would have the capacity to accommodate solid waste generated by the Project and the Project impacts would be less than significant.

CEQA Conclusions – Utilities and Service Systems

As demonstrated above, there are no changes in the project, changes in circumstances or new information that would result in a new significant impact or a substantial increase in the severity of a previously identified transportation impact. This Addendum does provide new information relating to current CEQA thresholds for transportation (i.e., VMT) but does not find any new or more severe impacts of the Project pertaining to these new thresholds. Mitigation measures previously required of the 2004 project remain applicable to the current Project. These mitigation measures will fully mitigate potential construction-period transportation impacts and no further analysis of topics pertaining to transportation is required.

⁶³ Alameda County, Housing Element Update MND, page 201

MANDATORY FINDINGS OF SIGNIFICANCE

As noted in the prior 2004 MND:

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

The current Project, including its increased density and modified site plan does not meet the threshold of “substantial importance” for new information. There is no substantially increased or new significant adverse environmental impact of the current Project related to mandatory findings of significance as compared to the conclusions of the prior 2004 MND. Thus, there is no need for further environmental review of these findings and considerations.

Conclusions of this Document

Based on the information provided above, the site plan modifications as represented by the current Project would not substantially increase or result in a new significant adverse environmental impact as compared to the findings of the prior 2004 MND.

Based upon the evidence presented in this document, the current Project would not result in a substantial change to the conclusions or analyses conducted for the prior 2004 MND. Certain mitigation measures from the prior 2004 MND would remain applicable to the current Project.

Accordingly, no Subsequent EIR or Subsequent MND is required because the following conditions are met (adapted from Section 15162 of the CEQA Guidelines):

- 1) The Project does not include substantial changes that involve new significant environmental effects or substantial increase in the severity of previously identified significant effects.
- 2) There have not been substantial changes with respect to the circumstances under which the Project will be undertaken that involve new significant environmental effects or substantial increase in the severity of previously identified significant effects.
- 3) There is no new information of substantial importance that was not known or could not have been known at the time of the prior 2004 MND:
 - a. No significant effects not discussed in the MND,
 - b. No significant effects that would be substantially more severe than those examined in the prior 2004 MND,
 - c. No mitigation measures previously found infeasible would in fact be feasible and would reduce significant effects, but the Project proponents decline to adopt the measures, or
 - d. No mitigation measures which are considerably different from those analyzed in the prior 2004 MND would substantially reduce significant impacts, but the Project proponents decline to adopt the measures.

LEAD AGENCY DETERMINATION

On the basis of this evaluation, I find that, although changes are proposed as part of the current Project that would require revisions to the prior 2004 MND, none of these changes involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Only minor changes to the previous 2004 MND are required to address these changes and to add new information. Thus, an Addendum to the prior 2004 MND is appropriate, and this document constitutes that Addendum.



05/27/2026

Signature

Date

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