

CITY OF HAYWARD MT. EDEN ANNEXATION PHASE II PROJECT

FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION



Prepared for:

CITY OF HAYWARD
777 B STREET
HAYWARD, CA 94541-5007

Prepared by:



500 12TH STREET, SUITE 240
OAKLAND, CA 94607

ADOPTED NOVEMBER 3, 2009



CITY OF HAYWARD
DRAFT MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

The Mt. Eden Annexation Phase II involves a reorganization that consists of annexation of the last two unincorporated groups of parcels (islands) and withdrawal of those islands from the Alameda County Library and Fire Districts. The project includes the installation of infrastructure improvements related to streets, storm water drainage, sewer, water, amendments to pre-zoning designations, and an amendment to the City's sewer connection ordinance. The project also includes the potential development of 54 additional residential units and approximately 20,000 square feet of group living quarters, and approximately 4,200 square feet of non-residential development. Analysis of impacts related to such development has been done at a programmatic level. More specific analysis of development would be done in the future as such development is proposed with the ability to tier off this MND for CEQA analysis, if appropriate.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project could not have a significant effect on the environment.

FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.
2. The project will not result in significant adverse impacts to any scenic resources or to the visual character of the area. Any trees removed as part of the project will be replaced to mitigate visual impacts.
3. The project will not have an adverse effect on agricultural land as the existing agricultural land in the project area is not being considered for development.
4. The project, with the recommended mitigation measures, will not result in significant impacts related to changes into air quality. When the improvements are installed and individual properties developed, Best Management Practices (BMP) will be required. BMPs will include sprinkling the site with water as needed to keep dust to a minimum.

5. The project will not result in significant impacts to biological resources such as wildlife and wetlands. With the recommended mitigation measures, the project could not result in significant impacts to biological resources.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.
7. The project area is not located within a “State of California Earthquake Fault Zone”, however, construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking. The project area is located within an area subject to seismic liquefaction, therefore, geotechnical studies will be required prior to issuance of building permits for new structures.
8. The project, with the recommended mitigation measures, will not lead to the exposure of people to hazardous materials.
9. The project, with the recommended mitigation measures, will meet all water quality standards. Improvements to the storm drainage system will be installed as part of the project.
10. The project is consistent with the policies of the City’s General Plan and the Zoning Ordinance. The General Plan encourages annexation of the islands into the City of Hayward.
11. The project will not result in a significant impact to mineral resources because extraction of mineral resources would be infeasible due to the predominance of residential land uses in the area.
12. The project will not have a significant noise impact. Any noise impacts will be limited to the construction of the project, which will be limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday and 10 a.m. to 6 p.m. on Sundays and holidays. Measures will be implemented to ensure that new residential development is designed to mitigate existing noise levels in the area.
13. The project will not result in a significant impact to public services. Mitigation measures will ensure the project does not have a significant impact on park and recreation facilities. The annexation will result in general improvements to public services.
14. The project area generates approximately 668 vehicle trips per day. Considering the development potential of the project area, future traffic levels will not result in a significant transportation or traffic impacts.

III. PERSON WHO PREPARED MITIGATED NEGATIVE DECLARATION:



Erik J. Pearson, AICP, Senior Planner

Dated: August 24, 2009

IV. COPY OF INITIAL STUDY PREPARED BY PACIFIC MUNICIPAL CONSULTANTS IS ATTACHED

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4210, or e-mail erik.pearson@hayard-ca.gov .

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting it in writing.
- Reference in all public hearing notices to be distributed 30 days in advance of initial public hearing and/or published once in Daily Review 30 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.

CITY OF HAYWARD
MT. EDEN ANNEXATION PHASE II PROJECT

FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Prepared for:

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ADOPTED NOVEMBER 3, 2009

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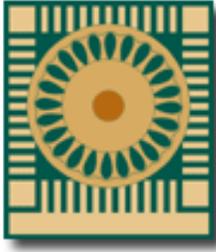
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- Appendix C – Historic Resources
- Appendix D – Transportation



FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

1. **Project Title:** Mt. Eden Annexation Phase II Project
2. **Lead Agency Name and Address:** City of Hayward
777 B Street
Hayward, CA 94541-5007
3. **Contact Person and Phone Number:** Erik Pearson, AICP, Senior Planner
Hayward Planning Division
erik.pearson@hayward-ca.gov
(510) 583-4210
4. **Project Location:** The proposed project is located in unincorporated Alameda County and is surrounded by the City of Hayward. The proposed project is located north of Depot Road, south of West Street, east of Industrial Boulevard and west of Hesperian Boulevard in the area of the City of Hayward known as Mt. Eden. Properties discussed within this study and located within the annexation area of note are: the Mohr-Fry Estate property located at 24985 Hesperian Boulevard; the Hermann-Mohr property (Horizon Services) located at 2595 Depot Road; and a portion of Chabot College located at 25555 Hesperian Boulevard.
5. **Project Sponsor's Name and Address:** City of Hayward
777 B Street
Hayward, CA 94541-5007
6. **General Plan Designation(s):** Alameda County:
Suburban and Low Density Residential (less than 9 dwelling units per acre [du/ac]). The proposed land use designations per the County's draft *Eden Area General Plan* would be Low Density Residential (LDR) (0-9 du/ac) and Low-Medium Density Residential (LMDR) (7-12 du/ac).

City of Hayward:
Limited Medium Density Residential (LMDR) (8.7-12.0 du/ac) for a majority of the parcels; Public and Quasi-Public (PQP) for the eastern portion of the West-Mohr Island (Chabot College and the Mohr-Fry Estate) property; and Industrial Corridor (I) for the southwest corner of the Depot-Mohr Island
7. **Zoning:** Alameda County:
Single-family Residence (PD R-1 L B-20) (1 du/ac; 20,000 sq. ft. minimum

lot size) for a majority of the parcels; Agriculture (A) (100 acre minimum lot size) for Chabot College, Mohr-Fry properties and four parcels on the west side of the Mohr-Depot Island; Single-family Residence (R-1) (1 du/ac; 5,000 sq. ft. minimum lot size) for one parcel in the Mohr-Depot Island; and Single-family Residence (R-1 L B-20) (1 du/ac; 20,000 sq. ft. minimum lot size) for 12 parcels in the Mohr-Depot Island.

City of Hayward (Pre-Zoning):

Single-Family Residential (RS) (1 du/ac; 5,000 sq. ft. minimum lot size) for a majority of the parcels on the Mohr-Depot Island; Single-Family Residential (RSB4) (1 du/ac; 4,000 sq. ft. minimum lot size) for the 13 parcels west of Chabot College; and Agricultural (A) (1 acre minimum lot size) for the Mohr-Fry and Hermann-Mohr properties. The Chabot college property was pre-zoned RS by the Mt. Eden Neighborhood Plan in 1990. The pre-zoning for this property is proposed to be changed to Public Facilities (PF). The parcel in the southwestern corner of the Mohr-Depot Island was pre-zoned Light Industrial (LI) by the Mt. Eden Neighborhood Plan. The pre-zoning for this property is proposed to be changed to Light Manufacturing, Planning/Research and Development District (LM) (10,000 sq. ft. minimum lot size).

8. Description of Project:

The proposed project involves the annexation of two “islands” of parcels, the Mohr-Depot and West-Mohr Islands (herein referred to as the “annexation area”), into the City of Hayward from unincorporated Alameda County.

The annexation requires the concurrent removal of the annexation area from various service districts, including the Alameda County Library and Fire Protection Districts, as well as the installation of infrastructure improvements; including improvements to street, stormwater drainage, and sewer systems. Pending annexation approval, the project includes the potential development of 54 additional residential units and 24,200 square feet of non-residential development. The annexation area contains 69 parcels (68 lots) and approximately 61 acres that include 5.68 acres of road rights-of-way. The primary access points to the annexation area are along Depot Road and Mohr Drive.

At the time of annexation, the City of Hayward would amend the provisions of the Public Utilities Chapter of the Hayward Municipal Code to provide a 10-year timeframe for properties legally serviced by a private septic system up to 10 years after annexation to connect to the public sewer system, provided certain conditions are met.

The impact analysis of such development is being conducted at a programmatic level, as no specific development plans are proposed at this time other than for the street and utility improvements. Further project-level environmental review for development within the annexation area may be necessary on a project-by-project basis in compliance with the California Environmental Quality Act.

9. Surrounding Land Uses and Setting:

The annexation area is immediately surrounded by residential, educational, regional retail, agricultural, cemetery, and light industrial land uses.

Low and medium density residential uses abut the annexation area to

the north; retail and office and low density residential uses to the east; public facility related to Chabot College, parks and recreation, limited open space, low and high density residential and industrial uses to the south; and medium density residential and industrial uses to the west.

10. Assessor's Parcel Numbers:

69 parcels (68 lots) between Hesperian Boulevard, Depot Road, Industrial Boulevard, and West Street. 68 lots are privately held and one public easement is held by Alameda County (see **Figure 8** and **Figure 9**).

Mohr-Depot Island

Block A

441-0065-013
441-0065-014
441-0068-040-04

Block B

441-0068-027
441-0068-028
441-0068-029
441-0068-030
441-0068-031
441-0068-032
441-0068-033
441-0068-034
441-0068-035
441-0068-036
441-0068-037
441-0068-038
441-0068-039

Block C

441-0071-007-01
441-0071-008-04
441-0071-008-05
441-0071-009
441-0071-010
441-0071-011
441-0071-012
441-0071-013
441-0071-014
441-0071-015

Block D

441-0068-020
441-0068-021
441-0068-022
441-0068-023
441-0068-024
441-0068-025
441-0068-026

Block E

West-Mohr Island

Block H Total

441-0020-002-07 (partial)

Block I Total

441-0074-009
441-0074-010
441-0074-011

Block J Total

441-0077-002
441-0077-003-01
441-0077-003-04
441-0077-004-03
441-0077-005
441-0077-019-02
441-0077-020-02
441-0077-021-02
441-0077-022-02
441-0077-024-02
441-0077-025-02

Block K Total

441-0020-007-01

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441-0065-010
441-0065-011

Block F

441-0068-001
441-0068-002
441-0068-003
441-0068-004
441-0068-005
441-0068-006
441-0068-007
441-0068-008
441-0068-010-01

Block G Total

441-0068-011
441-0068-012
441-0068-013
441-0068-014
441-0068-015
441-0068-016
441-0068-017
441-0068-018
441-0068-019

11. Date Adopted: November 3, 2009

EXECUTIVE SUMMARY

INTRODUCTION

This Initial Study considers environmental impacts from the potential implementation of Phase II of the Mt. Eden Annexation Project (hereinafter referred to as "proposed project"), located in the City of Hayward. Under California Public Resources Code Section 21000 et seq. (CEQA), approval of the proposed project must comply with the California Environmental Quality Act (CEQA) in order to assess the potential environmental impacts of the proposed project. Based on the assessment presented in this Initial Study, it is recommended that as lead agency, the City of Hayward Community and Economic Development Department prepare a Negative Declaration for the proposed project that incorporates mitigations to minimize all potentially significant impacts to a less than significant level.

As required by the City of Hayward and County of Alameda LAFCo guidelines and content requirements, the CEQA Initial Study Checklist was used as the format for describing potential impacts of the project. The level of research and analysis provided is intended to satisfy the requirements to determine the need for and scope of environmental review pursuant to CEQA. As a result of this Initial Study, it was found that an Environmental Impact Report (EIR) would not be necessary as all potentially significant impacts, after mitigation, can be reduced to a less than significant level and a Negative Declaration is appropriate to meet the requirements under CEQA.

This document is organized as follows:

- This Introduction briefly presents the project description and describes the approach to the analysis that is contained in the body of the document.
- The Impacts section documents all required CEQA checklist items and provides a discussion of those impacts and their significance.

PROJECT BACKGROUND

The City of Hayward has undertaken a comprehensive study of annexation of an area consisting of the two remaining unincorporated islands in the Mt. Eden area, which are completely surrounded by the City. The two islands proposed for reorganization are the West-Mohr island and the Mohr-Depot island, which together are approximately 61 acres, including 5.68 acres of road rights-of-way (ROW). The proposed project is located in unincorporated Alameda County and is surrounded by the City of Hayward. The proposed project is located north of Depot Road, south of West Street, east of Industrial Boulevard and west of Hesperian Boulevard in the area of the City of Hayward known as Mt. Eden. Properties discussed within this study and located within the annexation area of note are: the Mohr-Fry Estate property located at 24985 Hesperian Boulevard; the Hermann-Mohr property (Horizon Services) located at 2595 Depot Road; and a portion of Chabot College located at 25555 Hesperian Boulevard. The City of Hayward plans to submit an application in 2009 to the Local Agency Formation Commission of Alameda County (LAFCo) for approval of annexation of the two unincorporated islands.

The annexation process began in the summer of 2003, when the City of Hayward began a feasibility study for annexing the Mt. Eden unincorporated areas of Alameda County. The Mt. Eden area consisted of five (5) unincorporated areas called Saklan Road island, Depot Road island, Dunn Road island, West-Mohr island, and Mohr-Depot island. The annexation study was initiated because state law encourages the logical formation and determination of local

agency boundaries, the Hayward General Plan encourages annexation of such islands, and there were property owners that expressed interest in annexation.

The Saklan Road, Depot Road, and Dunn Road islands were annexed by the City of Hayward in 2007 as a part of Phase I of this Mt. Eden Annexation Project. A program-level Environmental Impact Report (EIR) and a Fiscal Impact Analysis (FIA) were prepared as part of the annexation process. The installation of road, utility, and other improvements is expected to be completed by the end of 2009.

For the West-Mohr and Mohr-Depot islands, the City will hold multiple community meetings with residents to understand resident concerns regarding the proposed annexation. A community meeting was held on January 1, 2008 at Ochoa Middle School. Notification of the community meeting was sent to all property owners of parcels within the islands, as well as property owners within 300 feet of the islands.

PROJECT DESCRIPTION

PROJECT LOCATION AND CONTEXT

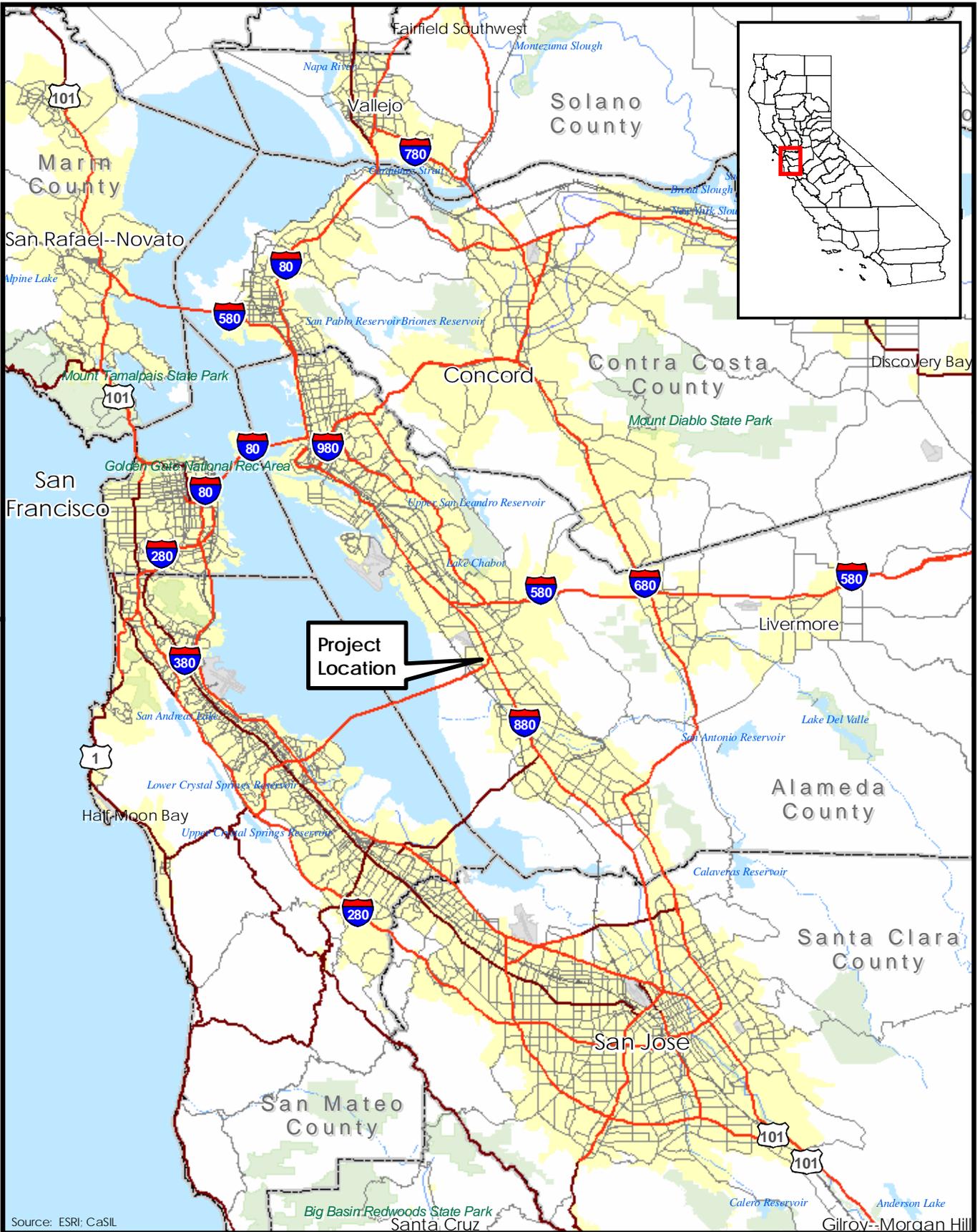
The proposed project is located in unincorporated Alameda County within the City of Hayward's Sphere of Influence (SOI) and is surrounded in its entirety by the western portion of the City of Hayward. The City of Hayward is a highly urbanized community; most of the available land in Hayward has been developed for housing, commercial, industrial, and other urban uses. The City of Hayward is located in southwestern Alameda County, in the nine-county San Francisco Bay Area. The City limits extend from the San Francisco Bay margin on the west, across the bay plain to the hills on the east. The City limits encompass an area of approximately 61 square miles. The City is adjacent to the unincorporated areas of San Lorenzo and Castro Valley, and the cities of San Leandro and Union City, as shown in **Figure 1, Regional Location Map**.

The proposed project involves two unincorporated "islands" of parcels located within the City of Hayward's SOI, named the Mohr-Depot island and the West-Mohr island, as shown in **Figure 2, Project Location Map**. These "islands," or the annexation area, contain a combined total of 69 parcels (68 lots) and are a combined total of approximately 61 acres that include approximately 5.68 acres of road right-of-way. The primary access points to the annexation area are along Depot Road and Mohr Drive. The annexation area is immediately surrounded by residential, educational, regional retail, agricultural, cemetery, and light industrial land uses.

Existing land uses for the two islands, as shown in **Figure 3, Alameda County Land Use Designations and Existing Land Uses**, are as follows:

- The West-Mohr island includes predominantly single-family dwellings, with a portion of the Chabot College campus and the Mohr-Fry Estate property, a private estate that was built originally in 1876.
- The Mohr-Depot island includes predominantly single-family dwellings, with a rehabilitation facility (Horizon Services) located on the Hermann-Mohr property.

I:\GIS\ALAMEDA_COUNTY\MAPS\MTEBEN\Figure 1.MXD - 3/6/2008 @ 4:49:44 PM



Source: ESRI, CaSIL



Figure 1
Regional Location Map

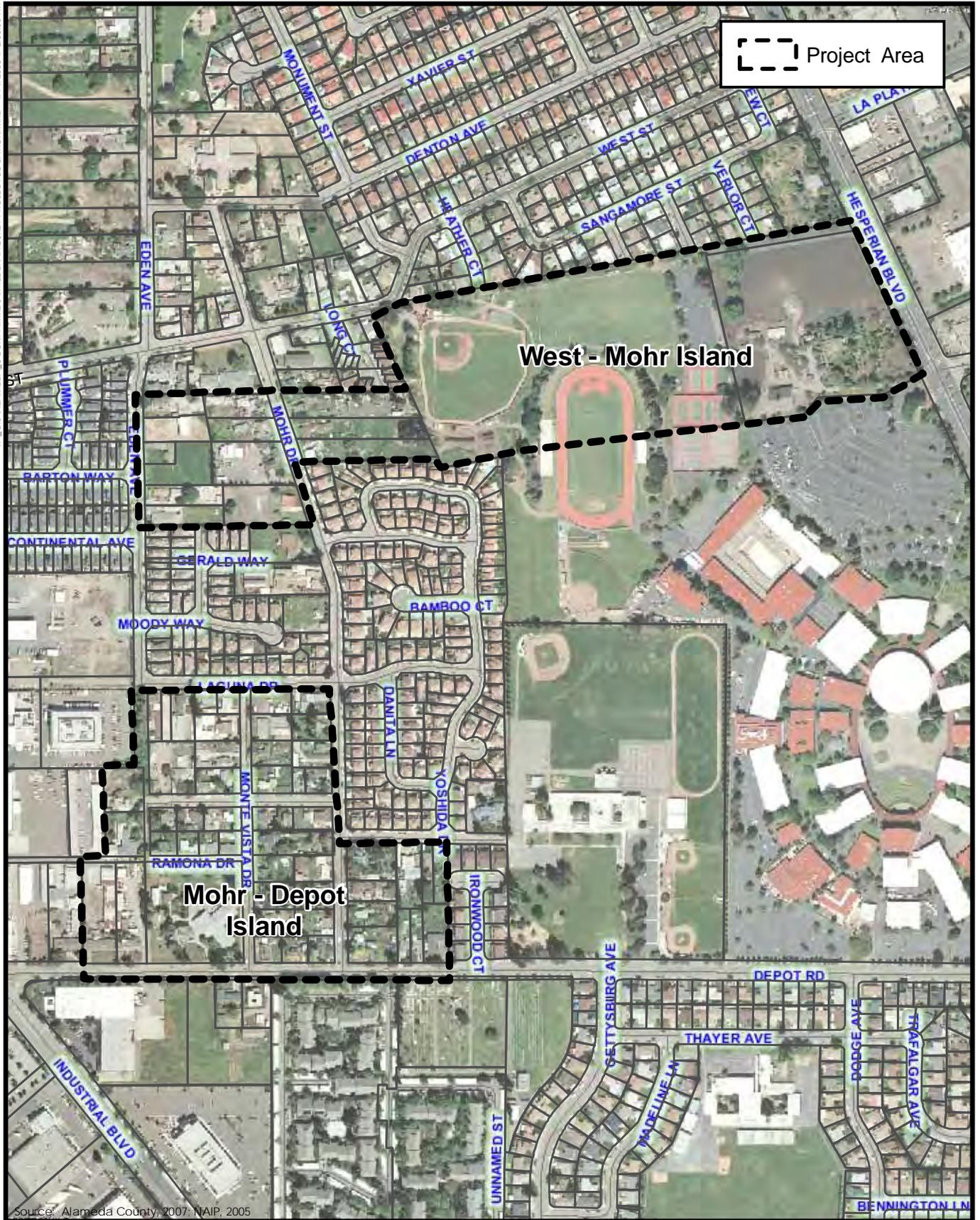


Figure 2
Project Location Map

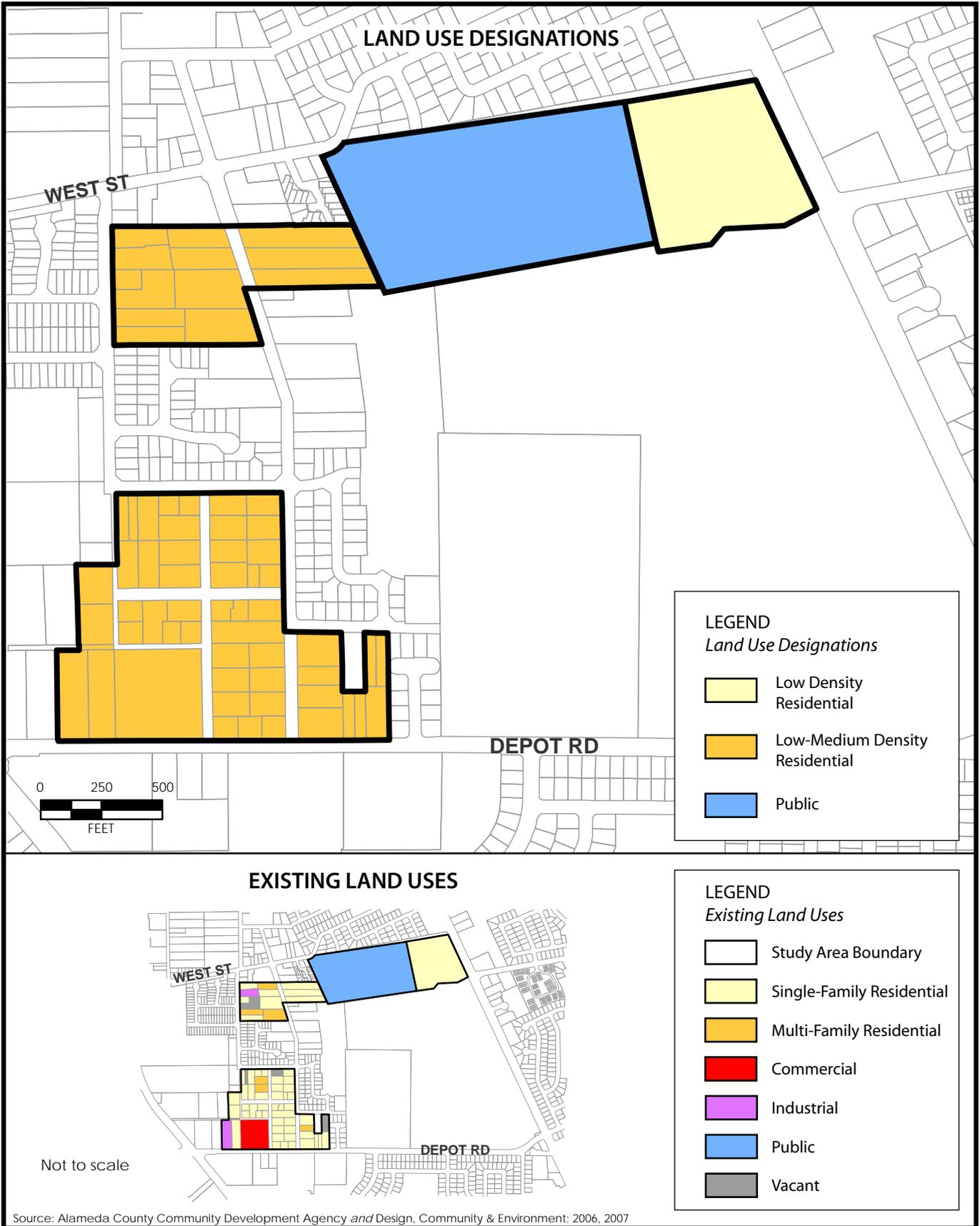


Figure 3
Alameda County Land Use Designations and Existing Land Uses

The current Alameda County land use designation for the entire study area is Low Density Residential (less than nine units per acre) and the proposed land use designations per the Alameda County draft *Eden Area General Plan* are Low Density (LDR) and Low-Medium Density Residential (LMDR). Existing Alameda County zoning designations, as shown in **Figure 4, Alameda County Zoning Districts**, are single-family residential (PD R-1 L B-20, minimum lot size of 20,000 square feet) for the majority of the island properties. The Chabot College and Mohr-Fry properties and four parcels on the west side of the Mohr-Depot island are currently zoned Agriculture (A). Also, in the Mohr-Depot island there is one property zoned R-1 and approximately 12 parcels zoned Single-Family Residential (R-1 L B-20).

Both of the Alameda County designations are consistent with City of Hayward's current land use designation of Limited Medium Density Residential (8.7-12.0 dwelling units per net acre) for the majority of the two islands, as shown in **Figure 5, City of Hayward Land Use Designations**. The eastern portion of the West-Mohr island (Chabot College and the Mohr-Fry Estate) is designated Public and Quasi-Public and the southwest corner of the Depot-Mohr island is designated Industrial Corridor. The City of Hayward surrounding and pre-zoning designations are discussed below, and are shown in **Figure 6, City of Hayward Surrounding Zoning Districts** and **Figure 7, City of Hayward Pre-Zoning Districts**.

All parcels within the annexation area are currently served by the City of Hayward public water system, due to the fact that the City of Hayward recently assumed responsibility for the water system previously operated by the Mohrland Mutual Water Company. Most parcels within the annexation area are currently served by private septic systems. Some portions of Mohr drive, Occidental Road, Laguna Drive, and Depot Road have been improved, but further improvements are proposed on all of these streets as part of the proposed project.

PROJECT COMPONENTS

The proposed project includes the annexation of the West-Mohr island and the Mohr-Depot island into the City of Hayward by the Alameda Local Agency Formation Commission (LAFCo), and removal from various service districts including the Alameda County Library and Fire Protection Districts. Following completion of the CEQA review process, the City would be required to submit an application for annexation to LAFCo including this study and any related environmental documentation, a Fiscal Impact Analysis (FIA), and a Plan for Providing Municipal Services, among others.

In conjunction with the proposed annexation, the City must pre-zone the parcels with City of Hayward zoning district designations in a manner consistent and appropriate to the parcel and surrounding land uses, identify the development potential, if any, for the parcels, identify a plan for providing municipal services to the parcels, and identify the costs to and mechanisms by which to extend utilities and services and roadway improvements that meet the standards of the City.

As required by Alameda LAFCo, the proposed project includes the extension of utility lines, roadway improvements and similar appurtenances to portions of the annexation area should annexation be approved. Street improvements would also entail street widening, some of which would require acquisition of private property.

The estimated development potential resulting from implementation of the proposed project would be an additional 54 single-family residential units for a total of 125 residential units and 24,200 square feet of non-residential development for a total of 980,822 square feet of non-residential coverage. The development of individual parcels may require future project-specific

CEQA environmental review and determinations at the time such development may be proposed.

The proposed project does not involve any changes to the existing land use designations within the City of Hayward General Plan.

At the time of annexation, the City of Hayward would amend the provisions of the Public Utilities Chapter of the Hayward Municipal Code to provide a 10-year timeframe for properties legally serviced by a private septic system up to 10 years after annexation to connect to the public sewer system, provided certain conditions are met.

Individual project components of the proposed annexation are discussed in more detail below.

Pre-zoning

The current City pre-zoning is based on the City of Hayward General Plan land use designations (City of Hayward, 2002a) and was established in 1990 with the adoption of the Mt. Eden Neighborhood Plan (City of Hayward, 1990). Information and analysis from the Development Potential Analysis (DPA) has resulted in a proposed change to current pre-zoning designations for two properties in the project area. Since the ongoing use of the Chabot College property as sports fields is a long-term anticipated use in accordance with the Chabot College Facilities Plan, it is more appropriate to maintain a zoning consistent with the public facilities use. Consistent with the existing and assumed future use of this property, the Chabot College section of the annexation area is not anticipated to increase in square footage or intensity in the near term. Therefore, the Chabot College property is proposed to be changed from Single-Family Residential (RS) to Public Facilities (PF).

The parcel in the southwestern corner of the Mohr-Depot Island was pre-zoned Light Industrial (LI) by the Mt. Eden Neighborhood Plan. However, the City of Hayward Zoning Ordinance does not include a LI zoning district. The pre-zoning for this property is proposed to be changed to Light Manufacturing, Planning/Research and Development District (LM) (10,000 sq. ft. minimum lot size).

The proposed pre-zoning is outlined below, as shown in **Figure 7**:

Mohr-Depot Island

- Single-Family Residential (RS) (1 du/ac; 5,000 sq. ft. minimum lot size) for a majority of the parcels
- Light Manufacturing, Planning/Research and Development District (LM) (10,000 sq. ft. minimum lot size) for the parcel in the southwestern corner of the island
- Agricultural (A) (1 acre minimum lot size) for the Hermann-Mohr property

West-Mohr Island

- Single-Family Residential (RSB4) (1 du/ac; 4,000 sq. ft. minimum lot size) for the 13 parcels west of Chabot College
- Public Facilities (PF) for the Chabot college property
- Agricultural (A) (1 acre minimum lot size) for the Mohr-Fry Estate property.

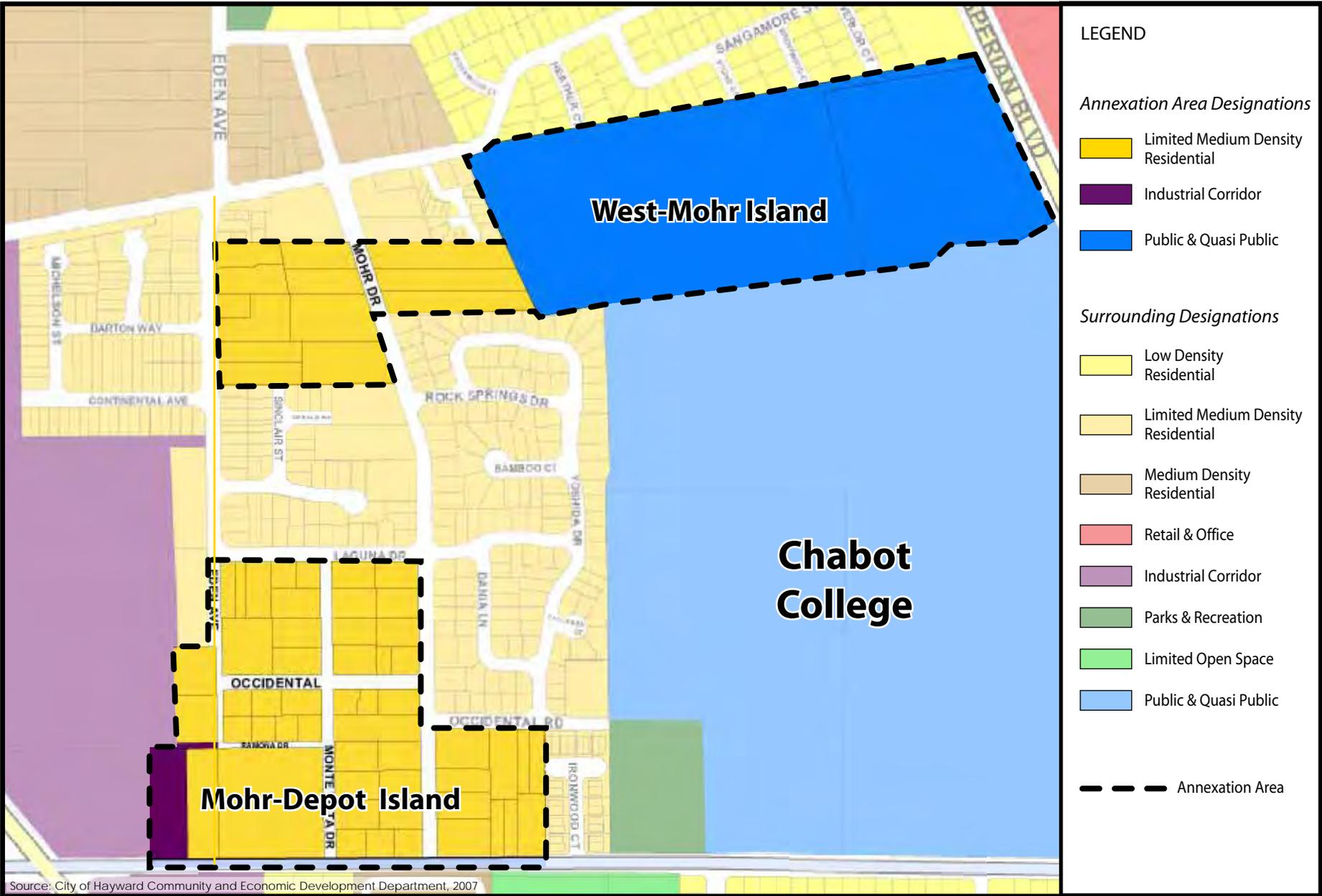


Figure 5
 City of Hayward Land Use Designations
 PMC®

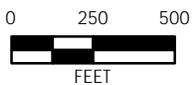
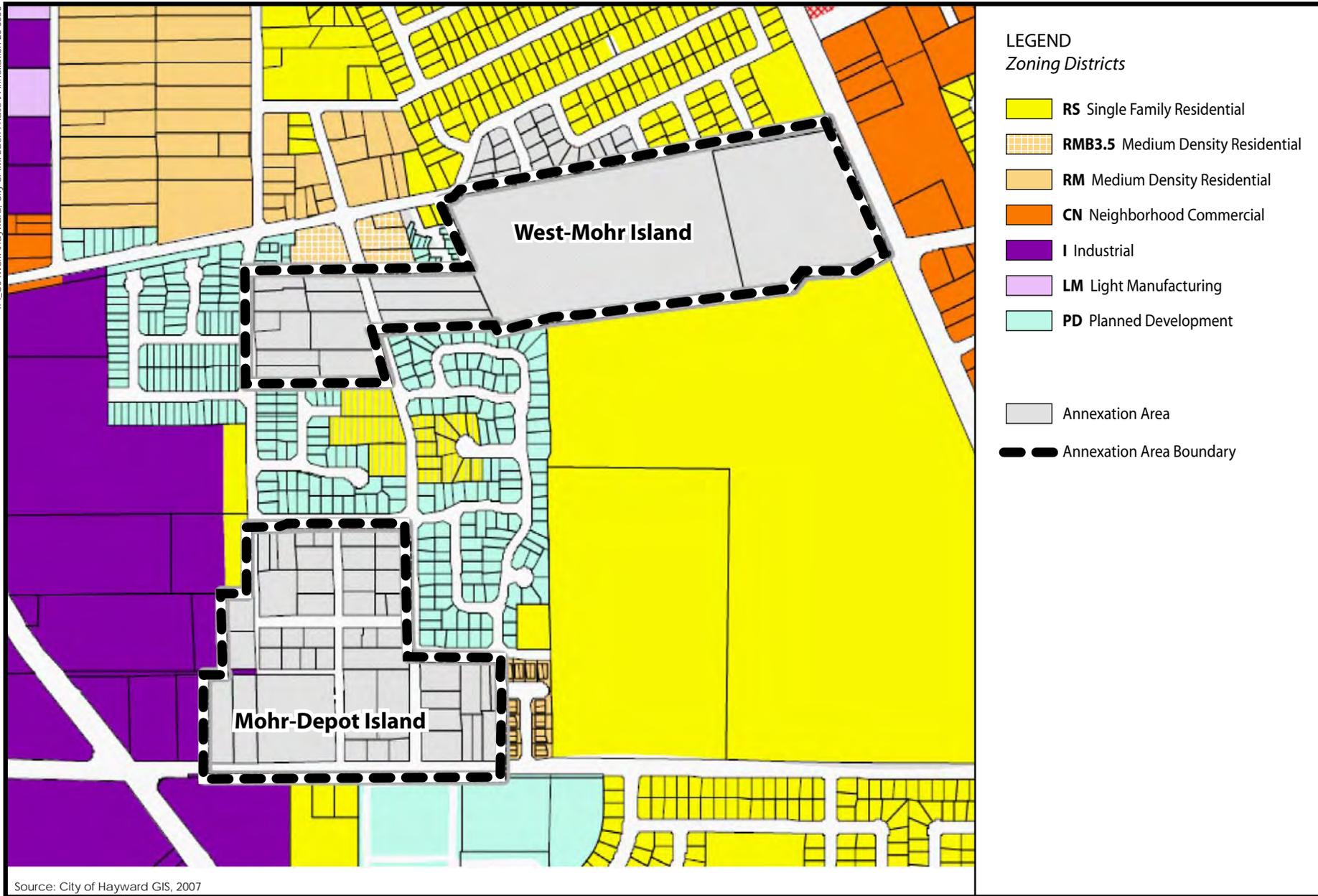
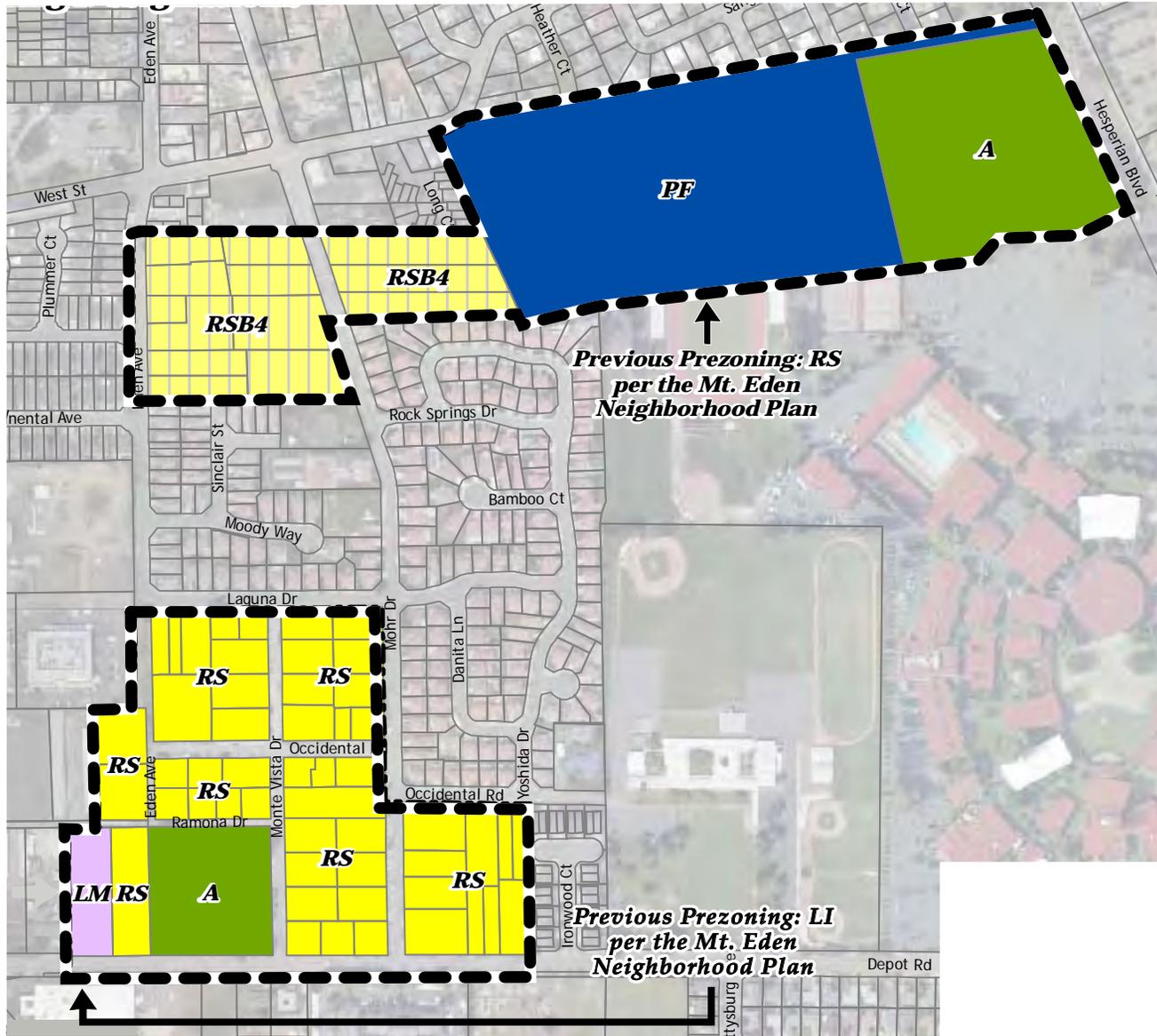


Figure 6
City of Hayward Surrounding Zoning Districts



LEGEND

- Per Mt. Eden Neighborhood Plan*
- RS** Single Family Residential
 - RSB4** Single Family Residential
 - A** Agriculture
- Proposed*
- PF** Public Facility
 - LM** Light Manufacturing
- Annexation Area

Source: City of Hayward; PMC, 2009



Figure 7
City of Hayward Pre-Zoning Districts

Although action on the proposed pre-zoning portions of the proposed project would be concluded prior to consideration of the proposed annexation, the associated resulting zoning regulations would only become effective upon the date of annexation approval.

Annexation

The annexation of the West-Mohr and Mohr-Depot islands would occur pursuant to Section 56000 et. seq. of the California Government Code. The 69 parcels involved, as shown in **Figure 8-Annexation Area APNs**, would then be subject to the City of Hayward General Plan, Municipal Code, and additional land use regulations.

As shown below in **Table 1, Proposed Mt. Eden Annexation Phase II Summary of Municipal Service Providers**, the 69 parcels are currently serviced by a variety of agencies. Under the proposed project, the parcels would be removed from the Alameda County Fire District and Alameda County Library District and these services would be provided by the City of Hayward. Police services would be provided by the City of Hayward instead of the Alameda County Sheriff's Department. Street lighting and street maintenance responsibility would also change from Alameda County to the City of Hayward. The parcels are currently within and would remain within the service area of the Hayward Unified School District (HUSD), Hayward Area Recreation and Park District (HARD), the East Bay Regional Park District (EBRPD), and the Alameda County Flood Control and Water Conservation District. If not already connected, as is the case for a few parcels in the annexation area, the parcels would also transition to service by the City of Hayward for water, wastewater, and a joint service for storm drainage by the City of Hayward (local facilities) and Alameda County Flood Control and Water Conservation District (regional facilities).

**TABLE 1
PROPOSED MT. EDEN ANNEXATION PHASE II
SUMMARY OF MUNICIPAL SERVICE PROVIDERS**

Services	Existing Agency	Proposed Agency
Police	Alameda County Sheriff	City of Hayward
Fire Protection	City of Hayward (under contract with Alameda County)	City of Hayward
Water	City of Hayward	City of Hayward
Wastewater	City of Hayward (for 4 parcels)	City of Hayward
Storm Drainage	Alameda County Flood Control and Water Conservation District	City of Hayward and Alameda County Flood Control and Water Conservation District
Flood Control	Alameda County Flood Control And Water Conservation District	Alameda County Flood Control And Water Conservation District
Street Maintenance	Alameda County	City of Hayward
Street Lighting	Alameda County	City of Hayward
Solid Waste and Recycling Services	Waste Management, Inc. (via agreement with Alameda County)	Waste Management, Inc. (via franchise agreement with Hayward)
Library	Alameda County Library System	City of Hayward
Schools	Hayward Unified School District	Hayward Unified School District

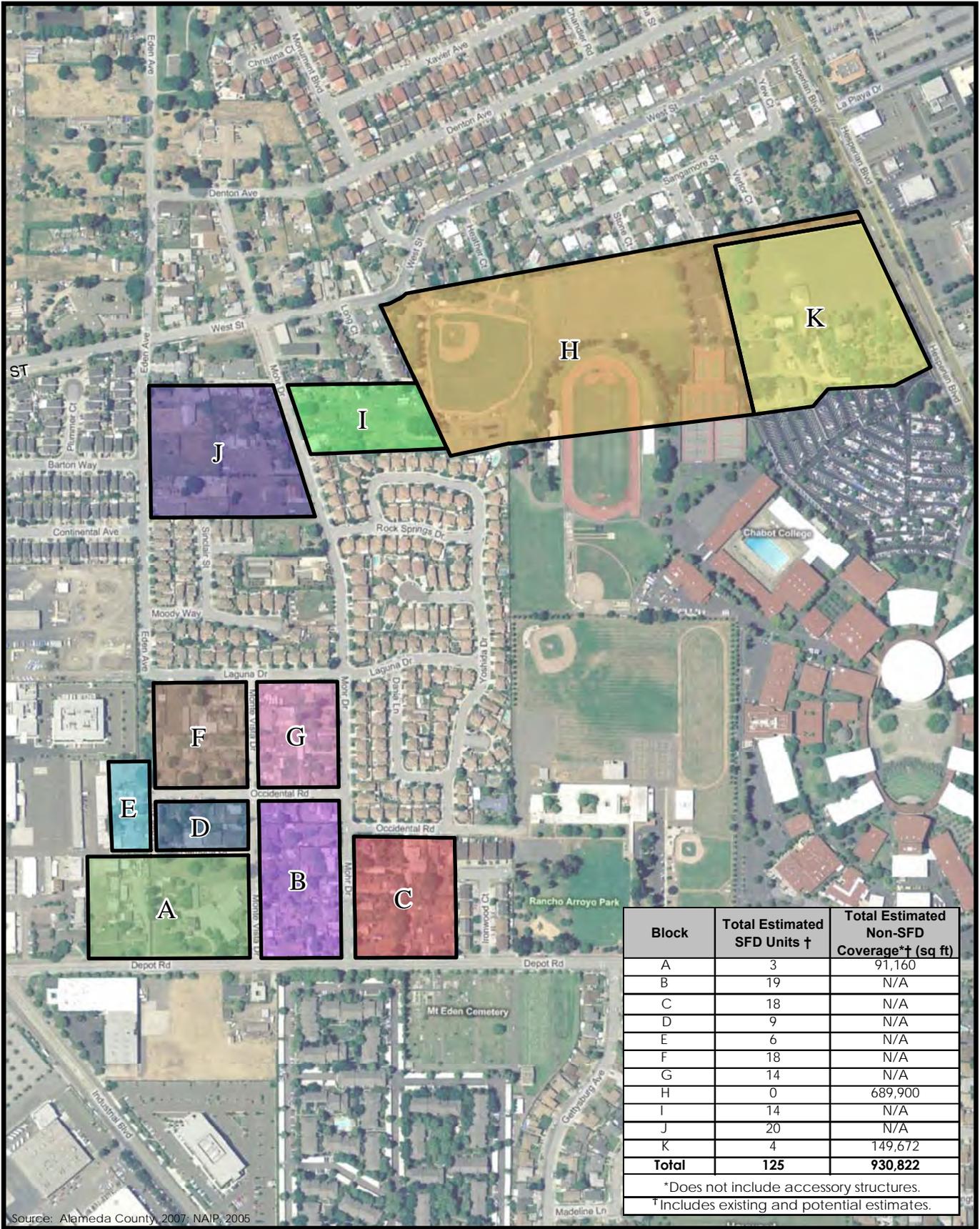
Services	Existing Agency	Proposed Agency
Parks and Recreation	Hayward Area Recreation and Park District	Hayward Area Recreation and Park District
Transit	Bay Area Rapid Transit District; Alameda-Contra Costa Transit District	Bay Area Rapid Transit District; Alameda-Contra Costa Transit District
Electricity	Pacific Gas & Electric Company	Pacific Gas & Electric Company
Telephone	AT&T and/or other telephone companies	AT&T and/or other telephone companies
Cable Television	Alameda County (ComCast)	City of Hayward (ComCast)
General Governmental and Other Support Services	Alameda County	City of Hayward

Future Development Potential

The estimated total for single-family residential units, including existing plus potential, is 125 units and the estimated total for non-residential structures, including existing plus potential, is 930,833 square feet as shown in **Figure 9, Aerial with Development Potential**, and as described in further detail below. Multiple parcels under common ownership as shown in **Figure 10, Aerial with Common Ownership** and larger parcels were assumed to build out at a faster and denser rate since the larger acreages allow for a more comprehensive approach to development.

Recognizing the fact that most properties in the project area are older single-family homes, most built during the 1930's, 1940's and 1950's, it is anticipated that 54 additional new residences could be built in the two islands. Therefore, based on the proposed pre-zoning, there would be an increase in single-family residential housing units from 71 existing units (Alameda County Assessor's Office, 2008) to 125 units. The population increase resulting from implementation of the proposed project would be between 166 to 170 persons, for a total of 385 to 394 persons residing within the annexation area. This resulting range is based on an average household size of 3.08 persons and 3.15 persons per household (Metropolitan Transportation Commission – Association of Bay Area Governments Library, 2009). While this statistic has not yet been released, it is anticipated that the ABAG Projections 2009 will report that the average household size applicable to the annexation area is between 3.08 and 3.15 persons per household.

Horizon Services is considering building transitional or low income housing ranging from 15 to 35 residential units on the northern portion of their property located at 2595 Depot Road. Using an estimate of 700 square foot per unit (taking into account common rooms), the total new square footage could range from 10,500 to 24,500 square feet. Based on this estimate, potential non-residential institutional development of 20,000 square feet is used for analysis, resulting in a potential total (existing + new) of 43,900 square feet. In addition to the non-residential development discussed above, 4,200 square feet of industrial use is possible for the property located at 2661 Depot Road in the Mohr-Depot Island. These potential developments are estimated to occur over a 20 year planning horizon (year 2029).



Block	Total Estimated SFD Units †	Total Estimated Non-SFD Coverage*† (sq ft)
A	3	91,160
B	19	N/A
C	18	N/A
D	9	N/A
E	6	N/A
F	18	N/A
G	14	N/A
H	0	689,900
I	14	N/A
J	20	N/A
K	4	149,672
Total	125	930,822
*Does not include accessory structures.		
† Includes existing and potential estimates.		

Source: Alameda County, 2007; NAIP, 2005



Figure 9
Aerial with Development Potential

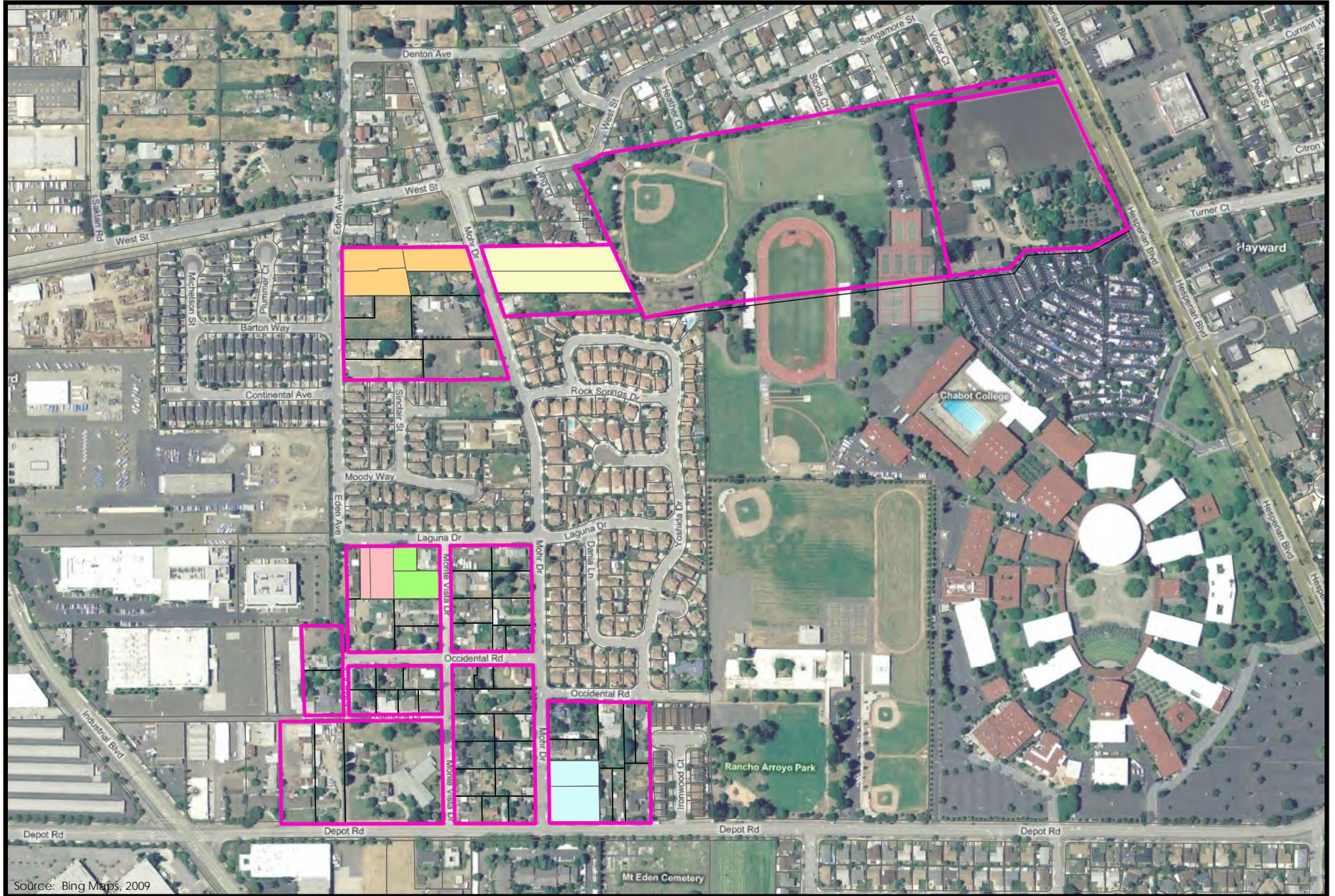


Figure 10
Aerial with Common Ownership

Since new development cannot occur without access to public sewer and water systems, and City policy approved in 1995 has not allowed access to those systems unless annexation occurs or a public health situation exists due to failure of a private septic system or well, it can be assumed that no significant change to population or number of housing units has occurred since 2000 when the last Census was completed.

Street and Utility Improvements

The proposed project includes the future extension of utility lines, roadway improvements and similar appurtenances to portions of the annexation area. Street improvements would also entail street widening, some of which would require acquisition of private property. Some portions of Mohr drive, Occidental Road, Laguna Drive, and Depot Road have been improved, but further improvements are proposed on all of these streets as part of the proposed project.

The proposed street and utility improvements include:

- Approximately 2,300 linear feet of eight-inch sanitary sewer main that would be installed in Monte Vista Drive and Occidental Road to provide wastewater service to the parcels.
- Approximately 1,200 linear feet of four-inch sanitary sewer laterals that would be installed where needed to connect individual homes to the new public sanitary sewer system.
- Approximately 3,300 linear feet of 12 to 24-inch and 215 linear feet of 36-inch storm drain culverts that would be installed to provide storm drainage improvements to the parcels.
- Street improvements (including widening, resurfacing, and installation of curbs and sidewalks) on Mohr Drive, Monte Vista Drive, Laguna Drive, Occidental Road, and Depot Road.
- Removal of the barricade on Monte Vista Drive between Occidental Road and Laguna Drive.
- Abandonment of the Eden Avenue right-of-way between Laguna Drive and Depot Road.

Street and utility improvements would likely occur in 2010. No new roadways would be created as part of the proposed project and no new stop signs would be installed. The City has determined that there would not be any road improvements to Ramona Drive as part of the proposed project. Ramona Drive would become a private access road improved and maintained by property owners.

Most parcels in the annexation area were previously served by the Mohrland Mutual Water Association (MMWA). The City and MMWA agreed for the City to take control of the private well and related distribution facilities as of July 1, 2009. Consequently, on July 1, 2009, the City connected the MMWA distribution lines to the City water system and all parcels within the annexation area are now served by the City of Hayward public water system. No new water mains in the annexation area are necessary as part of the proposed project. During July and August of 2009, the City installed water meters on the properties previously served by the MMWA. The private well acquired from MMWA will now be utilized only during emergencies.

Most parcels within the annexation area are currently served by private septic systems. Parcels currently utilizing private septic systems would be required to phase out these systems in compliance with the Hayward Municipal Code.

Amendment to the Hayward Municipal Code

At the time of annexation, the City of Hayward would amend the provisions of the Public Utilities Chapter of the Hayward Municipal Code. Similar to what was done for the Phase I portion of the Mt. Eden Annexation, the amendment would allow a property in the annexation area that is legally serviced by a private septic system up to 10 years after annexation to connect to the public sewer system, provided certain conditions are met. These conditions include:

- no changes in use on the property,
- no addition of facilities or other changes that increase the sewer discharge,
- evidence is submitted annually that indicates the septic system is operating properly, and
- a notice is recorded against the property indicating the property would be required to connect to the public sewer system if failure of the septic system occurs, if expansion of use resulting in increased sewer discharge occurs or when the 10-year timeframe expires, whichever first occurs.

PROJECT OBJECTIVES

The objectives of the proposed project include:

- To implement goals, policies and strategies within the Mt. Eden Neighborhood Plan and Hayward General Plan, including Land Use Goal 11, "Seek to achieve more congruous boundaries to provide for the efficient delivery of public services and to create a greater sense of community," and Strategy 1 under this Goal, "Evaluate annexing unincorporated islands and adjoining county areas within the sphere of influence in light of desires of affected residents and fiscal impacts on the city."
- To identify environmental constraints within the annexation area and incorporate these constraints in the long-term planning of the area so that public health and safety concerns are minimized.
- To develop a conceptual framework to guide future possible development of individual properties within the annexation area.
- To promote the logical extension of City of Hayward boundaries consistent with its adopted Sphere of Influence.
- To eliminate the last two remaining existing unincorporated islands within the City of Hayward and further goals of the Knox-Cortese-Hertzberg Local Government Reorganization Act of 2000.
- To promote the health, safety and welfare of annexation area residents by facilitating the extension of public facilities and utilities to properties where such facilities and utilities may not currently be available.

EARLIER ANALYSIS FOR PLAN AREA

An earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15152 and Section 15063(c)(3)(D)).

This Initial Study addresses the potential effects of reorganization and annexation of the West-Mohr island and Mohr-Depot island from Alameda County to the City of Hayward. This Initial Study relies in part on the environmental setting, impacts and mitigation measures contained in the "Environmental Impact Report for the Hayward General Plan Update" prepared by Lamphier-Gregory in 2001 (SCH #2001072069). The EIR was adopted by the Hayward City Council by Resolution No. 02-025 on March 12, 2002.

A program level Environmental Impact Report and a Mitigation Monitoring Program was prepared for the *Phase I Mt. Eden Annexation* ("2004 Annexation EIR") and was certified by the City of Hayward in 2004. The 2004 Annexation EIR addressed impacts for a development potential of 475 new dwelling units proposed within the Saklan Road area that would be additional to the previously existing 100 dwelling units. The 2004 Annexation EIR found that the cumulative traffic impact of the Phase I project was expected to be significant and unavoidable and a Statement of Overriding Considerations was adopted.

Copies of these documents are available for review at the City of Hayward Development Services Department, Planning Division, 777 "B" Street, Hayward, during normal business hours.

OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED

- Alameda County Local Agency Formation Commission (Alameda County LAFCo)
- Alameda County Redevelopment Agency
- Alameda County
- Alameda County Library District
- Alameda County Sheriff's Department

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages.

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: THE CITY OF HAYWARD PLANNING DIVISION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Erik Pearson, Senior Planner

Date

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

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

EXISTING SETTING

The annexation area is relatively flat. The Hayward Hills are visible to the east, but there are no views to the San Francisco Bay to the west.

Views from scenic routes have been modified extensively over the past four decades and generally reflect the urban context of the City and region. There are no officially designated State Scenic Highways in the City of Hayward.

The annexation area is also in close proximity to a great deal of urban activity, including in association with the Chabot College campus, nearby industrial parks, individual industrial and commercial areas, a nearby regional shopping mall, and a nearby local airport.

Figures I.1a through I.3b (Photos) present the existing visual character of the annexation area. The annexation area is surrounded by the City of Hayward and their development pattern includes single-family homes built on larger size parcels. This results in a character that some residents characterize as semi-rural. Some parcels within the annexation area also contain multi-family residences, and institutional uses.

Many of the parcels have been developed for a considerable period of time, including some since the 1920's and 1930's. Consequently, numerous trees on private property and within public rights-of-way have grown to significant size and would be considered Protected Trees, per the City's Tree Preservation Ordinance. Typical tree species include coast live oak, eucalyptus, pine, and silver maple.

STANDARDS OF SIGNIFICANCE

Impacts are considered significant if they alter the type of use on the land to create an adverse visual character on a scenic vista. Significant impacts would also occur if the project substantially altered existing scenic resources including trees, earth formations, or buildings, or if the project created a new light source that adversely affected the visibility of the site and views from adjacent areas.

IMPACT DISCUSSION

SCENIC VISTAS

a) *Less than Significant.* The proposed project includes pre-zoning of the annexation area, annexation, and extension of street and utility system improvements. Unregulated land development in the Mt. Eden area could potentially block some views of the Hayward Hills and other features. However, the land uses and new potential development anticipated for the annexation area per the proposed pre-zoning and City of Hayward General Plan, are not of a nature that are highly likely to block regional scenic vistas. Furthermore, the required adherence to the City's Zoning Ordinance and Design Guidelines would limit the height and bulk of new structures so that significant views would still remain. Consequently, the project would have a less than significant impact on regional scenic vistas.

SCENIC RESOURCES, INCLUDING TREES, ROCK OUTCROPPINGS, AND HISTORIC BUILDINGS WITHIN A STATE SCENIC HIGHWAY?

b) *Less than Significant.* Interstate 580 from San Leandro to the eastern border of Alameda County is an Eligible State Scenic Highway, but the annexation area is not located within visibility of Interstate 580. There are no City, County or State designated Scenic Highways located within or adjacent to the annexation area.

VISUAL CHARACTER

c) *Less than Significant with Mitigation Incorporated.* The annexation area is surrounded by the City of Hayward and an urban environment, including existing residential uses, some industrial uses, and public facilities. Please refer to **Figures I.1a through I.3b (Photos)** for more information on the visual character of the annexation area. The proposed project would result in the extension of street and utility improvements and new potential development, but such improvements and additional development would not substantially degrade the existing visual character of the annexation area and vicinity. Also, future development would be subject to City site development review and design guidelines, which could result in beneficial impacts.

However, the annexation area does contain scenic resources, including trees and historic buildings, and the project could indirectly influence these scenic resources. Street and utility system improvements could result in removal or damage to trees that would qualify for protection under the City's Tree Preservation Ordinance. Other trees that qualify for protection would likely be removed on private property to accommodate development envisioned in the Hayward General Plan. New potential development and usage at parcels containing historic buildings could potentially influence the historic integrity of those buildings. Please see Section IV.e), Biological Resources and Section V.a), Cultural Resources for additional discussion.



Intersection of West St and Saklan



Intersection of West St and Mohr Dr



Chabot Campus Parking Lot



Public Transit

Figure I.1a
Photos of Surrounding Area



Mt. Eden Cemetery on Depot Rd



Intersection of Depot Rd and Clawiter Rd



Laguna Dr Looking East



Occidental Rd Looking East

Figure I.1b
Photos of Surrounding Area



Property on Mohr Dr



Property on Mohr Dr



Property on Mohr Dr

Figure I.2a
Photos of West-Mohr Island



New Homes on Mohr Dr



Mohr-Fry Estate Grounds



Mohr-Fry Estate House

Figure I.2b
Photos of West-Mohr Island



Monte Vista Dr Looking South from Laguna Dr



Monte Vista Dr Looking South from Occidental Rd



Eden Ave



Property on Mohr Dr

Figure I.3a
Photos of Mohr-Depot Island



Property on Mohr Dr



Depot Rd Looking East



Depot Rd Looking West



Herman Mohr Estate House

Figure I.3b
Photos of Mohr-Depot Island

Mitigation Measures

Implementation of Mitigation Measures **MM IV.3a, MM IV.3b, and MM IV.3c** in Section IV.e), Biological Resources and **MM V.1a and MM V.1b** in Section V.a), Cultural Resources would ensure that potential impacts to visual character associated with protected trees and historic resources would be reduced to a **less than significant** level.

LIGHT AND GLARE

d) *Less than Significant.* The proposed project includes pre-zoning of the annexation area, annexation, and extension of street and utility system improvements. Street lighting, lighting on new buildings, landscape lighting, and materials/windows on new buildings could be new sources of light and glare within the annexation area. However, the required adherence to the City's Zoning Ordinance would limit the design and locations of light and glare sources such that there would not be any off-site spillage. Consequently, the proposed project would have a **less than significant** impact on light and glare.

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
<p>II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING SETTING

Several parcels within the annexation area are currently zoned Agriculture by Alameda County, including the Mohr-Fry Estate property in the West-Mohr island and four parcels on the west side of the Mohr-Depot island. Of these parcels, only the Mohr-Fry Estate property has existing agricultural uses, roughly comprising the northern half of the parcel. The four parcels on the west side of the Mohr-Depot island have existing single-family residential and industrial uses.

The City of Hayward is a highly urbanized community and, with the exception of the Mohr-Fry Estate property, the annexation area does not contain farmland, nor is it near to any other ongoing agricultural operations. The Hermann-Mohr (Horizon Services) property is not currently zoned Agriculture by Alameda County. However, the Hermann-Mohr and the Mohr-Fry Estate properties are both pre-zoned Agriculture by the City of Hayward for historic preservation purposes, as shown previously in **Figure 7**.

STANDARDS OF SIGNIFICANCE

Significance is based on current and historical land use in regard to agricultural operations as well as soil classifications to determine farmland importance. Significant impacts to agricultural resources could occur if parcels in the annexation area classified as farmland, were contracted under the Williamson Act, or were located near other agricultural operations.

IMPACT DISCUSSION

a, b, c) No Impact. The City of Hayward is a highly urbanized community with a well-established land use pattern that is unlikely to change in any significant way. The annexation area does not contain Prime Farmland, Unique Farmland or Farmland of Statewide Importance, or any land under a Williamson Act contract. The annexation area was previously used for agricultural purposes in the early 1900's, but with the exception of the Mohr-Fry Estate property (which has approximately nine acres of farmland), the annexation area does not contain farmland at this time, nor is it near to any ongoing agricultural operations. The Chabot College and Mohr-Fry properties and four parcels on the west side of the Mohr-Depot island are currently zoned Agriculture by Alameda County. However, the existing uses, with the exception of the acreage on the Mohr-Fry Estate property, are public facilities on the Chabot College property, and residential on the four parcels on the west side of the Mohr-Depot island. Therefore, the City of Hayward pre-zoned the annexation area parcels in a manner consistent with and appropriate to the existing and surrounding land uses.

The pre-zoning is also based on the *City of Hayward General Plan* land use designations and on the *Mt. Eden Neighborhood Plan*. The two properties within the annexation area that are pre-zoned Agriculture are the Mohr-Fry Estate property, which contains farmland, and Hermann-Mohr property, which contains the Horizon Services facilities. These properties are pre-zoned Agriculture to preserve the agriculturally-related potentially historic resources existing onsite, in compliance with Policy 5.b of the *Mt. Eden Neighborhood Plan*, which states, "*Mt. Eden's identity should be conserved through the active preservation of historic resources and landmarks.*" The Agricultural zoning reduces the development potential on the properties, allowing for ongoing protection of the historic buildings and uses onsite.

Horizon Services, located on the Hermann-Mohr property, is currently operating with a use permit issued by the County, and would continue operating under that permit once annexed by the City. Both the Hermann-Mohr property and the Mohr-Fry Estate property were evaluated for historic significance, and it was found that both could be locally significant resources. The City's Agriculture zoning district would allow for the protection of the potential resources for future restoration opportunities. No development is being proposed as a part of the annexation process, and therefore the existing structures located on both of the pre-zoned Agriculture properties are not anticipated to expand and the existing farmland located on the Mohr-Fry Estate property would maintain its current use. Therefore, implementation of the proposed project is anticipated to have no impact on agricultural resources.

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Would the project substantially increase greenhouse gas emissions or expose people to substantial impacts from global climate change	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EXISTING SETTING

The proposed annexation area is located in Alameda County, which is under the jurisdiction of the San Francisco Bay Area Air Basin (SFBAAB). The SFBAAB is comprised of Alameda, Contra Costa, Napa, San Francisco, San Mateo, and Santa Clara counties, the southern portion of Sonoma, and the southwestern portion of Solano County. The Bay Area Air Quality Management District (BAAQMD) is the primary local agency with respect to the maintenance of air quality conditions within the SFBAAB.

Air quality in a region is determined by its topography, meteorology, and existing air pollutant sources. These factors are discussed below, together with the current regulatory structure that applies to the San Francisco Bay Area Air Basin (SFBAAB) pursuant to the regulatory authority of the San Francisco Bay Area Air Quality Management District (BAAQMD).

AMBIENT AIR QUALITY

Ambient air quality is commonly characterized by climatological conditions, the meteorological influences on air quality, and the quantity and type of pollutants released. The basin is subject to a combination of topographical and climatic factors that reduce the potential for high levels of regional and local air pollutants. Physical and meteorological conditions affecting pollutant concentrations and dispersion in the annexation area are discussed in more detail, as follows:

The annexation area is located within the Southwestern Alameda County subregion of the San Francisco Bay Area Air Basin. This region encompasses the low-lying area on the southeast side of the San Francisco Bay, from south of Hwy 580/Dublin Canyon to north of Milpitas. The region is bordered on the east by the 1,600-foot East Bay Hills, and on the west by the Bay. Most of the area is very flat. The cities in this region are San Lorenzo, Hayward, Union City, Newark, and Fremont (BAAQMD, 2009).

Situated between the western and eastern portions of the Coast Range, this region is protected from the direct effects of the marine air flow. Marine air entering through the Golden Gate is forced to diverge into northerly and southerly paths because of the blocking effect of the east bay hills. The southern flow is directed southeasterly down the bay, parallel to the hills, where eventually it passes over southwestern Alameda County. These sea breezes are strongest in the afternoon. The further from the ocean the marine air travels, the more it is modified. Thus, although the climate in this region is affected by sea breezes, it is affected less so than the regions closer to the Golden Gate, to the north (BAAQMD, 2009).

The climate of southwestern Alameda County is also modified by its close proximity to the San Francisco Bay. Evaporation from the bay will cool the air in contact with it during warm weather, while during cold weather; the bay can act as a heat source. The normal northwest wind pattern will then carry this air onshore. During periods of flat pressure gradients, the bay can generate its own circulation system. This bay breeze, similar to the sea breeze, pushes cool air onshore during the daytime and draws air from the land offshore at night. Bay breezes are common in the morning, before the sea breeze begins (BAAQMD, 2009).

Winds are predominantly out of the northwest quadrant in this region, particularly during summer months. In the winter, winds are equally likely out of the east. Cold air over land areas creates high pressure to the east, which forces air toward the west. Easterly surface flow into southern Alameda County passes through three major gaps: Hayward/Dublin Canyon, Niles Canyon, and Mission Pass. Areas north of the gaps then experience southeast winds, while areas south of the gaps experience northeast winds. Wind speeds are moderate in this region. Annual average wind speeds close to the bay are about 7 mph, while further inland at Fremont they are 6 mph (BAAQMD, 2009).

Air temperatures are moderated by both the proximity to the bay and to the sea breeze. Temperatures in this region are slightly cooler in the winter and slightly warmer than east bay cities to the north. Average daily maximum temperatures in winter at Newark are in the high 50's to 60 degrees. During the summer months, average daily maximum temperatures are in the mid 60's. Average minimum temperatures are in the low 40's in winter and mid-50's in the summer (BAAQMD, 2009).

Rainfall amounts in the region are lower than other east Bay sites to its north. Areas near the bay, such as Newark have lower rainfall amounts because of the rain shadow effect of the Santa Cruz Mountains. Newark annual rainfall is 14 inches. Areas closer to the hills have higher rainfall amounts because they are further from the Santa Cruz Mountains and because of orographic

effects. That is, air that is forced to ascend the mountains will cool and condense, leading to increased rain (BAAQMD, 2009).

Pollution potential is relatively high in this region during summer and fall months. When high pressure dominates the weather, low mixing depths and bay and ocean wind patterns can concentrate and carry pollutants from other cities to this area, adding to the locally emitted pollutants. The polluted air is then pushed up against the East Bay Hills. Flow eastward through the gaps is weak because winds in the Livermore Valley are usually from the east. Wintertime pollution levels are only moderate (BAAQMD, 2009).

Regulatory Setting

Criteria Air Pollutants & Standards

Pollutants subject to federal ambient standards are referred to as "criteria" pollutants because the United States Environmental Protection Agency (USEPA) publishes criteria documents to justify the choice of standards. One of the most important reasons for air quality standards is the protection of those members of the population who are most sensitive to the adverse health effects of air pollution, termed "sensitive receptors." The term sensitive receptors refer to specific population groups, as well as the land uses where they would reside for long periods. Commonly identified sensitive population groups are children, the elderly, the acutely ill, and the chronically ill. Commonly identified sensitive land uses are residences, schools, playgrounds, childcare centers, retirement homes or convalescent homes, hospitals, and clinics. Criteria air pollutants, common sources, and associated effects are summarized in **Table III-1, Criteria Air Pollutants Summary of Common Sources and Effects**. The federal and state standards for the criteria pollutants and other state regulated air pollutants are shown in **Table III-2, Ambient Air Quality Standards & Bay Area Attainment Status**.

Federal Air Quality Regulations

The federal 1970 Clean Air Act authorized the establishment of national health-based air quality standards, and also set deadlines for their attainment. The federal Clean Air Act Amendments of 1990 (1990 CAAA) made major changes in deadlines for attaining National Ambient Air Quality Standards (NAAQS) and required actions in areas of the nation that exceeded these standards. The 1990 CAAA requires designated agencies in any area of the nation that does not meet the NAAQS to prepare a plan demonstrating the steps that will be taken to bring the area into compliance. The 1990 CAAA completely revised the federal statute for achieving attainment of NAAQS and a new set of guidelines and planning processes for carrying out the requirements of the Amendments. Provisions of Section 182, which relates to O₃ nonattainment areas, and Section 187, which relates to CO nonattainment areas, emphasize strategies for reducing vehicle miles traveled. Section 182 requires submission of a plan revision that "identifies and adopts specific enforceable transportation control measures to offset any growth in emissions from growth in vehicle miles traveled or number of vehicle trips in such an area to meet statutory requirements for demonstrating periodic emission reduction requirements."

State Air Quality Regulations

The California Clean Air Act (CCAA 1988) requires that all air districts in the State endeavor to achieve and maintain California Ambient Air Quality Standards (CAAQS) for O₃, CO, SO₂ and NO₂ by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with new authority to regulate indirect sources. Each district plan is to achieve a 5 percent annual reduction, averaged over consecutive three-year periods, in district-wide emissions of each nonattainment pollutant or its precursors.

**TABLE III-1
CRITERIA AIR POLLUTANTS SUMMARY OF COMMON SOURCES AND EFFECTS**

Pollutant	Major Man-Made Sources	Human Health & Welfare Effects
<p>Particulate Matter (PM) Airborne solid particle and liquid particles Grouped into 2 categories:</p> <p>"Coarse Particles" (PM₁₀) - from 2.5 to 10 microns in diameter.</p> <p>"Fine Particles" (PM_{2.5}) - less than 2.5 microns in diameter.</p>	<p>Power plants, steel mills, chemical plants, unpaved roads and parking lots, wood-burning stoves and fireplaces, automobiles and others.</p>	<p>Increased respiratory symptoms, such as airway irritation, coughing, difficulty breathing; aggravated asthma; development of chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease. Impairs visibility (haze).</p>
<p>Ozone (O₃) (Smog) A colorless or bluish gas</p>	<p>Formed by a chemical reaction between VOC and NO_x in the presence of sunlight. Motor vehicle exhaust, industrial emissions, gasoline storage and transport, solvents, paints and landfills.</p>	<p>Irritates and causes inflammation of airways; causes wheezing, coughing and pain when inhaling deeply; decreases lung capacity; aggravates lung and heart problems. Damages plants; reduces crop yield. Damages rubber, some textiles and dyes.</p>
<p>Sulfur Dioxide (SO₂) A colorless, nonflammable gas</p>	<p>Formed when fuel containing sulfur, such as coal and oil, is burned; when gasoline is extracted from oil; or when metal is extracted from ore. Examples are petroleum refineries, metal processing, locomotives, large ships, and diesel fuel combustion.</p>	<p>Respiratory irritant. Aggravates lung and heart problems. In the presence of moisture and oxygen, sulfur dioxide converts to sulfuric acid which can damage marble, iron and steel; damage crops and natural vegetation. Impairs visibility. Precursor to acid rain.</p>
<p>Carbon Monoxide (CO) An odorless, colorless gas.</p>	<p>Formed when carbon in fuel is not burned completely; a component of motor vehicle exhaust.</p>	<p>Reduces the ability of blood to deliver oxygen to vital tissues, effecting the cardiovascular and nervous system. Impairs vision, causes dizziness, and can lead to unconsciousness or death.</p>
<p>Nitrogen Dioxide (NO₂) A reddish-brown gas</p>	<p>Fuel combustion in motor vehicles and industrial sources. Motor vehicles; electric utilities, and other sources that burn fuel.</p>	<p>Respiratory irritant; aggravates lung and heart problems. Precursor to ozone and acid rain. Contributes to global warming, and nutrient overloading which deteriorates water quality.</p>
<p>Lead Metallic element</p>	<p>Metal refineries, smelters, battery manufacturers, iron and steel producers, use of leaded fuels by racing and aircraft industries.</p>	<p>Anemia, high blood pressure, brain and kidney damage, neurological disorders, cancer, lowered IQ. Affects animals, plants, and aquatic ecosystems.</p>

Source: ARB 2009, CAPCOA 2009.

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

**TABLE III-2
SUMMARY OF AMBIENT AIR QUALITY STANDARDS & BAY AREA ATTAINMENT STATUS**

Air Pollutant	Averaging Time	California Standards ⁽¹⁾		National Standards ⁽²⁾			
		Concentration	Attainment Status	Concentration ⁽³⁾	Attainment Status		
Ozone	8-Hour	0.070 ppm	N ⁽⁹⁾	0.075 ppm	N ⁽⁴⁾		
	1-Hour	0.09 ppm	N		-- ⁽⁵⁾		
Carbon Monoxide	8-Hour	9 ppm	A	9 ppm 35 ppm	A ⁽⁶⁾		
	1-Hour	20 ppm	A		A		
Nitrogen Dioxide	Annual Arithmetic Mean	0.030 ppm	A	0.053 ppm	A		
	1-Hour	0.18 ppm	A			--	
Sulfur Dioxide	Annual Arithmetic Mean	--	--	0.03 ppm	A		
	24-Hour	0.04 ppm	A			0.14 ppm	A
	3-Hour	--	--			0.50 ppm	A
	1-Hour	0.25 ppm	A			--	--
Particulate Matter (PM ₁₀)	Annual Arithmetic Mean	20 µg/m ³	N ⁽⁷⁾	--	--		
	24-Hour	50 µg/m ³	N			150 µg/m ³	U
Particulate Matter - Fine (PM _{2.5})	Annual Arithmetic Mean	12 µg/m ³	N ⁽⁷⁾	15 µg/m ³	A		
	24-Hour	--	--			35 µg/m ³ ⁽¹⁰⁾	N
Lead	Calendar Quarter	--	--	1.5 µg/m ³	A		
	30-Day Average	1.5 µg/m ³	A			--	--
	Rolling 3-Month Average	--	--			0.15	--
Sulfates	24-Hour	25 µg/m ³	A	--	--		
Hydrogen Sulfide	1-Hour	0.03 ppm	U	--	--		
Vinyl Chloride	24-Hour	0.01 ppm	No Information Available	--	--		
Visibility Reducing Particles	8-Hour (1000 to 1800 PST)	⁽⁸⁾ ⁽¹⁰⁾	U	--	--		

1 California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter-PM₁₀, and visibility reducing particles are values that are not to be exceeded. The Lake Tahoe CO standard is 6.0 ppm, a level one-half the national standard and two-thirds the state standard.

2 National standards, other than for ozone, particulates, and those based on annual averages, are not to be exceeded more than once a year.

3 National air quality standards set at levels determined to be protective of public health with an adequate margin of safety. Each

Air Pollutant	Averaging Time	California Standards ⁽¹⁾		National Standards ⁽²⁾	
		Concentration	Attainment Status	Concentration ⁽³⁾	Attainment Status

state must attain these standards no later than three years after the state's implementation plan is approved by the EPA.

4 In June 2004, the Bay Area was designated as a marginal nonattainment area of the national 8-hour ozone standard. US EPA lowered the national 8-hour standard in May 27, 2008. EPA will issue final designations based upon the new ozone standard by March 2010.

5 The national 1-hour ozone standard was revoked by US EPA on June 15, 2005.

6 In April 1998, the Bay Area was redesignated to attainment for the national 8-hour carbon monoxide standard.

7 In June 2002, CARB established new annual standards for PM2.5 and PM10.

8 Statewide VRP Standard (except Lake Tahoe Air Basin): Particulates in sufficient amount to produce an extinction coefficient of 0.23 per kilometer due to particles when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.

9 This standard was approved by the ARB on April 28, 2005 and became effective on May 17, 2006.

10 US EPA lowered the 24-hour PM2.5 standard from 65 µg/m3 to 35 µg/m3 in 2006. EPA issued attainment status designations for the 35 µg/m3 standard in December 22, 2008. EPA has designated the Bay Area as nonattainment for the 35 µg/m3 PM2.5 standard, The EPA designation will be effective 90 days after publication of the regulation in the Federal Register. President Obama has ordered a freeze on all pending rules; therefore, the effective date of the designation is unknown at this time.

ppm = parts per million by volume; µg/m3 = micrograms per cubic meter; mg/m3 = milligrams per cubic meter

A = Attainment; N = Nonattainment; U = Unclassified

Sources: BAAQMD 2009, ARB 2009.

Regional Air Quality Regulations

The BAAQMD periodically prepares and updates plans to achieve the goal of healthy air. Typically, a plan will analyze emissions inventories (estimates of current and future emissions from industry, motor vehicles, and other sources) and combine that information with air monitoring data (used to assess progress in improving air quality) and computer modeling simulations to test future strategies to reduce emissions in order to achieve air quality standards. Air quality plans usually include measures to reduce air pollutant emissions from industrial facilities, commercial processes, motor vehicles, and other sources. Bay Area plans are prepared with the cooperation of the Metropolitan Transportation Commission, and the Association of Bay Area Governments (BAAQMD, 2009).

Ozone Attainment Demonstrations are prepared for the national ozone standard and Clean Air Plans are prepared for the California ozone standard. The most recent Ozone Attainment Demonstration Plan and Clean Air Plan include the 2001 Ozone Attainment Plan (OAP) and the 2000 Clean Air Plan (CAP). In addition to these plans, the BAAQMD has also recently prepared the Bay Area 2005 Ozone Strategy. The Bay Area 2005 Ozone Strategy describes how the Bay Area will fulfill California Clean Air Act (CCAA) planning requirements for the State one-hour ozone standard and transport mitigation requirements through the proposed control strategy. The control strategy includes stationary source control measures to be implemented through Air District regulations; mobile source control measures to be implemented through incentive programs and other activities; and transportation control measures to be implemented through transportation programs in cooperation with MTC, local governments, transit agencies and others (BAAQMD, 2009).

Air Quality Attainment Status

The attainment status for the Basin is summarized in **Table III-2**, as shown previously. An attainment designation for an area signifies that pollutant concentrations did not violate the standard for that pollutant in that area. A nonattainment designation indicates that a pollutant

concentration violated the standard at least once, excluding those occasions when a violation(s) was caused by an exceptional event, as defined in the criteria.

Following years of declining emissions and ambient concentrations of ozone, the Bay Area in 1995 was redesignated as an attainment area for the national 1-hour ozone standard. However, unusual heat waves triggered new exceedances of the national ozone standard during the summers of 1995 and 1996. As a result, in 1998 US EPA redesignated the region back into nonattainment status for the national 1-hour ozone standard. The region also periodically exceeds State ambient air quality standards for ozone and particulate matter. As noted in **Table III-2**, the State standards for these pollutants are more stringent than the national standards. Exceedances of air quality standards occur primarily during meteorological conditions conducive to high pollution levels, such as cold, windless winter nights (for particulate matter) or hot, sunny summer afternoons (for ozone). As noted in **Table III-2**, the Basin is currently designated nonattainment for the State and National ozone standards, as well as the State PM₁₀ and PM_{2.5} standards. The Basin is designated either attainment or unclassified for the remaining federal and state ambient air quality standards (BAAQMD 2009).

Odors

Typically odors are generally regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from the psychological (i.e. irritation, anger, or anxiety) to the physiological, including circulatory and respiratory effects, nausea, vomiting, and headache.

The ability to detect odors varies considerably among the population and overall is quite subjective. Some individuals have the ability to smell very minute quantities of specific substances; others may not have the same sensitivity but may have sensitivities to odors of other substances. In addition, people may have different reactions to the same odor and in fact an odor that is offensive to one person may be perfectly acceptable to another (e.g., fast food restaurant). It is important to also note that an unfamiliar odor is more easily detected and is more likely to cause complaints than a familiar one. This is because of the phenomenon known as odor fatigue, in which a person can become desensitized to almost any odor and recognition only occurs with an alteration in the intensity.

Quality and intensity are two properties present in any odor. The quality of an odor indicates the nature of the smell experience. For instance, if a person describes an odor as flowery or sweet, then the person is describing the quality of the odor. Intensity refers to the strength of the odor. For example, a person may use the word strong to describe the intensity of an odor. Odor intensity depends on the odorant concentration in the air. When an odorous sample is progressively diluted, the odorant concentration decreases. As this occurs, the odor intensity weakens and eventually becomes so low that the detection or recognition of the odor is quite difficult. At some point during dilution, the concentration of the odorant reaches a detection threshold. An odorant concentration below the detection threshold means that the concentration in the air is not detectable by the average human.

Within the basin, odorous emissions are subject to the BAAQMD's *Regulation 7, Odorous Substances*. This regulation places general limitations on odorous substances and specific emission limitations on certain odorous compounds. The applicability of this regulation to emission sources is based, in part, on odor complaints received from the public (BAAQMD, 2009). Neither the state nor the federal governments have adopted any rules or regulations for the control of odor sources. No major odor sources have been identified in the annexation area.

TOXIC AIR CONTAMINANTS

Toxic air contaminants (TACs) in California are primarily regulated through the Tanner Air Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588). AB 1807 sets forth a formal procedure for the California Air Resources Board (ARB) to designate substances as TACs. This includes research, public participation, and scientific peer review before ARB can designate a substance as a TAC.

Once a TAC is identified, the ARB then adopts an Airborne Toxics Control Measure (ACTM) for sources that emit that particular TAC. If there is a safe threshold for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If there is no safe threshold, the measure must incorporate BACT to minimize emissions. AB 2588 requires that existing facilities that emit toxic substances above specified levels to:

- Prepare a toxic emission inventory;
- Prepare a risk assessment if emissions are significant;
- Notify the public of significant risk levels;
- Prepare and implement risk reduction measure.

The ARB works in partnership with the local air districts to enforce regulations that reduce toxic air contaminants (TACs) in the state. The ARB has authority for motor vehicles, fuels, and consumer products. The ARB identifies the TACs, researches prevention or reduction methods, adopts standards for control, and enforces the standards. Particulate Matter (PM) emissions from diesel-fueled vehicles and engines are the primary TACs of concern for mobile sources. Of all controlled TACs, diesel-exhaust PM emissions are estimated to be responsible for about 70 percent of the total ambient TAC risk. The ARB has made the reduction of the public's exposure to diesel PM one of its highest priorities, with an aggressive plan to require cleaner diesel fuel and cleaner diesel engines and vehicles (ARB 2005).

At the local level, air pollution control or management districts may adopt and enforce ARB control measures. In accordance with BAAQMD Rules and Regulations, such as *Rule 2-5, New Source Review for Toxic Air Contaminants*, sources that possess the potential to emit TACs are required to obtain permits from the district. The BAAQMD prioritizes TAC-emitting stationary sources, based on the quantity and toxicity of the TAC emissions and the proximity of the facilities to sensitive receptors. The BAAQMD requires a comprehensive health risk assessment for facilities that are classified in the significant-risk category, pursuant to Assembly Bill 2588 Program. Permits may be granted to these operations if they are constructed and operated in accordance with applicable regulations, including new source review standards and air toxics control measures. No major TAC sources have been identified in the annexation area.

GREENHOUSE GAS EMISSIONS & CLIMATE CHANGE

The earth's climate has been warming for the past century. The Intergovernmental Panel on Climate Change (IPCC) and other scientific organizations provide substantial evidence that this warming trend is directly related to the release of certain gases into the atmosphere. Greenhouse gas (GHG) emissions are naturally occurring gases such as water vapor, carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) that regulate the temperature on Earth by absorbing infrared energy that would otherwise escape from the earth. As the infrared energy is absorbed, the air surrounding the earth is heated. In addition to natural sources, human activities are exerting a major and growing influence on this warming effect by changing the composition of the atmosphere and by modifying the land surface. Particularly, the increased consumption of fossil fuels (natural gas, coal, gasoline, etc.) has substantially

increased atmospheric levels of GHGs. GHGs most typically associated with community development include emissions of CO₂ and, to a lesser extent, CH₄. Measured, global GHG emissions resulting from human activities, especially the consumption of fossil fuels, have grown since pre-industrial times, with an increase of 70% between 1970 and 2004 (California Climate Change Center, 2006; CEC, 2009, IPCC, 2007).

There are uncertainties as to exactly what the climate changes will be in various local areas of the earth, and what the effects of clouds will be in determining the rate at which the mean temperature will increase. There are also uncertainties associated with the magnitude and timing of other consequences of a warmer planet: sea level rise, spread of certain diseases out of their usual geographic range, the effect on agricultural production, water supply, sustainability of ecosystems, increased strength and frequency of storms, extreme heat events, air pollution episodes, and the consequence of these effects on the economy (California Climate Change Center, 2006).

GHG emissions contributing to global climate change are largely attributable to human activities associated with industrial/manufacturing, utility, transportation, residential, and agricultural sectors. About three-quarters of human emissions of CO₂ to the global atmosphere during the past 20 years are due to fossil fuel burning. Atmospheric concentrations of CO₂, CH₄, and N₂O have increased 31 percent, 151 percent, and 17 percent respectively since the year 1750 (CEC, 2009). GHG emissions are typically expressed in carbon dioxide-equivalents (CO₂e), based on the GHG's Global Warming Potential (GWP). The GWP is dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. For example, one ton of CH₄ has the same contribution to the greenhouse effect as approximately 21 tons of CO₂. Therefore, CH₄ is a much more potent GHG than CO₂.

Worldwide, California is ranked as the 12th largest emitter of GHGs (CEC, 2009). Based on the most recent GHG emissions inventory, California's gross annual emissions of GHGs in 2004 totaled approximately 497 million metric tons (MMT) of CO₂e. Most of California's emissions, approximately 81 percent, consist of carbon dioxide produced from fossil fuel combustion (CEC, 2006; CEC, 2007).

The transportation sector is the single largest category of California's GHG emissions, accounting for approximately 39 percent of the state's total GHG emissions, followed by electricity consumption (from both in-state and out-of-state providers), which accounts for a total of roughly 28 percent of the state's total GHG emissions. The contribution from each of the various other use sectors contribute roughly 6 to 10 percent each to the total GHG emissions inventory (CEC, 2009).

International and National Efforts

International and Federal legislation have been enacted to deal with climate change issues. The Montreal Protocol was originally signed in 1987 and substantially amended in 1990 and 1992. In 1988, the United Nations and the World Meteorological Organization established the Intergovernmental Panel on Climate Change (IPCC) to assess the scientific, technical and socioeconomic information relevant to understanding the scientific basis of risk of human-induced climate change, its potential impacts, and options for adaptation and mitigation. The most recent reports of the IPCC have emphasized the scientific consensus around the evidence that real and measurable changes to the climate are occurring, that they are caused by human activity, and that significant adverse impacts on the environment, the economy, and human health and welfare are unavoidable (CAPCOA 2008).

In October 1993, President Clinton announced his Climate Change Action Plan, which had a goal to return greenhouse gas emissions to 1990 levels by the year 2000. This was to be accomplished through 50 initiatives that relied on innovative voluntary partnerships between the private sector and government aimed at producing cost-effective reductions in greenhouse gas emissions. On March 21, 1994, the United States joined a number of countries around the world in signing the United Nations Framework Convention on Climate Change. Under the Convention, governments agreed to gather and share information on greenhouse gas emissions, national policies, and best practices; launch national strategies for addressing greenhouse gas emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of climate change. These efforts have been largely policy oriented. In addition to the national and international efforts described above, many local jurisdictions have adopted climate change policies and programs. However, thus far little has been done to assess the significance of the affects new development projects may have on climate change (CAPCOA 2008).

State of California

State of California

The State of California has been studying the impacts of climate change since 1988, when AB4420 was approved. This legislation directed the CEC, in consultation with the ARB and other agencies, to study the implications of global warming on California's environment, economy, and water supply. The CEC was also directed to prepare and maintain the state's inventory of GHG emissions. That bill directed the ARB to adopt regulations to achieve the maximum feasible and cost-effective reduction of greenhouse gas emissions from motor vehicles. ARB staff's proposal implementing these regulations was approved by the Air Resources Board in September, 2004. With implementation, the average reduction of greenhouse gases from new California cars and light trucks will be about 22 percent in 2012 and about 30 percent in 2016, compared to today's vehicles (California Climate Change Center. 2006).

Senate Bill 1771

Senate Bill 1771, chaptered in September of 2000, specified the creation of the non-profit organization, the California Climate Action Registry. The Registry helps various California entities' to establish GHG emissions baselines. Also, the Registry enables participating entities to voluntarily record their annual GHG emissions inventories.

Executive Order S-3-05

On June 1, 2005, Governor Schwarzenegger issued Executive Order S-3-05. It included the following GHG emission reduction targets: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels. To meet the targets, the Governor directed the Secretary of the California Environmental Protection Agency (CalEPA) to coordinate with the Secretary of the Business, Transportation and Housing Agency, Secretary of the Department of Food and Agriculture, Secretary of the Resources Agency, Chairperson of the ARB, Chairperson of the CEC and President of the Public Utilities Commission on development of a Climate Action Plan. The Secretary of CalEPA leads a Climate Action Team (CAT) made up of representatives from the agencies listed above to implement global warming emission reduction programs identified in the Climate Action Plan and report on the progress made toward meeting the statewide greenhouse gas targets that were established in the Executive Order (CAPCOA 2008).

California Global Warming Solutions Act of 2006 (AB 32)

In 2006, the California State Legislature adopted Assembly Bill 32 (AB32), California Global Warming Solutions Act of 2006. AB32 establishes a cap on statewide greenhouse gas emissions and sets forth the regulatory framework to achieve the corresponding reduction in statewide emissions levels. AB32 charges the ARB, the state agency charged with regulating statewide air quality, with implementation of the act. The regulatory steps laid out in AB32 require ARB to: 1) adopt early action measures to reduce GHGs; 2) to establish a statewide greenhouse gas emissions cap for 2020 based on 1990 emissions; 3) to adopt mandatory reporting rules for significant source of greenhouse gases; and to adopt a scoping plan indicating how emission reductions will be achieved via regulations, market mechanisms and other actions; and 4) to adopt the regulations needed to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gases. In addition, AB32 requires that by January 1, 2008, the State Board shall determine what the statewide greenhouse gas emissions inventory was in 1990, and approve a statewide greenhouse gas emissions limit that is equivalent to that level, to be achieved by 2020. In December 2007, the ARB Board approved the amount of 427 million metric tonnes of carbon dioxide equivalent (MMTCO_{2e}) as the total statewide greenhouse gas 1990 emissions level and 2020 emissions limit (ARB 2009; CAPCOA 2008).

As required by AB32, ARB adopted a list of discrete early action measures in June 2007 to be adopted and implemented by January 1, 2010. These actions are part of the State's comprehensive plan for achieving greenhouse gas emission reductions. These three new proposed regulations meet the definition of "discrete early action greenhouse gas reduction measures," which include the following: a low carbon fuel standard; reduction of HFC-134a emissions from non-professional servicing of motor vehicle air conditioning systems; and improved landfill methane capture. ARB estimates that by 2020, the reductions from those three discrete early action measures would be approximately 13 to 26 MMT CO_{2e}. ARB evaluated over 100 possible measures identified by the CAT for inclusion in the list of discrete early action measures. On October 25, 2007 ARB gave final approval to the list of Early Action Measures, which includes nine discrete measures and 35 additional measures, all of which are to be enforceable by January 1, 2010 (CAPCOA 2008).

In October of 2008, ARB published its *Climate Change Scoping Plan (Scoping Plan)*, which is the State's plan to achieve GHG reductions in California required by AB 32. The *Scoping Plan* contains the main strategies California will implement to achieve a reduction of approximately 30% from the state's projected 2020 emission level under a business-as-usual scenario (this is a reduction of almost 10% from 2002-2004 average emissions). The *Scoping Plan* also includes ARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations are from improving emission standards for light-duty vehicles, implementation of the Low-Carbon Fuel Standard, energy efficiency measures in buildings and appliances and the widespread development of combined heat and power systems, and a renewable portfolio standard for electricity production. The *Scoping Plan* also states that land use planning and urban growth decisions will play an important role in the State's GHG reductions. ARB further acknowledges that decisions on how land is used will have large impacts on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas emission sectors. The *Scoping Plan* was approved by ARB in December 2008 (ARB 2008).

Senate Bill 97

Senate Bill 97, signed in August 2007, acknowledges that climate change is an important environmental issue that requires analysis under CEQA. This bill directs the Governor's Office of

Planning and Research to prepare, develop, and transmit to the Resources Agency guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, by July 1, 2009. The Resources Agency is required to certify or adopt those guidelines by January 1, 2010. This bill also protects projects funded by the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, or the Disaster Preparedness and Flood Protection Bond Act of 2006 (Proposition 1B or 1E) from claims of inadequate analysis of GHG as a legitimate cause of action. This latter provision will be repealed on January 1, 2010. Thus, this "protection" is highly limited to a handful of projects and for a short time period (CAPCOA 2008).

In June 2008, the Governor's Office of Planning and Research (OPR) published the *OPR Technical Advisory on CEQA and Climate Change*. The document, developed in collaboration with the California Resources Agency, the California Environmental Protection Agency, and ARB, provides informal, interim guidance to public agencies for addressing the issue of climate change in CEQA documents.

On April 13, 2009, OPR submitted their proposed amendments to the state CEQA Guidelines for greenhouse gas emissions, as required by SB97. These proposed amendments will provide guidance to public agencies regarding the analysis of mitigation and the effects of GHG emissions in CEQA documents. The Natural Resources Agency is required to certify and adopt the amendments before January 1, 2010 (OPR, 2009).

Senate Bill 375

SB 375 (Steinberg), signed into law in September 2008, builds on the goals of AB32 by attempting to control GHG emissions through limiting suburban sprawl. By September 2010, CARB will have assigned each region in California a target for reducing GHG emissions tied to land use. California Metropolitan Planning Organizations are required to address these targets in mandatory 'Sustainable Communities Strategies' (SCS) as part of the Regional Transportation Plan. The purpose of the SCS plans is to reduce GHG emissions associated with global climate change by improving the efficiency of land use and transportation patterns. In addition, SB 375 creates incentives for creating walkable, sustainable, transit-oriented communities, including funding conditions and certain exemptions from the California Environmental Quality Act. SB 375 attempts to tie together climate change, regional planning, transportation funding, and affordable housing (ARB 2009).

Local

The City of Hayward is taking a proactive approach to addressing climate change and greenhouse gas emissions at the local level. The City developed a Climate Action Plan in order to assess current (2005) levels of greenhouse gas emissions and create a strategy to reduce and adapt to the effects of climate change. The Climate Action Plan, approved by the City Council on July 28, 2009, found that activities within the jurisdictional boundaries of Hayward in calendar year 2005 were responsible for the release of 1,183,274 metric tons of CO₂e. This level of GHG emissions is approximately 0.2 percent of California's total GHG emissions in 2005 and less than 0.004 percent of the total global emissions.

The City developed the Climate Action Plan in order to reduce greenhouse gases attributable to the City and to reach compliance with AB 32. The Climate Action Plan identifies strategies and actions to reduce Hayward's GHG emissions by 12.5 percent below 2005 levels by 2020 and 82.5 percent below 2005 levels by 2050. The 60 actions range from offering energy efficiency financing programs to banning certain materials from landfills. They are organized under nine strategies to related to transportation, energy, solid waste, carbon sequestration, and climate

change adaptation. The measures encompass all best practices for GHG reductions, including those of OPR and the Attorney General (City of Hayward, 2009b).

SENSITIVE RECEPTORS

The term “sensitive receptors” refers to specific population groups as well as the land uses where they would reside for long periods. Commonly identified sensitive population groups are children, the elderly, the acutely ill, and the chronically ill. Commonly identified sensitive land uses are residences, schools, playgrounds, childcare centers, retirement homes or convalescent homes, hospitals, and clinics. Sensitive receptors located in the vicinity of the annexation area consist primarily of residential land uses and the rehabilitation facility (Horizon Services) located on the Hermann-Mohr property.

IMPACT DISCUSSION

CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF APPLICABLE AIR QUALITY PLAN

a) *Less than Significant with Mitigation Incorporated.* The emissions inventories contained in the BAAQMD’s CAP and OAP are based on projected population growth and vehicle miles traveled for the region based, in part, on the predicted growth identified in regional and community plans. The emissions inventories used in the plans also attribute some cumulative impact from all development projects. Projects that would result in an increases in population or employment growth beyond that identified in regional or community plans could result in increases in vehicle miles traveled (VMT) and, as a result, increases in mobile source emissions could conflict with the BAAQMD’s air quality planning efforts. Projects that are consistent with the local general plan and would not result in a significant project-related air quality impact would typically not be considered inconsistent with local air quality plans and attainment efforts.

Implementation of the proposed project would not result in an increased growth in population or employment beyond that already accounted for in the City’s General Plan, nor would implementation of the proposed project obstruct implementation of any of the proposed control measures contained in regional air quality plans. Consequently, implementation of the proposed project would not be anticipated to result in a long-term increase of regional criteria air pollutants that would conflict with or obstruct implementation of the BAAQMD’s CAP or OAP. Short-term air quality impacts would be considered **potentially significant** and subject to mitigation.

Mitigation Measure

Refer to Section III. Air Quality discussion **b)** below for additional discussion of short-term and long-term air quality impacts. The BAAQMD considers implementation of recommended mitigation measures under **MM III-1** to be sufficient to reduce air pollutant emissions from construction activities to a **less than significant** level (BAAQMD, 1999).

VIOLATE ANY AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION

b) *Less than Significant with Mitigation Incorporated.* Increases in emissions attributable to the proposed project would occur during construction and long-term operation of the proposed project. Long-term operational emissions and short-term construction emissions associated with the proposed project are discussed separately, as follows:

Long-term Operational Impacts

The proposed project includes the annexation of the Mohr-Depot island and the West-Mohr island. From the analysis of development potential under the proposed pre-zoning for the annexation area, the proposed project could result in the potential development of 54 additional single-family dwelling units in the annexation area. Long-term operational emissions associated with future residential land uses would be primarily associated with increased motor vehicle use. Additional emissions would also be generated associated with natural gas consumption and use of architectural coatings and landscape maintenance equipment.

Based on the project screening criteria recommended by the BAAQMD, residential development projects consisting of less than 320 single-family dwelling units would not be anticipated to result in a significant air quality impact and a detailed air quality analysis would not be required (BAAQMD, 1999). Although the BAAQMD does not require preparation of a detailed air quality analysis for the proposed project, long-term operational emissions were quantified to provide greater detail and additional perspective concerning the proposed project's potential air quality impacts. Predicted increases in emissions were calculated using the URBEMIS2007 (version 9.2.4) computer program, based on trip generation rates obtained from the traffic analysis prepared for this project (DMJM Harris/AECOM, 2009). Predicted operational emissions are summarized in **Table III-3, Long-Term Operational Emissions Near-Term Project Conditions**.

As depicted in **Table III-3**, a majority of the emissions generated during the summer months would be from motor vehicle use. Additional increases in emissions associated with the use of wood-burning fireplaces and stoves would occur during the winter months. Predicted maximum daily and annual emissions would not exceed BAAQMD significance thresholds for ROG, NO_x, and PM₁₀. The BAAQMD has not adopted a recommended significance threshold for PM_{2.5}. Because emissions associated with the long-term operation of the proposed project would not exceed BAAQMD significance thresholds, long-term air quality impacts would be considered **less than significant**.

**TABLE III-3
LONG-TERM OPERATIONAL EMISSIONS NEAR-TERM PROJECT CONDITIONS**

Source	Estimated Emissions (lbs/day)			
	Reactive Organic Gas (ROG)	Nitrogen Dioxide (NO _x)	Particulate Matter - Coarse (PM ₁₀)	Particulate Matter – Fine (PM _{2.5})
Summer Conditions				
Natural Gas Use	0.05	0.68	--	--
Landscape Maintenance	0.45	0.02	0.01	0.01
Consumer Products	2.64	--	--	--
Architectural Coatings	0.77	--	--	--
Motor Vehicles	4.76	6.09	7.63	1.48

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

Source	Estimated Emissions (lbs/day)			
	Reactive Organic Gas (ROG)	Nitrogen Dioxide (NOx)	Particulate Matter - Coarse (PM ₁₀)	Particulate Matter – Fine (PM _{2.5})
Total Daily Summer Emissions(lbs/day):	8.67	6.79	7.64	1.49
Winter Conditions				
Natural Gas Use	0.05	0.68	--	--
Consumer Products	2.64	--	--	--
Architectural Coatings	0.77	--	--	--
Wood-Burning Fireplaces/Stoves	7.65	0.74	4.43	4.26
Motor Vehicles	5.18	8.93	7.63	1.48
Total Daily Winter Emissions(lbs/day):	16.29	10.35	12.06	5.74
BAAQMD Daily Emissions Thresholds (lbs/day):	80	80	80	None
Maximum Daily Emissions Exceed Thresholds?:	No	No	No	
Annual Conditions (tons/year)				
Combined Annual Emissions (tons/year):	1.87	1.42	1.57	0.44
BAAQMD Annual Emissions Threshold (tons/year):	15	15	15	None
Annual Emissions Exceed Threshold?:	No	No	No	

Note: Emissions were estimated using the URBEMIS2007 (v9.2.4) computer program.

Short-term Construction Emissions

Construction emissions are described as “short term” or temporary in duration and have the potential to represent a significant impact with respect to air quality, especially in the case of PM₁₀. Fugitive dust emissions are associated primarily with site preparation and vary as a function of such parameters as soil silt content, soil moisture, wind speed, and acreage of disturbance. Short-term construction-generated emissions would be primarily associated with initial site preparation (e.g., grading and grubbing). Facility construction occurring during subsequent phases of construction would result in additional emissions, primarily associated with the use of onsite motorized equipment, worker commute trips, and the application of architectural coatings and asphalt paving materials.

The BAAQMD emphasizes implementation of effective and comprehensive control measures rather than requiring a detailed quantification of construction emissions. The BAAQMD requires that all feasible control measures, which are dependent on the size of the construction area and the nature of the construction operations involved, shall be incorporated into the project design and implemented during all construction activities. Because the required control measures are

not currently incorporated into the proposed project, short-term construction-generated emissions could potentially result in or contribute to a violation of air quality standards. As a result, this impact would be considered **potentially significant**.

Mitigation Measure

MM III-1

In accordance with BAAQMD CEQA Guidelines (BAAQMD 1999), the following mitigation measures shall be implemented to reduce construction generated emissions to a less than significant level.

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Install wheel washers for all exiting trucks, or wash off the tire or tracks of all trucks and equipment before leaving the site.
- Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- Limit the area subject to excavation, grading, and other construction activity at any one time.
- Minimize idling time.
- Maintain properly tuned equipment.

- Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.

Timing/Implementation: *Prior to/during construction.*

Enforcement/Monitoring: *City of Hayward Public Works and Development Services Departments*

The BAAQMD considers implementation of recommended mitigation measures under **MM III-1** to be sufficient to reduce air pollutant emissions from construction activities to a **less than significant** level (BAAQMD, 1999).

INCREASE IN CRITERIA POLLUTANT

c) *Less than Significant with Mitigation Incorporated.* Implementation of the proposed project would not be anticipated to result in a significant increase in operational emissions. However, the proposed project does not include BAAQMD's recommended mitigation measures for control of construction-generated emissions. Short-term increases in construction-generated emissions could contribute, on a cumulative basis, to existing nonattainment conditions. As a result, this impact is considered ***potentially significant***. Refer to Section III. Air Quality discussion **b)** above for additional discussion of short-term and long-term air quality impacts. The BAAQMD considers implementation of recommended mitigation measures under **MM III-1** to be sufficient to reduce air pollutant emissions from construction activities to a **less than significant** level (BAAQMD, 1999).

SENSITIVE RECEPTORS

d) *Less than Significant with Mitigation Incorporated.* Implementation of the proposed project could result in localized increases of pollutant concentrations associated with short-term construction activities. Onsite construction activities could result in short-term construction-generated fugitive dust due to ground-disturbance, which could contribute to short-term increases in localized concentrations of airborne particulate matter at nearby receptors. The generation of airborne particulate matter in any one area would be temporary and episodic and would cease when construction is completed in that area. However, because the proposed project does not include BAAQMD-recommended measures for the control of construction-generated emissions, short-term localized concentrations of airborne PM at nearby receptors would be considered ***potentially significant***.

In addition to short-term increases in localized concentrations of airborne particulate matter, localized concentrations of mobile-source carbon monoxide (CO) are also of potential concern. Under specific meteorological and operational conditions, CO concentrations near some intersections may reach unhealthy levels. Mobile-source emissions of CO near roadway intersections are a direct function of traffic volume, speed and delay. Transport of CO is extremely limited because it disperses rapidly with distance from the source under normal meteorological conditions. For this reason, modeling of CO concentrations is typically recommended for sensitive land uses located near signalized roadway intersections that are projected to operate at unacceptable levels of service (i.e., LOS D or worse).

Implementation of the proposed project would not involve the long-term operation of any onsite stationary sources of TACs and no major stationary sources of TACs have been identified in the annexation area. Based on the traffic analysis prepared for this project, the potential future development within the West-Mohr island and Mohr-Depot island would result in an increase of 258 and 410 total daily trips, respectively. Therefore, the proposed project would result in a total

increase of 668 daily trips. Increases in vehicle trips would predominantly occur along segments of West Street and Hesperian Boulevard located near the West-Mohr island (Annexation Area 1); as well as, segments of Industrial Boulevard and Depot Road located near the Mohr-Depot island (Annexation Area 2). Based on the traffic analysis prepared for this project, the primarily affected intersections in the vicinity of the annexation area would not operate at unacceptable levels of service (DMJM Harris/AECOM, 2009). For this reason and given the relatively low background concentrations of CO in the annexation area, the proposed project would not be predicted to result in a significant contribution to localized mobile-source CO concentrations that would exceed applicable air quality standards.

Refer to Section III. Air Quality discussion **b)** above for additional discussion of short-term and long-term air quality impacts. The BAAQMD considers implementation of recommended mitigation measures under **MM III-1** to be sufficient to reduce air pollutant emissions from construction activities on sensitive receptors to a **less than significant** level (BAAQMD, 1999).

OBJECTIONABLE ODORS

e) *Less than Significant.* The occurrence and severity of odor impacts depends on numerous factors, including: the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of the receptors. While offensive odors rarely cause any physical harm, they still can be very unpleasant, leading to considerable distress among the public and often generating citizen complaints to local governments and regulatory agencies. Projects with the potential to frequently expose members of the public to objectionable odors would be deemed to have a significant impact.

Construction of the anticipated 54 units and additional non-residential development would involve the use of a variety of gasoline or diesel-powered equipment that would emit exhaust fumes. Exhaust fumes, particularly diesel-exhaust, may be considered objectionable by some people. In addition pavement coatings and architectural coatings used during project construction would also emit temporary odors. However, construction-generated emissions would occur intermittently throughout the workday and would dissipate rapidly within increasing distance from the source. As a result, short-term construction activities would not expose a substantial number of people to frequent odorous emissions. Implementation of the proposed project would not involve the long-term operation of any major sources of odors and no major sources of odors have been identified in the annexation area. As a result, potential exposure of sensitive receptors to odors associated with proposed project would be considered ***less than significant***.

CONTRIBUTION TO GLOBAL CLIMATE CHANGE

f) *Potentially Significant.* As described above in the “Existing Setting” sub-section, increases in greenhouse gas emissions could contribute to increases in global average temperatures and climate change. Climate change in turn could lead to sea level rise and other changes in environmental conditions. To date, protocols for evaluating the effect of a specific local development project on a cumulative global temperature increase have not yet been established. The IPCC notes that “difficulties remain in attributing temperature on smaller than continental scales and over time scales on less than 50 years. Attribution at these scales, with limited exceptions, has not yet been established.” The following discussion focuses on the proposed project’s contribution to global climate change by quantifying GHG emissions and qualitatively discussing the project’s emission-reduction measures and consistency with the State’s goals and strategies for reducing GHG emissions.

Project Generated Emissions

Estimated greenhouse gas (GHG) emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO₂) from mobile sources. Emissions of CO₂ are anticipated to constitute more than 90 percent of total mobile-source GHGs commonly associated with future development. To a lesser extent, other GHG pollutants such as Methane (CH₄) generated by natural-gas combustion would be anticipated to have a minor contribution to overall project-generated GHG emissions.

Estimated emissions of GHGs associated with buildout of the proposed annexation area were calculated using the URBEMIS2007 computer program. To account for individual pollutants contribution to global warming, predicted emissions of GHGs are presented in CO₂ equivalent units of measure (CO₂e), expressed in metric tons/year. Based on the modeling conducted, implementation of the proposed project would result in combined net increases of approximately 863 metric tons/year of CO₂e. It is important to note that GHG emissions estimates are provided for informational purposes. Although no thresholds have been adopted by local, state, or federal agencies that pertain to the evaluation of a project's contribution to climate change, this information is useful to identify the sources contributing to project-generated GHG emissions.

Contribution to Global Warming and State GHG Reduction Efforts

Emissions of GHGs and their contribution to global climate change are inherently a cumulative impact and, therefore, should be evaluated in this context. For instance, based on the modeling conducted for this project, long-term operation of the proposed project would generate a total of approximately 863 metric tons/year of CO₂e. For comparison purposes only, this would constitute an increase of approximately 0.072 percent above the City's baseline (2005) emissions and 0.0002 percent of the total state-wide GHG emissions inventory. Although when evaluated in this context project-generated emissions would likely be considered nominal, the cumulative contribution from multiple such projects could conceivably result in a substantial overall contribution to the GHG inventory. However, to date, no air districts or state agencies in California, including the BAAQMD, have identified a significance threshold for GHG emissions or a methodology for analyzing increased GHG emissions related to climate change.

Although a project may result in increased GHG emissions, it is important to note that increased emissions would not necessarily result in an adverse effect with regard to climate change. Although emissions of GHGs can be quantified, it is typically not possible to determine the extent to which project-generated GHGs would contribute to global climate change or the physical effects often associated with global climate change (e.g., loss of snow pack, sea-level rise, severe weather events, etc.). In addition, to account accurately for GHGs attributable to the proposed project, it would be necessary to differentiate between new sources that otherwise would not exist but for the project, and existing sources that have simply relocated to the project area. For these reasons and lacking the necessary facts and analysis to support a conclusion as to the "significance" of a project's contribution to climate change, the effectiveness of potential mitigation measures in reducing a project's contribution to global climate change can also not be accurately quantified at this time. It is also not likely that the Project will negatively affect State efforts and recommendations to reduce GHG emissions, including the AB 32 Scoping Plan. Nonetheless, project-generated emissions of greenhouse gas (GHG) emissions could conflict with state objectives and goals to reduce GHG emissions and contribute to global climate change. As a result, this impact would be considered **potentially significant**.

Mitigation Measures

The following policies include specific performance standards and policy direction that address global climate change and State GHG reduction efforts. These mitigation measures were obtained from the City of Hayward Climate Action Plan, adopted by Council on July 28, 2009. As described in the 'Existing Setting' section, the Climate Action Plan was developed to address GHG emissions in a method consistent with AB 32 and to encompass best practices in GHG reductions, including the Attorney General and OPR recommended actions.

It should be noted that only the Climate Action Plan mitigations directly applicable to the Project are included below. For instance, actions to reduce greenhouse gas emissions from existing construction were omitted because they are not applicable to the Project area.

- MM III-2** Reduce Vehicle Miles Traveled (VMT) by encouraging residents to use alternative modes of transit, by improving the effectiveness of the transportation circulation system, and through land-use and zoning mechanisms.
- Assist businesses in developing and implementing commuter benefits programs. A commuter benefits program might consist of an offer to provide discounted or subsidized transit passes, emergency ride home programs, participation in commuter rideshare programs, parking cash-out or parking pricing programs, or tax credits for bike commuters.
 - Assist businesses in developing and implementing car sharing programs, such as Zip Car® or City Car Share, and encourage large employers such as the colleges and Hayward Unified School District (HUSD) to implement such programs.
 - Modify City parking ordinances to incentivize walking, biking, and public transit by employing parking strategies that include adding bicycle parking, increasing the number of parking spots with time limits, adjusting parking time limits to correspond with adjacent building uses, increasing the number of paid parking spaces, and making space location and fees consistent with demand targets.
 - Collaborate with BART and AC Transit to explore short- and long-term opportunities to expand services (for example, to extend rapid bus service from Bay Fair to the South Hayward BART Station and pursue a hydrogen fueling station for both buses and personal vehicle use, and improve transit stations by expanding amenities at stations.
 - Continue to implement and expand the City-wide bicycle master plan through aggressive pursuit of grants and other sources of funding which could be used to expand bike lanes and bike parking facilities. Assist businesses in creating or expanding bike-to-work incentive programs, including bike sharing, adequate secure bike parking, bike maps of the City, bike safety classes, and other incentives that reward bikers.
 - Develop and implement a City-wide pedestrian master plan that improves the convenience, safety, and attractiveness of and access to pedestrian ways. Update the plan on a regular basis to ensure that walkability improves over time.

- Update the City's Circulation Element of the General Plan to locate, evaluate appropriate transit modes such as street car, bus rapid transit, or other modes that eventually decrease the need for personal vehicles for travel within the City. The Plan should integrate pedestrian, bicycles, and transit modes with motor and other vehicles. When proposing changes to the transportation system, the City should consider the climate impacts and give preference to solutions that reduce auto dependency and minimize GHG emissions.
- Improve traffic flow and reduce vehicle idling by means of synchronized signals, transit and emergency signal priority, and other traffic flow management techniques. When developing the program, Hayward should work with the Metropolitan Transportation Commission and the Alameda County Congestion Management Agency to expand roadway and intersection performance metrics to include pedestrian, bicycle, and level of service criteria to measure quantitative and qualitative metrics such as accessibility, intersection crossing times, and other relevant data. It is recommended that Hayward use evaluation criteria that consider costs and GHG reduction benefits of biking, walking, carpooling, and public transit.
- In order to encourage non-automotive modes of travel, continue to implement and update the General Plan Circulation and Land Use Elements pertaining to smart growth principles that support higher-density, mixed-use, and well-designed development in areas within ½ mile of transit stations and ¼ mile of major bus routes. Amend the Municipal Code Zoning, Subdivision, and Off-Street Parking Standards to incorporate smart growth principles, policies, and development standards consistent with recommendations provided in the Appendix H and I of the CAP.
- Explore the development of zoning and development standards that consider both the land uses and the urban design and form of buildings and public space, where the new standards will result in reduced GHG emissions.
- Explore potential strategies related to the creation of additional affordable housing to sell to buyers employed in Hayward but who currently reside in other areas and commute to work in Hayward. For example, consider implementing a community land trust to purchase and resell foreclosed properties. The program could potentially be coordinated with local businesses.
- Develop an incentive plan to maximize the number of residents that work within the City, and encourage filling local jobs first with local residents, to eliminate commutes.

Timing/Implementation: Ongoing.

Enforcement/Monitoring: City of Hayward.

MM III-3

Minimize greenhouse gas emissions associated with energy consumed in new buildings by setting minimum energy and environmental performance standards for all newly constructed buildings.

- Continue to implement the Private Development Green Building Ordinance for residential buildings. Evaluate the program on a regular basis to ensure new buildings are getting more efficient over time.
- Continue to implement the Private Development Green Building Ordinance for commercial and industrial buildings. Evaluate the program on a regular basis to ensure new buildings are getting more efficient over time.
- Continue to implement the Municipal Green Building Ordinance. Evaluate the program every 5 years to ensure buildings are becoming more efficient over time.

Timing/Implementation: Ongoing.

Enforcement/Monitoring: City of Hayward.

MM III-4

Reduce GHG emissions associated with the disposal of solid waste.

- Increase participation in existing commercial recycling services by hiring a consultant to contact businesses to offer assistance in implementing waste reduction and recycling programs or expanding current programs.
- Continue to implement and promote food scraps collection for single-family homes. Over time, expand food-scrap collection programs with the goal of minimizing organic waste in the landfill.
- Improve the City's construction and demolition debris recycling ordinance by evaluating other jurisdictions' provisions, as well as the processing capabilities of the various transfer stations and facilities in Alameda County and adjacent counties.
- Evaluate the viability of implementing a ban on certain materials from landfill, e.g., yard trimmings, untreated wood, cardboard, plastic bags, or polystyrene.
- Evaluate the viability of requiring that residents and/or businesses participate in the recycling programs offered through the City's franchisee.
- Develop program that encourages overall reduction of waste in residential and commercial sectors. This would include increasing participation in recycling services at multi-family properties and to eventually make recycling by commercial businesses mandatory.
- Advocate for waste management strategies that aim to maximize the useful value of solid waste by, for example, utilizing landfill gas to create electricity.

Timing/Implementation: Ongoing.

Enforcement/Monitoring: City of Hayward.

Implementation of the proposed Climate Action Plan policies above would ensure that future development is consistent with State of California goals and objectives for reducing emissions of GHG emissions. With mitigation, this impact would be considered **less than significant**.

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING SETTING/BIOLOGICAL RESOURCES ASSESSMENT

METHODOLOGY

A background information search for previously documented occurrences of special-status species within the project vicinity was conducted utilizing the California Department of Fish and Game’s (CDFG) California Natural Diversity Data Base (CNDDDB) (CDFG, 2009b), CNDDDB QuickViewer (CDFG, 2009a), U.S. Fish and Wildlife Service (USFWS) online inventory (USFWS, 2009), and California Native Plant Society (CNPS) online species list (CNPS, 2009) for the *Hayward*,

California United States Geologic Survey (USGS) 7.5-minute quadrangle and surrounding quadrangles (*Oakland East, Las Trampas Ridge, Diablo, San Leandro, Dublin, Redwood Point, Newark, and Niles*). The results of these database searches are included in **Appendix B** and are summarized in **Table B-1** and **Table B-2**. **Figure IV.1, Project Study Area** shows the project study area PSA and **Figure IV.2, Special Status Species** illustrates the location of previously recorded special-status species occurrences within one mile of the PSA.

The project study area is the area that was surveyed during the pedestrian reconnaissance-level survey conducted by PMC biologist, Angela Calderaro, on March 1, 2008. Weather during the site visit was partly cloudy and windy at 59 degrees Fahrenheit. The site visit confirmed the disturbed nature of the PSA, delineated habitat types within the PSA, and assessed the habitat types for potential to support special-status species.

Aerial maps of the PSA were reviewed by PMC biologists to supplement the pedestrian reconnaissance-level survey. These maps were used to compare the proposed project plans with existing conditions in order to estimate the potential for any biological resources to be potentially affected by the proposed project, such as tree removal, special habitat features, or other biological resources of concern.

RESULTS

The PSA consists of two "islands," the West-Mohr and Mohr-Depot islands. The PSA consists of urban and ruderal habitats on developed subdivided parcels, traversed by local streets. The West-Mohr island includes a portion of the Chabot Community College property (recreational facilities and a newly constructed parking lot), smaller single-family homes on thirteen (13) large parcels, and the Mohr-Fry Estate property located along Hesperian Boulevard which includes a large 3.3-acre agricultural field. The Mohr-Depot island includes the Hermann-Mohr property (Cronin House) which is currently used as a treatment center by Horizon Services, as well as fifty-two (52) parcels with single-family homes. The PSA is predominantly flat with an elevation between approximately 33 to 47 feet (10 to 14 meters) above mean sea level.

Habitat Types

Urban

The majority of the PSA consists of an urbanized environment, including single-family homes, recreational facilities and a parking lot associated with Chabot Community College, and the two large estates (Mohr-Fry Estate and Hermann-Mohr properties). The California Wildlife Habitat Relationships (CWHHR) classifies urban habitat into five different vegetation types: tree grove, street strip, shade tree/lawn, lawn, and shrub cover (CDFG 2002). Tree groves refer to conditions typically found in city parks, green belts, and cemeteries. These areas vary in tree height, spacing, crown shape, and understory conditions; however, they have a continuous canopy. Street strip vegetation, located roadside, varies with species type, but typically includes a ground cover of grass. Shade trees and lawns refer to characteristic residential landscape, which is reminiscent of natural savannas. Lawns are composed of a variety of grasses, maintained at a uniform height with continuous ground cover through irrigation and fertilization. Shrub cover refers to areas commonly landscaped and maintained with hedges, as typically found in commercial districts.

Urban habitat is distinguished by the presence of both native and exotic species maintained in a relatively static composition within a downtown, residential, or suburbia setting. Species richness in these areas depends greatly upon community design (i.e., open space considerations) and proximity to the natural environment. Since the PSA is surrounded by a highly urbanized environment, species diversity is limited to those species adapted to a human habitation. Vegetation in these areas consists primarily of introduced ornamental trees and shrubs and manicured lawns as well as invasive weeds in disturbed areas. Urban/developed lands are generally not of high value for wildlife. Birds and mammals that occur in these areas typically include introduced species, including rock pigeon (*Columba livia*), European starling (*Sturnus vulgaris*), house sparrow (*Passer domesticus*), house mouse (*Mus musculus*) and Norway rat (*Rattus norvegicus*). Some native species persist in commercial development lands, including western toad (*Bufo boreas*), western fence lizard (*Sceloporus occidentalis*), Brewer's blackbird (*Euphagus cyanocephalus*), house finch (*Carpodacus mexicanus*), western scrub jay (*Aphelocoma californica*), and American crow (*Corvus brachyrhynchos*). Bats are often found in urban environments, roosting in attics, abandoned buildings, under bridges, under bark or in trees. Species expected to occur within the PSA include western mastiff bat (*Eumops perotis californicus*), silver-haired bat (*Lasiorycteris noctivagans*), hoary bat (*Lasiurus cinereus*), pallid bat (*Antrozous pallidus*), and Yuma myotis (*Myotis yumanensis*).

Ruderal

Ruderal (roadside) communities include areas of disturbances such as along roadsides, parking lots, and areas adjacent to the built environment. Ruderal communities also include areas that have been recently disturbed by human activity such as ground disturbance. Within the PSA, the ruderal environment includes areas adjacent to roadsides that are not maintained by the City or its residents. The large parcels within the West-Mohr island also have several areas of ruderal vegetation, including a large vacant parcel at the intersection of Barton Way and Eden Avenue.

A distinguishing characteristic of ruderal habitats is the mixture of native and exotic plant species. Ruderal habitat in these disturbed areas supports a diverse weedy flora. Plant species within these areas typically include field bindweed (*Convolvulus arvensis*), prickly sow thistle (*Sonchus asper*), and Mediterranean hoary-mustard (*Hirschfeldia incana*). Native and introduced wildlife species that are tolerant of human activities often thrive in ruderal habitats. Species observed within ruderal habitat include mourning dove (*Zenaida macroura*), Brewer's blackbird, rock pigeon, and house finch.

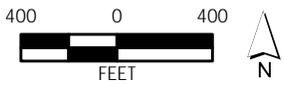
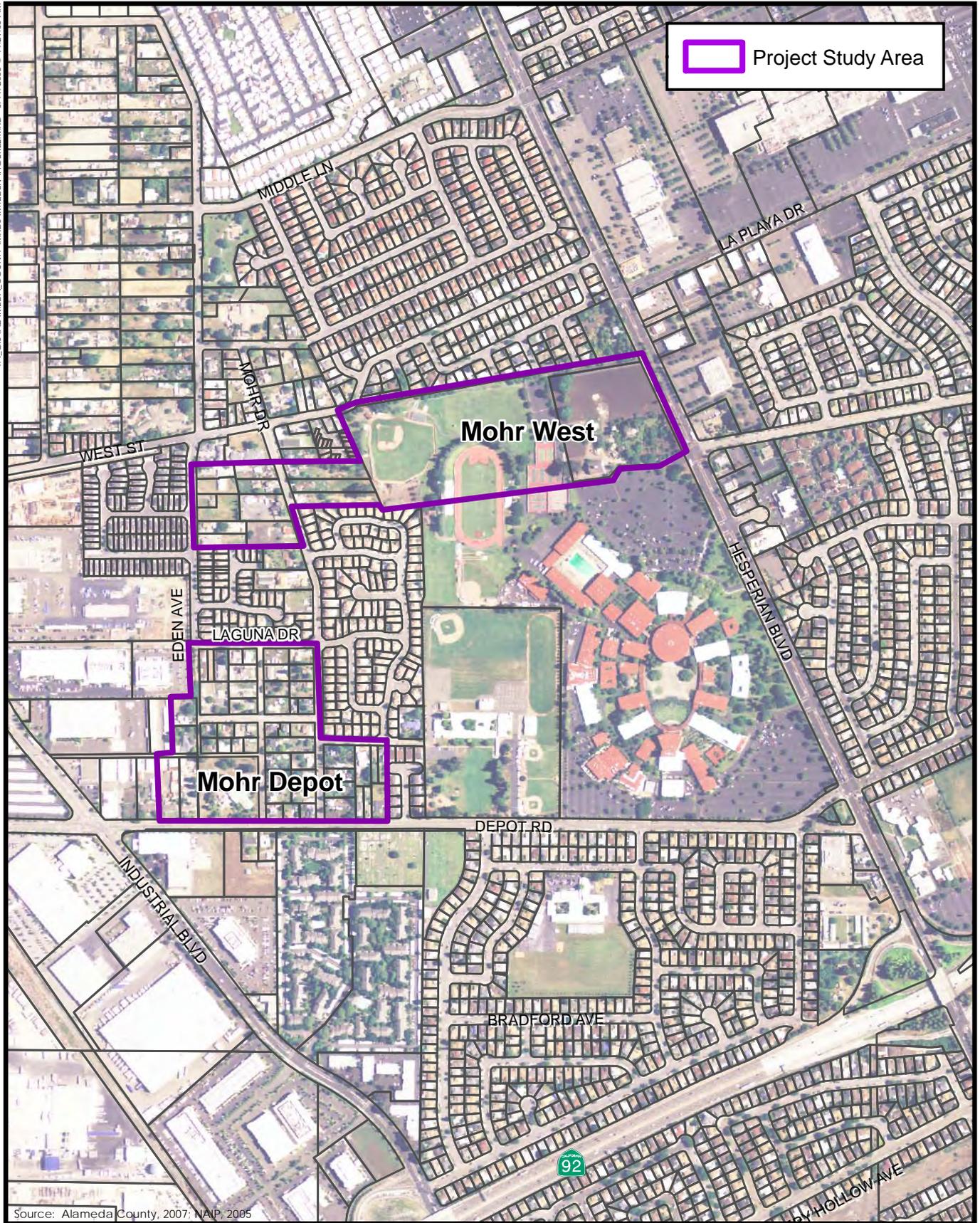


Figure IV.1
Project Location Map

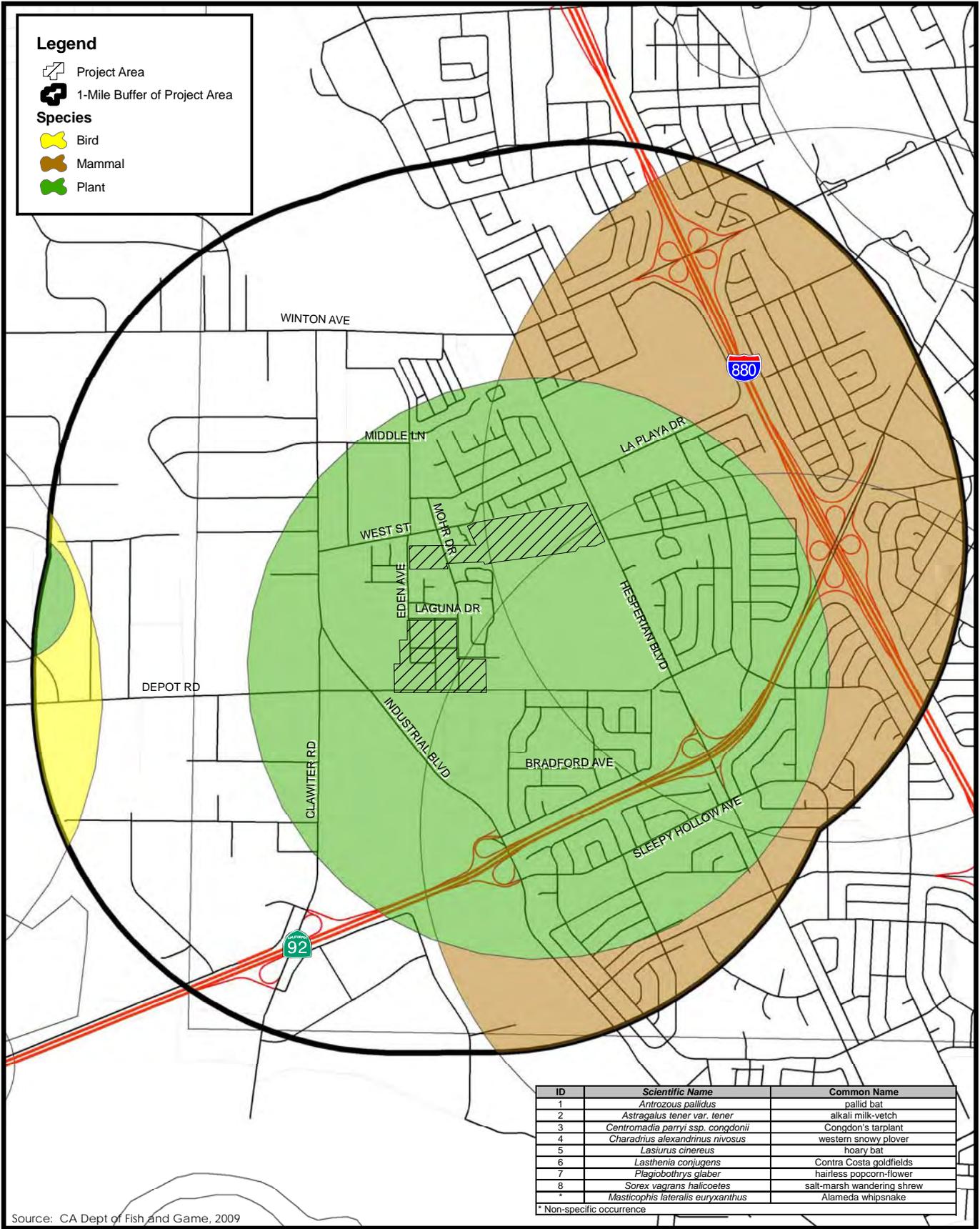


Figure IV.2
Previously Recorded Occurrences of Special-status species within a One Mile Radius of the PSA

Agricultural Field

Agricultural lands can be divided into four major categories: orchard, cropland, pasture, and irrigation channels. Agricultural lands generally occur in areas that once supported productive and diverse biological communities. The conversion of native vegetation to agricultural lands has greatly reduced the wildlife species diversity and habitat value. However, some common and agricultural “pest” species forage in these habitats, and cultivated vegetation can provide benefits such as cover, shade, and moisture for these and other species during hot summer months. Typical species found in agricultural lands include American crow, Brewer’s blackbird, and house finch. Many small herbivorous mammals, particularly rodents and lagomorphs, are able to establish seasonal populations in croplands because food is abundant and cover provided by crops is adequate. Tilling, flood irrigation, and rodent control tend to reduce these populations. Small herbivores expected to occur in agricultural fields include California ground squirrel (*Spermophilus beecheyi*), western harvest mouse (*Reithrodontomys megalotis*), Botta’s pocket gopher (*Thomomys bottae*), deer mouse (*Peromyscus maniculatus*), California vole (*Microtus californicus*), Norway rat, and house mouse. Carnivores and omnivores expected to forage in croplands include broad-footed mole (*Scapanus latimanus*), raccoon (*Procyon lotor*), and striped skunk (*Mephitis mephitis*). Bats also utilize agricultural fields for foraging during late spring, summer, and early fall.

Protected Trees

The PSA contains numerous trees that would qualify for protection under the City of Hayward Tree Protection Ordinance (Article 15 of Section 10 of the City Code). Several pine species (*Pinus* spp.), plum trees (*Prunus* spp.), quaking aspen (*Populus tremuloides*), Eucalyptus trees (*Eucalyptus* spp.), Cork oak (*Quercus suber*), and several other oak trees (*Quercus* spp.) are adjacent to roadways within the PSA or would otherwise qualify them as protected under the City’s Tree Protection Ordinance.

Sensitive Habitats

The CNDDDB search revealed previously recorded occurrences of the following sensitive habitats within the vicinity of the PSA: northern coastal salt marsh, northern maritime chaparral, serpentine bunchgrass, and valley needlegrass grassland. Surveys revealed that none of these sensitive habitats are present within the PSA.

SPECIAL-STATUS SPECIES

Special-status species are commonly characterized as species that are at potential risk or actual risk to their persistence in a given area or across their native habitat (locally, regionally, or nationally) and are identified by a state and/or federal resource agency as such. These agencies include governmental agencies such as, CDFG and USFWS, or private organizations such as the CNPS. The degree to which a species is at risk of extinction is the limiting factor on a species status designation. Risk factors to a species’ persistence or population’s persistence include: habitat loss, increased mortality factors (take, electrocution, etc.), invasive species, and environmental toxins.

In context of environmental review, special-status species are defined by the following codes:

- Species that are listed, proposed, or candidates for listing under the Federal Endangered Species Act (FESA) (50 CFR 17.11 – listed; 61 FR 7591,)

- Species that are listed or proposed for listing under the California Endangered Species Act (CESA) (Fish and Game Code 1992 §2050 et seq.; 14 CCR §670.1 et seq.)
- Species that are designated as Species of Special Concern by CDFG.
- Species that are designated as Fully Protected by CDFG (Fish and Game Code, §3511, §4700, §5050, §5515)
- Species that meet the definition of rare or endangered under the California Environmental Quality Act (CEQA) (14 CCR §15380)
- Special-status plant and wildlife species were determined using the nine USGS quadrangle search for CNDDDB Rarefind program (CNDDDB 2008b), CNDDDB QuickViewer (CNDDDB 2008a), CNPS online inventory (CNPS 2009), and USFWS online inventory (USFWS 2009). Each special-status species identified within the database search has been addressed individually in **Appendix B** of this report.

Listed and Special-status Plants

The PSA consists of significantly disturbed environment. It is unlikely that any special-status plant species are present within the PSA, since the area has been urbanized for a number of years. Non-native species persist in the ruderal habitat and agricultural fields within the PSA making it unlikely that any native special-status plants are present.

Listed and Special-status Wildlife

Raptors and Other Migratory Birds

Many bird species are migratory and fall under the jurisdiction of the Migratory Bird Treaty Act (MBTA). Various migratory birds and raptor species, in addition to those described in detail above, have the potential to inhabit the project vicinity. Some raptor species, such as American kestrel (*Falco sparverius*) and red-tailed hawk (*Buteo jamaicensis*), are not considered special-status species because they are not rare or protected under Federal Endangered Species Act (FESA) or California Endangered Species Act (CESA); however, the nests of all raptor species are protected under the Migratory Bird Treaty Act and Section 3503.5 of the California Fish and Game Code. Migratory birds forage and nest in multiple habitats such as ruderal habitat and agricultural fields. The nests of all migratory birds are protected under the MBTA, which makes it illegal to destroy any active migratory bird nest. The trees found within the PSA and in the vicinity provides potential nesting habitat for raptors and migratory birds that occur in the region. Consequently, raptor and migratory bird species are likely to forage and nest in the PSA.

Mammals

Pallid bat (*Antrozous pallidus*) is a California species of special concern. Pallid bats roost in rock crevices, tree hollows, mines, caves, and a variety of anthropogenic structures, including vacant and occupied buildings. Colonies are usually small and may contain 12 to 100 bats. There is one previously recorded occurrence within one mile of the PSA, and one additional occurrence within five miles of the PSA. This species may occur within buildings or other structures within the PSA.

Western mastiff bat (*Eumops perotis californicus*) is a California species of special concern. It is a large bat that is found mostly in the southern half of California, but ranges north to Butte County.

It prefers open, arid areas with high cliffs, but can also be found in bare rock, cliff, desert, herbaceous grassland, savanna, shrubland, chaparral, suburban, orchard, and conifer, hardwood and mixed woodlands. It roosts in small colonies and can also be found in caves and buildings. This bat catches strong flying insects such as dragonflies, moths, and beetles. There is one previously recorded occurrence within five miles of the PSA. This species may occur within buildings or other structures within the PSA.

Silver-haired bat (*Lasionycteris noctivagans*) is a California species of special concern. This species prefers forested (frequently coniferous) areas adjacent to lakes, ponds, and streams. Summer roosts and nursery sites are in tree foliage, cavities, or under loose bark, but sometimes it roosts in buildings. This species may occur within buildings or other structures within the PSA.

Hoary bat (*Lasiurus cinereus*) is a California species of special concern. This species is solitary, except for the mother-young association; however, during migration, groups of up to hundreds of individuals may form. Those migrating through the western U.S. in fall go south at least into Mexico. There is one previously recorded occurrence within one mile of the PSA. This species may occur within buildings or other structures within the PSA.

WILDLIFE MOVEMENTS

The area within the PSA does not constitute a wildlife movement corridor due to its small size, proximity to highly disturbed areas, and lack of topographic features (i.e. ridges, drainages, etc.) that would facilitate the movement of fish and wildlife.

REGULATORY FRAMEWORK

This section lists specific environmental review and consultation requirements and identifies permits and approvals that must be obtained from local, state, and federal agencies before implementation of the proposed project.

FEDERAL

The **Federal Endangered Species Act** (FESA) protects threatened and endangered plants and animals and their critical habitat. Candidate species are those proposed for listing; these species are usually treated by resource agencies as if they were actually listed during the environmental review process. Procedures for addressing impacts to federally listed species follow two principal pathways, both of which require consultation with the United States Fish and Wildlife Service (USFWS), which administers the FESA for all terrestrial species. The first pathway, Section 10(a) incidental take permit, applies to situations where a non-federal government entity must resolve potential adverse impacts to species protected under the FESA. The second pathway, Section 7 consultation, applies to projects directly undertaken by a federal agency or private projects requiring a federal permit or approval.

The **Migratory Bird Treaty Act** implements international treaties between the United States and other nations devised to protect migratory birds, their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. The State of California has incorporated the protection of birds of prey in Sections 3800, 3513, and 3503.5 of the Fish and Game Code (FGC).

All raptors and their nests are protected from take or disturbance under the MBTA (16 United States Code [USC], § 703 et seq.) and California statute (FGC § 3503.5). The golden eagle and

bald eagle are also afforded additional protection under the **Eagle Protection Act**, amended in 1973 (16 USC, § 669 et seq.).

Executive Order 13112 – The executive order addressing **invasive species** directs all federal agencies to refrain from authorizing, funding, or carrying out actions or projects that may spread invasive species. The order further directs all federal agencies to prevent the introduction of invasive species, control and monitor existing invasive species populations, restore native species to invaded ecosystems, research and develop prevention and control methods for invasive species, and promote public education on invasive species. Subsequent projects may require USFWS and USACE permits and therefore would be responsible for ensuring that the proposed action complies with Executive Order 13112 and does not contribute to the spread of invasive species.

STATE

Under the **California Endangered Species Act** (CESA), California Department of Fish and Game (CDFG) has the responsibility for maintaining a list of endangered and threatened species (Fish and Game Code - FGC 2070). Sections 2050 through 2098 of the FGC outline the protection provided to California's rare, endangered, and threatened species. Section 2080 of the FGC prohibits the taking of plants and animals listed under the CESA. Section 2081 established an incidental take permit program for state-listed species. CDFG maintains a list of "candidate species" which are species that CDFG formally notices as being under review for addition to the list of endangered or threatened species.

In addition, the **Native Plant Protection Act of 1977** (FGC Section 1900 et seq.) prohibits the taking, possessing, or sale within the state of any plants with a state designation of rare, threatened, or endangered (as defined by CDFG). An exception to this prohibition in the Act allows landowners, under specified circumstances, to take listed plant species, provided that the owners first notify CDFG and give that state agency at least 10 days to come and retrieve (and presumably replant) the plants before they are plowed under or otherwise destroyed (FGC, Section 1913 exempts from "take" prohibition "the removal of endangered or rare native plants from a canal, lateral ditch, building site, or road, or other right of way"). Project impacts to these species are not considered significant unless the species are known to have a high potential to occur within the area of disturbance associated with construction of the proposed project.

CDFG also maintains lists of "species of special concern" which serve as species "watch lists." The CDFG has also identified many "Species of Special Concern." Species with this status have limited distribution or the extent of their habitats has been reduced substantially, such that their populations may be threatened. Thus, their populations are monitored, and they may receive special attention during environmental review. While they do not have statutory protection, they may be considered rare under CEQA and thereby warrant specific protection measures.

Sensitive species that would qualify for listing but are not currently listed are afforded protection under CEQA. The CEQA Guidelines Section 15065 ("Mandatory Findings of Significance") requires that a substantial reduction in numbers of a rare or endangered species be considered a significant effect. CEQA Guidelines Section 15380 ("Rare or Endangered Species") provides for assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing. Unlisted plant species on the California Native Plant Society's (CNPS) Lists 1A, 1B, and 2 would typically be considered under CEQA.

Sections 3500 to 5500 of the FGC outline protection for fully protected species of mammals, birds, reptiles, amphibians, and fish. Species that are fully protected by these Sections may not

be taken or possessed at any time. The CDFG cannot issue permits or licenses that authorize the “take” of any fully protected species, except under certain circumstances such as scientific research and live capture and relocation of such species pursuant to a permit for the protection of livestock.

Under Section 3503.5 of the FGC it is unlawful to take, possess, or destroy any birds in the orders of Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

Pursuant to the requirements of CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any state-listed endangered or threatened species may be present in the project study area and determine whether the proposed project would have a potentially significant impact on such species. In addition, CDFG encourages informal consultation on any proposed project that may impact a candidate species.

Project-related impacts to species on the CESA endangered or threatened list would be considered significant. State-listed species are fully protected under the mandates of the CESA. “Take” of protected species incidental to otherwise lawful management activities may be authorized under FGC Section 206.591. Authorization from CDFG would be in the form of an Incidental Take Permit.

LOCAL

Alameda County General Plan

The Alameda County General Plan policies serve as a baseline for the current condition of the PSA in regards to regulatory environment. However, once the propose project is adopted, and the land is annexed into the City of Hayward, all proposed projects would be subject to the City of Hayward General Plan policies and ordinances, which are discussed below.

City of Hayward General Plan

The City of Hayward General Plan outlines several policies to protect and enhance the City’s biological resources in the Conservation and Environmental Protection (Chapter 7) of General Plan (City of Hayward 2002).

4. Protect and enhance vegetative and wildlife habitat throughout the Hayward area.
 1. Avoid development that would encroach into important wildlife habitats, limit normal range areas, or create barriers that cut off access to food, water, or shelter.
 2. Support efforts to reestablish and maintain marsh habitats on the baylands.
 3. Preserve tidal flats and salt ponds of low salinity for the migratory waterfowl that depend on these areas.
 4. Preserve saltwater evaporation ponds to provide important habitats and/or enhance in a manner commensurate with continued salt production.
 5. Maintain environmental corridors across the bay plain such as creeks with native vegetation.

6. Utilize drought-tolerant plant materials in city landscaping.
7. Encourage the planting of native vegetation to preserve the visual character of the area and reduce the need for toxic sprays and groundwater supplements.
8. Preserve mature vegetation where possible to provide shade, break unwanted wind, and enhance the appearance of development.

City of Hayward Tree Protection Ordinance

The Tree Preservation Ordinance (Article 15 of Section 10 of the City Code) is intended to protect and preserve significant trees and control the re-shaping, removal or relocation of those trees that provide benefits for the neighborhood or the entire community while recognizing that there are rights to develop private property. The Tree Preservation Ordinance is applicable to all types of existing Industrial, Commercial, and Multi-family development, and to new development, under-developed properties, or undeveloped properties. On developed single family properties, only those trees that were required to be planted as part of the Zoning Ordinance or were required to be planted or protected in place as a condition of approval for development are Protected Trees that require a permit for trimming or cutting, relocation or removal. Trees required to be planted on a single family lot as part of the Zoning Ordinance include Street Trees or trees required to be planted in the front yard. Side yard trees on a corner lot outside of the fence are also Protected Trees under this Ordinance. Trees within the rear yard area of single-family properties are exempt unless they were required to be planted or protected in place as part of the conditions of approval or discretionary action. The Tree Preservation Ordinance prohibits the removal, destruction, or cutting of branches over one inch in diameter of any Protected Trees without a permit. Protected Trees are defined as:

- Trees having a trunk measuring at least eight inches in diameter at 54 inches above the ground;
- Street trees of any size;
- Recognized memorial or specimen trees;
- Trees of the following species, with trunk diameter of at least four inches: big-leaf maple (*Acer macrophyllum*), California buckeye (*Aesculus californica*), madrone (*Arbutus menziesii*), western dogwood (*Cornus sericea ssp. occidentalis*), California sycamore (*Platanus racemosa*), coast live oak (*Quercus agrifolia*), canyon live oak (*Quercus chrysolepis*), blue oak (*Quercus douglasii*), oregon white oak (*Quercus garryana*), California black oak (*Quercus kelloggii*), valley oak (*Quercus lobata*), interior live oak (*Quercus wislizeni*), California bay (*Umbellularia californica*); and
- Trees of any size planted as a replacement for a protected tree.

Recovery Plan for Serpentine Soil Species of the San Francisco Bay Area

Recovery Plan for Serpentine Soil Species of the San Francisco Bay Area features 28 species of plants and animals that occur exclusively or primarily on serpentine soils and serpentine grasslands in the San Francisco Bay Area of California (USFWS, 1998). The Endangered Species Act mandates the preparation of recovery plans for listed species unless such a plan would not contribute to their conservation. Recovery plans detail the actions necessary to achieve self-sustaining, wild populations of listed species so they would no longer require protection under

the Federal Endangered Species Act. The ultimate goal of this recovery plan is to de-list six of the fourteen endangered and threatened species, improve the security of seven of the fourteen listed species, and ensure the long-term conservation of the fourteen species of concern. An interim goal is to down-list the endangered species to threatened status.

STANDARDS OF SIGNIFICANCE

Impacts to biological resources would be considered significant if the project would result in one or more of the following:

- An adverse impact to special status species, riparian habitats, or other sensitive natural community as listed in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service or their habitats.
- An adverse effect on federally protected wetlands.
- Interference with the movement of resident or migratory fish and wildlife species or the use of wildlife nursery sites.
- Conflict with local policies or ordinances protecting biological resources, including a Habitat Conservation Plan or Natural Community Conservation Plan.

The impact analysis was based on the project description (Section 3.0), information described in the existing setting, and the standards of significance described in the initial study checklist. The impact analysis assumes full build out of the PSA. Given the nature of the proposed project as an annexation of an already largely developed urban area, it is the resultant potential for the policies, capital projects, and development directly related to the annexation that was analyzed for project's potential to effect biological resources.

IMPACT DISCUSSION

SPECIAL STATUS SPECIES

Raptors and Other Migratory Birds

a) Less than Significant Impact with Mitigation. Habitat within the PSA provides suitable nesting and foraging opportunities for many avian species, including some raptors and migratory birds. Raptors and raptor nests are considered to be a special resource by federal and state agencies and are protected under the MBTA and California Code of Regulations. All nesting migratory birds, their nests, eggs, and chicks are also protected under the MBTA. Construction activities that require the disturbance of trees and vegetation could cause direct impacts to nesting raptors and migratory birds. Removal of habitat within the PSA would be considered a direct and significant impact if any of these species were taken or deterred from traditional nesting or foraging locations. Construction could also result in noise, dust, increased human activity, and other indirect impacts to nesting raptor or migratory bird species in the project vicinity. Potential nest abandonment, mortality to eggs and chicks, as well as stress from loss of foraging areas would also be considered potentially significant impact.

Mitigation Measures

MM IV.1 If proposed construction activities are planned to occur during the nesting season for avian species (typically March 1st through August 31st), the City or

developer shall retain a qualified biologist to conduct a focused survey for nesting raptors and migratory birds within 100 feet of the construction area no more than 30 days prior to ground disturbance or tree removal. If active nests are located during preconstruction surveys, USFWS and/or CDFG shall be notified regarding the status of the nests. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or a biologist deems disturbance potential to be minimal (in consultation with USFWS and/or CDFG). Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius around the nest of 100 feet for raptors and 50 feet for migratory birds. No action is necessary if construction will occur during the non-breeding season (generally September 1st through February 28th). Reference to this requirement, the MBTA, and Section 3503.5 of the California Fish and Game Code shall be included in the construction specifications.

Timing/Implementation: Prior to any site disturbance.

Enforcement/Monitoring: City of Hayward Development Services Department.

Implementation of the above mitigation measure MM IV-1 would reduce impacts to raptors and other migratory species to a less than significant level.

Mammals

a) Less than Significant Impact with Mitigation. Special-status bat species have been identified in as potentially occurring within the PSA. Precautions shall be taken to avoid the deliberate killing or injury of bats. The most common and effective method of avoiding impacts is to carry out the work at an appropriate time of the year. The great majority of roosts are used only seasonally, so there is usually some period when bats are not present. Although there are differences between species, maternity sites are generally occupied between March 1 and July 31 and hibernation sites between October and March, depending on the weather. An adequate survey and good understanding of the seasonal activity patterns of the particular species involved will help in determining the optimum time to carry out the proposed work. Bats are at their most vulnerable during the summer, when large numbers may be gathered together and young bats, unable to fly, may be present. Operations to known breeding sites should therefore be timed to avoid the summer months; work should be sufficiently advanced by May or June for returning bats to be dissuaded from breeding in that site for that year. The best times for building operations are spring and autumn.

Any construction activities within the PSA during the maternity roosting season could potentially result in adverse impacts to these species; this is considered a potentially significant impact. The implementation of mitigation measures identified below will reduce this effect to a less than significant level. The vacant and unoccupied buildings or other structures as well as trees within the PSA may provide habitat for resident and/or migratory bats. If demolition of these structures or removal of trees occurs when the site is actively being used as a roosting site, the proposed project may adversely impact special-status bat species. Additional mitigation measures are necessary to reduce impacts to special-status bat species to a less than significant level.

Mitigation Measures

MM IV.2 To ensure that there will be no adverse impacts to roosting special-status bat species, a survey shall be conducted between March 1 and July 31 by a qualified biologist immediately prior to the removal of any trees or vacant and unoccupied buildings.

If no bat roosts are detected, then no further action is required if the trees or buildings are removed prior to the next breeding season. If removal is delayed, then an additional pre-construction survey shall be conducted no more than 30 days prior to removal of any trees or buildings to ensure that a new colony has not established itself. If bats are found roosting within the PSA, then the following mitigation will be implemented to reduce the potential disturbance:

While unlikely, if a female or maternity colony of bats is found within the PSA, and the project can be constructed without the elimination or disturbance of the roosting colony (e.g., if the colony roosts in a large tree not planned for removal), a qualified biologist shall determine what physical and time-limited buffer zones shall be employed to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 200 feet from the roost and/or the timing of the construction activities outside of the maternity roosting season (after July 31 and before March 1).

If an active nursery roost is known to occur within the PSA and the project cannot be conducted outside of the maternity roosting season, consultation shall be initiated with CDFG to determine appropriate exclusionary or removal methods. The bats shall be excluded from the roosting site after July 31 and before March 1 to prevent the formation of maternity colonies. Non-breeding bats shall be safely evicted, under the direction of a qualified biologist.

Timing/Implementation: Prior to any site disturbance.

Enforcement/Monitoring: City of Hayward Development Services Department.

Implementation of the above mitigation measure **MM IV.2** would reduce impacts to mammals to a less than significant level.

RIPARIAN OR OTHER SENSITIVE HABITAT

b) No impact. There is no riparian or other sensitive habitat present within the annexation area.

FEDERALLY PROTECTED WETLANDS OR OTHER JURISDICTIONAL WATERS

c) No Impact. No federally protected wetlands or other waters of the U.S. were identified within the PSA.

MIGRATORY CORRIDORS

d) No Impact. No movement corridors of any fish or wildlife species or native nursery sites were identified within the PSA.

CONFLICT WITH LOCAL POLICIES OR ORDINANCES

e) *Less than Significant with Mitigation Incorporated.* The proposed project is subject to the City of Hayward's Tree Protection Ordinance (Article 15 of Section 10 of the City Code). The PSA contains numerous trees that are protected under this ordinance. Removal of trees under this ordinance would constitute a significant impact. The following mitigation measures shall apply to the proposed street widening and installation of curbs and sidewalks, as well as future development projects on private properties within the PSA, in accordance with the City's Tree Protection Ordinance.

Mitigation Measures

MM IV.3a Prior to any ground-disturbing activities, in street right-of-ways or on private properties where, protected trees exist, an Arborist Report shall be prepared by a certified arborist and submitted to the City of Hayward Development Services Department for review. The report shall identify all trees four (4) inches diameter-at-breast-height (dbh) or larger that could be affected by the project. The report shall include the following minimum components:

- Tree species;
- Tree dbh (diameter at breast height);
- Tree dripline radius (measured from the trunk to the tip of the longest limb);
- Overall health and condition of each tree;
- Appraised value of each tree;
- A map of the project site showing the location of each tree; and
- Recommendations.

Based on this report, the City of Hayward Development Services Department will determine which trees would be suitable candidates for protection, and which trees will need to be mitigated if removed. Trees that would be removed or otherwise harmed by the project shall be mitigated for pursuant to the City's Tree Protection Ordinance. All protected trees shall be included on all future project plans.

Timing/Implementation: Prior to approval of plans.

Enforcement/Monitoring: City of Hayward Development Services Department.

MM IV.3b In accordance with Hayward's Tree Preservation Ordinance, any "protected" trees as defined by the City's Tree Preservation Ordinance that are to be removed as a result of the project shall be replaced with likesize, like-kind trees or trees equal in value to them, as determined by the City's Landscape Architect. Prior to any groundbreaking activity, a Replacement Tree Planting Plan shall be prepared by a certified arborist or landscape architect and shall

be submitted to the City of Hayward Development Services Department for review and approval. The Replacement Tree Planting Plan(s) shall include the following minimum elements:

- a) Species, size, and locations of all replacement plantings;
- b) Method of irrigation;
- c) A tree planting detail;
- d) Planting, irrigation, and maintenance schedules; and
- e) Identification of the maintenance entity and a written agreement with that entity to provide care and irrigation of the trees for a 5-year establishment period and to replace any of the replacement trees which do not survive during that period.

Mitigation trees planted as replacements for those removed during the street widening and installation of curbs and sidewalks may be planted on private properties (with owner permission/cooperation) and/or within street right-of-ways where possible).

If tree(s) cannot be preserved or replaced onsite, off-site mitigation shall be provided in accordance with the provisions of the City Tree Preservation Ordinance.

Timing/Implementation: Prior to any site disturbance.

Enforcement/Monitoring: City of Hayward Development Services Department.

MM IV.3c

For trees that will be protected onsite, the following protective measures are recommended to avoid damage during construction to trees proposed for preservation:

1. Unless otherwise specifically stated by a certified arborist in a report prepared for the project, a circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of each tree. Limbs must not be cut back in order to change the dripline. The area beneath the dripline is a critical portion of the root zone and defines the minimum protected area of each tree. Removing limbs that make up the dripline does not change the protected area.
 - a. Protective fencing shall be installed at the driplines of the protected trees prior to the start of any construction work (including grading or placement of vehicles on site), in order to avoid damage to the trees and their root systems. This fencing may be installed around the outermost dripline of clusters of trees proposed for protection, rather than individual trees. Fencing shall be shown all project plans.
 - b. No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within

the driplines of protected trees. A laminated sign indicating such shall be attached to fencing surrounding trees on-site.

- c. No grading (grade cuts or fills) shall be allowed within the driplines of protected trees.
 - d. Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of any protected tree.
 - e. No trenching shall be allowed within the driplines of protected trees. If it is absolutely necessary to install underground utilities within the dripline of a protected tree, the utility line shall be bored and jacked under the supervision of a certified arborist.
 - f. The construction of impervious surfaces within the driplines of protected trees shall be stringently minimized. When it is absolutely necessary, a piped aeration system shall be installed under the supervision of a certified arborist. Wherever possible, pervious concrete shall be used as an alternative to traditional concrete, when it is required under tree driplines.
 - g. No sprinkler or irrigation system shall be installed in such a manner that sprays water or requires trenching within the driplines of protected trees. An above ground drip irrigation system is recommended.
 - h. Landscaping beneath protected trees may include non-plant materials such as bark mulch or wood chips. The only plant species that shall be planted within the driplines of protected trees are those that are tolerant of the natural environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.
2. Any protected trees on the site, which require pruning, shall be pruned by an arborist prior to the start of construction work. All pruning shall be in accordance with the American National Standards Institute (ANSI) A300 pruning standards and the International Society of Arboriculture (ISA) "Tree Pruning Guidelines."
3. No signs, ropes, cables (except those which may be installed by an arborist to provide limb support) or any other items shall be attached to the protected trees.

Timing/Implementation: *Prior to and during any site disturbance.*

Enforcement/Monitoring: *City of Hayward Development Services Department.*

Implementation of the above mitigation measures **MM IV.3a**, **MM IV.3b**, and **MM IV.3c** would reduce potential impacts to protected trees to a **less than significant** level.

CONFLICT WITH HABITAT CONSERVATION PLAN OR NATURAL COMMUNITY CONSERVATION PLAN

f) No impact. There is no adopted Habitat Conservation Plan or Natural Community Conservation Plan that covers the PSA. Although the PSA is within the area covered by the

adopted Recovery Plan for Serpentine Soil Species of the San Francisco Bay Area, no serpentine soils are present within the PSA. No provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan apply to the PSA, and therefore the proposed project would not conflict.

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

PREHISTORY

Intensive investigation of the San Francisco Bay region dates to the early 1900s, and is highlighted by the work of Max Uhle (1907) and N.C. Nelson (cf., Nelson 1907, 1909a, 1909b). Uhle began excavations at Emeryville shellmound near Berkeley and Nelson was the first archaeologist to recognize the Bay area as a discrete archaeological area. Nelson documented over 100 shellmounds in the littoral zone along the bayshore of Alameda and Contra Costa counties, and identified a pattern of intensive use of shellfish during his investigations in the area.

Archaeological work in the San Francisco Bay area generated a significant amount of data, and by the 1940s there was sufficient information for Beardsley (1948, 1954) to expand his Central California Taxonomic System (CCTS) and correlate archaeological cultures in the Delta with those in the Bay. Three horizons, Early, Middle and Late, were identified for the archaeological cultures in central California and the San Francisco Bay region. The CCTS concentrated on material culture (e.g., burial practices) and the development of chronologies based on differences in the composition of assemblages rather than issues related to subsistence, settlement strategies, social organization, and trade.

Frederickson (1973, 1974) addressed the issues associated with the CCTS and proposed a new taxonomic system. He recognized specific adaptive modes or *patterns* (i.e., specific economic and/or technological characteristics that are restricted in space, but do not imply a temporal sequence). Fredrickson (1973) defined five patterns (i.e., Windmiller, Berkeley, Borax Lake, Augustine, and Houx) for the North Coast Ranges, the San Francisco Bay and the lower Sacramento Valley, and assigned them to six periods: Paleo-Indian (10,000 to 6,000 B.C.); Lower, Middle, and Upper Archaic (6,000 B.C. to A.D. 500); and Upper and Lower Emergent (A.D. 500 to 1800). The most relevant patterns to the archaeology of the annexation area are the Windmiller,

Berkeley, and Augustine Patterns. The Windmill Pattern or Early Horizon extended from 3,000 to 1,000 B.C., the Berkeley Pattern or Middle Horizon from 1,000 B.C. to A.D. 500, and the Augustine Pattern or Late Horizon from A.D. 500 to the historic period.

ETHNOGRAPHY

At the time of Euroamerican contact (ca. 1769), Native Americans identified as Costanoans occupied the area from San Francisco Bay to southern Monterey Bay and the lower Salinas River. Costanoans lived in an area extending from San Francisco Bay to the Salinas Valley. This large area was subdivided among several individual tribelets occupying specific territories. Each tribelet, such as the Chochenyo, consisted of approximately 200 individuals who were grouped into clans and moieties. A headman controlled the clans and moieties (Harrington 1933, 1942; Levy, 1978). Tribelet political organization also included a council of elders, official speakers, and shamans (Levy, 1978).

HISTORY

The arrival of the Spanish in the San Francisco Bay area in 1775 initiated a rapid decline of native populations in the area. The disruption of Native American culture was due to factors such as the introduction of diseases, a declining birth rate, and missionization. The decline of both Native American populations and culture was exacerbated by the discovery of gold in California in 1848 and the subsequent influx of large numbers of Euroamericans into California. Costanoan populations, which historically were small, experienced dramatic reductions in the latter half of the 19th century through the early 20th century. Indeed, Costanoan languages were probably extinct by 1935 (Levy, 1978). Remaining Costanoan descendants united in 1971 as a corporate entity identified as the Ohlone Indian Tribe.

The site of the City of Hayward was originally part of *Rancho San Lorenzo*, a large area of land granted by the Mexican government to Guillermo Castro in 1840 (Hoover et al. 2002). The latter half of the nineteenth century witnessed a growing immigration of Euroamericans into California because of the discovery of gold in 1848. The population growth in the area was accompanied by regional cultural and economic changes. These changes are highlighted by the development of towns across the San Francisco Bay area.

Hayward, originally known as 'Haywards', is named for William Hayward (City of Hayward, 2008). Hayward came to California from New England in 1849 during the California Gold Rush. After spending several frustrating years in the gold fields, Hayward returned to the Bay area. He squatted on Castro's ranch near Palomares Canyon for some time and eventually bought 40 acres of land from Castro. Hayward established a store and post office on the land. Subsequently, Hayward purchased additional land from Castro built a resort hotel in the area. The area surrounding the hotel soon became known as "Hayward's" because of the name of the hotel. Hayward died in 1891.

The Town of Hayward grew steadily throughout the late 19th century, fueled by an economy based on agriculture and tourism. Growth of the area was also fostered by the South Pacific Coast Railroad that provided service between Oakland and San Jose and subsequently the Southern Pacific and Western Pacific railroads (City of Hayward, 2008). During the 1940s workers and their families were attracted to the area by the opening of factories to manufacture war materials. Many of these workers and their families stayed in the area after the war and there was a need for residential housing. Two suburban tract housing pioneers, Oliver Rousseau and David Bohannon built most of the postwar housing in the Hayward area. Since the late 1940s the

San Francisco Bay area and the City of Hayward has experienced dramatic increases in population and economic development.

The first Euroamerican settlers in Mt. Eden were a group of pioneers from Mt. Eden, Kentucky who came to California during the Gold Rush. The party disbanded upon reaching the San Francisco Bay, but a few of them settled at a road crossing. They nailed a sign reading "Mt. Eden" to two trees at the road crossing and the area became known as Mt. Eden. Eventually, a town developed at this site. The historic center of Mt. Eden (currently a freeway interchange) was around Telegraph Avenue (currently Hesperian Boulevard) between Depot Road and Jackson Street. The town became part of the City of Hayward in the late 1950s, although the post office and town name continued to be used until 1984 when the U. S. Postal Service decommissioned the Mt. Eden post office.

METHODOLOGY AND KNOWN CULTURAL AND PALEONTOLOGICAL RESOURCES

PMC conducted archaeological and historical investigations for the annexation area in January 2008. These investigations included: a records search conducted by the Northwest Information Center at Sonoma State University, Rohnert Park, California; a sacred lands search completed by the Native American Heritage Commission (NAHC); Native American consultation; architectural review of the Mohr-Fry Estate property and Hermann-Mohr Residence; and a search of the University of California Museum of Paleontology, Berkeley (UCMP).

The sacred lands search did not identify any sensitive Native American cultural resources within the annexation area. All Native American groups and or individuals identified as having knowledge of the annexation area by the NAHC were contacted by letter regarding the annexation. PMC did not receive any comments regarding the proposed project from the Native American community.

A search of the University of California Museum of Paleontology, University of California, Berkeley database was completed for the annexation area. The database search identified paleontological resources in Alameda County, but did not identify any paleontological resources within the annexation area.

Archaeological and historical investigations identified that approximately 10% of the annexation area is previously surveyed. These investigations identified the Eastshore-Grant Transmission Line built circa 1922, the Mohr-Fry Estate property, and Hermann-Mohr Residence. Alameda County hired Carey & Co. in 2008 to conduct an architectural inventory of unincorporated Alameda County areas. This inventory resulted in a list of 50 properties throughout the unincorporated Alameda County areas, including two in the Mt. Eden area. The Mohr-Fry Estate property is eligible for inclusion in the California Register of Historical Resources (CRHR) and the Hermann-Mohr Residence may be eligible for inclusion in City of Hayward local register of historic resources (cf., Carey & Company, 2008; PMC, 2008).

Historic buildings in Hayward are regulated by the Historic Preservation Ordinance found in the Hayward Municipal Code (Chapter 10, Article 11). The Ordinance governs structures, districts and neighborhoods that contribute to the cultural and aesthetic heritage of Hayward. The Ordinance includes sections about the designation of historic structures, sites or districts, and altering, demolishing and maintaining of significant structures. The Historic Preservation Ordinance's purpose, among other things, is to "designate, preserve, protect, enhance, and perpetuate those historic structures, districts, and neighborhoods which contribute to the cultural and aesthetic heritage of Hayward."

At the present time, only 12 structures are officially designated as "historic structures." However, the City of Hayward is currently preparing a Historic Preservation Program, including a city-wide historic sites survey, incentives to property owners for participation in the preservation of historic properties, and an update of the Historic Preservation Ordinance. It is anticipated that adoption of the Program will occur in December 2009.

DISCUSSION OF IMPACTS

HISTORICAL RESOURCES

a) Less Than Significant Impact With Mitigation Incorporated. Historical resources, as defined in §15064.5, are located within the annexation area as discussed above and as discussed in **Appendix C**. These resources have been inventoried, but may not yet be on a local list of historical resources. As time passes, it is possible that more buildings and structures could be found to meet the criteria for designations as historical resources, and these resources should be analyzed for historical significance.

Mitigation Measure

MM V.1a Appropriate research (e.g. archival search and architectural inventories as appropriate) shall be conducted to identify the potential for historical resources to be present on a project site within the annexation area, as part of CEQA documents required for development projects that may be processed after the implementation of the proposed project. This research shall be conducted by an archaeologist and/or architectural historian that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in archaeology, architectural history, and/or history, as appropriate. The eligibility of the resource for designation shall be conducted following guidance at §15064.5. This is consistent with the Mt. Eden Neighborhood Plan (1990). Individual projects that may be implemented in the annexation area may require compliance with CEQA and mitigation measures shall be implemented for potential impacts to historical resources identified in future CEQA documents.

Timing/Implementation: Prior to project approval.

Enforcement/Monitoring: City of Hayward Development Services Department.

MM V.1b The City of Hayward shall pursue funding and other mechanisms (e.g., the update of the City's Historic Preservation Ordinance and may pursue implementing the Mills Act and other tax credit programs, applying for designation as a Certified Local Government, and identification of incentives for property owners to preserve potentially significant historic buildings such as waivers of permit application fees) to foster the preservation and rehabilitation of potentially significant historic buildings/structures. This is consistent with the Mt. Eden Neighborhood Plan (1990).

Timing/Implementation: Ongoing.

Enforcement/Monitoring: City of Hayward Development Services Department.

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

Implementation of **MM V.1a and MM V.1b** would reduce potential impacts to potential historical resources to **less than significant**.

ARCHAEOLOGICAL RESOURCES

b) *Less Than Significant Impact With Mitigation Incorporated.* There are no known unique archaeological resources, as defined in §15064.5, within the annexation area. However, it is possible that cultural resources (e.g., archaeological sites) that meet the criteria for designations as an archaeological resources may be present.

Mitigation Measure

MM V.2a Appropriate research (e.g. archival search and archeological survey as appropriate) shall be conducted to identify the potential for archaeological sites to be present on a project site within the annexation area, as part of CEQA documents required for development projects that may be processed after the implementation of the proposed project.

Timing/Implementation: Prior to project approval.

Enforcement/Monitoring: City of Hayward Development Services Department.

MM V.2b If cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features) are inadvertently discovered during any ground disturbing activity associated with any projects within the project area shall be halted immediately within 50 feet of the discovery, the City of Hayward Development Services Department shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in archaeology and/or history shall be retained to determine the significance of the discovery.

Timing/Implementation: During project construction.

Enforcement/Monitoring: City of Hayward Development Services Department.

Implementation of **MM V.2a and MM V.2b** would reduce potential impacts to any inadvertently discovered archaeological resources to **less than significant**.

UNIQUE PALEONTOLOGICAL OR GEOLOGICAL RESOURCES

c) *Less Than Significant Impact With Mitigation Incorporated.* There are no known paleontological or unique geological resources within the annexation area, but there are paleontological resources in Alameda County. It is possible that paleontological resources are present within the annexation area.

Mitigation Measure

MM V.3a Appropriate research (e.g. archival search) shall be conducted to identify the potential for paleontological resources to be present on a project site, as part

of CEQA documents required for development projects that may be processed after the implementation of the proposed project.

Timing/Implementation: Prior to project approval.

Enforcement/Monitoring: City of Hayward Development Services Department.

MM V.3b

If paleontological resources (i.e., fossils) are inadvertently discovered during any ground disturbing activity associated with any projects within the project area shall be halted immediately within 50 feet of the discovery, the City of Hayward Development Services Department shall be notified, and a professional paleontologist shall be retained to determine the significance of the discovery.

Timing/Implementation: During project construction.

Enforcement/Monitoring: City of Hayward Development Services Department.

Implementation of **MM V.3a** and **MM V.3b** would reduce potential impacts to any inadvertently discovered paleontological and geological resources to **less than significant**.

DISTURB HUMAN REMAINS

d) Less Than Significant Impact With Mitigation Incorporated. There are no known archaeological sites in the annexation area and human remains associated with Native American and/or Euroamerican occupation have not been discovered in the annexation area. Regardless, there are archaeological sites that contain human remains in Alameda County and it is possible that sites containing human remains may be present.

Mitigation Measure

MM V.4a

If human remains are inadvertently discovered during any ground disturbing activity associated with any projects that may be implemented as a result of approval of the Mt. Eden Annexation work shall be halted immediately within 50 feet of the discovery, the City of Hayward Development Services Department shall be notified, and the County Coroner must be notified according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.

Timing/Implementation: During project construction.

Enforcement/Monitoring: City of Hayward Development Services Department.

Implementation of **MM V.4a** would reduce potential impacts to any inadvertently discovered human remains to **less than significant**.

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING SETTING

Within the City of Hayward, the Hayward Fault is one of the most hazardous faults in the United States, because of its high slip rate, its demonstrated ability to generate a large earthquake and, most importantly, its location through the highly urbanized eastern San Francisco Bay area. The Hayward Fault is of particular significance to the City of Hayward because it traverses the most intensively developed portions the City and because it has generated a large, surface-rupturing earthquake in historic time.

Other potentially active faults within Hayward include the Chabot fault, the Carlos Bee fault, and several unnamed secondary faults adjacent to the Chabot and Hayward faults. In the Alquist-Priolo Special Studies Zone, which extends 100 feet on either side from known fault traces, geologic hazard investigations are required before development can be approved. However, all of the above-mentioned faults run through or near the Hayward Hills on the eastern side of the City and are more than 100 feet from the annexation area.

STANDARDS OF SIGNIFICANCE

An impact would be considered potentially significant if the proposed project would increase exposure to and adverse effects associated with fault rupture, strong seismic ground shaking, liquefaction, collapse and other soil instability characteristics, and expansive soils. An impact would be considered potentially significant if the project soils were unsuitable for septic systems or if the proposed project would result in substantial soil erosion or loss.

IMPACT DISCUSSION

RUPTURE OF A KNOWN EARTHQUAKE FAULT

a-i) *Less than Significant Impact.* The City of Hayward, as part of the Bay Area, is in one of the most active seismic regions in the United States. **Figure VI.1, Location of Alquist-Priolo Fault Zones** is a regional map of the Bay Area showing the approximate position of the major Alquist-Priolo Earthquake Fault Zones, and the location of these zones in relation to the City of Hayward. Each year, low and moderate magnitude earthquakes occurring within or near the Bay Area are felt by residents of the City. About twenty of these temblors caused moderate to substantial damage: those of 1868 and 1989 being the most destructive. The major fault zones of the San Andreas Fault System were the sources of these earthquakes, and are expected to be sources of future earthquakes. The nearest active fault is the Hayward Fault, which is located approximately four miles east of the annexation area. Additionally, the Working Group on California Earthquake Probabilities (1999) has estimated there is a 32% probability for the occurrence of a large earthquake in the next 30 years on the nearby Hayward-Rogers Creek fault system.

Because the annexation area is not located on a fault or along a fault trace, they are not directly susceptible to rupture of a known earthquake fault and associated impacts are considered **less than significant**. See the discussion under **items VI.a-ii), VI.a-iii), and VI.c)** for further discussion of geologic and seismic safety topics.

STRONG SEISMIC GROUND SHAKING

a-ii) *Less than Significant Impact with Mitigation Incorporated.* The severity of ground shaking at any location is a function of several factors, including the distance from the earthquake source, the earthquake magnitude, and the type, thickness and condition of underlying geologic materials.

According to *the Eden Area General Plan Draft Final EIR*, the annexation area is underlain primarily by Pleistocene alluvial fan deposits consisting of sand, silt, gravel and clay and the soils are classified as Danville- Botella series. These soils form on low terraces and alluvial fans and are nearly level to moderately sloping, well-drained loams and silty clay loams. The older alluvium is the oldest of the unconsolidated deposits, consisting of a mixture of clay, silt, sand and gravel of the Pleistocene Age. Younger unconsolidated deposits include Pleistocene Merritt Sand,

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

Holocene Bay Mud, Interfluvial Basin Deposits, Fluvial Deposits and Younger Alluvium, all from the Holocene Age (Alameda County, 2007b, 4.8-6).

During a major earthquake along a segment of the Hayward Fault or one of the other nearby faults, moderate to strong ground shaking can be expected to occur at the annexation area. Strong shaking during an earthquake could result in damage to buildings, roads, utility lines and other structures with associated risk to residents, employees and visitors in the area. However, through proper site design and location of site improvements, such impacts would be reduced to levels of insignificance through oversight and implementation of recommendations of a registered geotechnical engineer in accordance with the California Building Code (CBC) and standard geotechnical practices.

Mitigation Measure

MM VI.1 Site specific geotechnical reports shall be required for each building or group of buildings (such as in a subdivision) constructed in the annexation area. Investigations shall be completed by a geotechnical engineer registered in California. Design and construction of structures shall be in accordance with the recommendations contained in the reports. Generally, such recommendations will address compaction of foundation soils, construction types of foundations and similar items. Implementation of these evaluations shall be required to ensure consistency with the California Building Code and all other applicable seismic safety requirements.

Timing/Implementation: Prior to project approval.

Enforcement/Monitoring: City of Hayward Development Services Department.

Implementation of **MM VI.1** would reduce the proposed project's potential impacts from seismic ground shaking to **less than significant**.

SEISMIC-RELATED GROUND FAILURE & LIQUEFACTION

a-iii) Less than Significant Impact with Mitigation Incorporated. Any major earthquake damage in the City of Hayward is likely to occur from ground shaking and seismically related ground and structural failures. Local soil conditions, such as topography, soil strength, thickness, density, water content, and firmness of underlying bedrock affect seismic response.

Ground shaking intensity associated with a characteristic earthquake of 7.3 magnitude, and peak horizontal ground accelerations between 0.5g and 0.7 g. is expected to be at least IX on the Modified Mercalli Intensity (MMI) Scale within the annexation area. As shown in Appendix L, Plate 4 of the City of Hayward General Plan, and as reflected in the State Seismic Hazard Zone Map (Hayward Quadrangle), the annexation area spans between very low and moderate liquefaction potential (City of Hayward, 2002a), with moderate liquefaction potential located primarily on the eastern end of the West-Mohr island and the western end of the Mohr-Depot island.

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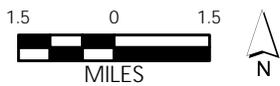
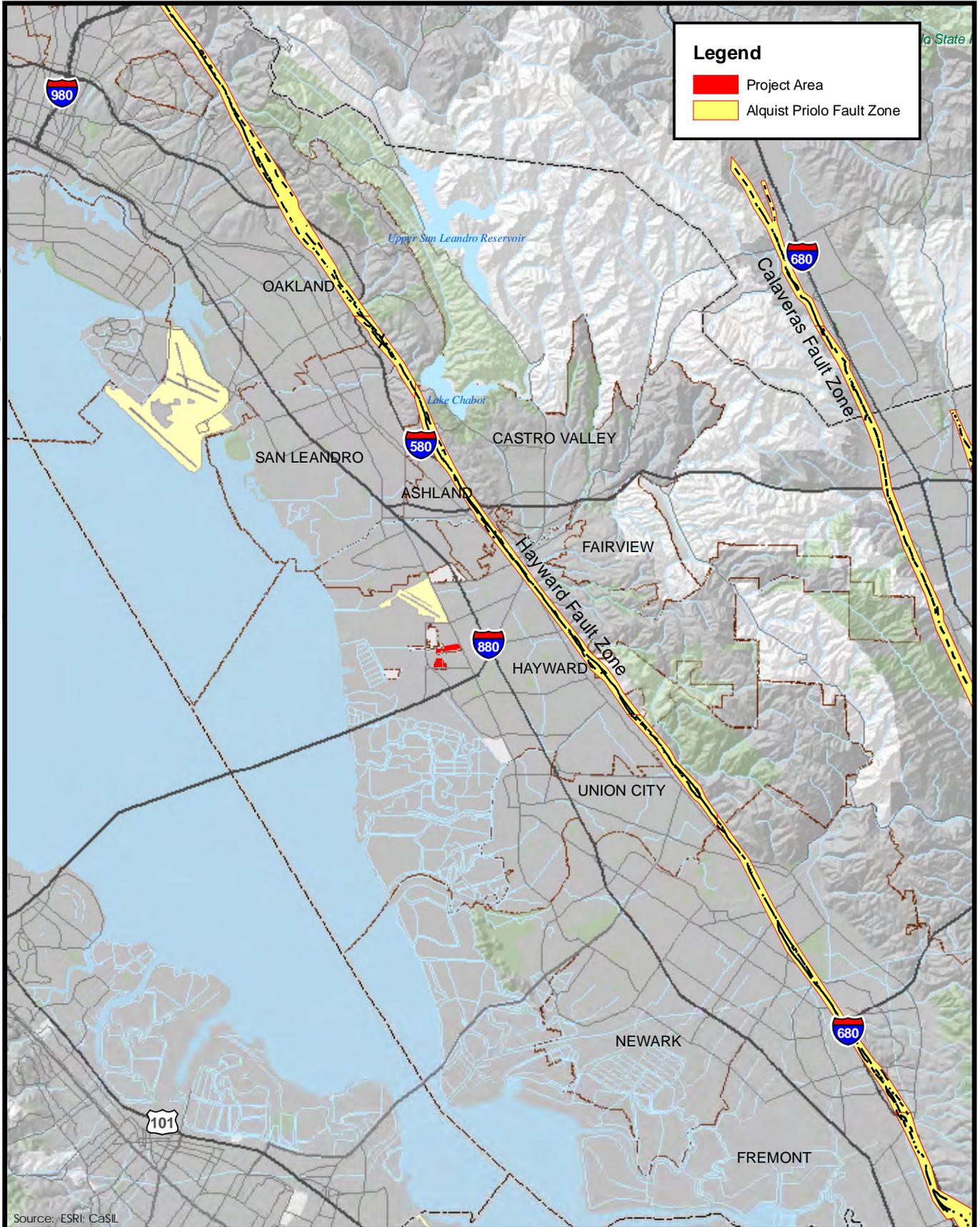


Figure VI.1
Location of Alquist Priolo Fault Zones

Damage to structures and other improvements in the annexation area could occur from seismically-induced ground failure and liquefaction, resulting in damage to improvements and harm to residents and visitors.

Mitigation Measure

MM VI.2 Site-specific geotechnical reports required as part of **MM VI-1** shall also address the potential for ground failure and liquefaction and include specific design and construction recommendations to reduce liquefaction and other seismic ground failure hazards to less-than- significant levels.

Timing/Implementation: Prior to project approval.

Enforcement/Monitoring: City of Hayward Development Services Department.

Implementation of **MM VI.2** would reduce potential impacts from seismic-related ground failure and liquefaction to **less than significant**.

LANDSLIDES

a-iv) No impact. As shown in Appendix L, Plate 5 of the City of Hayward General Plan, the annexation area is not located within a landslide hazard area, as it is relatively flat and is in an area of geologic surficial deposits (City of Hayward, 2002a). Therefore, **no impact** in association with landslides would occur.

SOIL EROSION OR TOP SOIL

b) Less than Significant Impact with Mitigation Incorporated. New potential development of the annexation area would require grading and recontouring of existing topographic elevations to create building pads, underground utilities and improve drainage. Some soil erosion could be anticipated during construction, but given the flat terrain of the annexation area and vicinity, the amount of grading is anticipated to be minimal and slopes that cause water to erode soil are not a factor Please see the discussion in Section VIII. Hydrology and Water Quality for more information and mitigation measures **MM VIII.1**, **MM VIII.2**, and **MM VIII.3** that address drainage, water quality, and soil erosion. With these mitigation measures, the impact of the proposed project on soil erosion or top soil is **less than significant**.

EXPANSIVE SOIL AND ON OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION OR COLLAPSE

c, d) Less than Significant Impact with Mitigation Incorporated. The proposed project would not result in land use changes or changes in underlying geologic material, groundwater, or other factor that would stimulate or exacerbate on or off site landslide, lateral spreading, subsidence, liquefaction, or other form of collapse. However, project-specific soil and geo-technical issues need to be addressed at each parcel in the annexation area as discussed in **items VI a-i)** through **a-iv)**. Soils in the area of the proposed project pose some soil structural issues, including slow permeability, low strength, and high-shrink swell potential (Alameda County, 2007b, 4.8-7). However, through proper site design and location of site improvements, such impacts would be reduced to levels of insignificance through oversight and implementation of recommendations of a registered geotechnical engineer in accordance with the CBC and standard geotechnical practices.

Mitigation Measure

MM VI.3 Site-specific geotechnical reports required as part of **MM VI-1** shall also address the potential for expansive soil and other soil structural issues and include specific design and construction recommendations to reduce these issues to less-than- significant levels.

Timing/Implementation: Prior to project approval.

Enforcement/Monitoring: City of Hayward Development Services Department.

Implementation of **MM VI.3** would reduce potential impacts from expansive soil, other soil structural issues, and potential for on and off-site collapse to **less than significant**.

SEPTIC TANKS OR ALTERNATIVE WASTEWATER

e) *Less than Significant Impact.* The annexation area has historically utilized private septic systems for the treatment of wastewater. As a result of the proposed project, parcels currently utilizing private septic systems would be required to phase out these systems. The Hayward Municipal Code would be amended so that a property in the annexation area that is legally serviced by a private septic system up to 10 years after annexation to connect to the public sewer system, provided certain conditions are met. These conditions include:

- no changes in use on the property,
- no addition of facilities or other changes that increase the sewer discharge,
- evidence is submitted annually that indicates the septic system is operating properly, and
- a notice is recorded against the property indicating the property would be required to connect to the public sewer system if failure of the septic system occurs, if expansion of use resulting in increased sewer discharge occurs or when the 10-year timeframe expires, whichever first occurs.

No new septic systems would be allowed within the annexation area pursuant to the Hayward Municipal Code; any new development would be required to connect to the public sewer system. The proposed project does not exacerbate any existing problems that may occur regarding the use of private septic systems, and instead creates a mechanism by which public health and safety would be promoted through the connection of the parcels within the annexation area to the public sewer system. The proposed project would have a **less than significant** impact on the disposal of wastewater via septic systems or alternative wastewater disposal systems.

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING SETTING

Hazardous materials include substances that may be described as toxic, ignitable, corrosive, or reactive. In an urban area such as Hayward, most of the contaminated sites are related to the use or maintenance of fuels and motor vehicles, especially gas stations where underground fuel storage tanks have leaked. In addition to the various programs of federal, state and county regulatory agencies, the City has instituted a Hazardous Materials Program within the Fire Department to inventory, map, and regulate the storage and handling of specified materials. The inventory is part of the City's enforcement of a law passed to protect Hayward property and citizens, as well as the fire fighters who respond to emergency calls.

Aside from the commonly understood sources of contamination discussed above, a more widespread possibility of exposure to hazardous materials (particularly asbestos and lead-based paints) is during the use, remodeling or demolition of existing structures, including homes.

Household hazardous wastes include leftover paint, solvents, antifreeze, used oil and batteries, cleansers, pesticides and pool chemicals. Alameda County has implemented provisions of its Household Hazardous Waste Plan that called for the development of three permanent facilities for household waste collection and recycling, with one in Hayward.

STANDARDS OF SIGNIFICANCE

A significant impact would occur if any amount of hazardous material is released onsite, was encountered onsite during construction, or spills offsite during transport. A significant impact would also occur if the project is located within a designated airport or airstrip hazard area. A significant hazard would occur if the project located persons and structures that could harm persons and property within a known wildfire hazard area without adequate clearing and resource protection. In addition, the project would result in a significant hazard impact if it interferes or conflicts with the policies contained in an emergency response plan.

IMPACT DISCUSSION

TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIAL

a) *Less than Significant.* The proposed project includes pre-zoning of the annexation area, annexation, and extension of street and utility system improvements. The potential new development reflected in the proposed pre-zoning are not large generators or utilizers of hazardous materials, with the exception of possibly the proposed light manufacturing zoning. This light manufacturing zoning is proposed because it reflects existing land use at the site (western edge of the Mohr-Depot island) and the zoning would serve as a buffer between higher intensity industrial uses and residential uses. In addition to land use and zoning protections, the City of Hayward implements development standards and the Fire and Building Codes, as well as implements the regulations by the Hazardous Materials Office of the Hayward Fire Department, the Bay Area Air Quality Management District, the State Department of Toxic Substances Control, the State Regional Water Quality Control Board, and other agencies with jurisdiction. Given the proposed pre-zoning and given the established procedures and regulations of these implementation agencies to ensure that a future significant hazard to the public is not created, the proposed project would have a less than significant impact on the creation of a hazard due to the transport, use, or disposal of a hazardous material in the annexation area.

UPSET AND ACCIDENT CONDITIONS OR RELEASE OF HAZARDOUS MATERIALS

b) *Less than Significant with Mitigation Incorporated.* Properties within the annexation area may contain contaminated soil. Construction of new residences and non-residential buildings may expose future residents, employees, visitors and construction personnel to soils and/or water-borne levels of contamination above acceptable regulatory levels, resulting in adverse health effects. Additionally, demolition of existing buildings, utility facilities and other older facilities could release hazardous and potentially hazardous material into the atmosphere including asbestos containing materials and lead-based paints, potentially resulting in health hazards to construction employees and local visitors and residents.

Mitigation Measures

MM VII.1 As part of environmental review for development projects, project applicants shall submit a Phase I Environmental Site Analysis to the City of Hayward. If warranted by the Phase I report, a Phase II report shall be completed and all recommendations included in the Phase II report shall be included in the development Plan. If remediation is required, a hazardous materials work program shall be submitted to the appropriate regulatory agency with a copy submitted to the Hayward Fire and Economic and Community Development Departments. Necessary permit(s) shall be obtained from the appropriate regulatory agency. Remediation workers safety plans shall be included within each work plan.

Timing/Implementation: Prior to project approval.

Enforcement/Monitoring: City of Hayward Development Services Department.

MM VII.2 Prior to commencement of demolition activities within the annexation area, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, California Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire Department, for required site clearances, necessary permits and facility closure with regard to demolition and removal of hazardous material from the site. All work shall be performed by licensed contractors in accord with State and Federal OSHA standards. Worker safety plans shall be included for all demolition plans.

Timing/Implementation: Prior to project approval.

Enforcement/Monitoring: City of Hayward Development Services Department.

MM VII.3 Prior to commencement of grading activities within the annexation area, project developers shall conduct investigations by qualified hazardous material consultants to determine the presence or absence of asbestos containing material in the soil. If such material is identified that meets actionable levels from applicable regulatory agencies, remediation plans shall be prepared and implemented to remediate any hazards to acceptable levels, including methods for removal and disposal of hazardous material. Worker safety plans shall be prepared and necessary approvals and

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

clearances shall be secured from appropriate regulatory agencies, including but not limited to the Hayward Fire Department, California Department of Toxic Substances Control and the Bay Area Air Quality Management District.

Timing/Implementation: Prior to project approval.

Enforcement/Monitoring: City of Hayward Development Services Department.

Implementation of **MM VII.3, 2, and 3** would reduce potential impacts from potential release of hazardous materials to **less than significant**.

HAZARDOUS EMISSIONS OR HAZARDOUS MATERIALS WITH IN ONE-QUARTER MILE OF A SCHOOL

c) No Impact. The annexation area is within one-mile of the Ochoa Middle School and Chabot College. Both of these schools have full campuses, including outdoor recreation areas. These schools are within a public and quasi public land use designation, which does not allow use of hazardous materials. Additionally, these land uses are not associated with the generation of hazardous emissions or the usage of hazardous materials. Therefore, the proposed project would have **no impact** with respect to its proximity to schools.

HAZARDOUS MATERIAL SITE

d) No Impact. None of the parcels within the annexation area are included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 as of July 29, 2009, so the proposed project would have **no impact** on a hazardous materials site on this list.

LOCATED WITHIN TWO MILES OF AN AIRPORT

e) Less than Significant. The project is located approximately 0.5 miles from the Hayward Executive Airport, and within the Traffic Pattern Zone for the airport operations, but not the Runway Protection Zone, the Inner Safety Zone, the Inner Turning Zone, the Outer Safety Zone, or the Sideline Safety Zone (Alameda County, 2007b, 4.5-6 & 4.5-7). The annexation area is not in line with either end of the airport runways, and therefore is unlikely to impact the operations at the airport (Alameda County, 2007b, 4.5-15). The presence of the airport would have a less than significant impact on safety hazards for people residing or working in the annexation area and is an existing condition already known by current residents of the annexation islands. For new development, the lighting and painting conditions of any FCC and FAA approvals would further reduce any potential hazards.

LOCATED WITHIN THE VICINITY OF A PRIVATE AIR STRIP

f) No Impact. The annexation area is not within the vicinity of a private air field or air strip. The proposed project would have **no impact**.

IMPAIR OR INTERFERE WITH AN EMERGENCY RESPONSE PLAN

g) Less than Significant Impact. The proposed project would not impair the implementation of or physically interfere with an emergency response plan or emergency evacuation plan. Upon annexation, the annexation area would be subject to the provisions of these plans as prepared and implemented by the City of Hayward, specifically the Police and Fire Departments. Additionally, as the annexation area is completely surrounded by the City of Hayward, and the

land uses allowed in the proposed pre-zoning are in keeping with what land uses currently existing and have been previously anticipated by Alameda County and the City of Hayward, the annexation would not change the planning context for emergency response or evacuation. Because the existing well (previously operated by the Mohrland Mutual Water Association) will be available in case of an emergency, the proposed project would also result in the increased supplies and reliability of water in the annexation area in event of an emergency. The proposed project would have a beneficial and **less than significant** impact on emergency response.

WILDLAND FIRES

h) No Impact. The annexation area is located within an urbanized area and is currently provided fire protection service by the City of Hayward Fire Department. This service would continue regardless of the proposed project, and therefore the proposed project would have **no impact** on wildfire susceptibility.

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING SETTING

Several creeks and numerous storm drainage channels pass through the City of Hayward, originating in the hills to the east and ultimately draining into San Francisco Bay. The discharge from these facilities may contain pollutants from rural and urban storm runoff, and illegal dumping into creeks. Pollutant levels are dependent on the pattern and frequency of storm events, local land uses, development activity, and the quality of pollution control measures and practices. The Regional Water Quality Control Board (RWQCD) Region 2 has prepared a comprehensive Water Quality Control Plan that includes water quality objectives and an implementation plan for the various waterways in the region. A National Pollutant Discharge Elimination System (NPDES) storm water discharge permit has been granted to the Alameda County Urban Runoff Clean Water Program, which was established to comply with the non-point source pollution control requirements mandated by the RWQCB. The Alameda County Flood Control and Water Conservation District is responsible for the overall coordination and implementation of the Storm Water Management Plan, which is designed to reduce the discharge of pollutants in storm water to the maximum feasible extent. The City of Hayward monitors the efforts of municipal storm water programs to implement the NPDES storm water permits and reviews the efforts of developers to reduce the impacts of proposed development to a less than significant level as part of the CEQA process.

Groundwater resources are most prevalent in the Bay Plain and the shoreline area. Water-bearing sand and gravel layers extend to a depth of approximately 1,000 feet below the Bay Plain and are divided into upper and lower zones. The upper zone contains two major aquifers that are located at depths of 60 feet and 250 feet. The lower zone occupies a depth below 400 feet and contains a much higher percentage of permeable material than the low yield upper zone. Nearly all of the high-yielding wells in the area utilize the deep zone. Replenishment of the aquifers is accomplished primarily through percolation from the streambeds of major creeks. Relatively high concentrations of nitrates and total dissolved solids were measured in local area groundwater as early as the 1950s. Contaminants such as nitrates can come from a variety of sources, including runoff from fertilizers applied to lawns and landscaped areas as well as from agricultural activities and improperly operated septic systems. Groundwater contamination can also be attributed to leaking underground storage tanks and inadvertent releases of hazardous materials.

STANDARDS OF SIGNIFICANCE

An impact would be considered significant if it resulted in flooding in areas that do not normally receive waters, or place structures within an area of known flooding or potential damage due to water hazards. An impact is also considered significant if the direction and rate of runoff is altered in a manner that negatively affects other surrounding structures or diverts water from the existing drainage pattern. This includes adding to the existing drainage system to a point in which the capacity of the runoff cannot be contained within existing drainage systems. Significant impacts to water quality may occur if hazardous materials are used and allowed to leak onsite or if runoff increases to a level that causes erosion and ultimately increased sedimentation. Excessive use of groundwater supplies so that recharge cannot meet demand or the installation of improvements that block the flow of groundwater are also considered significant impacts.

IMPACT DISCUSSION

WATER QUALITY AND WASTE DISCHARGE STANDARDS, FLOODING ON OR OFF-SITE, ON OR OFF-SITE SOIL EROSION OR SILTATION, RUNOFF WATER, AND OTHERWISE DEGRADE WATER QUALITY

a, c, d, e, f) *Less than Significant Impact with Mitigation Incorporated.* New potential development within the annexation area could potentially increase the amount of stormwater runoff in concert with any additional housing units or other forms of additional lot coverage. Existing drainage patterns could also be changed based on individual site grading operations, resulting in potential impacts to downstream drainage facilities. The proposed project also involves the installation of approximately 3,300 linear feet of 12 to 24-inch and 215 linear feet of 36-inch storm drain culverts to provide storm drainage improvements to the parcels. These improvements have also been specially designed and appropriately sized to accommodate the projected runoff from the annexation area. Please see the discussion under Section XVI), Utilities and Service Systems for information on the location and extent of the proposed improvements.

These new improvements would not substantially alter the existing drainage pattern in the annexation area in a manner that would result in on-site or off-site flooding, soil erosion, or siltation over the long term. However, during future construction that could be facilitated by annexation, short-term increases of soil erosion could potentially result due to exposure to wind and water erosion as individual properties are graded and developed. Construction of street and utility improvements could also potentially result in short term increases in localized soil erosion.

The proposed project does not facilitate an increase in land uses that are high generators of urban non-point source pollution, such as commercial land uses requiring parking lots or restaurants with outdoor cleaning procedures. However, the quality of stormwater runoff from the annexation area could be potentially reduced in concert with the addition of housing units or other forms of additional lot coverage that increase opportunities for the collection and dispersal of typical non-point source pollution.

Mitigation Measure

MM VIII.1 Individual development projects and public improvements within the annexation area that disturb 10,000 square feet or more of land area shall prepare a sedimentation control plan for implementation throughout project construction. For construction during the winter months, an erosion control plan is required. The plans must be prepared in accordance with the most current City of Hayward and Regional Water Quality Control Board design standards and provisions of the applicable National Pollutant Discharge Elimination System (NPDES) permit (e.g. C.3).

Timing/Implementation: Prior to project approval.

Enforcement/Monitoring: City of Hayward Development Services Department.

MM VIII.2 Any new development or redevelopment projects in the annexation area shall implement construction methods that comply with performance standards of Section C.3 of the new NPDES Permit. In addition, for development or redevelopment projects that disturb more than one acre of land, a Notice of Intent is required to be filed with the State of California

Water Resources Control Board (SWRCB). For disturbance of areas over one acre, a Stormwater Pollution Prevention Plan (SWPPP) is also required to be submitted to the SWRCB demonstrating use of specific best management practices during both construction and operational phases of such projects.

Timing/Implementation: Prior to project approval.

Enforcement/Monitoring: City of Hayward Development Services Department.

MM VIII.3

All new major development applications (involving 10,000 square feet of land area) within the annexation area shall be accompanied by a drainage and hydrology report prepared by a California-registered civil engineer. Each report shall document existing stormwater flow rates, quantities, and direction. Each report shall estimate increases in stormwater runoff from the proposed development project, identify existing and proposed downstream drainage facilities, identify the capacity of such systems to accept additional runoff, and the proposed development project's contribution to increasing the capacity of such systems, if needed. New development projects will be required to provide on-site detention, retention facilities, and/or other improvements required by such studies to ensure that no net increase in downstream rate of stormwater flows occurs. Reports shall be approved by the City of Hayward City Engineer and, if necessary, the Alameda County Flood Control and Water Conservation District staff prior commencement of construction.

Timing/Implementation: Prior to construction.

Enforcement/Monitoring: City of Hayward Development Services Department.

Implementation of **MM VIII.1, 2, and 3** would reduce potential impacts to drainage and to water quality to a **less than significant** level.

GROUNDWATER SUPPLIES AND RECHARGE

b) *Less than Significant Impact.* The proposed project would not increase utilization of existing groundwater supplies and would require existing and new development within the annexation area to connect to the public water system. The annexation area would remain as primarily residential, and as such there would still remain ample opportunities for groundwater infiltration in accordance with consistency with the City of Hayward's requirements for lot coverage.

HOUSING IN A 100-YEAR FLOOD HAZARD AREA

g) *No Impact.* As shown in the Drainage and Flooding Map in Appendix L of the City of Hayward General Plan, the annexation area is not located within the 100-year flood plain (City of Hayward, 2002a).

IMPEDE OR REDIRECT FLOWS WITHIN THE 100-YEAR FLOOD HAZARD AREA

h) *No Impact.* As shown in the Drainage and Flooding Map in Appendix L of the City of Hayward General Plan, the annexation area is not located within the 100-year flood plain (City of Hayward, 2002a).

DAM ASSOCIATED FLOOD HAZARDS AND INUNDATION BY SEICHE, TSUNAMI OR MUDFLOW

i, j) *No Impact.* As shown in Appendix L, Plate 6 of the City of Hayward General Plan, the annexation area is not located within a dam failure, seiche, mudflow, or tsunami inundation area (City of Hayward, 2002a).

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
IX. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING SETTING

The proposed project is subject to the following land use and planning documents:

- General Plan for the Central Metropolitan, Eden and Washington Planning Units of Alameda County (1981)
- County of Alameda Municipal Code
- City of Hayward General Plan (Amended 2006)
- City of Hayward Municipal Code
- City of Hayward Mt. Eden Neighborhood Plan (1990).

The annexation area totals 61 acres and includes 5.68 acres of road Right-of-Way (ROW), with 69 parcels (68 lots) located in two “islands” – the Mohr-Depot island and the West-Mohr island.

The existing Alameda County land use designations within the annexation area include Suburban and Low Density Residential (less than 9 dwelling units per acre [du/ac]). The County’s associated zoning includes Single-family Residence (PD R-1 L B-20) (1 du/ac; 20,000 sq. ft. minimum lot size) for a majority of the parcels; Agriculture (A) (100 acre minimum lot size) for Chabot College, Mohr-Fry properties and four parcels on the west side of the Mohr-Depot Island; Single-family Residence (R-1) (1 du/ac; 5,000 sq. ft. minimum lot size) for one parcel in the Mohr-Depot Island; and Single-family Residence (R-1 L B-20) (1 du/ac; 20,000 sq. ft. minimum lot size) for 12 parcels in the Mohr-Depot Island.

The existing City of Hayward land use designations within the annexation area include Limited Medium Density Residential (LMDR) (8.7-12.0 du/ac) for a majority of the parcels; Public and Quasi-Public (PQP) for the eastern portion of the West-Mohr Island (Chabot College and the Mohr-Fry Estate); and Industrial Corridor (I) for the southwest corner of the Depot-Mohr Island.

The City of Hayward pre-zoning districts within the area include Single-Family Residential (RS) (1 du/ac; 5,000 sq. ft. minimum lot size) for a majority of the parcels on the Mohr-Depot Island; Single-Family Residential (RSB4) (1 du/ac; 4,000 sq. ft. minimum lot size) for the 13 parcels west of Chabot College; Agricultural (A) (1 acre minimum lot size) for the Mohr-Fry and Hermann-Mohr

properties; Public Facilities (PF) for the Chabot college property; and Light Manufacturing (LM) for the parcel in the southwestern corner of the Mohr-Depot Island.

STANDARDS OF SIGNIFICANCE

An impact would be considered significant if the project divided a community such that new infrastructure and services would be required and the community could no longer function as a whole. A significant impact would also occur if the project conflicted with any of the plans or policies contained in the City of Hayward General Plan or Zoning Code, or the policies or regulations of any agency with jurisdiction over the project. Conflict with one or more policies is considered to be significant.

IMPACT DISCUSSION

PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY

a) Less than Significant Impact. The City of Hayward has undertaken a comprehensive study of annexation of an area consisting of the two remaining unincorporated islands in the Mt. Eden area, which are completely surrounded by the City, as shown in **Figure IX.1-Hayward City Limits and SOI**. The two islands proposed for annexation into the City and detaching from the County are the West-Mohr and the Mohr-Depot islands, which are comprised of approximately 61 acres, including 5.68 acres of road rights-of-way. The proposed project is located north of Depot Road, south of West Street, east of Industrial Boulevard and west of Hesperian Boulevard in the area of the City of Hayward known as Mt. Eden.

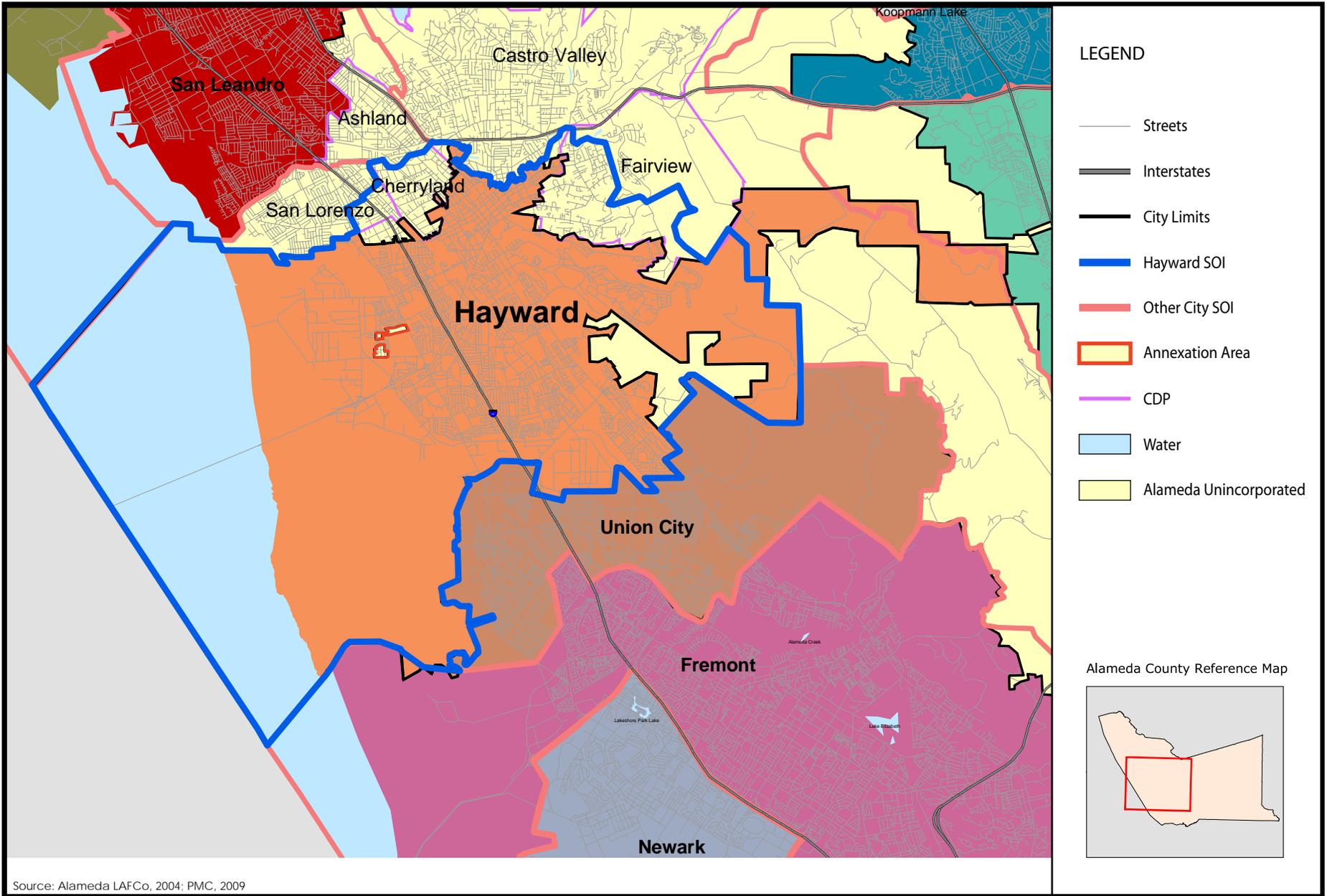
County development policies for the proposed annexation area are contained in the 1981 General Plan for the Central Metropolitan, Eden and Washington Planning Units of Alameda County. However, the County is in the process of developing an updated “*Eden Area General Plan*” which would be applicable to the annexation area and would include policies supporting cooperation with the City to “*annex Mt. Eden into Hayward*” and for the City to “*provide urban amenities to the Mt. Eden area.*”

The existing County designation for the majority of the two islands of Limited Medium Density Residential (7-12 du/ac) is consistent with City designation of Limited Medium Density Residential (8.7-12 du/ac). Only two parcels, the most western parcel on the Mohr-Depot island and the Mohr-Fry parcel have different land use designations between the County and City, and based on current uses, the City designations more accurately reflect the existing and anticipated long-term uses of the parcels.

In conjunction with annexation, the City must pre-zone the parcels into City of Hayward zoning districts in a manner consistent and appropriate to the parcel and surrounding land uses. The pre-zoning is based on General Plan land use designations and, as stated previously, on the Mt. Eden Neighborhood Plan and is outlined below, as previously shown in **Figure 7**.

The existing Alameda County residential zoning districts all allow one single-family residential unit per parcel (§17.08.030), as do the City residential zoning districts (group homes with six or fewer residents are also allowed) (§10-1.210).

I:_CSA\Work\Hayward_City of Mt Eden Phase II Annexation 28-0008



Source: Alameda LAFCo, 2004; PMC, 2009



Figure IX.1
Hayward City Limits and SOI

The Mohr-Fry Estate property is County-zoned Agriculture and would remain that way once annexed into the City for historic preservation purposes. The Hermann-Mohr property would also be City-zoned Agriculture for the same purpose. The Agriculture zoning reduces the development potential on the properties, allowing for ongoing protection of the historic buildings and uses onsite. Horizon Services, located on the Hermann-Mohr property, is currently operating with a use permit issued by the County, and would continue operating under that permit once annexed by the City. Both the Hermann-Mohr property and the Mohr-Fry Estate property were evaluated for historic significance, and it was found that both could be locally significant resources. Additionally, the Mohr-Fry Estate property appears eligible for both the National Register of Historic Places (NRHP) and the California Register of Historic Resources (CRHR) is eligible for the State Register (**Appendix C**). The Agricultural zoning reduces the development potential on the properties, allowing for ongoing protection of the potential resources for future restoration opportunities.

The Chabot College parcel is County-zoned Agriculture as well; however, it would be City-zoned Public Facility to maintain a zoning consistent with the existing uses as sports fields associated with Chabot College. These uses are long-term anticipated uses in accordance with the Chabot College Facilities Plan. Consistent with the existing and assumed future use of this property, the Chabot College section of the annexation area is not anticipated to increase in square footage or intensity in the near term.

As discussed previously in Section II), Agriculture Resources, the four parcels on the west side of the Mohr-Depot island are currently zoned Agriculture, however, there are no agricultural operations currently in these parcels and the City pre-zoning more accurately reflects the existing and anticipated long-term uses of single-family residential and light manufacturing/industrial.

Surrounding areas consist of Low, Limited Medium and Medium Density Residential, Retail and Office, Industrial Corridor, Parks and Recreation, Limited Open Space and Public and Quasi-Public land use designations under the City of Hayward General Plan. As described above, the proposed project would represent a continuation of adjacent land with compatible land uses.

Furthermore, the proposed project does not include the creation of new roadways, which can sometimes serve as a physical obstacle within a neighborhood. The proposed project does include the abandonment of rights-of-way for Eden Avenue, but this would not create an obstacle to circulation because these rights-of-way have not been maintained for vehicular access. Ramona Drive would become a private access road, but this would not eliminate circulation because it would be improved and maintained by property owners. The proposed project is anticipated to increase local circulation through the neighborhood via the installation of road improvements on Mohr Drive, Monte Vista Drive, Laguna Drive, Occidental Road, and Depot Road.

Due to the continuation of existing land uses, compatible pre-zoning, the lack of proposed new physical obstacles, and the maintenance of circulation, the proposed project would have a **less than significant** impact on disrupting or dividing an established community.

CONFLICT WITH LAND USE PLAN, POLICY OR REGULATIONS

b) Less than Significant Impact. Both the County of Alameda and the City of Hayward, in their respective General Plans, Zoning Codes, and other planning documents include language that promotes the eventual annexation of the annexation area into the City of Hayward, and

therefore detaching the annexation area from the County of Alameda. County of Alameda Land Use Plan and Associated Policies

The *General Plan for the Central Metropolitan, Eden and Washington Planning Units of Alameda County* (1981) contains policies and actions governing land use and development pertinent to the Mt. Eden areas. In particular, the following objective, principle, and implementations in particular govern the provision of utilities and services:

Objective 3 To achieve coordinated, planned service and facility development by promoting efficiency in the provision of services by the public sector.

Principle 3.1 The further fragmentation of local government that is created by a multiplicity of agencies, including special purpose districts, providing public services and facilities should be discouraged.

Implementation 3.1.2 Encourage the timely annexation or incorporation of urbanized unincorporated communities and areas such that governmental efficiency, equity, and/or logical jurisdictional boundaries are achieved.

Implementation 3.1.4 Encourage unincorporated islands to annex to the surrounding city; undeveloped parcels within these islands should be annexed prior to obtaining development approval and building permits.

The County is in the process of developing an updated “*Eden Area General Plan*” which would be applicable to the annexation area and would include policies supporting cooperation with the City to “*annex Mt. Eden into Hayward*” and for the City to “*provide urban amenities to the Mt. Eden area.*” As shown in the goals, policies and action below, the County of Alameda has been planning for the detachment of the Mt. Eden area from the County in order to annex into the City of Hayward.

Goal LU-2 - *Promote and maintain physically coherent and logical boundaries of the Eden Area.*

Policy LU-2.P 3 - *The annexation of unincorporated islands and the logical, minor re-configuration of jurisdiction boundaries should be encouraged to provide rational service boundaries.*

Action LU-2.A 2 - *Work with the City of Hayward to incorporate the Mt. Eden community into the City.*

Policy 5.a - *The County should work with the City of Hayward on annexing Mt. Eden into the City.*

Policy 5.b - *Mt. Eden’s identity should be conserved through the active preservation of historic resources and landmarks.*

Policy 5.c - *The County shall enforce code violations in the Mt. Eden community to the greatest extent possible.*

Policy 5.d - The County should work with the City of Hayward to provide urban amenities to the Mt. Eden Area including municipal sewer service and sidewalks prior to annexation.

Policy 5.e - The County should assist developers interested in redeveloping Mt. Eden with assembly of parcels, infrastructure improvements and special financing mechanisms.

Table IX-1- Existing County Zoning Districts within the Annexation Area, below, summarizes existing County zoning districts within the project area. For each district, the ordinance outlines allowable uses, minimum parcel size, minimum lot width, and other development standards. Following the tables are descriptions of each zoning district.

**TABLE IX-1
EXISTING COUNTY ZONING DISTRICTS WITHIN THE ANNEXATION AREA**

Name of District	District	Minimum Parcel Size	Maximum Lot Coverage	Allowable Uses
Single-family Residence	R-1	5,000 sf	N/A	1 SFD; field crop, orchard, garden
Single-family Residence	R-1 L B-20	20,000 sf	N/A	1 SFD; Rural Uses, Livestock allowed
Single-family Residence	PD R-1 L B-20	20,000 sf	N/A	1 SFD; Planned Development-Rural Uses, Livestock allowed
Agriculture	A	100 acres	Not Available	1 SFD or mobile home; crop, vine or tree farm, truck garden, plant nursery, greenhouse apiary, aviary, hatchery, horticulture; raising or keeping of poultry, fowl, rabbits, sheep or goats or similar animals; grazing, breeding or training of horses or cattle; winery or olive oil mill; fish hatcheries and rearing ponds; public or private riding or hiking trails; boarding stables and riding academies

Source: Source: County of Alameda Municipal Code Title 17, Zoning Ordinance. 2009.

Notes: SFD = single family dwelling, N/A = Not applicable, sf = square foot.

Single-family residence districts are established to provide for and protect established neighborhoods of one-family dwellings, and to provide space in suitable locations for additional development of this kind, together with appropriate community facilities and allowance for restricted interim cultivation of the soil compatible with such low-density residential development. (§ 17.08.010)

Planned Development districts are established to encourage the arrangement of a compatible variety of uses on suitable lands in such a manner that the resulting development will:

- A. Be in accord with the policies of the general plan of the county;
- B. Provide efficient use of the land that includes preservation of significant open areas and natural and topographic landscape features with minimum alteration of natural land forms;
- C. Provide an environment that will encourage the use of common open areas for neighborhood or community activities and other amenities;

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D. Be compatible with and enhance the development of the general area;

E. Create an attractive, efficient and safe environment. (§ 17.18.010)

Agriculture districts are established to promote implementation of general plan land use proposals for agricultural and other nonurban uses, to conserve and protect existing agricultural uses, and to provide space for and encourage such uses in places where more intensive development is not desirable or necessary for the general welfare. (§ 17.06.010)

The *City of Hayward General Plan* (Amended 2006) contains policies and strategies governing land use and development pertinent to the annexation area. The following policies and strategies in particular govern the provision of utilities and services.

Policy 11. Seek to achieve more congruous boundaries to provide for the efficient delivery of public services and to create a greater sense of community.

Strategy 1. Evaluate annexing unincorporated islands and adjoining urbanized county areas within the Sphere of Influence in light of desires of affected residents and fiscal impacts on the city.

Strategy 2. Continue to pursue joint planning and review of proposed developments with Alameda County for remaining unincorporated areas within the Sphere of Influence.

In 1990, the *Mt. Eden Neighborhood Plan* was developed and adopted by the City of Hayward. While Hayward has no regulatory authority in the Mt. Eden area thus far, the City has developed Preliminary zoning designations to prepare for potential annexation.

Table IX-2 - City Pre-Zoning Zoning Districts within the Annexation Area summarizes the City’s pre-zoning within the project area. For each district, the ordinance outlines allowable uses, minimum parcel size, maximum lot coverage, and other applicable development standards.

**TABLE IX-2
CITY PRE-ZONING ZONING DISTRICTS WITHIN THE PROJECT AREA**

Name of District	District	Minimum Parcel Size	Maximum Lot Coverage	Allowable Uses
Agriculture	A	1 acre	40 percent	Crop and tree farming, farm or ranch, sale of crops grown on premises, SFD, group homes, Christmas tree or pumpkin patch lot, day care home, public agency facilities
Light Manufacturing	LM	10,000 sf	40 percent	Manufacturing, assembly, general office use, publishing facilities, wholesale sales, engineering, public agency facilities
Public Facility	PF	None	90 percent	Public agency, educational, parking lots/structures, school district, and transit facilities
Single-Family Residential	RS	5, 000 sf	40 percent	SFD, group home, day care home, public agency facility
Single-Family Residential	RSB4	4,000 sf	Minimum lot area per du, 4,000 sf	SFD, group home, day care home, public agency facility

Notes: SFD = single family dwelling, sf = square foot.

The A District shall be subject of the following specific regulations in addition to the general regulations hereinafter contained in order to preserve agricultural areas until such time as orderly development may take place. (§10-1.2005)

The LM District is intended to provide for limited manufacturing and other light industrial uses within the Industrial Corridor that are compatible with business parks and adjacent residential areas. (§10-1.1805)

The PF District ...[is established] to promote and encourage a suitable environment devoted to publicly owned government buildings and facilities, public community centers, libraries and museums, public educational facilities, public school districts facilities, public transit stations, public parking lots and structures, and other such uses directly or indirectly serving the general public. (§10-1.2305)

The RS District ... [is established] to promote and encourage a suitable environment for family life where children are members of many families; to be used only for single-family homes and the community services appurtenant thereto. (§10-1.205)

The RSB4 District...When the B District is combined with another District the regulations of the District shall be modified by B District requirements. The B District shall be used in order to make provisions more suitable for districts, wherever conditions require.

Any "Planned Development" zoning that occurred in Mt. Eden Phase I is not included as a part of the proposed project. Should any future projects within the annexation area include a request for a "Planned Development" zoning designation, the process would occur under a separate approval process and environmental review.

LAFCo Policies and Regulations

The Alameda County Local Agency Formation Commission (LAFCo) controls boundary changes for local jurisdictions and special districts in Alameda County, including annexations and amendments to a jurisdiction's Sphere of Influence (SOI). As such, it is a responsible agency in considering the proposed project, and the decision making body for the annexation.

Alameda County LAFCo has adopted policies to guide the agency in its decision-making process, which is set forth in *Guidelines, Policies and Procedures* and *Procedures for Preparation and Processing of Environmental Documents Pursuant to the California Environmental Quality Act*, both published November 2003. According to these standards, the underlying purpose of Alameda County LAFCo is to discourage urban sprawl and encourage the orderly formation and development of local agencies.

Please refer to **Table IX-3-Alameda County LAFCo Policy Analysis** for an outline regarding how the proposed project is in compliance with Alameda County LAFCo policies.

**TABLE IX-3
ALAMEDA COUNTY LAFCO POLICY ANALYSIS**

Policy Summary	Discussion
5.0. General Policies	
5.11. An annexation shall not be approved if it represents an attempt to annex only revenue-producing property (§56668).	Included in the annexation area are the Hermann-Mohr, Mohr Fry Estate and Chabot College properties; all of which were found to have low revenue-generating development potential. Also, the industrial property in the southwestern portion of the annexation area also has a low revenue-generating development potential.
5.12. Annexations, not initiated by LAFCo, shall not be approved unless the annexing agency is willing to accept the annexation.	The City has been prepared for the proposed annexation through development of the Mt. Eden Neighborhood Plan (1990), which includes the proposed annexation area. The County of Alameda has also been supportive of the detachment from the County as can be seen through Policies 5.a thru 5.e and in Action A2 (Goal LU-2) of the proposed Draft of the Eden Area General Plan (2007).
5.13. Where another agency is currently providing service or objects to the annexation, LAFCo will compare the proposed plan of service with alternative service plans and adopted determinations from any service reviews to determine whether the proposal is the best alternative for service.	The Plan for Providing Municipal Services (to be included in the City's application to LAFCo) includes a comprehensive table of services with existing and proposed agencies for LAFCo review along with discussion on plans for all transitions of services.
5.14. The Commission shall seek to approve changes of organization that encourage and provide planned, well ordered, efficient development patterns that include the appropriate preservation and conservation of open space and prime agricultural lands within and around developed areas, and contribute to the orderly formation and development of local agencies based upon local circumstances and conditions (§56300, §56301).	The annexation area consists of two islands which are currently surrounded by incorporated City of Hayward lands. (See Section IX, Land Use/Planning of this study). Annexation of these islands would create a contiguous and logical expansion of the City of Hayward as they are already within an existing incorporated City area. The proposed land uses within the annexation area are compatible with the surrounding land uses as discussed earlier in this section.
5.15. The Commission shall consider existing zoning and pre-zones, general plans and other land use plans, interests and plans of unincorporated communities, SOIs and master service plans of neighboring governmental entities and recommendations and determinations from related service reviews (§56375, §56668).	Mt. Eden Neighborhood Plan (1990): The City of Hayward, in preparing for the proposed annexation, developed pre-zoning designations for the proposed annexation area, including; agricultural (for historic preservation purposes), residential, public facility, and light manufacturing land uses. Proposed Draft of the Eden Area General Plan (2007): The County of Alameda, in preparing for the proposed annexation, developed policy guidance (Policies 5.a thru 5.e and Action A2 (Goal LU-2)) outlining how the County would support processing and transitions applicable to the annexation. This document has not yet been finalized; however, the latest publicly released draft in March of 2007 included these policies and actions.
5.16. LAFCo will only approve changes of organization that are consistent with general application policies and criteria as interpreted by the Commission, and do not worsen conditions or undermine recommendations disclosed in a service review.	A discussion of existing conditions and potential impacts of the proposed project are discussed throughout this study.
5.17. LAFCo discourages the annexation of vacant	There are three parcels, which are designated as and

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Policy Summary	Discussion
land, or extension of urban services, unless there is a demonstrated near term (within five years) need for services.	surrounded by Low and Medium Density Residential uses, which are shown as vacant in Figure 2-1, Existing Land Use in the County of Alameda Eden Area Final Draft General Plan. These three parcels are pre-zoned by the City of Hayward as Single-Family Residential, and are surrounded by parcels that are pre-zoned for the same use. Extension of urban services to these parcels would be included in extension to surrounding parcels and would not require additional service extension beyond what would be required at the time site specific development is approved.
5.18. LAFCo requires verification of approved development plans, such as a tentative map, specific plan, or other urban entitlements when vacant territory is proposed for annexation to a city or district.	The majority of the annexation area is currently developed with urban uses (66 out of 69 parcels are currently at various stages of development). While the three vacant parcels included in the annexation area are pre-zoned by the City as Single-Family Residential, no development plans are included as a part of the proposed annexation.
5.19. Prior to annexation to a city or special district, the petitioners shall provide information demonstrating that the need for governmental services exists, the annexing agency is capable of providing service, that a plan for service exists, and that the annexation is the best alternative to provide service (§56700, §56668).	A discussion of the need for governmental services and the capability of the City of Hayward and other entities to provide these services are included in this study.
5.110. LAFCo will look unfavorably on projects that shift the cost of services and infrastructure benefits received to others or other service areas.	The proposed annexation area is located in Alameda County's Redevelopment Annexation area, which was formed in 2000. Increases in property tax revenues due to new development will accrue to the County's Redevelopment Agency. Agreements to cover the cost of services have been developed
5.111. A proposed annexation shall be a logical and reasonable expansion to the annexing district (§56001, §56119, §56668).	The annexation area consists of two islands which are currently surrounded by incorporated City of Hayward lands. Annexation of these islands would create a contiguous and logical expansion of the City of Hayward. The proposed land uses within the annexation area are compatible with the surrounding land uses.
5.112. Pre-hearings are required for any proposal, except a special reorganization, that includes a city detachment unless the city transmits a resolution supporting the proposal. If such resolution has not been received, LAFCo shall transmit a copy of the detachment proposal to the affected city at least 21 days before the pre-hearing (§56751).	A pre-hearing will not be required for the proposed project.
5.113. If the city from which a territory is proposed to be detached transmits a resolution requesting termination of the proceedings within 60 days after the pre-hearing is placed on the agenda, LAFCo shall terminate it (§56751).	The County of Alameda is the agency from which the proposed territory would be detached, and it has already been shown that the County supports the proposed action; therefore, a termination of proceedings resolution is not anticipated from the County.
5.114. LAFCo shall disapprove proposals that extend urban services to land subject to a Land Conservation contract or agricultural preserve unless it can be clearly demonstrated that disapproval will discourage orderly and timely urban development (§56001,	There are two parcels included in the annexation area that are proposed for Agriculture zoning for historic preservation purposes as the only two structures within the annexation area that were found to be eligible for historic review (the Cornelius Mohr and Hermann-Mohr estates) are located on those parcels. No new development is

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Policy Summary	Discussion
§56301) and no feasible alternative exists.	proposed or anticipated on these parcels, and therefore extension of services would not be required.
5.115. LAFCo shall disapprove proposals including annexation of territory subject to a Williamson Act contract if any city or special district would provide facilities or services related to sewers, nonagricultural water, or streets and roads in the territory under contract unless:	According to the Alameda County Williamson Act Lands Map 2006-2007, the annexation area is not subject to any Williamson Act contracts.
<ul style="list-style-type: none"> • A notice of nonrenewal has been served pursuant to §51245 and the annexing agency has agreed that no services will be provided to the territory prior to contract expiration unless they solely support contracted land uses; 	N/A (See Response to 5.115)
<ul style="list-style-type: none"> • A tentative cancellation has been approved pursuant to §51282; 	N/A (See Response to 5.115)
<ul style="list-style-type: none"> • Facilities or services provided to the contracted territory only support the continuance of contracted agricultural and open space uses; 	N/A (See Response to 5.115)
<ul style="list-style-type: none"> • The post-annexation contract administrator has adopted policies and feasible mitigation measures to ensure continuation of agricultural and other permitted uses on the site over the long term; and/or 	N/A (See Response to 5.115)
<ul style="list-style-type: none"> • The proposal encourages and provides planned, well-ordered and efficient urban development patterns that include appropriate consideration of agricultural and open space lands within these development patterns (§56856.5). 	N/A (See Response to 5.115)
6.0. Specific City Annexation Policies	
6.11. LAFCo promotes the timely conversion of land to urban uses and will effectuate this goal through encouraging infill development on incorporated vacant lands located adjacent to already developed areas (§56301, §56377).	The annexation area includes partially developed and vacant lands, which have future development potential according to the Development Potential Analysis, which would include infill development.
6.12. The fundamental policy of the Commission in considering the development status of land, located in or adjacent to an established city SOI boundary and contiguous to a city boundary, shall be that such urban development is preferred in cities. This policy is based on the fact that cities exist to provide a broader range of services than do special districts (§56001, §56425).	Much of the annexation area is currently developed with urban uses. Please see the Development Potential Analysis for a complete discussion on the development status of the annexation area lands.
6.13. Developed lands that benefit from municipal services, and are contiguous to a city boundary, should be annexed to the city providing such services.	The proposed annexation area includes developed lands that would benefit from municipal services. The proposed area is within the City of Hayward’s Urban Limit Line and is currently surrounded by incorporated City lands. Approximately six municipal services would transfer from Alameda County to the City of Hayward consisting of: Police, Water, Street Maintenance, Street Lighting, Library, Cable Television, and General Governmental and Other Support Services.
6.14. Land may not be annexed to a city unless it is	The land proposed to be annexed is currently within the

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Policy Summary	Discussion
contiguous to the city at the time the proposal is initiated unless the land is owned by the city, is being used for municipal purposes at the time Commission proceedings are initiated, is within the same county as the city, and does not exceed 300 acres in area (§56741, §56742, §56742.5).	City of Hayward Urban Limit Line and is surrounded by incorporated City Lands, i.e., the annexation area consists of two islands of unincorporated County land surrounded by incorporated City land.
6.15. A city shall pre-zone undeveloped property to be annexed before the Commission takes action on the annexation (§56375). No changes to the general plan or zoning shall be made for two years after LAFCo approves a proposal unless the annexing city determines that substantial changes have occurred that necessitate such actions (§56375(e)).	The City of Hayward, in preparing for the proposed annexation, developed pre-zoning designations for the proposed annexation area, including undeveloped areas, including; agricultural (for historic preservation purposes), residential, public facility, and light manufacturing land uses in the Mt. Eden Neighborhood Plan (1990).
6.16. The city shall be the Lead Agency and LAFCo shall be the Responsible Agency, for environmental review of any pre-zone and related change of organization. The city shall consult with LAFCo during the CEQA process, provide a written response to LAFCo's input, and submit environmental documentation to LAFCo pursuant to PRC §15050, §15381, §15096, §15051.	The City of Hayward will be contacting LAFCo to discuss the CEQA process.
6.17. Applications for annexation of islands subject to Williamson Act Land Conservation contracts will not be deemed complete unless a meeting to consider the proposal has been conducted by the affected city and related minutes, staff reports, or written comments are included.	According to the Alameda County Williamson Act Lands Map 2006-2007, the annexation area is not subject to any Williamson Act contracts.
6.18. Applications for annexation of tidelands or submerged lands owned by the State Lands Commission or its trustees will not be deemed complete unless a determination of boundaries and issues by the State Lands Commission is provided to LAFCo (§56740).	The proposed annexation areas do not include tidelands or submerged lands owned by the State Lands Commission or its trustees.
6.19. Detachment from districts providing services to areas being annexed to the city are to be processed simultaneously as a reorganization in compliance with government codes (§56826, §56073) and consistent with applicable SOI policies and any service review recommendations adopted by LAFCo.	A discussion of the need for governmental services and the capability of the City of Hayward and other entities to provide these services are included in this study.

Source: Alameda County LAFCo, 2003a.

Taking into account the intent of the aforementioned County and City planning documents and policies, compliance with LAFCo regulations, and compatible proposed land uses as discussed above in item a), the proposed project would not conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, neighborhood plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, implementation of the proposed project would create a less than significant impact.

CONFLICT WITH HABITAT CONSERVATION PLAN OR NATURAL COMMUNITY CONSERVATION PLAN

c) *No impact.* Please see the discussion under Section IV.f), Biological Resources for more information. There is no adopted Habitat Conservation Plan or Natural Community Conservation Plan that covers the annexation area. Although the annexation area is within the area covered by the adopted Recovery Plan for Serpentine Soil Species of the San Francisco Bay Area, no serpentine soils are present within the annexation area. No provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan apply to the annexation area, and therefore the proposed project will not conflict.

		Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
X.	MINERAL RESOURCES. Would the project:				
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING SETTING

The state requires local jurisdictions to protect areas with economically significant mineral resources from incompatible development. In an effort to maintain availability of sand, gravel and crushed rock for long-term construction needs, the California Division of Mines and Geology (under the authority of the Surface Mining and Reclamation Act of 1975) has classified aggregate mineral zones throughout the state. The only designated "sector" of regional significance in Hayward meeting tests of economic feasibility and current compatible land use that is to be protected from land uses incompatible with mineral extraction is La Vista Quarry, located in the unincorporated area east of Mission Boulevard and Tennyson Road. No other significant aggregate or mineral resources are located in the City of Hayward.

STANDARDS OF SIGNIFICANCE

An impact would occur if the proposed project was located in an area containing mineral resources or if the proposed project was located near mineral resources and would inhibit recovery of those resources either through location or type of land use.

IMPACT DISCUSSION

MINERAL RESOURCES

a) No Impact. The state requires local jurisdictions to protect areas with economically significant mineral resources from incompatible development. In an effort to maintain availability of sand, gravel and crushed rock for long-term construction needs, the California Division of Mines and Geology (under the authority of the Surface Mining and Reclamation Act of 1975) has classified aggregate mineral zones through the state. The only designated "sector" of regional significance in Hayward meeting tests of economic feasibility and current compatible land use that is to be protected from land uses incompatible with mineral extraction is La Vista Quarry, located in the unincorporated area east of Mission Boulevard and Tennyson Road (City of Hayward, 2002a, 7-5). The Alameda County General Plan also does not identify the Eden Area as containing mineral resources (Alameda County, 2007b, 4.8-7).

LOCALLY IMPORTANT MINERAL RESOURCES

b) No Impact. See discussion under **X-a** above.

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

ENVIRONMENTAL SETTING

ACOUSTIC FUNDAMENTALS

Sound is mechanical energy transmitted through a medium (air) in the form of a wave from a disturbance or vibration. Noise, however, is generally defined as sound that is loud, unpleasant, unexpected, or disagreeable.

Amplitude & Frequency

Amplitude is the difference between ambient air pressure and the peak pressure of the sound wave. Amplitude is measured in decibels (dB) on a logarithmic scale. For example, a 10 dB sound is 10 times the pressure difference of a 0 dB sound; a 20 dB sound is 100 times the pressure

difference of a 0 dB sound. Another feature of the decibel scale is the way in which sound amplitudes from multiple sources add together. A 65 dB source of sound, such as a truck, when joined by another 65 dB source results in a sound amplitude of 68 dB, not 130 dB (i.e., doubling the source strength increases the sound pressure by 3 dB). Amplitude is interpreted by the ear as corresponding to different degrees of loudness. Laboratory measurements correlate a 10 dB increase in amplitude with a perceived doubling of loudness and establish a 3 dB change in amplitude as the minimum audible difference perceptible to the average person (FHWA, 1980).

Frequency is the number of fluctuations of the pressure wave per second. The unit of frequency is the Hertz (Hz). One Hz equals one cycle per second. The human ear is not equally sensitive to sound of different frequencies. Sound waves below 16 Hz or above 20,000 Hz cannot be heard at all, and the ear is more sensitive to sound in the higher portion of this range than in the lower. To approximate this sensitivity, environmental sound is usually measured in A-weighted decibels (dBA). On this scale, the normal range of human hearing extends from about 10 dBA to about 140 dBA.

Sound and the Human Ear

Because of the ability of the human ear to detect a wide range of sound pressure fluctuations, sound pressure levels are expressed in logarithmic units called decibels. The sound pressure level in decibels is calculated by taking the log of the ratio between the actual sound pressure and the reference sound pressure squared. The reference sound pressure is considered the absolute hearing threshold.

In addition, because the human ear is not equally sensitive to all sound frequencies, a specific frequency-dependent rating scale was devised to relate noise to human sensitivity. A dBA scale performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear. The basis for compensation is the faintest sound audible to the average ear at the frequency of maximum sensitivity. This dBA scale has been chosen by most authorities for purposes of environmental noise regulation. Typical indoor and outdoor noise levels are presented in **Exhibit XI-1, Typical Noise Levels**.

Unfortunately, there is no completely satisfactory way to measure the subjective effects of noise, or of the corresponding reactions of annoyance and dissatisfaction. This is primarily because of the wide variation in individual thresholds of annoyance, and habituation to noise over differing individual experiences with noise.

Thus, an important way of determining a person's subjective reaction to a new noise is the comparison of it to the existing environment, referred to as the "ambient" environment. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by the hearers. With regard to increases in A-weighted noise level, knowledge of the following relationships will be helpful in understanding this report (U.S. EPA, 1971):

- Except in carefully controlled laboratory experiments, a change of 1 dB cannot be perceived by humans.
- Outside of the laboratory, a 3 dB change is considered a just-perceivable difference.
- A change in level of at least 5 dB is required before any noticeable change in community response would be expected.
- A 10 dB change is subjectively heard as approximately a doubling in loudness.

EXHIBIT XI-1
TYPICAL NOISE LEVELS

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
<u>Jet Fly-over at 300m (1000 ft)</u>	110	<u>Rock Band</u>
<u>Gas Lawn Mower at 1 m (3 ft)</u>	100	
<u>Diesel Truck at 15 m (50 ft), at 80 km (50 mph)</u>	90	<u>Food Blender at 1 m (3 ft)</u>
<u>Noisy Urban Area, Daytime</u>	80	<u>Garbage Disposal at 1 m (3 ft)</u>
<u>Gas Lawn Mower, 30 m (100 ft)</u>	70	<u>Vacuum Cleaner at 3 m (10 ft)</u>
<u>Commercial Area</u>		<u>Normal Speech at 1 m (3 ft)</u>
<u>Heavy Traffic at 90 m (300 ft)</u>	60	
<u>Quiet Urban Daytime</u>	50	<u>Large Business Office</u>
		<u>Dishwasher Next Room</u>
<u>Quiet Urban Nighttime</u>	40	<u>Theater, Large Conference Room (Background)</u>
<u>Quiet Suburban Nighttime</u>		<u>Library</u>
<u>Quiet Rural Nighttime</u>	30	<u>Bedroom at Night,</u>
		<u>Concert Hall (Background)</u>
	20	<u>Broadcast/Recording Studio</u>
	10	
<u>Lowest Threshold of Human Hearing</u>	0	<u>Lowest Threshold of Human Hearing</u>

When evaluating noise impacts, based on the above relationships, it is generally recognized that an increase of greater than 3 dBA is considered potentially significant. However, increases in ambient noise levels need to also take into account the existing noise environment. Consequently, increases in cumulative noise exposure (in CNEL/Ldn) of 5 dBA are generally considered significant in areas where the ambient noise environment is less than 60 dBA. In areas where the ambient noise environment is between 60 and 65 dBA, increases of 3.0 dBA, or greater, would be considered significant. In areas where the ambient noise environment exceeds 65 dBA, a predicted increase of 1.5 dBA, or greater, would be considered significant. These thresholds were initially recommended by the Federal Interagency Committee on Noise (FICON) in 1972, based on noise levels at which people typically become increasingly annoyed. These recommendations have since been recognized by various local, state and federal agencies and are the criteria typically used for the analysis of increases in ambient noise levels (FICON, 2000).

Negative Effects of Noise on Humans

Negative effects of noise exposure include physical damage to the human auditory system, interference, and disease. Exposure to noise may result in physical damage to the auditory system, which may lead to gradual or traumatic hearing loss. Gradual hearing loss is caused by sustained exposure to moderately high noise levels over a period of time, while traumatic hearing loss is caused by sudden exposure to extremely high noise levels over a short period of time. However, gradual and traumatic hearing loss both may result in permanent hearing damage. In addition, noise may interfere with or interrupt sleep, relaxation, recreation, and communication. Although most interference may be classified as annoying, the inability to hear a warning signal may be considered dangerous. Noise may also be a contributor to diseases associated with stress, such as hypertension, anxiety, and heart disease. The degree to which noise contributes to such diseases is dependent upon the noise frequency, bandwidth, level, and exposure time (Caltrans, 1998).

Characteristics of Sound Propagation & Attenuation

Noise can be generated by a number of sources, including mobile sources such as automobiles, trucks, and airplanes, and stationary sources such as construction sites, machinery, and industrial operations. Noise generated by mobile sources typically attenuates (is reduced) at a rate between 3.0 and 4.5 dBA per doubling of distance. The rate depends on the ground surface and the number or type of objects between the noise source and the receiver. Hard and flat surfaces, such as concrete or asphalt, have an attenuation rate of 3.0 dBA per doubling of distance. Soft surfaces, such as uneven or vegetated terrain, have an attenuation rate of about 4.5 dBA per doubling of distance. Noise generated by stationary sources typically attenuates at a rate between 6.0 and about 7.5 dBA per doubling of distance.

Sound levels can be reduced by placing barriers between the noise source and the receiver. In general, barriers contribute to decreasing noise levels only when the structure breaks the "line of sight" between the source and the receiver. Buildings, concrete walls, and berms can all act as effective noise barriers. Wooden fences or broad areas of dense foliage can also reduce noise, but are less effective than solid barriers.

Noise Descriptors

The selection of a proper noise descriptor for a specific source is dependent upon the spatial and temporal distribution, duration, and fluctuation of the noise. The noise descriptors most often

encountered when dealing with traffic, community, and environmental noise are defined below (Caltrans 1998, Lipscomb and Taylor 1978).

- L_{max} (Maximum Noise Level): The maximum instantaneous noise level during a specific period of time.
- L_{min} (Minimum Noise Level): The minimum instantaneous noise level during a specific period of time.
- L_{eq} (Equivalent Noise Level): The energy mean noise level. The instantaneous noise levels during a specific period of time in dBA are converted to relative energy values. From the sum of the relative energy values, an average energy value is calculated, which is then converted back to dBA to determine the L_{eq} .
- L_{dn} (Day-Night Noise Level): The 24-hour L_{eq} with a 10 dBA “penalty” for the noise-sensitive hours between 10 p.m. and 6 a.m. The L_{dn} attempts to account for the fact that noise during this specific period of time is a potential source of disturbance with respect to normal sleeping hours.
- CNEL (Community Noise Equivalent Level): The CNEL is similar to the L_{dn} described above, but with an additional 5 dBA “penalty” for the noise-sensitive hours between 7 p.m. to 10 p.m., which are typically reserved for relaxation, conversation, reading, and television. If using the same 24-hour noise data, the CNEL is typically approximately 0.5 dBA higher than the L_{dn} .

REGULATORY FRAMEWORK

Local Plans, Policies, Regulations, and Ordinances

City of Hayward General Plan

The Noise Element of the City of Hayward General Plan contains policies designed to protect the community from the harmful and annoying effects of exposure to excessive noise. The City’s General Plan also includes noise compatibility guidelines and standards for proposed development projects. The City’s noise compatibility standards are summarized in **Table XI-1, City of Hayward Land Use Compatibility Noise Criteria**.

In addition to the noise criteria identified in **Table XI-1**, the City’s General Plan also includes specific criteria for the evaluation of noise impacts associated with proposed development projects. These criteria include an interior noise standard of 45 dB L_{dn} for new housing units. Residential dwellings exposed to exterior aircraft or railroad noise levels of 60 dB L_{dn} or greater shall also achieve an interior noise standard of 55 dBA L_{max} within bedrooms during the daytime hours and 50 dBA L_{max} during the nighttime hours (City of Hayward, 2002a; City of Hayward, 2006). The City’s *General Plan Guidelines for the Review of New Development* is summarized in **Table XI-2, City of Hayward Guidelines for the Review of New Development**.

City of Hayward Noise Ordinance

The City of Hayward’s noise ordinance includes provisions for the protection of public peace, but does not identify specific noise standards. In accordance with the City’s noise ordinance, noise-generating construction activities shall not exceed the local ambient level by more than 6 dB at any point outside the property line between the hours of 7:00 p.m. and 7 a.m., Monday

through Saturday. Construction activities are limited to between the hours of 10:00 a.m. and 6 p.m. on Sundays and holidays.

STANDARDS OF SIGNIFICANCE

Noise impacts associated with the proposed project would be considered significant if implementation of the proposed land uses would:

- Result in a substantial increase (i.e., 6 dBA or greater) in ambient noise levels at nearby residential land uses during the more noise-sensitive nighttime hours of 7 p.m. to 7 a.m., Monday thru Saturday, or between 6 p.m. and 10 a.m. on Sundays or holidays;
- Result in a substantial permanent long-term increase in ambient noise levels. For purposes of this analysis, “substantial increase” is defined as an increase of 5 dBA where the ambient noise environment is less than 60 dBA. In areas where the ambient noise environment is between 60 and 65 dBA, increases of 3.0 dBA, or greater, would be considered significant. In areas where the ambient noise environment exceeds 65 dBA, a predicted increase of 1.5 dBA, or greater, would be considered significant.
- Result in increased exposure of land uses to excessive groundborne vibration levels. There are currently no adopted federal, state, or local standards for vibration. For most structures, a peak particle velocity (ppv) threshold of 0.2 inch per second (in/sec) is recommended by Caltrans to avoid structural damage, with the exception of fragile historic structures or ruins (Caltrans, 2002).

**TABLE XI-1
CITY OF HAYWARD LAND USE COMPATIBILITY NOISE CRITERIA**

Land Use Category	Community Noise Exposure (Ldn or CNEL, dBA)						Interpretation
	55	60	65	70	75	80	
Residential – Low Density Single Family, Duplex, Mobile Homes							Normally Acceptable Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
Residential – Multiple Family							Conditionally Acceptable New construction or development should be undertaken only after a detailed analysis of noise reduction requirements and needed noise insulation features included in the design. Conventional construction with closed windows and fresh air supply systems or air conditioning will normally suffice.
Transient Lodging – Motels, Hotels							Normally Unacceptable New construction or development
Schools, Libraries, Churches, Hospitals, Nursing Homes							Normally Unacceptable New construction or development
Auditoriums, Concert Halls, Amphitheaters							Normally Unacceptable New construction or development
Sports Arena, Outdoor Spectator Sports							Normally Unacceptable New construction or development

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Land Use Category	Community Noise Exposure (Ldn or CNEL, dBA)						Interpretation	
	55	60	65	70	75	80		
							should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.	
Playgrounds, Neighborhood Parks								
Golf Courses, Riding Stables, Water Recreation, Cemeteries								
Office Buildings, Business Commercial and Professional								Clearly Unacceptable New construction or development should generally not be undertaken
Industrial, Manufacturing, Utilities, Agriculture								

Source: City of Hayward 2002

**TABLE XI-2
CITY OF HAYWARD GUIDELINES FOR THE REVIEW OF NEW DEVELOPMENT**

- A. New development projects shall meet acceptable noise level standards. The “acceptable” noise standards for new land uses as established in Land Use Compatibility for Community Exterior Noise Environments shall be used with further consideration of the following:
1. The maximum acceptable exterior noise level in residential areas is an Ldn of 55 dB for single-family development and an Ldn of 60 dB for multi-family development. These levels shall guide the design and location of future development, and are the goals for the reduction of noise in existing development. These goals will be applied where outdoor use is a major consideration (e.g., backyards in single-family housing developments and recreation areas in multi-family housing projects). The outdoor standard will normally be applied to any area considered to be “useable open space”, including decks and balconies associated with apartments and condominiums.
 2. Indoor noise level shall not exceed an Ldn of 45 dB in new housing units.
 3. If the primary noise source is aircraft or a railroad, noise levels in new residential development exposed to an exterior Ldn of 60 dB or greater should be limited to a maximum instantaneous noise level in bedrooms at night of 50 dB(A). Maximum instantaneous noise levels in bedrooms during the daytime and in other rooms should not exceed 55 dB(A).
 4. If the primary noise source is a commercial or industrial land use, new residential development shall not be allowed where the ambient noise level due to commercial or industrial noise sources will exceed the noise level standards as set forth in Table 1. Each of the noise level standards specified in Table 1, “Noise and Land Use Compatibility Standards for Industrial and Commercial Noise”, shall be reduced by 5 dB(A) for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
 5. Appropriate interior noise levels in commercial, industrial and office buildings are a function of the use of space and shall be evaluated on a case-by-case basis. Interior noise levels in offices generally should be maintained at 52 Leq (hourly average) or less. The noise guidelines and contours will be used to determine if additional noise studies are needed for proposed new development. Noise studies shall follow a standard format and guidelines.
- B. Protect the noise environment in existing residential areas. The guidelines are not intended to be applied reciprocally. In other words, if an area currently is below the desired noise standards, an increase in noise up to the maximum should not necessarily be allowed. The impact of a proposed project on an existing land use should be evaluated in terms of the potential for adverse community response based on a significant increase in existing noise

levels, regardless of the compatibility guidelines. Specific examples of these situations are described below:

1. The project has the potential to generate significant adverse community response due to the increased character of the noise it would generate.
2. Noise created by commercial or industrial sources associated with new project or developments shall be controlled so as not to exceed the noise level standards set forth in Table 1 as measured at any affected residential land use. The allowable noise level shall be adjusted up to the ambient noise level.

In general, the City will require the evaluation of mitigation measures for projects that would cause the Ldn to increase by 3 dB(A) or more at an existing residential area.

- C. Locate noise sensitive uses away from noise sources unless mitigation measures are included in development plans. Protect schools, hospitals, libraries, churches, convalescent homes, and other noise sensitive uses from noise levels exceeding those allowed in residential areas.
- D. Design city streets to reduce noise levels in adjacent areas. Continue to require soundwalls, earth berms, and other noise reduction techniques (e.g., "open grade" or "rubberized" asphalt) as conditions of development approval.

Source: City of Hayward, 2002a.

Existing Noise Environment

Noise-Sensitive Land Uses

Noise-sensitive land uses generally include those uses where exposure to noise would result in adverse effects, as well as uses where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Other noise-sensitive land uses include hospitals, convalescent facilities, parks, hotels, churches, libraries, and other uses where low interior noise levels are essential. Noise-sensitive land uses located near the annexation area consist of residential land uses, the nearest of which are generally located adjacent to the annexation area.

Existing Noise Sources and Ambient Noise Levels

The annexation area is influenced primarily by vehicle traffic on area roadways. Major roadways located in the vicinity of the annexation area that contribute to ambient noise levels at the annexation area includes Hesperian Boulevard to the west, West Street to the north, Industrial Boulevard to the west, and Depot Road to the south. The eastern portion of the West-Mohr island is located within the projected 60 dBA CNEL contour of Hesperian Boulevard. The western and southern portions of the Mohr-Depot island are located within the projected 60 dBA CNEL noise contour of Industrial Boulevard and Depot Road (City of Hayward, 2002a). To a somewhat lesser extent, aircraft overflights from Hayward Executive Airport, as well as, outdoor recreational activities at Chabot College also contribute to ambient noise levels at the annexation area.

IMPACT DISCUSSION

EXCEED NOISE STANDARDS

a) ***Less than Significant with Mitigation Incorporated.*** The proposed project includes the annexation of the Mohr-Depot island and the West-Mohr island, which are surrounded by incorporated areas of Hayward. The proposed project would include the potential development of 54 single-family dwelling units. Increases in ambient noise levels associated with proposed development would occur during short-term construction and long-term increases in vehicle traffic on area roadways. Noise-related impacts associated with short-term construction and long-term operation of proposed residential land uses, as well as, compatibility of proposed

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land uses in comparison to projected future noise levels associated with nearby noise sources, are discussed separately, as follows:

Short-term Increases in Ambient Noise Levels

Construction noise typically occurs intermittently and varies depending upon the nature or phase (e.g., demolition/land clearing, grading and excavation, erection) of construction. Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. Although noise ranges were found to be similar for all construction phases, the grading phase tends to involve the most equipment resulting in slightly higher average-hourly noise levels. Typical noise levels for individual pieces of construction equipment are summarized in **Table XI-3, Typical Construction Equipment Noise Levels**. As depicted, individual equipment noise levels typically range from approximately 75 to 91 dBA at 50 feet, without noise control. With noise control, individual equipment noise levels typically range from approximately 75 to 80 dBA at 50 feet. Typical operating cycles may involve 2 minutes of full power, followed by 3 or 4 minutes at lower settings. Depending on the activities performed and equipment usage requirements, combined average-hourly noise levels at construction sites typically range from approximately 65 to 89 dBA L_{eq} at 50 feet (EPA 1971).

**TABLE XI-3
TYPICAL CONSTRUCTION EQUIPMENT NOISE LEVELS**

Type of Equipment	Noise Level in dBA at 50 feet	
	Without Feasible Noise Control	With Feasible Noise Control ¹
Dozer or Tractor	80	75
Excavator	88	80
Compactor	82	75
Front-end Loader	79	75
Backhoe	85	75
Grader	85	75
Crane	83	75
Generator	78	75
Truck	91	75

¹ Feasible noise control includes the use of intake mufflers, exhaust mufflers, and engine shrouds.

Sources: U.S. Environmental Protection Agency 1971; Federal Transit Administration 2006

Assuming a maximum construction noise level of 89 dBA L_{eq} and an average attenuation rate of 6 dBA per doubling of distance from the source, construction activities located within approximately 1,500 feet of noise-sensitive receptors could reach levels of approximately 60 dBA. Activities occurring during the more noise-sensitive evening and nighttime hours may result in increased levels of annoyance and potential sleep disruption to occupants of nearby

residential dwellings. Construction-generated noise would, therefore, be considered to result in a **potentially significant** short-term noise impact to nearby noise-sensitive land uses.

Mitigation Measure

MM XI-1 Prior to or during construction, the following mitigation measures shall be implemented:

- Noise-generating construction activities shall be limited to between the hours of 7 a.m. to 7 p.m., Monday through Saturday, and between the hours of 10:00 a.m. to 6 p.m. on Sundays and holidays, excluding activities that would pose a safety hazard to construction employees or the public. Noise-generating construction activities shall comply with City of Hayward Noise Ordinance requirements.
- Construction equipment and equipment staging areas shall be located at the furthest distance possible from adjacent land uses.
- Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- When not in use, motorized construction equipment shall not be left idling.

Timing/Implementation: Prior to/during construction.

Enforcement/Monitoring: City of Hayward Development Services Department.

Implementation of MM XI-1 would prohibit noise-generating activities from occurring during the more noise-sensitive periods of the day and would reduce short-term noise impacts to nearby residential land uses. With mitigation, this impact would be considered **less than significant**.

Long-term Increases in Ambient Noise Levels

Residential land uses would not be anticipated to result in the long-term operation of any major stationary sources of noise. As a result, increases in ambient noise levels at nearby existing noise-sensitive land uses would be primarily associated with potential increases in vehicle traffic noise due to increased traffic potentially generated by the future residential land uses constructed within the annexation areas. Occupants of future residential land uses located within the annexation area could also be exposed to potential increases in ambient noise levels from nearby transportation and non-transportation noise sources that could potentially exceed the City's noise standards. As noted earlier in this report, the City's "normally acceptable" noise compatibility criteria for residential land uses is 60 dBA L_{dn}/CNEL. Noise levels are considered "conditionally acceptable" at levels up to 70 dBA L_{dn}/CNEL, provided exterior noise reduction measures have been incorporated and interior noise levels have been reduced to within acceptable levels (**Table XI-2**).

Potential exposure to transportation and non-transportation noise sources is discussed in more detail, as follows:

Roadway Traffic Noise

Potential increases in ambient noise levels associated with the proposed residential development would be primarily associated with increases in vehicle traffic on area roads. Based on the traffic analysis prepared for this project, the proposed project would result in a total of approximately 258 daily trips. Increases in vehicle trips would predominantly occur along segments of West Street and Hesperian Boulevard located near Annexation Area 1; as well as, segments of Industrial Boulevard and Depot Road located near Annexation Area 2 (DMJM Harris/AECOM, 2009). Existing traffic volumes along these nearby roadways average several thousand vehicle trips per day. Typically, a doubling of vehicle traffic would be required before a noticeable increase (i.e., 3 dBA or greater) in traffic noise levels would occur. Assuming a maximum of 258 daily trips generated by each of the West-Mohr island and the Mohr-Depot island, implementation of the proposed project would result in increased traffic noise levels of approximately 0.1 dBA, or less, along adjacent primarily affected roadways.

Predicted future noise contours for area roadways were calculated as part of the *City of Hayward General Plan Update*. Based on the predicted traffic noise contours contained in the General Plan, the projected 60 dBA L_{dn} /CNEL noise contours of adjacent and nearby roadways, including Hesperian Boulevard, Depot Road, and Industrial Boulevard, would be projected to extend onto the Annexation Areas. As the parcel-specific location of anticipated future residential units can not be known at this time, predicted exterior and interior traffic noise levels at future residential dwellings cannot be calculated at this time. However, given that the projected 60 dBA L_{dn} /CNEL noise contours of adjacent and nearby roadways would extend onto portions of annexation area, predicted noise levels at future residential land uses could conceivably exceed the City's "normally acceptable" noise standard of 60 dBA L_{dn} /CNEL. As a result, exposure to roadway traffic noise would be considered **potentially significant**.

Railroad Noise

The Union Pacific Railroad extends in a general north to south direction approximately 1,300 feet west of the annexation area. The existing UPRR is currently used for freight transport. The number of trains traveling along the UPRR varies from day to day, but typically averages fewer than 5 trains per day. An analysis of train noise levels was recently completed for the *Eden Shores* development project in February 2005. Based on the analysis conducted, the predicted train noise levels measured approximately 74 dBA L_{dn} at 50 feet from the track. Maximum intermittent noise levels associated with the sounding of train horns ranged from 86 to 89 dB at a distance of 160 feet (City of Hayward, 2005). Based on these noise levels, predicted train noise levels at the nearest western boundary of the West-Mohr island and the Mohr-Depot island, approximately 1,300 feet from the track centerline, would be approximately 53 dBA L_{dn} . Based on these noise levels, predicted train noise levels at future residential dwellings located within the annexation area would not exceed the City's "normally acceptable" exterior noise standard of 60 dBA L_{dn} /CNEL. As a result, exposure to train noise would be considered **less than significant**.

Aircraft Noise

The nearest airport located within the vicinity of the annexation area is the Hayward Executive Airport, which is located approximately 0.5 mile north of the annexation area. However, the annexation area is not located within the existing 65 dBA CNEL noise contour of the airport, which are generally located within the boundaries of the airport (Donnelley, 2008). Future operations and associated noise contours of the airport are not anticipated to substantially change in future years (City of Hayward, 2002a). Based on current and projected noise

contours, predicted average-daily noise levels at the nearest annexation area would not be anticipated to exceed the City's exterior noise standard of 60 dBA CNEL.

Although projected average-daily noise levels would not be anticipated to exceed applicable noise standards, future residential land uses would be located beneath the flight paths of this airport. Aircraft overflights could result in intermittent increases in ambient noise levels. To avoid prolonged flight at low altitudes over noise-sensitive residential areas and resultant intermittent noise impacts, the Hayward Executive Airport has implemented an aircraft noise abatement program. The program includes various measures designed to reduce potential noise impacts to nearby residential areas and establishes maximum allowable single-event noise levels for aircraft, based on the time of day. The Hayward Executive Airport also operates a noise monitoring network at various locations around the airport to monitor and enforce adopted aircraft noise restrictions. Aircraft in violation of adopted noise standards are prohibited from taking off, landing, or otherwise operating at the airport (Boeing, 2008). Continued enforcement of these restrictions would ensure that resultant intermittent noise events associated with aircraft overflights of the annexation area would not exceed applicable noise standards. As a result, exposure to average-daily and intermittent aircraft noise levels would be considered **less than significant**.

Chabot College – Exterior Recreational Activities

The annexation area is generally located near the northern and western boundaries of Chabot College. Noise sources located at the college that could potentially affect occupants of future residential dwellings located within these annexation areas would be primarily associated with the use of exterior recreational facilities at the college. Exterior recreational facilities at the Cabot College include a stadium, consisting of a football field and track, located near the northern boundary of the college, and various other ballfields generally located within the western portion of the campus.

Based on noise measurements conducted for similar facilities, noise levels typically associated with the use of school playfields and stadiums, including noise from spectators and players, average approximately 60 to 65 dBA Leq at 50 feet. For larger stadiums equipped with amplified sound systems and events that draw large spectator crowds, such as the existing football stadium, predicted exterior noise levels can range from approximately 57 to 72 dBA Leq at approximately 500 feet. Other uses commonly associated with stadiums, such as band performances, can also result in substantial increases in ambient noise levels. Maximum intermittent noise levels associated with activities conducted at stadiums can reach levels of up to approximately 90 dBA at 50 feet, for brief periods of time.

As the parcel-specific location of anticipated future residential units can not be known at this time, a detailed analysis of resultant noise impacts associated with the adjacent recreational-use activities cannot be conducted at this time. Resultant noise levels at nearby offsite land uses would be dependent on multiple factors, such as the distance of proposed dwellings from nearby recreational activities, site design and construction techniques; as well as, the specific activities conducted at the nearby recreational facilities. However, based on noise levels commonly associated with recreational uses, as discussed above, predicted noise levels at future residential dwellings could potentially exceed the City's noise standards. As a result, exposure to noise generated by nearby recreational uses would be considered **potentially significant**.

Mitigation Measure

MM XI-2 A site-specific acoustical assessment shall be prepared by a qualified acoustical consultant for future residential dwellings located within the annexation area. The acoustical assessment shall address potential transportation and non-transportation noise impacts. Mitigation measures shall be incorporated sufficient to achieve the City of Hayward noise standards. Such measures may include, but are not limited to, the incorporation of setbacks, sound barriers, berms, and/or increased building noise-reduction measures.

Timing/Implementation: Prior to tentative map approval.

Enforcement/Monitoring: City of Hayward Development Services Department.

Implementation of **MM XI-2** would require incorporation of building design and construction techniques and materials sufficient to achieve the City's noise standards. With mitigation, this impact would be considered **less than significant**.

GROUNDBORNE VIBRATION OR NOISE LEVELS

b) Less than Significant. Ground vibration spreads through the ground and diminishes in strength with distance. The effects of ground vibration can vary from no perceptible effects at the lowest levels, low rumbling sounds and detectable vibrations at moderate levels, and slight damage to nearby structures at the highest levels. At the highest levels of vibration, damage to structures is primarily architectural (e.g., loosening and cracking of plaster or stucco coatings) and rarely result in structural damage. For most structures, a peak particle velocity (ppv) threshold of 0.5 inches per second (in/sec) is sufficient to avoid structure damage, with the exception of fragile historic structures or ruins. At the request of the U.S. Environmental Protection Agency the Committee of Hearing, Bio-Acoustics, and Bio-Mechanics (CHABA) have developed guidelines for safe vibration limits for ruins and ancient and/or historic buildings. For fragile structures, the CHABA recommends a maximum limit of 0.25 inches per second ppv. For the protection of fragile, historic, and residential structures, the California Department of Transportation recommends a more conservative threshold of 0.2 inches per second ppv. This same threshold would represent the level at which vibrations would be potentially annoying to people in buildings (FTA, 2006; Caltrans, 2002).

Increases in groundborne vibration levels attributable to the proposed project would be primarily associated with short-term construction-related activities. Groundborne vibration levels associated with construction equipment are summarized in **Table XI-4**. Construction activities associated with the proposed improvements would likely require the use of various tractors, trucks, and jackhammers. The use of pile drivers is not anticipated to be required for the development of proposed residential land uses. Based on the vibration levels presented in **Table XI-4, Representative Vibration Source Levels for Construction Equipment**, ground vibration generated by construction equipment would be less than 0.09 inches per second ppv at 25 feet. Predicted vibration levels at the nearest onsite and offsite structures would, therefore, not be anticipated to exceed even the most conservative threshold of 0.2 inches per second ppv. Short-term groundborne vibration impacts would be considered **less than significant**. No mitigation is required.

TABLE XI-4
REPRESENTATIVE VIBRATION SOURCE LEVELS FOR CONSTRUCTION EQUIPMENT

Equipment	Peak Particle Velocity at 25 Feet (in/sec ppv)
Large Tractors	0.089
Caisson Drilling	0.089
Loaded Trucks	0.076
Jackhammer	0.035
Small Tractors	0.003

Source: Caltrans 1996, FTA 2006

Long-term operational activities associated with the proposed project would not involve the use of any equipment or processes that would result in potentially significant levels of ground vibration. The nearest existing source of groundborne vibration is the Union Pacific Railroad, which is located in excess of approximately 1,300 feet from the annexation area. Based on screening criteria recommended by the California Department of Transportation (Caltrans), architectural damage due to train-generated ground vibration could occur at structures located within approximately 25 feet of the track centerline. Ground vibration levels may be perceptible and result in increased levels of annoyance for occupants of buildings located within approximately 66 feet of the tract centerline (Caltrans, 2002). Based on these screening-level criteria, predicted groundborne vibration levels at the nearest boundary of the annexation area, which are located in excess of approximately 1,300 feet from the railline, would not exceed applicable groundborne vibration criteria. As a result, this impact is considered **less than significant**.

PERMANENT INCREASE IN AMBIENT NOISE

c) Less than Significant with Mitigation Incorporated. As previously discussed, implementation of the proposed project would not be anticipated to result in potentially significant increases in ambient noise levels at nearby existing noise-sensitive land uses. However, predicted noise levels at future residential land uses developed within the annexation area could potentially exceed the City's noise standards. As a result, this impact would be considered **potentially significant**, subject to mitigation. With implementation of **MM XI-1** and **MM XI-2**, this impact would be considered **less than significant**. Refer to the discussion in Section XI. Noise, **item a)**, above, for additional discussion.

TEMPORARY OR PERIODIC INCREASE IN AMBIENT NOISE

d) Less than Significant with Mitigation Incorporated. As previously discussed, short-term construction activities would be anticipated to result in potentially significant increases in ambient noise levels at nearby existing and/or proposed noise-sensitive land uses. As a result, this impact would be considered **potentially significant**, subject to mitigation. With implementation **MM XI-1**, this impact would be considered **less than significant**. Refer to the discussion in Section XI. Noise, **item a)**, above, for additional discussion.

LOCATED WITHIN TWO MILES OF AN AIRPORT AND LOCATED WITHIN THE VICINITY OF A PRIVATE AIR STRIP

e, f) Less than Significant. The nearest airport/airstrip is the Hayward Executive Airport located on Hesperian Boulevard north of Winton Avenue. As previously discussed, the airport is approximately 0.5 miles north of the annexation area. The annexation area is not located within the 60 dBA CNEL noise contour of this airport. Continued enforcement of the adopted airport noise abatement procedures would ensure that resultant intermittent noise levels associated with aircraft overflights of the annexation area would not exceed applicable noise standards. This impact is considered **less than significant**.

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
XII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXISTING SETTING

The number of existing housing units in the proposed annexation area is 71, per Alameda County Assessor’s Office records. Since new development cannot occur without access to public sewer and water systems and City policy approved in 1995 has not allowed access to those systems unless annexation occurs or a public health situation exists due to failure of a private septic system or well, it can be assumed that no significant change to population or number of housing units has occurred since 2000.

The population increase resulting from implementation of the proposed project would be between 166 to 170 persons, for a total of 385 to 394 persons residing within the annexation area. This resulting range is based on an average household size of 3.08 persons and 3.15 persons per household (Metropolitan Transportation Commission – Association of Bay Area Governments Library, 2009). While this statistic has not yet been released, it is anticipated that the ABAG Projections 2009 will report that the average household size applicable to the annexation area is between 3.08 and 3.15 persons per household.

STANDARDS OF SIGNIFICANCE

An impact would be considered potentially significant if the proposed project would induce substantial growth or concentration of the population; alter the location, distribution, density, or growth rate of the population of an area; substantially affect existing housing or create a demand for additional housing; or conflict with housing and population projections and policies set forth in City of Hayward General Plan.

IMPACT DISCUSSION

POPULATION GROWTH

a) *Less than Significant.* The number of existing housing units in the proposed annexation area is 71, per Alameda County Assessor's Office records. The population increase resulting from implementation of the proposed project would be between 166 to 170 persons, for a total of 385 to 394 persons residing within the annexation area. This resulting range is based on an average household size of 3.08 persons and 3.15 persons per household (Metropolitan Transportation Commission – Association of Bay Area Governments Library, 2009). While this statistic has not yet been released, it is anticipated that the ABAG Projections 2009 will report that the average household size applicable to the annexation area is between 3.08 and 3.15 persons per household. Although the proposed project would directly induce population growth as it would allow for additional housing units and would require the extension of infrastructure meeting City standards, the growth is not considered substantial and has also been anticipated through the City's General Plan. The proposed project would have a **less than significant** impact on population growth.

DISPLACE HOUSING

b) *Less than Significant.* The proposed project does not include specific plans for near term development that could displace housing or people. At such time that any future development is proposed within the annexation area, separate environmental review in compliance with CEQA would be required.

DISPLACE PEOPLE

c) *Less than Significant.* See discussion under **item XII.b)** above.

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

EXISTING SETTING

FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE

Fire and emergency medical service to the proposed annexation area are provided by the Hayward Fire Department. The Department provides fire suppression, emergency medical, fire prevention, hazardous materials response and related services. The Department employs a staff of 135 with 87 firefighters certified as paramedics. Hayward Fire Department staff responded to approximately 14,500 calls for service in 2008. Nine operating stations are maintained by the Department, which house 11 fire companies. These consist of nine engine companies, which are first responders and provide fire suppression, and two truck companies that provide structural entry, ventilation, laddering and rescue operations as well as medical response.

The fire station nearest the proposed annexation area is Fire Station #6, located near the intersection of West Winton Avenue and Saklan Road (1401 West Winton Avenue) which has one fire engine and three Firefighters. The Department has adopted response time criteria for emergency calls for service, including a response of five minutes for arrival of the first engine company to a call, an arrival time of seven minutes for the first truck company and the arrival of the balance of Fire Department within ten minutes. Given the close proximity of Station #6 to the proposed annexation area, the response time for the primary company would be well within the City’s response criteria. The Hayward Fire Department responded to 20 calls for service in the annexation area in 2008, 21 in 2007, 19 in 2006, 20 in 2005, 20 in 2004, 24 in 2003, 21 in 2002, 31 in 2001 and 29 in 2000.

In 1983, the City and County entered into an agreement whereby the City would provide primary fire protection services for the unincorporated lands in west Hayward, with reimbursement provided by the County for services rendered. Under this agreement, the Hayward Fire Department has historically been, and would continue to be the fire protection agency for the proposed reorganization area and unincorporated areas in the Mt. Eden vicinity. The City currently receives about \$37,000 per annum to provide fire protection in Mt. Eden. This

money would no longer pass through the Hayward Fire Department budget following annexation.

POLICE PROTECTION

For the proposed annexation area, law enforcement services are currently provided primarily by the Alameda County Sheriff's office, with the nearest facility being the Eden Township substation, located at 15001 Foothill Boulevard in San Leandro. The Sheriff's office is the first responder for emergency calls for service and also provides patrol and detection for residents of the unincorporated portion of Alameda County. Traffic services are provided by the California Highway Patrol. The Sheriff's Department patrol beat for the unincorporated Mt. Eden area is shared with other unincorporated portions of the County in the San Lorenzo area.

The Hayward Police Department provides police protection within the community, including crime prevention, investigation services, traffic control and animal control services to City residents. Services are provided out of a main headquarters facility located at 300 Winton Avenue. The adopted 2009-2010 City budget indicates the Department includes a staff complement of 191 sworn officers out of a total staff of approximately 301. The Department also maintains a variety of vehicles and support equipment. The Alameda County Sheriff's Office responded to 149 calls for service in the Mt. Eden area in 2008, 250 in 2007, 565 in 2006 and 578 in 2005. The sharp drop in calls between 2006 and 2007 is a result of the Phase I annexation of three islands.

SCHOOLS

All of the proposed annexation area is within the Hayward Unified School District. The annexation area is within the Eden Gardens Elementary School, Ochoa Middle School and Mt. Eden High School attendance areas.

PARKS

The annexation area and the entire City are within the Hayward Area Recreation and Park District (HARD) service area. The Hayward General Plan includes a standard of 1.5 acres of local parks per 1,000 people.

OTHER PUBLIC FACILITIES

Library

The Hayward library system serves residents within Hayward and in the proposed annexation area. Residents in the annexation area and other unincorporated portions of Alameda County are also served by the Alameda County Library system. The Hayward library system includes the Main Library, located at 835 "C" Street and the Weekes Branch Library, located at 27300 Patrick Avenue. Both branches are open six days per week. The nearest Alameda County branch libraries to the proposed annexation area are the Castro Valley Branch Library, located at 20055 Redwood Road, and the San Lorenzo Branch Library, located at 395 Paseo Grande. The Castro Valley and San Lorenzo branches are open six days per week.

Roadways

All roadways within the proposed annexation area, with the exception of Ramona Drive, are public roadways, many of which lack curbs, gutters and sidewalks. Roadways are currently maintained by Alameda County.

STANDARDS OF SIGNIFICANCE

Regarding public services, a significant impact would occur if the project resulted in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks, and other public facilities.

IMPACT DISCUSSION

FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE

a) *Less than Significant.* Future construction of new residential and non-residential development anticipated in the proposed annexation area would increase the risk of fire to future residents, employees and visitors by adding new dwelling units and non-residential floor space. However, the recent connection of the annexation area to Hayward's water system will significantly assist in increasing fire safety in the area by providing a reliable water supply with adequate water pressure. The number of calls for service for medical emergencies would increase based on a higher resident and employee population. The timing of such increases is unknown and would be dependent on market forces. Increases in calls for fire services would be evaluated periodically as part of the City's normal budget cycle. The proposed project would have a **less than significant** impact on fire protection and emergency medical service.

POLICE PROTECTION

b) *Less than Significant.* Approval of the proposed annexation and related potential new development would represent an incremental increase in calls for service to the Police Department. Increases in calls for police services would be evaluated periodically as part of the City's normal budget cycle. Upon annexation, the area would be served by the Hayward Police Department and the Alameda County Sheriff would no longer have primary jurisdiction within this area. Residents of the Project area would benefit from a higher level of service due to probable faster response times compared to the Sheriff's Office, due to closer proximity of the Hayward Police Department headquarters to the Project area. Emergency response time would likely be improved, with a greater number of police personnel on patrol with smaller beat responsibilities. Upon annexation, new development would also be required to adhere to the standard security measures imposed by the City of Hayward Police Department. The proposed project would have a **less than significant** impact on police protection.

SCHOOLS

c) *Less than Significant Impact with Mitigation Incorporated.* New potential development is estimated to generate 22 elementary school students, 5 middle school students and 12 high school students. Developers would be obligated to pay the required school impact fees to mitigate impacts of these additional students on the schools.

Mitigation Measures

MM XIII.1 Prior to approvals of land use entitlements for individual development projects within the Project area by the City of Hayward, each project proponent shall pay school impact mitigation fees in effect at the time building permits are granted, or provide other mitigation as found acceptable by the Hayward Unified School District.

Timing/Implementation: Prior to any site disturbance.

Enforcement/Monitoring: City of Hayward Development Services Department and Hayward Unified School District.

Implementation of the above mitigation measure MM XIII-1 would reduce impacts to schools to a **less than significant** level.

PARKS

d) *Less than Significant Impact with Mitigation Incorporated.* Approval of the proposed annexation and subsequent development within the City of Hayward would increase the demand for local and community park and recreation facilities. Anticipated development would be expected to generate the need for an additional 0.26 acres of new local parkland and requires mitigation.

Mitigation Measures

MM XIII-2 Payment of park in-lieu fees or dedication of parkland and or recreation facilities, as approved by HARD, at the time future development is permitted will mitigate the demand for future parks. Possibilities for enhanced park and recreation facilities in and adjacent to the Project area may include the expansion of Greenwood Park, and/or the expansion of joint use facilities at Chabot College and Ochoa Middle School/Rancho Arroyo Park, and a 3.55-acre area just west of the Waterford apartment complex along Depot Road within City limits, which is identified as a potential park site in the Mt. Eden Neighborhood Plan.

Timing/Implementation: Prior to project approval.

Enforcement/Monitoring: City of Hayward Development Services Department and HARD.

Implementation of the above mitigation measure MM XIII-2 would reduce impacts to parks and other public facilities to a **less than significant** level.

OTHER PUBLIC FACILITIES

e) *Less than Significant.* The impacts on library operations due to the proposed project would be expected to be minimal and **less than significant** given that the Hayward library system already provides service to the project area additional to the Alameda County Library system.

All roadways within the proposed annexation area, with the exception of Ramona Drive, are public roadways, many of which lack curbs, gutters and sidewalks. No new public roadways are planned. Based on 1993 improvement plans developed by the County, several roadways would be required to be widened. The 1993 improvement plans show that Eden Avenue would be extended south from Laguna Drive to Depot Road, however, the improvement plans are being revised and City intends to abandon this right-of-way. No public improvements are planned for Ramona Drive, which is a private street. If annexation is approved, maintenance for all public streets and associated traffic operations and street lighting within the annexation area would be provided by the City. However, the financing for the street improvements has been determined and payment of taxes and other standard revenue sources for street maintenance would be required of the annexed parcels. These mechanisms would reduce the potential impact of street improvements and maintenance to **less than significant**.

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
XIV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXISTING SETTING

The annexation area and the entire City are within the Hayward Area Recreation and Park District (HARD) service area. The Hayward General Plan includes a standard of 1.5 acres of local parks per 1,000 people.

STANDARDS OF SIGNIFICANCE

Regarding recreation, a significant impact would occur if the project increased the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated or if the project included or required construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

IMPACT DISCUSSION

NEIGHBORHOOD OR REGIONAL PARKS AND EXPANSION OF RECREATIONAL FACILITIES

a, b) *Less than Significant.* Please refer to the discussion under XIII. Public Services d) above. The proposed project involves the annexation of parcels that have already been largely developed, and as such level of usage of neighborhood parks and regional parks would remain the same, with the exception of any new residents associated with new development. At the time of project approval, payment of park in-lieu fees or dedication of parkland and or recreation facilities, as approved by HARD, would be collected. The proposed project would have a less than significant impact on the condition of existing neighborhood and regional parks and recreational facilities. Any future park that would be necessary to meet park and recreational facility demand would be required to undergo project-level environmental review at the time that the plans were developed to determine if the facility would have a potential adverse physical effect on the environment. Therefore, the proposed project would have a **less than significant** impact upon recreation.

	Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING SETTING/TRANSPORTATION ANALYSIS

In the vicinity of the annexation area, on-street parking is generally permitted in the residential areas and is prohibited in industrial areas. Class III bike facilities currently exist on Middle Lane, Clawiter Road and Depot Road. Class III bicycle facilities are signed routes only, where bicyclists share travel lanes with vehicles. Sidewalks currently exist along the majority of the major roadways in the vicinity of the annexation area, but sidewalks are missing along many of the property frontages within the annexation area.

Regional access to the annexation area is provided by Interstate 880 and State Route 92. Local access is provided by Hesperian Boulevard, Industrial Boulevard, and Depot Road.

Interstate 880 (I-880) is a regional freeway extending between San Jose to the south and I-80 in Emeryville to the north. Four lanes are generally provided in each direction on this freeway near the annexation area, with auxiliary lanes available at some locations. Access to I-880 from the

annexation area is provided via an interchange at West Winton Avenue located north of the annexation area.

State Route 92 (SR-92) is a regional freeway and state highway located south of the annexation area, extending between I-880 in Hayward and Half Moon Bay to the west. Three to four lanes are generally provided in each direction on this freeway near the annexation area. Access to SR-92 from the annexation area is provided via interchanges at Hesperian Boulevard and Industrial Boulevard.

Hesperian Boulevard is a north-south, six-lane arterial that runs between Bayfair Shopping Center in San Leandro to Union City, where it becomes Union City Boulevard. It is fronted by primarily commercial uses and provides access to the Hayward Executive Airport, Chabot College, and Highway 92.

Industrial Boulevard is a north-south, four-lane arterial that runs from Clawiter Road to I-880, where it turns into Industrial Parkway. It provides access to both Route-92 and I-880.

Depot Road is an east-west, four-lane road that runs from Clawiter Road to I-880, where it turns into Industrial Parkway. It provides access to both Route-92 and I-880.

METHODOLOGY

In conjunction with City staff, two study intersections were identified as including all locations wherein the proposed project could result in a significant adverse impact to transportation.

1. Industrial Boulevard / Depot Road; and
2. Hesperian Boulevard / Depot Road.

Intersection Level of Service (LOS) conditions were analyzed at the study intersections for the weekday AM (7:00 AM to 9:00 AM) and PM peak travel periods (4:00 PM to 6:00 PM). Using this data, it was possible to analyze if the vehicular traffic associated with the proposed project would cause a potential impact at the study intersections under any of the four scenarios below:

1. Existing Conditions;
2. Existing plus Project Conditions (Phase II); and
3. Baseline (Existing plus Phase I) plus Project Conditions (Phase II).

Additional methods and assumptions are outlined in **Appendix D, Transportation Analysis**.

RESULTS

Based on the traffic analysis prepared for this project, the potential future development within the West-Mohr island and Mohr-Depot island would result in an increase of 258 and 410 total daily trips, respectively. Therefore, the proposed project would result in a total increase of 668 daily trips. Additional results are outlined in **Appendix D**.

STANDARDS OF SIGNIFICANCE

Regarding the existing street system, a significant impact would occur if the project increased traffic substantially or caused a level of service standard established by a county congestion agency to be exceeded. Local standards of significance include that the minimum acceptable threshold for signalized intersection traffic operations is level of service D; however, LOS E may be acceptable at locations where the high fiscal and social costs of implementing improvements to achieve LOS D may be prohibitive (City of Hayward, 2002a). In addition, the City utilizes a significance threshold of five seconds of added delay for peak hour at intersections operating at LOS F. A significant impact would also occur if the project resulted in a change in air patterns that resulted in a safety risk, increased hazards due to a design feature or incompatible uses, resulted in inadequate emergency access, or resulted in inadequate parking capacity.

IMPACT DISCUSSION

INCREASE IN TRAFFIC/ LEVEL OF SERVICE

a, b) Less than Significant. Per the City of Hayward's established significance criteria, the proposed project would not generate enough trips to cause an intersection to operate below level of service D under existing conditions plus Project Conditions or baseline (Existing plus Phase I) plus Project Conditions (Phase II). Please refer to **Appendix D** for further information. The proposed project would have a **less than significant** impact upon traffic increases relative to the capacity of the existing road system. The proposed project would have a **less than significant** impact on any level of service standard established by a county congestion agency to be exceeded at an intersection.

Two intersections were studied, the intersection of Industrial Boulevard / Depot Road and the intersection of Hesperian Boulevard / Depot Road. Both intersections currently operate at acceptable levels of service C at both the AM peak and PM peak hour, with the exception that the Hesperian Boulevard / Depot Road intersection operates at level of service B at the PM peak hour (DMJM, 2009, Table 2).

As shown in **Table XV-1, Vehicular Trips Generated by the Proposed Project**, the proposed project would generate 668 gross daily trips, with 52 occurring in the AM peak hour and 66 occurring in the PM peak hour (DMJM, 2009, Table 3). As shown in **Table XV-2, Intersection Level of Service - Existing Plus Project Conditions**, the study intersections would still continue to function at the current level of service for the AM and PM peak hour with an additional delay of a fraction of a second per vehicle (DMJM, 2009, Table 4). This is also true for the operation of the study intersections under baseline conditions, as shown in **Table XV-3, Intersection Level of Service - Baseline Plus Project Conditions** (DMJM, 2009, Table 5).

**TABLE XV-1
VEHICULAR TRIPS GENERATED BY THE PROPOSED PROJECT**

Trip Generation Rates	ITE Land Use Code	Daily Trip Rate	AM Peak Hour			PM Peak Hour		
			Peak Hour Rate	% In	% Out	Peak Hour Rate	% In	% Out
Residential Uses	210	9.57	0.75	25%	75%	1.01	63%	37%
Industrial Uses	110	6.97	0.92	88%	12%	0.98	12%	88%
Rehabilitation Facility(1)	620	6.10	0.38	60%	40%	0.42	47%	53%
Project Description	Project Size	Daily Trips	Peak Hour Trips	In	Out	Peak Hour Trips	In	Out
Annexation Area 1								
Residential Uses	27 D.U.	258	20	5	15	27	17	10
Annexation Area 2								
Residential Uses	27 D.U.	258	20	5	15	27	17	10
Industrial Uses	4,200 S.F.	30	4	3	1	4	1	3
Rehabilitation Facility ⁽¹⁾	20,000 S.F.	122	8	5	3	8	5	3
Total Vehicle Trips		668	52	18	34	66	40	26

Source: DMJM Harris, 2009, Table 3.

Notes:

Trip Rates for Nursing Home (ITE Land Use Code 620) were used in the absence of more site-specific information for the rehabilitation facility uses. In addition, inbound/outbound split information for the AM peak hour was obtained from San Diego Traffic Generators (SANDAG) in the absence of information for Nursing Home uses in the ITE Trip Generation Manual, 7th Edition.

**TABLE XV-2
INTERSECTION LEVEL OF SERVICE – EXISTING PLUS PROJECT CONDITIONS**

Intersection		Peak Hour	Existing Conditions		Existing plus Project (Phase II) Conditions	
			LOS	Delay	LOS	Delay
1	Industrial Boulevard / Depot Road	AM	C	20.3	C	20.6
		PM	C	17.4	C	17.5
2	Hesperian Boulevard / Depot Road	AM	C	23.7	C	23.8
		PM	B	14.9	B	15.0

Source: DMJM Harris, 2009, Table 4.

Notes:

Delay in seconds per vehicle.

TABLE XV-3
INTERSECTION LEVEL OF SERVICE - BASELINE PLUS PROJECT CONDITIONS

Intersection		Peak Hour	Existing plus Project (Phase II) Conditions		Baseline (Existing plus Phase I) plus Project (Phase II) Conditions	
			LOS	Delay	LOS	Delay
1	Industrial Boulevard / Depot Road	AM	C	20.6	C	21.2
		PM	C	17.5	C	17.6
2	Hesperian Boulevard / Depot Road	AM	C	23.8	C	24.4
		PM	B	15.0	C	15.2

Source: DMJM Harris, 2009, Table 5.

Notes:

Delay in seconds per vehicle.

AIR TRAFFIC PATTERNS

c) No Impact. The proposed project is in the vicinity of the Hayward Executive Airport, but does not involve a new land use that would necessitate a change in air traffic patterns, nor does the proposed project place people in a location that would result in a safety risk from air traffic patterns.

HAZARDS DUE TO A DESIGN FEATURE OR INCOMPATIBLE USES

d) Less than Significant. The proposed project would result in the extension of street and utility improvements, as well as new driveways, sidewalks, and other vehicular and pedestrian travel ways. Upon annexation, future development would be subject to design standards adopted and enforced by the City of Hayward to minimize hazards resulting from unsafe design. The proposed project would have a **less than significant** impact on the creation of hazards due to a design feature or incompatible use.

EMERGENCY ACCESS

e) Less than Significant. The proposed project would result in the extension of street and utility improvements, which in part are based upon the desire to improve public safety by increasing emergency access through the area. Additionally, any plans for new development would be reviewed by the City of Hayward Fire, Police, and Public Works Departments to ensure that the emergency access provisions of the City would be met. Therefore, the proposed project would have a **less than significant** impact.

PARKING CAPACITY

f) Less than Significant. Following annexation to the City, all new development would be required to comply with the City of Hayward on-site parking standards to ensure that adequate parking is provided. Therefore, the proposed project would have a **less than significant** impact on parking capacity.

POLICY, PLAN OR PROGRAM CONFLICTS

g) No Impact. Based on information from the latest United States Census Journey to Work data, a relatively low percentage of area trips occur by transit. Given the low levels of project trip generation and multiple bus lines serving the area, significant adverse impacts to area transit providers are not anticipated. With the incorporation of the Mt. Eden annexation areas into the incorporated regions of the City of Hayward, it is anticipated that sidewalks would be added in accordance with City standards as areas redevelop. The proposed project would not conflict with any adopted plans, policies, or programs supporting alternative transportation. Therefore, the proposed project would have **no impact**.

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

EXISTING SETTING

WASTEWATER

Four properties within the proposed project area are connected to the City's wastewater collection and treatment system – all of which are on Depot Road. Upon annexation of unincorporated properties to the City, existing private septic systems would eventually be phased out, since the Municipal Code requires that all properties within 200 feet of a public sewer system connect to that system. As discussed in the project description, the Hayward Municipal Code is proposed to be amended to provide Mt. Eden annexation area properties 10 years in which to connect to the City sewer system.

The City is responsible for collection and treatment of wastewater within the community. Please see **Figure XVI.1, Locations of Existing City of Hayward Sewer and Water System**. Wastewater is collected and transported via a number of major trunk sewers to the City's wastewater

treatment plant located at the terminus of Enterprise Avenue in western Hayward. The plant currently treats an estimated 13.4 million gallons per day (mgd) of wastewater and has a rated capacity of 16.5 mgd. Major improvements to the plant are being constructed to increase the plant's treatment reliability and unit processes redundancy. The Phase 2 improvements are scheduled for completion in June 2008. Treated effluent from the plant is disposed through East Bay Dischargers Authority facilities within San Francisco Bay.

WATER

The City owns and operates a public water distribution system, including transmission lines, pump stations and water reservoirs (**Figure XVI.1**). Hayward supplies water to all but a small portion of the residential, commercial, industrial and institutional entities within the City boundaries and to a select number of properties outside the City limits through special approvals/utility service agreements. In 2007, the average daily demand was 18.2 million gallons per day. The water distribution system provides sufficient water supply and pressure to service existing needs, including peak demand, fire protection and other emergencies. In 2002, Hayward updated its Water Distribution System Master Plan to identify needed improvements through 2020. Recommended projects have been incorporated into the Capital Improvement Program.

Hayward's sole source of potable water is the San Francisco Public Utilities Commission (SFPUC), through the Hetch Hetchy Water System. The SFPUC system is a regional water system that serves 28 other local cities and districts, in addition to the City of San Francisco. In the early 1960s, Hayward and the SFPUC entered into an agreement that provides for the supply of all the water that Hayward needs, as long as water supplies are normal. SFPUC water is delivered to the City via two aqueducts that have a maximum gravity capacity of 32 million gallons per day. Using a system of booster pump stations, the capacity can be increased to about 50 million gallons per day. During periods of drought, the City is required to cut back water demand to a specified level, similar to what other agencies would be required to do. Recent legislation requires SFPUC to implement a Water System Improvement Program. To this end, the SFPUC has embarked on a \$4.3 billion capital improvement program to improve the reliability and redundancy of the regional water system by 2015. To date, more than 20 of the planned 75 improvement projects have been completed.

Hayward has adopted a water efficient landscape ordinance that would assist in minimizing future water use of developer-installed irrigation systems for new landscaping associated with new development. Also, Hayward has entered into emergency intertie agreements with Alameda County Water District (ACWD) and East Bay Municipal Utilities District (EBMUD) to provide water in the event that a limited term emergency or planned maintenance cuts off or severely reduces SFPUC water supply to the City. Per the agreements, ACWD can provide up to 5.7 million gallons per day and EBMUD, via a recently completed an intertie pump station, can provide up to 30 million gallons per day. Additionally, the City has five emergency wells capable of producing about 13.7 million gallons per day.

Most parcels in the annexation area were previously served by the Mohrland Mutual Water Association (MMWA). The City and MMWA agreed for the City to take control of the private well and related distribution facilities as of July 1, 2009. Consequently, on July 1, 2009, the City connected the MMWA distribution lines to the City water system and all parcels within the annexation area are now served by the City of Hayward public water system. No new water mains in the annexation area are necessary as part of the proposed project. During July and August of 2009, the City installed water meters on the properties previously served by the MMWA. The primary source of water for the MMWA water system was a 600-foot deep well located on Mohr Drive. The private well acquired from MMWA will now be utilized only during emergencies.

STORMWATER DRAINAGE

Figure XVI.2, Locations of Existing City of Hayward Stormwater Drains shows existing storm drain facilities. Stormwater runoff from the proposed project area is presently accommodated via drainage in local streets where it is collected in the local City or County systems and transported via a regional drainage system maintained by the Alameda County Flood Control and Water Conservation District (ACFCWCD), Zone 4, for ultimate discharge into San Francisco Bay. Local drainage within the annexation area and surrounding lands flows to regional Line A that runs parallel to and south of West Street, continues westward, south of Dunn Road, eventually transports stormwater to San Francisco Bay.

According to the Flood Insurance Rate Map (Community Panel Number 060001 0180C – revised 2/9/2000), both islands are entirely within Zone C (areas of minimal flooding). The annexation area is within Zone 4 of the Alameda County Flood Control and Water Conservation District (ACFCWCD).

Both the County and City have water quality programs and requirements, related to the NPDES permit issued for agencies in Alameda County. Fees assessed on a parcel-specific basis fund such programs.

SOLID WASTE

Waste Management, Inc. has a franchise agreement with the City to provide weekly collection of garbage, recyclables, and organics from residences and businesses within Hayward. Solid waste intended for disposal is transported to Altamont Landfill, which is located in eastern Alameda County near Greenville Road. Altamont Landfill is owned and operated by Waste Management Inc. The landfill has an estimated remaining capacity to the year 2032. Hayward's existing franchise agreement with Waste Management expires in May 2014. The proposed annexation area is also served by Waste Management, Inc. pursuant to a franchise agreement with Alameda County. Garbage and recycling collection services are similar in some respects to those provided residents and businesses within Hayward. For example, comparable services include weekly curbside collection of garbage, recyclables, and organics for residents of single-family dwellings. The differences in service include no collection of recyclables or organics offered to businesses and every-other-week collection of recyclables from multi-family dwellings rather than weekly service.

STANDARDS OF SIGNIFICANCE

Regarding utilities and service systems, a significant impact would occur if the proposed project exceeded wastewater treatment requirements of the applicable Regional Water Quality Control Board, resulted in the need for additional or expanded wastewater capacity and treatment, water distribution capacity and treatment, or stormwater drainage facilities. A significant impact would occur if the proposed project required additional water entitlements, was served by a landfill without sufficient capacity, or did not comply with statutes and regulations regarding solid waste.

IMPACT DISCUSSION

WASTEWATER TREATMENT REQUIREMENTS

a) Less than Significant. The project area would be serviced by the City of Hayward sewer system at full buildout. The buildout of the project area is consistent with what is envisioned by the City's General Plan. Therefore, the potential of the City of Hayward wastewater treatment facilities to accept additional flows without exceeding the Regional Water Quality Control Board standards is considered **less than significant**.

NEW OR EXPANSION OF WATER TREATMENT FACILITIES AND WATER SUPPLY

b, d) Less than Significant. Approval and implementation of the proposed project would allow future water service for the entire annexation area by the City. Implementation of the proposed project would increase demand for water for domestic and fire fighting purposes within the annexation area. Planning estimates yield a total overall water demand of approximately 44,500 gallons per day (gpd) when the area is fully developed. Total projected average daily water use for future residential development would be approximately 31,000 gallons per day (gpd) and approximately 13,500 gpd for all non-residential uses. The total demand for the annexation area (44,500 gallons per day) represents a 0.24 percent increase in the City's overall water demand. The existing and planned infrastructure can accommodate the increased demand from the annexation and potential impacts to water supply and the water supply treatment and facilities are **less than significant**.

While water supply is available to serve the maximum demand for this project, it should be noted that ongoing standard water conservation and demand reduction measures should be taken to reduce the impact on the water supply.

NEW OR EXPANSION OF WASTEWATER TREATMENT FACILITIES AND DETERMINATION OF WASTEWATER CAPACITY

b, e) Less than Significant. No new water mains in the annexation area are necessary as part of the proposed project. When the City took control of the water distribution system from MMWA on July 1, 2009, the City connected the existing water mains to the City water system. During July and August of 2009, the City installed water meters on the properties previously served by the MMWA. The well that was operated by MMWA will only be used during emergencies.

Approximately 2,300 linear feet of eight-inch sanitary sewer main would be installed in Monte Vista Drive and Occidental Road to serve the area. In addition, approximately 1,200 linear feet of four-inch sewer laterals would be installed in both islands where needed. Wastewater generation would be increased if the proposed project were approved and implemented, primarily due to an increase in domestic water use. The amount of wastewater generation would be a function of water use. The quantity of increased wastewater demand anticipated to be generated from residential development in the annexation area would be approximately 28,000 gallons per day, based on an average flow of 230 gallons per day per dwelling unit. This figure is slightly higher than the City-wide average of 200 gpd, as it accounts for growth in indoor water use, and associated discharge, by 2020.

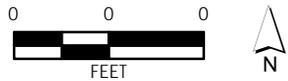
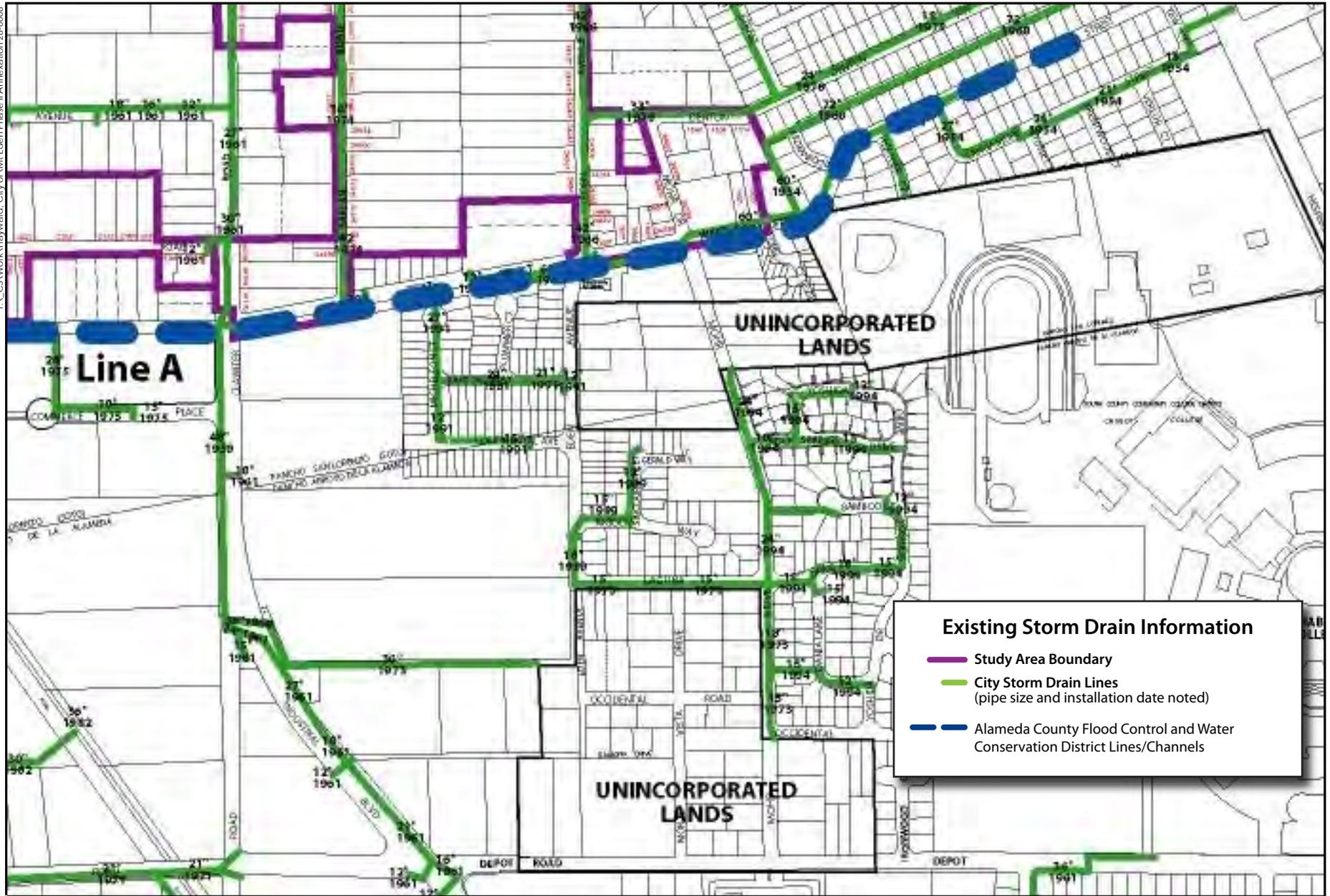


Figure XVI.2
Locations of Existing City of Hayward Storm Drains

About 75% of total institutional/industrial consumption is discharged to the sanitary sewer system; thus, it is reasonable to estimate that approximately 10,000 gpd (75% of 13,500) of wastewater discharge would be generated from anticipated future non-residential development.

Per current Municipal Code provisions, approval and implementation of the proposed project would require parcels currently utilizing private septic systems to phase out these systems in compliance with the Hayward Municipal Code. Approval of the proposed annexation and potential new development in the annexation area would result in an increase in the amount of treated effluent leaving the City's wastewater treatment plant. However, the City has determined that future development within the proposed annexation area, consistent with the General Plan, could be accommodated within the City's wastewater treatment and disposal system and the proposed project would have a **less than significant** impact on wastewater capacity and facilities.

The annexation area has historically utilized private septic systems for the treatment of wastewater. As discussed in the project description, at the time of annexation, the City of Hayward would amend the provisions of the Public Utilities Chapter of the Hayward Municipal Code. Similar to what was done for the Phase I portion of the Mt. Eden Annexation, the amendment would allow a property in the annexation area that is legally serviced by a private septic system up to 10 years after annexation to connect to the public sewer system, provided certain conditions are met. These conditions include:

- no changes in use on the property,
- no addition of facilities or other changes that increase the sewer discharge,
- evidence is submitted annually that indicates the septic system is operating properly, and
- a notice is recorded against the property indicating the property would be required to connect to the public sewer system if failure of the septic system occurs, if expansion of use resulting in increased sewer discharge occurs or when the 10-year timeframe expires, whichever first occurs.

The proposed project, including the amendment to the Municipal Code, does not exacerbate any existing problems that may occur regarding the use of private septic systems. Instead the proposed project creates a mechanism by which public health and safety would be promoted through the connection of the parcels within the annexation area to the public sewer system. The proposed project does not compromise the integrity of existing septic systems and would have a **less than significant** impact on wastewater capacity and facilities.

NEW OR EXPANSION OF STORMWATER DRAINAGE FACILITIES

c) Less than Significant. With approval and implementation of the proposed project, storm drain system upgrades would be required to include installation of approximately 3,300 linear feet of 12 to 24-inch and 215 linear feet of 36-inch storm drain culverts in both islands. There would be no changes in service due to annexation. Residential parcels would require additional service to respond to spill reports and illicit discharge surveys; however, these responses would represent marginal increases to the overall inspection and survey efforts. Future development within the project area, consistent with the General Plan, could be accommodated by the existing downstream stormdrainage facilities and would be improved within the project area. The proposed project would have a **less than significant** impact on stormwater drainage facilities.

ADDITIONAL UTILITIES

Less than Significant. PG&E currently provides electricity and gas service to the proposed annexation area and would continue to do regardless of project approval. AT&T provides primary telephone and telecommunication facilities in the annexation area and would continue to do so regardless of project approval. Approval and implementation of the proposed project would have a **less than significant** impact on natural gas, electricity and telecommunication facilities.

SOLID WASTE DISPOSAL CAPACITY AND COMPLIANCE WITH REGULATIONS RELATED TO SOLID WASTE

f, g) Less than Significant. Annexation would have minimal and less than significant impact on the solid waste collection service provider for existing properties, since all solid waste in both the annexation area and the City is presently collected by Waste Management, and hauled to Altamont Landfill for disposal. Existing garbage and recycling collection services are similar to those provided residents and businesses within Hayward. The fees for those services are comparable to those assessed for incorporated residents and businesses.

New development in the annexation area would increase the amount of short-term construction debris, as well as solid waste that would be generated. Additional equipment and personnel may be needed to collect this increased amount of solid waste. Fees and user charges would offset any increased capital and/or personnel costs and, therefore, this is also a **less than significant** impact.

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

QUALITY OF THE ENVIRONMENT, HABITAT, SPECIES, AND HISTORY/PREHISTORY

a) *Less than Significant Impact with Mitigation Incorporated.* Implementation of the proposed project, as mitigated, would have a less than significant impact upon the quality of the environment, habitat of a fish or wildlife species, fish or wildlife populations, plant or animal communities, rare or endangered plants or animals, or examples of the major periods of California history or prehistory

CUMULATIVE OR INCREMENTAL IMPACTS

b) *Less than Significant Impact with Mitigation Incorporated.* The impacts of the proposed project are individually limited and not considered "cumulatively considerable". Although incremental changes certain areas can be expected as a result of the proposed project, all environmental impacts that could occur as a result of the proposed project would be reduced to a less than significant level through implementation of the mitigation measures recommended in this Initial Study for the following resource areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Public Services.

DIRECT OR INDIRECT ENVIRONMENTAL EFFECTS

c) *Less than Significant Impact Mitigation Incorporated.* Implementation of the proposed project would result in no environmental effects that would cause substantial direct or indirect adverse effects on human beings with incorporation of the mitigation measures recommended in this Initial Study.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION PREPARATION

CITY OF HAYWARD—PLAN FOR PROVIDING MUNICIPAL SERVICES

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CITY OF HAYWARD

Public Works Department
Development Services Department, Planning Division
Fire Department
Police Department

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APPENDICES

**APPENDIX A - URBEMIS AIR QUALITY
INFORMATION**

Urbemis 2007 Version 9.2.4

Combined Annual Emissions Reports (Tons/Year)

File Name:

Project Name: Mt Eden Phase II

Project Location: Alameda County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

AREA SOURCE EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (tons/year, unmitigated)	0.98	0.14	1.43	0.00	0.18	0.17	186.58

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (tons/year, unmitigated)	0.89	1.28	10.64	0.01	1.39	0.27	764.87

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (tons/year, unmitigated)	1.87	1.42	12.07	0.01	1.57	0.44	951.45

5/14/2008 8:00:27 AM

Area Source Unmitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

<u>Source</u>	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
Natural Gas	0.01	0.12	0.05	0.00	0.00	0.00	157.64
Hearth	0.31	0.02	1.15	0.00	0.18	0.17	28.59
Landscape	0.04	0.00	0.23	0.00	0.00	0.00	0.35
Consumer Products	0.48						
Architectural Coatings	0.14						
TOTALS (tons/year, unmitigated)	0.98	0.14	1.43	0.00	0.18	0.17	186.58

Area Source Changes to Defaults

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

<u>Source</u>	<u>ROG</u>	<u>NOX</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM25</u>	<u>CO2</u>
Single family housing	0.89	1.28	10.64	0.01	1.39	0.27	764.87
TOTALS (tons/year, unmitigated)	0.89	1.28	10.64	0.01	1.39	0.27	764.87

Operational Settings:

Does not include correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2009 Season: Annual

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Single family housing	18.00	9.57	dwelling units	54.00	516.78	4,418.31
					516.78	4,418.31

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	54.4	1.7	97.9	0.4
Light Truck < 3750 lbs	12.4	2.4	95.2	2.4
Light Truck 3751-5750 lbs	19.7	1.0	98.5	0.5
Med Truck 5751-8500 lbs	6.3	0.0	98.4	1.6
Lite-Heavy Truck 8501-10,000 lbs	0.8	0.0	75.0	25.0
Lite-Heavy Truck 10,001-14,000 lbs	0.6	0.0	50.0	50.0
Med-Heavy Truck 14,001-33,000 lbs	1.3	0.0	15.4	84.6
Heavy-Heavy Truck 33,001-60,000 lbs	0.8	0.0	0.0	100.0
Other Bus	0.1	0.0	0.0	100.0
Urban Bus	0.1	0.0	0.0	100.0
Motorcycle	2.9	72.4	27.6	0.0
School Bus	0.0	0.0	0.0	0.0
Motor Home	0.6	0.0	83.3	16.7

Travel Conditions

	Residential			Commuter	Commercial	
	Home-Work	Home-Shop	Home-Other		Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Rural Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
Trip speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
% of Trips - Residential	32.9	18.0	49.1			

% of Trips - Commercial (by land use)

Urbemis 2007 Version 9.2.4

Combined Summer Emissions Reports (Pounds/Day)

File Name:
Project Name: Mt Eden Phase II
Project Location: Alameda County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006
Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

AREA SOURCE EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	3.91	0.70	2.80	0.00	0.01	0.01	867.63

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	4.76	6.09	57.03	0.04	7.63	1.48	4,379.90

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	8.67	6.79	59.83	0.04	7.64	1.49	5,247.53

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Area Source Unmitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Summer Pounds Per Day, Unmitigated

<u>Source</u>	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
Natural Gas	0.05	0.68	0.29	0.00	0.00	0.00	863.78
Hearth - No Summer Emissions							
Landscape	0.45	0.02	2.51	0.00	0.01	0.01	3.85
Consumer Products	2.64						
Architectural Coatings	0.77						
TOTALS (lbs/day, unmitigated)	3.91	0.70	2.80	0.00	0.01	0.01	867.63

Area Source Changes to Defaults

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Summer Pounds Per Day, Unmitigated

<u>Source</u>	<u>ROG</u>	<u>NOX</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM25</u>	<u>CO2</u>
Single family housing	4.76	6.09	57.03	0.04	7.63	1.48	4,379.90
TOTALS (lbs/day, unmitigated)	4.76	6.09	57.03	0.04	7.63	1.48	4,379.90

Operational Settings:

Does not include correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2009 Temperature (F): 85 Season: Summer

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Single family housing	18.00	9.57	dwelling units	54.00	516.78	4,418.31
					516.78	4,418.31

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	54.4	1.7	97.9	0.4
Light Truck < 3750 lbs	12.4	2.4	95.2	2.4
Light Truck 3751-5750 lbs	19.7	1.0	98.5	0.5
Med Truck 5751-8500 lbs	6.3	0.0	98.4	1.6
Lite-Heavy Truck 8501-10,000 lbs	0.8	0.0	75.0	25.0
Lite-Heavy Truck 10,001-14,000 lbs	0.6	0.0	50.0	50.0
Med-Heavy Truck 14,001-33,000 lbs	1.3	0.0	15.4	84.6
Heavy-Heavy Truck 33,001-60,000 lbs	0.8	0.0	0.0	100.0
Other Bus	0.1	0.0	0.0	100.0
Urban Bus	0.1	0.0	0.0	100.0
Motorcycle	2.9	72.4	27.6	0.0
School Bus	0.0	0.0	0.0	0.0
Motor Home	0.6	0.0	83.3	16.7

Travel Conditions

	Residential			Commuter	Commercial	
	Home-Work	Home-Shop	Home-Other		Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4

Travel Conditions

	Residential			Commute	Commercial	
	Home-Work	Home-Shop	Home-Other		Non-Work	Customer
Rural Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
Trip speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
% of Trips - Residential	32.9	18.0	49.1			

% of Trips - Commercial (by land use)

Urbemis 2007 Version 9.2.4

Combined Winter Emissions Reports (Pounds/Day)

File Name:

Project Name: Mt Eden Phase II

Project Location: Alameda County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

AREA SOURCE EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	11.11	1.42	28.35	0.08	4.43	4.26	1,871.69

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	5.18	8.93	60.91	0.04	7.63	1.48	3,813.38

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	16.29	10.35	89.26	0.12	12.06	5.74	5,685.07

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Area Source Unmitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Winter Pounds Per Day, Unmitigated

<u>Source</u>	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
Natural Gas	0.05	0.68	0.29	0.00	0.00	0.00	863.78
Hearth	7.65	0.74	28.06	0.08	4.43	4.26	1,007.91
Landscaping - No Winter Emissions							
Consumer Products	2.64						
Architectural Coatings	0.77						
TOTALS (lbs/day, unmitigated)	11.11	1.42	28.35	0.08	4.43	4.26	1,871.69

Area Source Changes to Defaults

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Winter Pounds Per Day, Unmitigated

<u>Source</u>	<u>ROG</u>	<u>NOX</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM25</u>	<u>CO2</u>
Single family housing	5.18	8.93	60.91	0.04	7.63	1.48	3,813.38
TOTALS (lbs/day, unmitigated)	5.18	8.93	60.91	0.04	7.63	1.48	3,813.38

Operational Settings:

Does not include correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2009 Temperature (F): 40 Season: Winter

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Single family housing	18.00	9.57	dwelling units	54.00	516.78	4,418.31
					516.78	4,418.31

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	54.4	1.7	97.9	0.4
Light Truck < 3750 lbs	12.4	2.4	95.2	2.4
Light Truck 3751-5750 lbs	19.7	1.0	98.5	0.5
Med Truck 5751-8500 lbs	6.3	0.0	98.4	1.6
Lite-Heavy Truck 8501-10,000 lbs	0.8	0.0	75.0	25.0
Lite-Heavy Truck 10,001-14,000 lbs	0.6	0.0	50.0	50.0
Med-Heavy Truck 14,001-33,000 lbs	1.3	0.0	15.4	84.6
Heavy-Heavy Truck 33,001-60,000 lbs	0.8	0.0	0.0	100.0
Other Bus	0.1	0.0	0.0	100.0
Urban Bus	0.1	0.0	0.0	100.0
Motorcycle	2.9	72.4	27.6	0.0
School Bus	0.0	0.0	0.0	0.0
Motor Home	0.6	0.0	83.3	16.7

Travel Conditions

	Residential			Commuter	Commercial	
	Home-Work	Home-Shop	Home-Other		Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Rural Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
Trip speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
% of Trips - Residential	32.9	18.0	49.1			

% of Trips - Commercial (by land use)

APPENDIX B - BIOLOGICAL RESOURCES

TABLE B-1 - SPECIAL-STATUS PLANT SPECIES POTENTIALLY OCCURRING IN THE PROJECT STUDY AREA

Scientific Name Common Name	Status			Habitat Description ⁴	Considered in Impact Analysis	Rationale
	Federal ¹	State ²	CNPS ³			
Plants						
<i>Amsinckia lunaris</i> Bent-flowered fiddleneck	~	~	1B	Annual herb in the <i>Boraginaceae</i> family. Found in coastal bluff scrub, cismontane woodland, Valley and foothill grassland. Blooms: March - June Elevation: 3 - 500 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Anomobryum julaceum</i> Slender silver-moss	~	~	2	Moss in the <i>Bryaceae</i> family. Found in broad-leafed upland forest, lower montane coniferous forest, North Coast coniferous forest, damp rock and soil on outcrops, usually on roadcuts. Infrequent in California but abundant in much of its range. Elevation: 100 - 1,000 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.
<i>Arctostaphylos auriculata</i> Mt. Diablo manzanita	~	~	1B	Perennial evergreen shrub in the <i>Ericaceae</i> family. Found in chaparral (sandstone), cismontane woodland. Known from fewer than twenty occurrences. Blooms: January - March Elevation: 135 - 650 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.
<i>Arctostaphylos manzanita</i> ssp. <i>laevigata</i>	~	~	1B	Perennial evergreen shrub. <i>Ericaceae</i> family. Found in chaparral (rocky). Blooms: January - March (April)	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles

Scientific Name Common Name	Status			Habitat Description ⁴	Considered in Impact Analysis	Rationale
	Federal ¹	State ²	CNPS ³			
Contra Costa manzanita				Elevation: 500 – 1,100 meters		of the PSA. The PSA is outside the known range for this species.
<i>Arctostaphylos pallida</i> Pallid manzanita	FT	SE	1B	Perennial evergreen shrub in the <i>Ericaceae</i> family. Found in broad-leaved upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, coastal scrub, siliceous shale, sandy or gravelly. Known from thirteen occurrences in the Contra Costa Hills of the Diablo Range. Blooms: December - March Elevation: 185 - 465 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.
<i>Astragalus tener</i> <i>var. tener</i> Alkali milk-vetch	~	~	1B	Annual herb. Found in playas, Valley and foothill grassland (adobe clay), and vernal pools (alkaline). Blooms: March - June Elevation: 1 - 60 meters	No	Although there are two previously recorded occurrences within one miles of the PSA, and one additional occurrence within five miles of the PSA, suitable habitat is not present within the PSA. The PSA is highly urbanized and only ruderal habitat remains.
<i>Atriplex joaquiniana</i> San Joaquin spearscale	~	~	1B	Annual herb. Found in chenopod scrub, meadows and seeps, playas, Valley and foothill grassland in alkaline soils. Blooms: April – October Elevation: 1 – 835 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Balsamorhiza macrolepis</i> <i>var. macrolepis</i>	~	~	1B	Perennial herb in the <i>Asteraceae</i> family. Found in chaparral, cismontane woodland, Valley and foothill	No	Suitable habitat is not present within the PSA. There are three previously recorded

Scientific Name Common Name	Status			Habitat Description ⁴	Considered in Impact Analysis	Rationale
	Federal ¹	State ²	CNPS ³			
Big-scale balsamroot				grassland, sometimes in serpentinite. Blooms: March - June Elevation: 90 – 1,400 meters		occurrences within five miles of the PSA.
<i>California macrophylla</i> Round-leaved filaree	~	~	1B	Annual herb. Found in cismontane woodland, Valley and foothill grassland in clay soils. Blooms: March - May Elevation: 15 – 1,200 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.
<i>Calochortus pulchellus</i> Mt. Diablo fairy- lantern	~	~	1B	Perennial bulbiferous herb in the <i>Liliaceae</i> family. Found in chaparral, cismontane woodland, riparian woodland, Valley and foothill grassland. Blooms: April - June Elevation: 30 - 840 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.
<i>Campanula exigua</i> Chaparral harebell	~	~	1B	Annual herb in the <i>Campanulaceae</i> family. Found in chaparral (rocky, usually serpentinite). Blooms: May - June Elevation: 275 – 1,250 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.
<i>Centromadia parryi</i> ssp. <i>congdonii</i> Congdon's tarplant	~	~	1B	Annual herb in the <i>Asteraceae</i> . Found in Valley and foothill grassland(alkaline). Blooms: May – October (November) Elevation: 1 – 230 meters	No	Although there is one previously recorded occurrence within one mile of the PSA, and two additional occurrences within five miles of the PSA, suitable habitat is not present within the PSA. The PSA is highly urbanized and

Scientific Name Common Name	Status			Habitat Description ⁴	Considered in Impact Analysis	Rationale
	Federal ¹	State ²	CNPS ³			
						only ruderal habitat remains.
<i>Chorizanthe robusta</i> var. <i>robusta</i> Robust spineflower	FE	~	1B	Annual herb in the <i>Polygonaceae</i> family. Found in chaparral (maritime), cismontane woodland (openings), coastal dunes, coastal scrub in sandy or gravelly soils. Most populations extirpated, and now known from only six occurrences. Blooms: April - September Elevation: 3 - 300 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Clarkia franciscana</i> Presidio clarkia	FE	SE	1B; SLC	Annual herb in the <i>Onagraceae</i> family. Found in coastal scrub, Valley and foothill grassland (serpentine). Known from fewer than five occurrences. Blooms: May - July Elevation: 25 - 335 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.
<i>Cordylanthus maritimus</i> ssp. <i>palustris</i> Point Reyes bird's-beak	~	~	1B	Hemi-parasitic annual herb in the <i>Scrophulariaceae</i> family. Found in marshes and swamps (coastal salt). Once rather common in proper habitat; now greatly reduced by development. Blooms: June - October Elevation: 0 - 10 meters.	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Dirca occidentalis</i> Western leatherwood	~	~	1B	Perennial deciduous shrub in the <i>Thymelaeaceae</i> family. Found in broad-leaved upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, North coast coniferous forest, riparian forest,	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this

Scientific Name Common Name	Status			Habitat Description ⁴	Considered in Impact Analysis	Rationale
	Federal ¹	State ²	CNPS ³			
				riparian woodland in mesic soils. Populations declining; not reproducing well. Blooms: January – March (April) Elevation: 50 – 395 meters		species.
<i>Eriogonum luteolum</i> var. <i>caninum</i> Tiburon buckwheat	~	~	1B	Annual herb in the <i>Polygonaceae</i> family. Found in chaparral, cismontane woodland, coastal prairie, Valley and foothill grassland in serpentinite, sandy to gravelly soils. Blooms: (May) June – September Elevation: 0 – 700 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Eriogonum truncatum</i> Mt. Diablo buckwheat	~	~	1B	Annual herb in the <i>Polygonaceae</i> family. Found in chaparral, coastal scrub, Valley and foothill grassland in sandy soils. Rediscovered in May 2005 by Michael Park in Mount Diablo State Park; now known from one extant occurrence for which quad location needs confirmation. Blooms: April – September (November - December) Elevation: 3 – 350 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Fritillaria liliacea</i> Fragrant fritillary	~	~	1B	Perennial bulbiferous herb in the <i>Liliaceae</i> family. Found in cismontane woodland, coastal prairie, coastal scrub, Valley and foothill grassland, often in serpentinite. Blooms: February – April Elevation: 3 – 410 meters	No	Suitable habitat is not present within the PSA. There are two previously recorded occurrences within five miles of the PSA.

Scientific Name Common Name	Status			Habitat Description ⁴	Considered in Impact Analysis	Rationale
	Federal ¹	State ²	CNPS ³			
<i>Helianthella castanea</i> Diablo helianthella	~	~	1B	Perennial herb in the <i>Asteraceae</i> family. Found in broad-leaved upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, Valley and foothill grassland. Blooms: March – June Elevation: 60 – 1,300 meters	No	Although there is one previously recorded occurrence within five miles of the PSA, suitable habitat is not present within the PSA. The PSA is highly urbanized and only ruderal habitat remains. The PSA is outside the known range for this species.
<i>Hesperolinon breweri</i> Brewer's western flax	~	~	1B	Annual herb in the <i>Linaceae</i> family. Found in chaparral, cismontane woodland, Valley and foothill grassland, usually in serpentinite soils. Blooms: May – July Elevation: 30 – 900 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.
<i>Hoita strobilina</i> Loma Prieta hoita	~	~	1B	Perennial herb in the <i>Fabaceae</i> family. Found in chaparral, cismontane woodland, riparian woodland, usually in serpentinite, mesic soils. Blooms: May – July (August - October) Elevation: 30 – 860 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.
<i>Holocarpha macradenia</i> Santa Cruz tarplant	FT	SE	1B	Annual herb in the <i>Asteraceae</i> family. Found in coastal prairie, coastal scrub, Valley and foothill grassland, often clay, sandy. Known from fewer than fifteen occurrences. All extant occurrences in Continental California are introduced; nearly half have failed. Last remaining natural population in the S.F. Bay Area extirpated by development in 1993.	No	Although there is one previously recorded occurrence within five miles of the PSA, suitable habitat is not present within the PSA. The PSA is highly urbanized and only ruderal habitat remains.

Scientific Name Common Name	Status			Habitat Description ⁴	Considered in Impact Analysis	Rationale
	Federal ¹	State ²	CNPS ³			
				Blooms: June – October Elevation: 10 – 220 meters		
<i>Horkelia cuneata</i> <i>ssp. sericea</i> Kellogg's horkelia	~	~	1B	Perennial herb in the <i>Rosaceae</i> family. Found in closed-cone coniferous forest, chaparral (maritime), coastal dunes, coastal scrub in sandy or gravelly, openings. Occurrence from the Crocker Hills probably last remaining location in S.F. Bay. Remaining plants less distinct from <i>H. c. ssp. cuneata</i> than those formerly occurring near San Francisco. Blooms: April – September Elevation: 10 – 200 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Juglans hindsii</i> Northern California black walnut	~	~	1B	Predominantly along rivers and streams, occasionally in somewhat drier slopes, valleys, and canyons; on rocky in gravelly, well-drained soil. Found within foothill woodland and yellow pine forest communities; forming riparian forest / woodland communities where present along streams. Only two of the three native stands of black walnut are still extant in California. It is widely naturalized in central and northern California. It is declining due to lack of reproduction. Elevation: 0 - 300 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Lasthenia conjugens</i> Contra Costa	FE	~	1B	Annual herb in the <i>Asteraceae</i> family. Found in cismontane woodland, playas (alkaline), Valley and foothill grassland, vernal pools (mesic). Many historical	No	Although there is one previously recorded occurrence within one mile of the PSA, suitable habitat is not

Scientific Name Common Name	Status			Habitat Description ⁴	Considered in Impact Analysis	Rationale
	Federal ¹	State ²	CNPS ³			
goldfields				occurrences extirpated by development and agriculture. Blooms: March - June Elevation: 0 – 470 meters		present within the PSA. The PSA is highly urbanized and only ruderal habitat remains.
<i>Malacothamnus hallii</i> Hall's bush-mallow	~	~	1B	Perennial evergreen shrub in the <i>Malvaceae</i> family. Found in chaparral and coastal scrub. Blooms: May – September (October) Elevation: 10 – 760 meters	No	Although there are no previously recorded occurrences within five miles of the PSA, suitable habitat is not present within the PSA. The PSA is highly urbanized and only ruderal habitat remains.
<i>Meconella oregano</i> Oregon meconella	~	~	1B	Annual herb in the <i>Papaveraceae</i> family. Found in coastal prairie and coastal scrub. Known in California only from five occurrences. Blooms: March - April Elevation: 250 – 620 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.
<i>Monardella villosa ssp. globosa</i> Robust monardella	~	~	1B	Perennial rhizomatous herb in the <i>Lamiaceae</i> family. Found in broad- leafed upland forest (openings), chaparral (openings), cismontane woodland, coastal scrub, Valley and foothill grassland. Many occurrences not recently seen. Blooms: June – July (August) Elevation: 100 – 915 meters	No	Although there is one previously recorded occurrence within five miles of the PSA, suitable habitat is not present within the PSA. The PSA is highly urbanized and only ruderal habitat remains. The PSA is outside the known range for this species.
<i>Navarretia myersii ssp. myersii</i> Pincushion navarretia	~	~	1B	Annual herb in the <i>Polemoniaceae</i> family. Found in vernal pools, often acidic. Known from fewer than twenty occurrences.	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside

Scientific Name Common Name	Status			Habitat Description ⁴	Considered in Impact Analysis	Rationale
	Federal ¹	State ²	CNPS ³			
				Blooms: May Elevation: 20 – 330 meters		the known range for this species.
<i>Phacelia phacelioides</i> Mt. Diablo phacelia	~	~	1B	Annual herb in the <i>Hydrophyllaceae</i> family. Found in chaparral, cismontane woodland in rocky soils. Known from fewer than twenty occurrences. Many occurrences historical. Blooms: April – May Elevation: 500 – 1,370 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.
<i>Plagiobothrys diffusus</i> San Francisco popcorn-flower	~	SE	1B	Annual herb in the <i>Boraginaceae</i> family. Found in coastal prairie, Valley and foothill grassland. Known from fewer than ten occurrences. Blooms: March – June Elevation: 60 – 360 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.
<i>Plagiobothrys glaber</i> Hairless popcorn- flower	~	~	1A	Annual herb in the <i>Boraginaceae</i> family. Found in meadows and seeps (alkaline), marshes and swamps (coastal salt). Last confirmed siting in 1954. All collections since 1930's located in the Hollister area. Blooms: March – May Elevation: 15 – 180 meters	No	Although there is one previously recorded occurrence within one mile of the PSA, and one additional occurrence within five miles of the PSA, suitable habitat is not present within the PSA. The PSA is highly urbanized and only ruderal habitat remains. The PSA is outside the known range for this species.
<i>Polemonium carneum</i> Oregon polemonium	~	~	2.2			

Scientific Name Common Name	Status			Habitat Description ⁴	Considered in Impact Analysis	Rationale
	Federal ¹	State ²	CNPS ³			
<i>Potamogeton filliformis</i> Slender-leaved pondweed	~	~	2	A perennial aquatic rhizomatous herb in the <i>Potamogetonaceae</i> family. Found in marshes and swamps (assorted shallow freshwater). To be expected in the San Joaquin Valley, San Francisco Bay area, and the central high Sierra Nevada. Blooms: May – July Elevation: 300 – 2,150 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.
<i>Sanicula maritima</i> Adobe sanicle	~	Rare	1B	Perennial herb in the <i>Apiaceae</i> family. Found in chaparral, coastal prairie, meadows and seeps, Valley and foothill grassland in clay or serpentinite soils. Known from fewer than ten occurrences. Blooms: February – May Elevation: 30 – 240 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.
<i>Sanicula saxatilis</i> Rock sanicle	~	Rare	1B	Perennial herb in the <i>Apiaceae</i> family. Found in broad-leaved upland forest, chaparral, Valley and foothill grassland in rocky soils. Known from fewer than fifteen occurrences. Blooms: April – May Elevation: 620 – 1,175 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.
<i>Streptanthus albidus</i> ssp. <i>peramoenus</i> Most beautiful jewel-flower	~	~	1B; SLC	Annual herb in the <i>Brassicaceae</i> family. Found in chaparral, cismontane woodland, Valley and foothill grassland in serpentinite soils. Blooms: (March) April – September (October)	No	Suitable habitat is not present within the PSA. There is one previously recorded occurrence within five miles of the PSA. The PSA is outside the known range for this species.

Scientific Name Common Name	Status			Habitat Description ⁴	Considered in Impact Analysis	Rationale
	Federal ¹	State ²	CNPS ³			
				Elevation: 94 – 1,000 meters		
<i>Streptanthus hispidus</i> Mt. Diablo jewel-flower	~	~	1B	Annual herb in the <i>Brassicaceae</i> family. Found in chaparral, Valley and foothill grassland in rocky soils. Known from fewer than fifteen occurrences in the Mt. Diablo area. Blooms: March – June Elevation: 365 – 1,200 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.
<i>Suaeda californica</i> California seablite	FE	~	1B	Perennial evergreen shrub in the <i>Chenopodiaceae</i> family. Found in marshes and swamps (coastal salt). Formerly known from San Francisco Bay area, where extirpated by development; now extant only in Morro Bay and near Cayucos Pt. Blooms: July – October Elevation: 0 – 15 meters	No	Suitable habitat is not present within the PSA. There is one previously recorded occurrence within five miles of the PSA.
<i>Trifolium depauperatum</i> <i>var. hydrophilum</i> Saline clover	~	~	1B	Annual herb in the <i>Fabaceae</i> family. Found in marshes and swamps, Valley and foothill grassland (mesic, alkaline), and vernal pools. Many sites likely extirpated. Blooms: April – June Elevation: 0 – 300 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Triquetrella californica</i> Coastal triquetrella	~	~	1B	Moss in the <i>Pottiaceae</i> family. Found in coastal bluff scrub, and coastal scrub in soil. Known in California from fewer than ten small coastal occurrences. Elevation: 10 – 100 meters	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Viburnum ellipticum</i>	~	~	2	Perennial deciduous shrub in the	No	Suitable habitat is not present

Scientific Name Common Name	Status			Habitat Description ⁴	Considered in Impact Analysis	Rationale
	Federal ¹	State ²	CNPS ³			
Oval-leaved viburnum				<i>Caprifoliaceae</i> family. Found in chaparral, cismontane woodland, and lower montane coniferous forest. Blooms: May – June Elevation: 215 – 1,400 meters		within the PSA. There are no previously recorded occurrences within five miles of the PSA. The PSA is outside the known range for this species.

CODE DESIGNATIONS

Federal status ¹ : January 2007 USFWS Listing	State status ² : January 2007 USFWS and CDFG Listing	CNPS ³ : January 2007 CNPS Listing
FE = Listed as endangered under the Endangered Species Act	SE = Listed as endangered under the California Endangered Species Act	1A = Plants species that presumed extinct in California.
FT = Listed as threatened under the Endangered Species Act	ST = Listed as threatened under the California Endangered Species Act	1B = Plant species that are rare, threatened, or endangered in California and elsewhere.
	Rare = Species identified as rare by CDFG	List 2 = Plant species that are rare, threatened, or endangered in California, but more common elsewhere.
Other		
SLC = Species of Local or Regional Concern or conservation significance (USFWS 1998)		
Habitat description⁴: Habitat description adapted from CNDDDB (CDFG 2008) and CNPS online inventory (CNPS 2008)		

TABLE B-2 - SPECIAL-STATUS WILDLIFE SPECIES POTENTIALLY OCCURRING IN THE PROJECT STUDY AREA

<i>Scientific Name</i> Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
Invertebrates					
<i>Branchinecta conservatio</i> Conservancy fairy shrimp	FE	~	Inhabits rather large, cool-water vernal pools with moderately turbid water. They have been collected from early November to early April. Currently, the USFWS is aware of eight populations of Conservancy fairy shrimp, which include (from north to south): (1) Vina Plains, Butte and Tehama counties; (2) Sacramento National Wildlife Refuge, Glenn County; (3) Yolo Bypass Wildlife Area, Yolo County; (4) Jepson Prairie, Solano County; (5) Mapes Ranch, Stanislaus County; (6) University of California, Merced, Merced County; (7) Grasslands Ecological Area, Merced County and (8) Los Padres National Forest, Ventura County.	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Branchinecta longiantenna</i> Longhorn fairy shrimp	FE	~	A freshwater fairy shrimp. It inhabits the ephemeral water of swales and vernal pools. It has been found in grass-bottomed pools in unplowed grasslands as well as clear-water pools in sandstone depressions. Known to occur in clear, moderately deep, small to medium size pool depressions in bedrock outcrops; moderately deep, medium to large sized turbid alkali pools in the Kesterson National Wildlife Refuge in western Merced County.	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
<i>Branchinecta lynchi</i> Vernal pool fairy shrimp	FT	~	Occupies a variety of different vernal pool habitats, from small, clear, sandstone rock pools to large, turbid, alkaline, grassland valley floor pools. Although the species has been collected from large vernal pools, including one exceeding 25 acres, it tends to occur in smaller pools. It is most frequently found in pools measuring less than 0.05 acre most commonly in grass or mud bottomed swales, or basalt flow depression pools in unplowed grasslands. Vernal pool fairy shrimp have been collected from early December to early May.	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Callophrys [Incisalia] mossii bayensis</i> San Bruno elfin butterfly	FE	~	This species inhabits rocky outcrops and cliffs in coastal scrub on the San Francisco peninsula. Its patchy distribution reflects that of its host plant, stonecrop (<i>Sedum spathulifolium</i>). San Bruno Mountain, in San Mateo County; also, Milagra Ridge, Montara Mountain, Whiting Ridge.	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Desmocerus californicus dimorphus</i> Valley elderberry longhorn beetle (VELB)	FT	~	Associated exclusively with elderberry shrubs (<i>Sambucus sp.</i>) in Central Valley and foothills during its entire life cycle; larvae bore into elderberry stems and feed upon the pith during their 2-year life cycle.	No	No elderberry shrubs were observed from public access roads. Although elderberry shrubs may be located on a parcel within the PSA, it is highly unlikely that this species would occur in this urbanized landscape far from riparian habitat.

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
<i>Euphydryas editha bayensis</i> Bay checkerspot butterfly	FT	SLC	This subspecies is restricted to serpentine outcrops with thin soils that support dry native grasslands with an abundance of both larval foodplants which are plantain (<i>Plantago erecta</i>) and owl's clover (<i>Orthocarpus densiflorus</i>). General region is mainly chaparral but this subspecies does not occupy such habitats. Both permanent sites are over 800 acres and topographically diverse. Populations can build up in other nearby areas but often die out in drought years. Larval foodplant varies seasonally and both plantain and owl's clover are usually required to complete development. Restricted to serpentine outcrops near San Francisco Bay.	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Hydroporus leechi</i> Leech's skyline diving beetle	~	CSC	Previously considered limited to the San Francisco Bay Area. Now believed to be distributed widely throughout the western United States. Only four known occurrences from freshwater ponds.	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Incisalia mossii bayensis</i> San Bruno elfin butterfly	FE	~	The San Bruno elfin butterfly inhabits rocky outcrops and cliffs in coastal scrub on the San Francisco peninsula. Its patchy distribution reflects that of its host plant, stonecrop (<i>Sedum spathulifolium</i>). San Bruno Mountain, in San Mateo County; also, Milagra Ridge, Montara Mountain, Whiting Ridge.	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Lepidurus packardi</i>	FE	~	Inhabits vernal pools containing clear	No	Suitable habitat is not

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
Vernal pool tadpole shrimp			to highly turbid water, ranging in size from 54 square feet in the former Mather Air Force Base area of Sacramento County, to the 89-acre Olcott Lake at Jepson Prairie. Tadpole shrimp climb objects and plow along or within bottom sediments feeding on organic debris and living organisms, such as fairy shrimp and other invertebrates. Superficially resembles the ricefield tadpole shrimp (<i>Triops longicaudatus</i>).		present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Microcina leei</i> Lee's micro-blind harvestman	~	SLC	Endemic to the Bay Area. It has been found at one site in the Berkeley hills and another in Oakland. They need microhabitats that provide high humidity, total darkness, and warmth, usually the underside of rocks. They appear when the rainy season begins and disappear when the ground beneath their rocks dries out.	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
<i>Microcina lumi</i> Lum's micro-blind harvestman	~	SLC	Harvestmen don't produce silk or spin webs. They eat plant matter and carrion as well as living prey. They need microhabitats that provide high humidity, total darkness, and warmth; this usually means the underside of rocks. Blind harvestmen as a group are, except for one species, found only in California. And the genus <i>Microcina</i> , the microblinds, occur only in the Bay Area, with a scattered distribution. This species are only known to occur in	No	Although, there are two previously recorded occurrences within five miles of the PSA suitable habitat is not present within the PSA.

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
			Alameda County.		
<i>Speyeria callippe</i> <i>callippe</i> Callippe silverspot butterfly	FE	~	Restricted to northern coastal scrub of the San Francisco peninsula. Host plant is <i>Viola pedunculata</i> . Most adults found on east-facing slopes; males congregate on hilltops in search of females.	No	Suitable habitat is not present within the PSA. There are no previously recorded occurrences within five miles of the PSA.
Fish					
<i>Acipenser medirostris</i> Green sturgeon	FT	~	The green sturgeon is a widely distributed, ocean-oriented sturgeon found in nearshore marine waters from Baja Mexico to Canada. Green sturgeon are anadromous, spawning in the Sacramento, Klamath and Rogue rivers in the spring. Individuals spawn every few years beginning about age 15. Green sturgeon congregate in these and other estuaries during the summer, where they appear to neither breed nor feed. Neither the purpose of these aggregations nor the portion of the population participating in them is known.	No	No waterways are located within the PSA. Suitable habitat is not present within the PSA.
<i>Eucyclogobius newberryi</i> Tidewater goby	FE	~	Historically widespread in brackish coastal lagoons and coastal creeks in California from the mouth of the Smith River, Del Norte County, south to Agua Hedionda Lagoon, San Diego County. Naturally absent (due to lack of suitable habitat) between Humboldt Bay and Ten Mile River, between Point Arena and Salmon Creek, and between Monterey Bay and Arroyo del Oso.	No	No waterways are located within the PSA. Suitable habitat is not present within the PSA.

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
<i>Hypomesus transpacificus</i> Delta smelt	FT	ST	Located exclusively in the Sacramento-San Joaquin Delta. They have been found as far upstream as the mouth of the American River on the Sacramento River and Mossdale on the San Joaquin River. They extend downstream as far as San Pablo Bay. Delta smelt are found in brackish water. They usually inhabit salinity ranges of less than 2 parts per thousand (ppt) and are rarely found at salinities greater than 14ppt.	No	No waterways are located within the PSA. Suitable habitat is not present within the PSA.
<i>Oncorhynchus kisutch</i> Coho salmon central California coast	FE	~	Anadromous fish. Naturally occurring in the Pacific Ocean and tributary drainages from the Anadyr River south to northern Japan and from Point Hope, Alaska, south to California (California: Klamath, Trinity, Mad, Noyo, and Eel rivers, with smaller populations south to the San Lorenzo River in Santa Cruz County) and infrequently as far south as Chamalu Bay, Baja California; most abundant between Oregon and southeastern Alaska, rare south of central California.	No	No waterways are located within the PSA. Suitable habitat is not present within the PSA.
<i>Oncorhynchus mykiss</i> Steelhead Central Valley ESU	FT	~	Sacramento and San Joaquin rivers and their tributaries. Spawns in the Sacramento and San Joaquin rivers and their tributaries; now extirpated from most of historical range; the majority of native, natural production occurs in upper Sacramento River tributaries below Red Bluff Diversion Dam, but these populations are nearly	No	No waterways are located within the PSA. Suitable habitat is not present within the PSA.

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
			extirpated; the American, Feather, and Yuba (and possibly the upper Sacramento and Mokelumne) rivers also have naturally spawning populations, but these have had substantial hatchery influence and their ancestry is not clearly known; in the San Joaquin River system, current range apparently includes only small populations in the Stanislaus, Tuolumne, and Merced rivers (tributaries) and the mainstem San Joaquin River to its confluence with the Merced River (NMFS 1996). This ESU does not include steelhead from San Francisco and San Pablo bays and their tributaries (NMFS 1998).		
<i>Oncorhynchus mykiss irideus</i> Steelhead central California coast ESU	FT	~	Both anadromous and non-anadromous forms exist. Anadromous forms migrate between freshwater breeding and marine non-breeding habitats; California breeders migrate to non-breeding habitats as far away as Alaska.	No	Although there is one previously recorded occurrence within five miles of the PSA, no waterways are located within the PSA. Suitable habitat is not present within the PSA.
<i>Oncorhynchus tshawytscha</i> Chinook salmon Central Valley spring-run ESU	FT	ST	Existing populations spawn in the Sacramento River and its tributaries in California. Historically, this ESU was the dominant run in the Sacramento and San Joaquin river basins, but native populations in the San Joaquin River apparently all have been extirpated.	No	No waterways are located within the PSA. Suitable habitat is not present within the PSA.
<i>Oncorhynchus</i>	FE	SE	Spawns primarily in the mainstem of the	No	No waterways are

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
<i>tshawytscha</i> Chinook salmon Sacramento River winter-run ESU			Sacramento River immediately downstream of Keswick Dam and below the historic spawning grounds downstream from Shasta Reservoir; most suitable spawning areas are between the Red Bluff Diversion Dam and Keswick Dam. Migrates through the Sacramento River, Delta, and San Pablo and San Francisco bays to nonbreeding habitat in the Pacific Ocean. Some juveniles rear non-natally for brief periods in lower reaches of tributaries.		located within the PSA. Suitable habitat is not present within the PSA.
Amphibians					
<i>Ambystoma californiense</i> California salamander tiger	FT	CSC	Typically found in annual grasslands of lower hills and valleys; breeds in temporary and permanent ponds and in streams; uses rodent burrows and other subterranean retreats in surrounding uplands for shelter; appears to be absent in waters containing predatory game fish. The California tiger salamander spends most of its lifecycle estivating underground in adjacent valley oak woodland or grassland habitat, primarily in abandoned rodent burrows. Research has shown that dispersing juveniles can roam up to two miles from their breeding ponds and that a minimum of several hundred acres of uplands habitat is needed surrounding a breeding pond in order for the	No	There are no previously recorded occurrences within five miles of the PSA. Suitable habitat is not present within the PSA.

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
			species to survive over the long term.		
<i>Rana aurora draytonii</i> California red-legged frog	FT	CSC	Lowlands and foothill streams, pool, and marshes in or near permanent or late season sources of deep water with dense, shrubby, riparian, or emergent vegetation (e.g. ponds, perennial drainages, well-developed riparian) below 3,936 ft. in elevation. Breeds late December to early April.	No	There are three previously recorded occurrences within five miles of the PSA. Suitable habitat is not present within the PSA. The PSA is highly urbanized and only ruderal habitat remains.
<i>Rana boylei</i> Foothill yellow-legged frog	~	CSC	Partly shaded, shallow streams and riffles with a rocky substrate in various habitats, with adjacent sunny banks or open woodlands. Breeding season begins mid-March to May.	No	There are no previously recorded occurrences within five miles of the PSA. Suitable habitat is not present within the PSA.
<i>Taricha torosa torosa</i> Coast Range newt	~	CSC	Coast Range newts frequent terrestrial habitats, but breed in ponds, reservoirs, and slow-moving streams. Lack of data on the movement ecology of this species prevents a complete characterization of the microhabitats used.	No	There are no previously recorded occurrences within five miles of the PSA. Suitable habitat is not present within the PSA.
Reptiles					
<i>Actinemys marmorata</i> Western pond turtle	~	CSC	Permanent or nearly permanent water in various habitats (e.g. ponds, streams, perennial drainages). Requires basking sites particularly in areas vegetated with riparian habitats. The western pond turtle includes two subspecies, the northwestern pond turtle (<i>A. m. marmorata</i>) and the southwestern pond turtle (<i>A. m. pallida</i>). The two subspecies range is interconnected	No	There are no previously recorded occurrences within five miles of the PSA. Suitable habitat is not present within the PSA.

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
			within and around the San Francisco Bay Area.		
<i>Masticophis lateralis euryxanthus</i> Alameda whipsnake	FT	ST	A slim-bodied snake. This species inhabits chaparral foothills, shrublands with scattered grassy patches, rocky canyons and watercourses, and adjacent habitats. Underground or under cover when inactive. Lays eggs probably most often in abandoned rodent burrows, perhaps also in other protected sites underground or under imbedded objects. Small range in hills in the eastern San Francisco Bay area, California.	No	There are no previously recorded occurrences within five miles of the PSA. Suitable habitat is not present within the PSA.
Birds					
CHARADRIIFORMES (shorebirds, gulls)					
<i>Charadrius alexandrinus nivosus</i> Western snowy plover	FT; MNBMC	CSC	Sandy beaches, salt pond levees; needs sandy, gravelly, or friable soils for nesting.	No	Although there is one previously recorded occurrence within one mile of the PSA, and one additional occurrence within five miles of the PSA, suitable habitat is not present within the PSA. The PSA is highly urbanized and only ruderal habitat remains.
<i>Rynchops niger</i> Black skimmer	MNBMC	CSC	The black skimmer breeds in loose groups on sandbanks and sandy beaches in the Americas. It breeds in North and South America. Northern populations winter in the warmer	No	Although there is one previously recorded occurrence within five miles of the PSA, suitable habitat is not present

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
			waters of the Caribbean and the tropical and subtropical Pacific coasts, but the South American races make only shorter movements in response to annual floods which extend their feeding areas in the river shallows.		within the PSA. The PSA is highly urbanized and only ruderal habitat remains.
<i>Sternula antillarum browni</i> California least tern	FE; MNBMC	SE	Summer/nesting in Bay Area; isolated colony in San Francisco Bay on sandy beaches bordering shallow water in estuaries; bulk of distribution in southern California coast.	No	Although there are four previously recorded occurrences within five miles of the PSA, suitable habitat is not present within the PSA. The PSA is highly urbanized and only ruderal habitat remains.
FALCONIFORMES (hawks, falcons)					
<i>Accipiter cooperi</i> Cooper's hawk	MNBMC	WL	Nests in densely-canopied trees from foothill oak woodlands up to ponderosa pine forests. Nesting usually occurs in a deciduous tree near open water or riparian vegetation. Breeds March to August.	No	There is one previously recorded occurrence within five miles of the PSA. Although this species may occasionally forage within the open space areas within the PSA, it is highly unlikely. The PSA is highly urbanized.
<i>Accipiter striatus</i> Sharp-shinned hawk	MNBMC	WL	A robin- to pigeon-sized woodland hawk. Forest and open woodland, coniferous, mixed, or deciduous, primarily in coniferous in more northern and mountainous portion of range. Young, dense, mixed or coniferous woodlands are preferred for nesting. Migrates through various habitats, mainly along ridges, lakeshores, and	No	There is one previously recorded occurrence within five miles of the PSA. Although this species may occasionally forage within the open space areas within the PSA, it is highly unlikely. The PSA is highly urbanized.

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
			coastlines. Nests usually in tree crotch or on branch next to trunk, most often 3-18 m up, hidden by thick foliage, usually in conifer in north. May build new nest, reuse old one, or modify old bird or squirrel nest. Nests generally seem to be in a stand of dense conifers near a forest opening, though this may reflect observer bias.		
<i>Aquila chrysaetos</i> Golden eagle	MNBMC	WL; CFP	A large raptor. Found generally in open country including prairies, arctic and alpine tundra, open wooded country, and barren areas, especially in hilly or mountainous regions. Nests on rock ledge of cliff or in large tree (e.g., oak or eucalyptus in California). Pair may have several alternate nests. Egg dates: peak late February-March, California to Texas (but earlier nesting may yield young ready to fly as early as March 1 in Texas);	No	There is one previously recorded occurrence within five miles of the PSA. Although this species may occasionally forage within the open space areas within the PSA, it is highly unlikely. The PSA is highly urbanized.
<i>Circus cyaneus</i> Northern harrier	MNBMC	CSC	Meadows, grasslands, open rangelands, desert sinks, fresh and saltwater emergent wetlands. Nests on ground, usually at marsh edge. Mostly nests in emergent wetland or along rivers or lakes, but may nest in grasslands, grain fields, or on sagebrush flats several miles from water. Breeds April to September.	No	There are three previously recorded occurrences within five miles of the PSA. Although this species may occasionally forage within the open space areas within the PSA, it is highly unlikely. The PSA is highly urbanized.
<i>Elanus leucurus</i> White-tailed kite	~	CFP	Nests in shrubs (in Delta) and trees adjacent to grasslands oak woodland, edges of riparian habitats. Roosts	No	There are two previously recorded occurrences within five miles of the

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
			communally, resident year-round, and breeds February-October.		PSA. Although this species may occasionally forage within the open space areas within the PSA, it is highly unlikely. The PSA is highly urbanized.
<i>Falco mexicanus</i> Prairie falcon	MNBMC	WL	Prairie Falcons are sandy-colored falcons with distinctive white eyebrows and dark wing-pit patches. Prairie falcons inhabit hills, canyons, and mountains of arid grasslands and shrub-steppes of southwestern Canada, western United States, Baja California, and northern Mexico. They nest primarily on cliffs overlooking large open areas, using a ledge, cavity, crevice, or an abandoned nest of eagles, hawks, or ravens.	No	There are no previously recorded occurrences within five miles of the PSA. Although this species may occasionally forage within the open space areas within the PSA, it is highly unlikely. The PSA is highly urbanized.
GRUIFORMES (rails, cranes)					
<i>Laterallus jamaicensis</i> California black rail	~	ST; CFP	Wetlands, marshes, thickets with recent sightings in near oak foothill woodlands in eastern Yuba County. Nests with eggs have been documented from March to June.	No	Although there are two previously recorded occurrences within five miles of the PSA, suitable habitat is not present within the PSA.
<i>Rallus longirostris</i> <i>obsoletus</i> California clapper rail	FE; MNBMC	SE	Salt water and brackish marshes traversed by tidal sloughs in the vicinity of the San Francisco Bay. Typically associated with abundant growths of pickleweed (<i>Salicornia</i> spp.) and cordgrass (<i>Spartina</i> spp.).	No	Although, there are five previously recorded occurrences within five miles of the PSA, suitable habitat is not present within the PSA.
PASSERIFORMES (perching birds)					

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
<i>Agelaius tricolor</i> Tri-colored blackbird	~	CSC	Breeds in freshwater wetlands, with tall dense vegetation including tule, cattail, blackberry and rose. Forages in grasslands and croplands. Resident year-round. Breeds April to July.	No	Although there is one previously recorded occurrence within five miles of the PSA, suitable habitat is not present within the PSA.
<i>Dendroica petechia brewsteri</i> Yellow warbler	MNBMC	CSC	Riparian plant associations. Prefers willows, cottonwoods, aspens, sycamores, and alders for nesting and foraging. Also nests in montane shrubbery in open conifer forests. Breeds mid-April to early August.	No	Although there is one previously recorded occurrence within five miles of the PSA, suitable habitat is not present within the PSA.
<i>Eremophila alpestris actia</i> California horned lark	MNBMC	WL	A widespread occupant of open habitats across North America, Horned Larks prefer areas with sparse vegetation and exposed soil. In western North America, this species is associated with desert brushlands, grasslands, and similar open habitats, as well as alpine meadows. Throughout their range, horned larks avoid all habitats dominated by dense vegetation and become scarce and locally distributed in heavily forested areas.	No	There are no previously recorded occurrences within five miles of the PSA. Suitable habitat is not present within the PSA.
<i>Geothlypis trichas sinuosa</i> Saltmarsh common yellowthroat	MNBMC	CSC	Resident of the San Francisco Bay region, in fresh and salt water marshes. Requires thick, continuous cover down to water surface for foraging and tall grasses, tule patches and willows for nesting.	No	Although there are six previously recorded occurrences within five miles of the PSA, suitable habitat is not present within the PSA.
<i>Lanius ludovicianus</i>	MNBMC	CSC	A common resident and winter visitor in lowlands and foothills throughout	No	There are no previously recorded occurrences

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
Loggerhead shrike			California. Open habitats with scattered shrubs, trees, posts, fences, utility lines, or other perches. Open-canopied valley foothill hardwood, valley foothill hardwood-conifer, valley foothill riparian, pinyon-juniper, juniper, desert riparian, and Joshua tree habitats. Egg-laying occurs from March to May.		within five miles of the PSA. Suitable habitat is not present within the PSA.
<i>Melospiza melodia pusillula</i> Alameda song sparrow	MNBMC	CSC	Resident of salt marshes bordering south arm of San Francisco Bay. Inhabits pickleweed (<i>Salicornia</i> spp.) marshes and nests low in <i>Grindelia</i> bushes (high enough to escape high tides) and in pickleweed.	No	Although there are six previously recorded occurrences within five miles of the PSA, suitable habitat is not present within the PSA.
<i>Riparia riparia</i> Bank swallow	MNBMC	ST	Primarily riparian and other lowland habitats in California. In summer, restricted to riparian, lacustrine, and coastal areas with vertical banks, bluffs, and cliffs with fine-textured or sandy soils for nesting holes. Breeds early May to July.	No	Although there is one previously recorded occurrence within five miles of the PSA, suitable habitat is not present within the PSA.
PELECANIFORMES (pelicans, cormorants)					
<i>Pelicanus occidentalis californicus</i> California brown pelican	FE; MNBMC	~	(Nesting colony) Colonial nester on coastal islands just outside the surf line; nests on coastal islands of small to moderate size which afford immunity from attack by ground-dwelling predators.	No	There are no previously recorded occurrences within five miles of the PSA. Suitable habitat is not present within the PSA.
<i>Phalacrocorax auritus</i> Double-crested	MNBMC	WL	Brackish and freshwater habitats on lakes, rivers, swamps, bays and coasts.	No	Although there is one previously recorded

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
cormorant			They require water for feeding and nearby perches, such as rocks, sandbars, pilings, wires, trees, or docks for resting on and drying out. This species resides from southwestern Alaska and the interior of North America to the Gulf of St. Lawrence and southern Newfoundland, south to the southern United States and the Bahamas. Winters from the southern parts of its summer range south to Florida and the Gulf of Mexico.		occurrence within five miles of the PSA, suitable habitat is not present within the PSA.
SCOLOPACIDAE (godwits, curlews)					
<i>Numenius americanus</i> Long-billed curlew	MNBMC	WL	Their breeding habitat is grasslands in west-central North America. Nests are located on the ground in open prairie. These birds forage in fields, picking up food by sight, also by probing. They mainly eat insects, but also eat crustaceans in coastal areas.	No	There are no previously recorded occurrences within five miles of the PSA. Suitable habitat is not present within the PSA.
STRIGIFORMES (owls)					
<i>Asio flammeus</i> Short-eared owl	MNBMC	CSC	Broad expanses of open land with low vegetation for nesting and foraging are required. In general, suitable habitat types include any area that has low vegetation with some dry upland for nesting, and that supports a suitable prey base may be considered potential breeding habitat. Nests on ground generally in a slight depression often beside or beneath a bush or clump of grass. Many nests are near water but are generally on dry sites.	No	There are no previously recorded occurrences within five miles of the PSA. Suitable habitat is not present within the PSA.

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
<i>Athene cunicularia hypugea</i> Western burrowing owl	~	CSC	Open grasslands and shrublands up to 5,300 ft with low perches and small mammal burrows. Resident year-round. Breeds March-August.	No	There are two previously recorded occurrences within five miles of the PSA. Suitable habitat is not present within the PSA. The PSA is highly urbanized and it is unlikely that this species would tolerate the constant disturbance.
Mammals					
<i>Antrozous pallidus</i> Pallid bat	~	CSC	Pallid bats roost in rock crevices, tree hollows, mines, caves, and a variety of anthropogenic structures, including vacant and occupied buildings and buildings, mines, and natural caves are utilized as roosts. Occurrence is primarily in arid habitats. Colonies are usually small and may contain 12-100 bats.	Yes	There is one previously recorded occurrence within one mile of the PSA, and one additional occurrence within five miles of the PSA. This species may occur within buildings or other structures within the PSA.
<i>Eumops californicus perotis</i> Western mastiff bat	~	CSC	A large bat. Found mostly in the southern half of California, but ranges north to Butte County. It prefers open, arid areas with high cliffs, but can also be found in bare rock, cliff, desert, herbaceous grassland, savanna, shrubland, chaparral, suburban, orchard, and conifer, hardwood and mixed woodlands. It roosts in small colonies and can also be found in caves and buildings. This bat catches strong flying insects such as dragonflies, moths, and beetles.	Yes	There is one previously recorded occurrence within five miles of the PSA. This species may occur within buildings or other structures within the PSA.
<i>Neotoma fuscipes</i>	~	CSC	Found in hardwood forests and brushlands. This species consumes	No	Suitable habitat is not present within the PSA.

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
<i>annectens</i> San Francisco dusty-footed woodrat			many sorts of leaves, flowers, nuts, and berries. It prefers are the leaves and berries of coffeeberry (<i>Rhamnus californica</i>), poison oak (<i>Toxicodendron diversilobum</i>), blackberry, and roses.		There are no previously recorded occurrences within five miles of the PSA.
<i>Reithrodontomys raviventris</i> Salt-marsh harvest mouse	FE	CE; CFP	A small, dark brown, terrestrial mouse with a long tail. Confined to the salt marshes around the San Francisco Bay and the Napa, Petaluma, Suisun marshes. It is commonly associated with dense growth of pickleweed (<i>Salicornia spp.</i>). The mouse needs access to refuge/cover on high ground, especially during highest tides in winter. This species presumably feeds on seeds of grasses and forbs as well as insects.	No	Although there are 14 previously recorded occurrences within five miles of the PSA, suitable habitat is not present within the PSA.
<i>Scapanus latimanus parvus</i> Alameda island mole	~	CSC	This species favors light, sandy soils but is absent from heavily cultivated areas. It is especially numerous on floodplains with high soil moisture and a strong growth of forbs and soil invertebrates. This mole feeds on soil invertebrates, especially earthworms and underground parts of plants.	No	There are no previously recorded occurrences within five miles of the PSA. Suitable habitat is not present within the PSA.
<i>Sorex vagrans halicoetes</i> Salt-marsh wandering shrew	~	CSC	Usually occurs in grassy meadows and other moist open areas. Its known range includes Alameda, Contra Costa, San Mateo and Santa Clara counties. This shrew is an opportunistic feeder, taking small arthropods, earthworms and slugs.	No	There is one previously recorded occurrence within one mile of the PSA, and one additional occurrence within five miles of the PSA. Suitable habitat is not present within the PSA.

Scientific Name Common Name	Status		Habitat Description ³	Considered in Impact Analysis	Rationale
	Federal ¹	State ²			
<i>Taxidea taxus</i> American badger	~	CSC	Stout-bodied, primarily solitary species that hunts for ground squirrels and other small mammal prey in open grassland, cropland, deserts, savanna, and shrubland communities. Badgers have large home ranges and spend inactive periods in underground burrows. Badgers typically mate in mid- to late summer and give birth between March and April.	No	There are no previously recorded occurrences within five miles of the PSA. Suitable habitat is not present within the PSA.
<i>Vulpes macrotis mutica</i> San Joaquin kit fox	FE	ST	Alkali sink, valley grassland, foothill woodland. Hunts in areas with low sparse vegetation that allows good visibility and mobility. Multiple underground dens are used throughout the year. Den usually has multiple entrances. Sometimes uses pipes or culverts as den sites. Mates in winter; 4-7 young are born in February or March.	No	There are no previously recorded occurrences within five miles of the PSA. Suitable habitat is not present within the PSA.

CODE DESIGNATIONS

Federal status ¹ : January 2007 USFWS Listing	State status ² : January 2007 USFWS and CDFG Listing
ESU = Evolutionary Significant Unit is a distinctive population.	SE = Listed as endangered under the California Endangered Species Act
FE = Listed as endangered under the Endangered Species Act	ST = Listed as threatened under the California Endangered Species Act
FT = Listed as threatened under the Endangered Species Act	CSC = Species of Concern as identified by the CDFG
FC = Candidate for listing (threatened or endangered) under Endangered Species Act	CFP = Listed as fully protected under CDFG code
FD = Delisted in accordance with the Endangered Species Act	WL = CDFG Watch List
FPD = Federally Proposed to be Delisted	Other
MNBMC = Migratory Nongame Bird of Management Concern, protected under the Migratory Bird Treaty Act	SLC = Species of Local or Regional Concern or conservation significance (USFWS 1998)
Habitat description³: Habitat description information adapted from CNDDDB and www.natureserve.org	

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FISH AND WILDLIFE SERVICE

Fish & Wildlife Service
logo

**Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825**

July 16, 2009

Document Number: 090716111802

Angela Calderaro
PMC
2729 Prospect Park Drive
Suite 220
Rancho Cordova, CA 95670

Subject: Species List for Mt. Eden Phase II Annexation, City of Hayward

Dear: Interested party

We are sending this official species list in response to your July 16, 2009 request for information about endangered and threatened species. The list covers the California counties and/or U.S. Geological Survey 7½ minute quad or quads you requested.

Our database was developed primarily to assist Federal agencies that are consulting with us. Therefore, our lists include all of the sensitive species that have been found in a certain area *and also ones that may be affected by projects in the area*. For example, a fish may be on the list for a quad if it lives somewhere downstream from that quad. Birds are included even if they only migrate through an area. In other words, we include all of the species we want people to consider when they do something that affects the environment.

Please read Important Information About Your Species List (below). It explains how we made the list and describes your responsibilities under the Endangered Species Act.

Our database is constantly updated as species are proposed, listed and delisted. If you address proposed and candidate species in your planning, this should not be a problem. However, we recommend that you get an updated list every 90 days. That would be October 14, 2009.

Please contact us if your project may affect endangered or threatened species or if you have any questions about the attached list or your responsibilities under the Endangered Species Act. A list of Endangered Species Program contacts can be found at www.fws.gov/sacramento/es/branches.htm.

Endangered Species Division

Take Pride in America

These buttons will not appear on your list.

Revise Selection

Print this page

Make Official Letter

U.S. Fish & Wildlife Service

Sacramento Fish & Wildlife Office

Federal Endangered and Threatened Species that Occur in
or may be Affected by Projects in the Counties and/or
U.S.G.S. 7 1/2 Minute Quads you requested

Document Number: 090716111802

Database Last Updated: January 29, 2009

Quad Lists

Listed Species

Invertebrates

- Branchinecta conservatio
 - Conservancy fairy shrimp (E)
- Branchinecta longiantenna
 - longhorn fairy shrimp (E)
- Branchinecta lynchi
 - vernal pool fairy shrimp (T)
- Desmocerus californicus dimorphus
 - valley elderberry longhorn beetle (T)
- Euphydryas editha bayensis
 - bay checkerspot butterfly (T)
- Incisalia mossii bayensis
 - San Bruno elfin butterfly (E)
- Lepidurus packardi
 - Critical habitat, vernal pool tadpole shrimp (X)
 - vernal pool tadpole shrimp (E)
- Speyeria callippe callippe

- callippe silverspot butterfly (E)

Fish

- *Acipenser medirostris*
 - green sturgeon (T) (NMFS)
- *Eucyclogobius newberryi*
 - tidewater goby (E)
- *Hypomesus transpacificus*
 - Critical habitat, delta smelt (X)
 - delta smelt (T)
- *Oncorhynchus kisutch*
 - coho salmon - central CA coast (E) (NMFS)
- *Oncorhynchus mykiss*
 - Central California Coastal steelhead (T) (NMFS)
 - Central Valley steelhead (T) (NMFS)
 - Critical habitat, Central California coastal steelhead (X) (NMFS)
- *Oncorhynchus tshawytscha*
 - Central Valley spring-run chinook salmon (T) (NMFS)
 - winter-run chinook salmon, Sacramento River (E) (NMFS)

Amphibians

- *Ambystoma californiense*
 - California tiger salamander, central population (T)
 - Critical habitat, CA tiger salamander, central population (X)
- *Rana aurora draytonii*
 - California red-legged frog (T)

Reptiles

- *Masticophis lateralis euryxanthus*
 - Alameda whipsnake [=striped racer] (T)
 - Critical habitat, Alameda whipsnake (X)

Birds

- *Charadrius alexandrinus nivosus*
 - western snowy plover (T)
- *Pelecanus occidentalis californicus*
 - California brown pelican (E)
- *Rallus longirostris obsoletus*
 - California clapper rail (E)
- *Sternula antillarum* (=Sterna, =albifrons) browni

- California least tern (E)

Mammals

- Reithrodontomys raviventris
 - salt marsh harvest mouse (E)
- Vulpes macrotis mutica
 - San Joaquin kit fox (E)

Plants

- Arctostaphylos pallida
 - pallid manzanita (=Alameda or Oakland Hills manzanita) (T)
- Clarkia franciscana
 - Presidio clarkia (E)
- Lasthenia conjugens
 - Contra Costa goldfields (E)
 - Critical habitat, Contra Costa goldfields (X)

Proposed Species**Amphibians**

- Rana aurora draytonii
 - Critical habitat, California red-legged frog (PX)

Quads Containing Listed, Proposed or Candidate Species:

DUBLIN (446B)

NILES (446C)

HAYWARD (447A)

SAN LEANDRO (447B)

REDWOOD POINT (447C)

NEWARK (447D)

DIABLO (464C)

OAKLAND EAST (465C)

LAS TRAMPAS RIDGE (465D)

County Lists

No county species lists requested.

Key:

- (E) Endangered - Listed as being in danger of extinction.
- (T) Threatened - Listed as likely to become endangered within the foreseeable future.
- (P) Proposed - Officially proposed in the Federal Register for listing as endangered or threatened.
- (NMFS) Species under the Jurisdiction of the [National Oceanic & Atmospheric Administration Fisheries Service](#). Consult with them directly about these species.
- Critical Habitat - Area essential to the conservation of a species.
- (PX) Proposed Critical Habitat - The species is already listed. Critical habitat is being proposed for it.
- (C) Candidate - Candidate to become a proposed species.
- (V) Vacated by a court order. Not currently in effect. Being reviewed by the Service.
- (X) Critical Habitat designated for this species

Important Information About Your Species List

How We Make Species Lists

We store information about endangered and threatened species lists by U.S. Geological Survey 7½ minute quads. The United States is divided into these quads, which are about the size of San Francisco.

The animals on your species list are ones that occur within, or may be affected by projects within, the quads covered by the list.

- Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them.
- Amphibians will be on the list for a quad or county if pesticides applied in that area may be carried to their habitat by air currents.
- Birds are shown regardless of whether they are resident or migratory. Relevant birds on the county list should be considered regardless of whether they appear on a quad list.

Plants

Any plants on your list are ones that have actually been observed in the area covered by the list. Plants may exist in an area without ever having been detected there. You can find out what's in the surrounding quads through the California Native Plant Society's online [Inventory of Rare and Endangered Plants](#).

Surveying

Some of the species on your list may not be affected by your project. A trained biologist and/or botanist, familiar with the habitat requirements of the species on your list, should determine whether they or habitats suitable for them may be affected by your project. We recommend that your surveys include any proposed and candidate species on your list.

See our [Protocol](#) and [Recovery Permits](#) pages.

For plant surveys, we recommend using the [Guidelines for Conducting and Reporting Botanical Inventories](#). The results of your surveys should be published in any environmental documents prepared for your project.

Your Responsibilities Under the Endangered Species Act

All animals identified as listed above are fully protected under the Endangered Species Act of 1973, as amended. Section 9 of the Act and its implementing regulations prohibit the take of a federally listed wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such animal.

Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR §17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

- If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in take, then that agency must engage in a formal [consultation](#) with the Service.
- During formal consultation, the Federal agency, the applicant and the Service work together to avoid or minimize the impact on listed species and their habitat. Such consultation would result in a biological opinion by the Service addressing the anticipated effect of the project on listed and proposed species. The opinion may authorize a limited level of incidental take.
- If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then you, the applicant, should apply for an incidental take permit. The Service may issue such a permit if you submit a satisfactory conservation plan for the species that would be affected by your project.
- Should your survey determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that you work with this office and the California Department of Fish and Game to develop a plan that minimizes the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. You should include the plan in any environmental documents you file.

Critical Habitat

When a species is listed as endangered or threatened, areas of habitat considered essential to its conservation may be designated as critical habitat. These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements; cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal.

Although critical habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.

If any species has proposed or designated critical habitat within a quad, there will be a separate line for this on the species list. Boundary descriptions of the critical habitat may be found in the Federal Register. The information is also reprinted in the Code of Federal Regulations (50 CFR 17.95). See our [Map Room](#) page.

Candidate Species

We recommend that you address impacts to candidate species. We put plants and animals on our candidate list when we have enough scientific information to eventually propose them for listing as threatened or endangered. By considering these species early in your planning process you may be able to avoid the problems that could develop if one of these candidates was listed before the end of your project.

Species of Concern

The Sacramento Fish & Wildlife Office no longer maintains a list of species of concern. However, various other agencies and organizations maintain lists of at-risk species. These lists provide essential information

for land management planning and conservation efforts. [More info](#)

Wetlands

If your project will impact wetlands, riparian habitat, or other jurisdictional waters as defined by section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act, you will need to obtain a permit from the U.S. Army Corps of Engineers. Impacts to wetland habitats require site specific mitigation and monitoring. For questions regarding wetlands, please contact Mark Littlefield of this office at (916) 414-6580.

Updates

Our database is constantly updated as species are proposed, listed and delisted. If you address proposed and candidate species in your planning, this should not be a problem. However, we recommend that you get an updated list every 90 days. That would be October 14, 2009.

California Department of Fish and Game
Natural Diversity Database
Selected Elements by Scientific Name - Landscape
Mt. Eden Phase II, City of Hayward

Scientific Name	Common Name	Element Code	Federal Status	State Status	Global Rank	State Rank	CNPS	CDFG
1 Accipiter cooperii	Cooper's hawk	ABNKC12040			G5	S3		
2 Accipiter striatus	sharp-shinned hawk	ABNKC12020			G5	S3		
3 Actinemys marmorata	western pond turtle	ARAAD02030			G3G4	S3		SC
4 Agelaius tricolor	tricolored blackbird	ABPBXB0020			G2G3	S2		SC
5 Ambystoma californiense	California tiger salamander	AAAAA01180	Threatened	unknown code...	G2G3	S2S3		SC
6 Amsinckia lunaris	bent-flowered fiddleneck	PDBOR01070			G2	S2.2	1B.2	
7 Anomobryum julaceum	slender silver moss	NBMUS80010			G4G5	S1.3	2.2	
8 Antrozous pallidus	pallid bat	AMACC10010			G5	S3		SC
9 Aquila chrysaetos	golden eagle	ABNKC22010			G5	S3		
10 Arctostaphylos auriculata	Mt. Diablo manzanita	PDERI04040			G2	S2.2	1B.3	
11 Arctostaphylos manzanita ssp. laevigata	Contra Costa manzanita	PDERI04273			G5T2	S2	1B.2	
12 Arctostaphylos pallida	pallid manzanita	PDERI04110	Threatened	Endangered	G1	S1.2	1B.1	
13 Ardea herodias	great blue heron	ABNGA04010			G5	S4		
14 Asio flammeus	short-eared owl	ABNSB13040			G5	S3		SC
15 Astragalus tener var. tener	alkali milk-vetch	PDFAB0F8R1			G1T1	S1.1	1B.2	
16 Athene cunicularia	burrowing owl	ABNSB10010			G4	S2		SC
17 Atriplex joaquiniana	San Joaquin spearscale	PDCHE041F3			G2	S2	1B.2	
18 Balsamorhiza macrolepis var. macrolepis	big-scale balsamroot	PDAST11061			G3G4T2	S2.2	1B.2	
19 California macrophylla	round-leaved filaree	PDGER01070			G3	S3.1	1B.1	
20 Callophrys mossii bayensis	San Bruno elfin butterfly	IILEPE2202	Endangered		G4T1	S1		
21 Calochortus pulchellus	Mt. Diablo fairy-lantern	PMLL0D160			G2	S2.1	1B.2	
22 Campanula exigua	chaparral harebell	PDCAM020A0			G2	S2.2	1B.2	
23 Centromadia parryi ssp. congdonii	Congdon's tarplant	PDAST4R0P1			G4T3	S3.2	1B.2	
24 Charadrius alexandrinus nivosus	western snowy plover	ABNNB03031	Threatened		G4T3	S2		SC
25 Chorizanthe robusta var. robusta	robust spineflower	PDPGN040Q2	Endangered		G2T1	S1.1	1B.1	
26 Circus cyaneus	northern harrier	ABNKC11010			G5	S3		SC
27 Clarkia concinna ssp. automixa	Santa Clara red ribbons	PDONA050A1			G5?T3	S3.3	4.3	
28 Clarkia franciscana	Presidio clarkia	PDONA050H0	Endangered	Endangered	G1	S1.1	1B.1	
29 Cordylanthus maritimus ssp. palustris	Point Reyes bird's-beak	PDSCR0J0C3			G4?T2	S2.2	1B.2	
30 Danaus plexippus	monarch butterfly	IILEPP2010			G5	S3		
31 Dendroica petechia brewsteri	yellow warbler	ABPBX03018			G5T3?	S2		SC
32 Dipodomys heermanni berkeleyensis	Berkeley kangaroo rat	AMAFD03061			G3G4T1	S1		

California Department of Fish and Game
Natural Diversity Database
Selected Elements by Scientific Name - Landscape
Mt. Eden Phase II, City of Hayward

Scientific Name	Common Name	Element Code	Federal Status	State Status	Global Rank	State Rank	CNPS	CDFG
33 <i>Dipodomys venustus venustus</i>	Santa Cruz kangaroo rat	AMAFD03042			G4T1	S1		
34 <i>Dirca occidentalis</i>	western leatherwood	PDTHY03010			G2G3	S2S3	1B.2	
35 <i>Efferia antiochi</i>	Antioch efferian robberfly	IIDIP07010			G1G3	S1S3		
36 <i>Elanus leucurus</i>	white-tailed kite	ABNKC06010			G5	S3		
37 <i>Eremophila alpestris actia</i>	California horned lark	ABPAT02011			G5T3Q	S3		
38 <i>Eriogonum luteolum</i> var. <i>caninum</i>	Tiburon buckwheat	PDPGN083S1			G5T3	S3.2	1B.2	
39 <i>Eriogonum truncatum</i>	Mt. Diablo buckwheat	PDPGN085Z0			G1	S1.1	1B.1	
40 <i>Eucyclogobius newberryi</i>	tidewater goby	AFCQN04010	Endangered		G3	S2S3		SC
41 <i>Eumops perotis californicus</i>	western mastiff bat	AMACD02011			G5T4	S3?		SC
42 <i>Euphydryas editha bayensis</i>	Bay checkerspot butterfly	IILEPK4055	Threatened		G5T1	S1		
43 <i>Falco mexicanus</i>	prairie falcon	ABNKD06090			G5	S3		
44 <i>Fritillaria liliacea</i>	fragrant fritillary	PMLILOV0C0			G2	S2.2	1B.2	
45 <i>Geothlypis trichas sinuosa</i>	saltmarsh common yellowthroat	ABPBX1201A			G5T2	S2		SC
46 <i>Helianthella castanea</i>	Diablo helianthella	PDAST4M020			G3	S3.2	1B.2	
47 <i>Helminthoglypta nickliniana bridgesi</i>	Bridges' coast range shoulderband	IMGASC2362			G2T1	S1		
48 <i>Hesperolinon breweri</i>	Brewer's western flax	PDLIN01030			G2	S2.2	1B.2	
49 <i>Hoita strobilina</i>	Loma Prieta hoita	PDFAB5Z030			G2	S2.1	1B.1	
50 <i>Holocarpha macradenia</i>	Santa Cruz tarplant	PDAST4X020	Threatened	Endangered	G1	S1.1	1B.1	
51 <i>Horkelia cuneata</i> ssp. <i>sericea</i>	Kellogg's horkelia	PDROS0W043			G4T1	S1.1	1B.1	
52 <i>Juglans hindsii</i>	Northern California black walnut	PDJUG02040			G1	S1.1	1B.1	
53 <i>Lasionycteris noctivagans</i>	silver-haired bat	AMACC02010			G5	S3S4		
54 <i>Lasiurus cinereus</i>	hoary bat	AMACC05030			G5	S4?		
55 <i>Lasthenia conjugens</i>	Contra Costa goldfields	PDAST5L040	Endangered		G1	S1.1	1B.1	
56 <i>Laterallus jamaicensis coturniculus</i>	California black rail	ABNME03041		Threatened	G4T1	S1		
57 <i>Linderiella occidentalis</i>	California linderiella	ICBRA06010			G3	S2S3		
58 <i>Malacothamnus hallii</i>	Hall's bush-mallow	PDMAL0Q0F0			G1Q	S1.2	1B.2	
59 <i>Masticophis lateralis euryxanthus</i>	Alameda whipsnake	ARADB21031	Threatened	Threatened	G4T2	S2		
60 <i>Meconella oregana</i>	Oregon meconella	PDPAP0G030			G2G3	S1.1	1B.1	
61 <i>Melospiza melodia pusillula</i>	Alameda song sparrow	ABPBXA301S			G5T2?	S2?		SC
62 <i>Microcina leei</i>	Lee's micro-blind harvestman	ILARA47040			G1	S1		
63 <i>Microcina lumi</i>	Lum's micro-blind harvestman	ILARA47050			G1	S1		
64 <i>Monardella villosa</i> ssp. <i>globosa</i>	robust monardella	PDLAM180P7			G5T2	S2.2	1B.2	
65 <i>Myotis yumanensis</i>	Yuma myotis	AMACC01020			G5	S4?		

California Department of Fish and Game
Natural Diversity Database
Selected Elements by Scientific Name - Landscape
Mt. Eden Phase II, City of Hayward

Scientific Name	Common Name	Element Code	Federal Status	State Status	Global Rank	State Rank	CNPS	CDFG
66 <i>Neotoma fuscipes annectens</i>	San Francisco dusky-footed woodrat	AMAFF08082			G5T2T3	S2S3		SC
67 Northern Coastal Salt Marsh	Northern Coastal Salt Marsh	CTT52110CA			G3	S3.2		
68 Northern Maritime Chaparral	Northern Maritime Chaparral	CTT37C10CA			G1	S1.2		
69 <i>Nycticorax nycticorax</i>	black-crowned night heron	ABNGA11010			G5	S3		
70 <i>Oncorhynchus mykiss irideus</i>	steelhead - central California coast ESU	AFCHA0209G	Threatened		G5T2Q	S2		
71 <i>Phacelia phacelioides</i>	Mt. Diablo phacelia	PDHYD0C3Q0			G1	S1.2	1B.2	
72 <i>Phalacrocorax auritus</i>	double-crested cormorant	ABNFD01020			G5	S3		
73 <i>Plagiobothrys diffusus</i>	San Francisco popcorn-flower	PDBOR0V080		Endangered	G1Q	S1.1	1B.1	
74 <i>Plagiobothrys glaber</i>	hairless popcorn-flower	PDBOR0V0B0			GH	SH	1A	
75 <i>Polemonium carneum</i>	Oregon polemonium	PDPLM0E050			G4	S1	2.2	
76 <i>Potamogeton filiformis</i>	slender-leaved pondweed	PMPOT03090			G5	S1S2	2.2	
77 <i>Rallus longirostris obsoletus</i>	California clapper rail	ABNME05016	Endangered	Endangered	G5T1	S1		
78 <i>Rana boylei</i>	foothill yellow-legged frog	AAABH01050			G3	S2S3		SC
79 <i>Rana draytonii</i>	California red-legged frog	AAABH01022	Threatened		G4T2T3	S2S3		SC
80 <i>Reithrodontomys raviventris</i>	salt-marsh harvest mouse	AMAFF02040	Endangered	Endangered	G1G2	S1S2		
81 <i>Riparia riparia</i>	bank swallow	ABPAU08010		Threatened	G5	S2S3		
82 <i>Rynchops niger</i>	black skimmer	ABNNM14010			G5	S1S3		SC
83 <i>Sanicula maritima</i>	adobe sanicle	PDAP11Z0D0		Rare	G2	S2.2	1B.1	
84 <i>Scapanus latimanus parvus</i>	Alameda Island mole	AMABB02031			G5T1Q	S1		SC
85 Serpentine Bunchgrass	Serpentine Bunchgrass	CTT42130CA			G2	S2.2		
86 <i>Sorex vagrans halicoetes</i>	salt-marsh wandering shrew	AMABA01071			G5T1	S1		SC
87 <i>Sternula antillarum browni</i>	California least tern	ABNNM08103	Endangered	Endangered	G4T2T3Q	S2S3		
88 <i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	most beautiful jewel-flower	PDBRA2G012			G2T2	S2.2	1B.2	
89 <i>Streptanthus hispidus</i>	Mt. Diablo jewel-flower	PDBRA2G0M0			G1	S1.2	1B.3	
90 <i>Suaeda californica</i>	California seablite	PDCHE0P020	Endangered		G1	S1.1	1B.1	
91 <i>Taxidea taxus</i>	American badger	AMAJF04010			G5	S4		SC
92 <i>Trifolium depauperatum</i> var. <i>hydrophilum</i>	saline clover	PDFAB400R5			G5T2?	S2.2?	1B.2	
93 <i>Triquetrella californica</i>	coastal triquetrella	NBMUS7S010			G1	S1.2	1B.2	
94 <i>Tryonia imitator</i>	mimic tryonia (=California brackishwater snail)	IMGASJ7040			G2G3	S2S3		
95 Valley Needlegrass Grassland	Valley Needlegrass Grassland	CTT42110CA			G1	S3.1		
96 <i>Viburnum ellipticum</i>	oval-leaved viburnum	PDCPR07080			G5	S2.3	2.3	
97 <i>Vulpes macrotis mutica</i>	San Joaquin kit fox	AMAJA03041	Endangered	Threatened	G4T2T3	S2S3		



Inventory of Rare and Endangered Plants

v7-09c 7-14-09

Status: search results - Thu, Jul. 16, 2009 10:15 c

{QUADS_123} =~ m/447A|465C|465D|446B|446C|464C|447B|447C

Tip: Having trouble with a multi-word search? Try a single word, e.g. ginger or cobra.
[\[all tips and help.\]](#)[\[search history\]](#)

Your Quad Selection: Hayward (447A) 3712261, Oakland East (465C) 3712272, Las Trampas Ridge (465D) 3712271, Dublin (446B) 3712168, Niles (446C) 3712158, Diablo (464C) 3712178, San Leandro (447B) 3712262, Redwood Point (447C) 3712252, Newark (447D) 3712251

Hits 1 to 45 of 45
Requests that specify topo quads will return only Lists 1-3.

To save selected records for later study, click the ADD button.

Selections will appear in a new window.

open	save	hits	scientific	common	family	CNPS
	<input type="checkbox"/>	1	Amsinckia lunaris	bent-flowered fiddleneck	Boraginaceae	List 1B.2
	<input type="checkbox"/>	1	Anomobryum julaceum	slender silver moss	Bryaceae	List 2.2
	<input type="checkbox"/>	1	Arctostaphylos auriculata	Mt. Diablo manzanita	Ericaceae	List 1B.3
	<input type="checkbox"/>	1	Arctostaphylos manzanita ssp. laevigata	Contra Costa manzanita	Ericaceae	List 1B.2
	<input type="checkbox"/>	1	Arctostaphylos pallida	pallid manzanita	Ericaceae	List 1B.1
	<input type="checkbox"/>	1	Astragalus tener var. tener	alkali milk-vetch	Fabaceae	List 1B.2
	<input type="checkbox"/>	1	Atriplex joaquiniana	San Joaquin spearscale	Chenopodiaceae	List 1B.2
	<input type="checkbox"/>	1	Balsamorhiza macrolepis var. macrolepis	big-scale balsamroot	Asteraceae	List 1B.2
	<input type="checkbox"/>	1	California macrophylla	round-leaved filaree	Geraniaceae	List 1B.1
	<input type="checkbox"/>	1	Calochortus pulchellus	Mt. Diablo fairy-lantern	Liliaceae	List 1B.2
	<input type="checkbox"/>	1	Campanula exigua	chaparral harebell	Campanulaceae	List 1B.2
	<input type="checkbox"/>	1	Centromadia parryi ssp. congdonii	Congdon's tarplant	Asteraceae	List 1B.2
	<input type="checkbox"/>	1	Chorizanthe robusta var. robusta	robust spineflower	Polygonaceae	List 1B.1
	<input type="checkbox"/>	1	Clarkia franciscana	Presidio clarkia	Onagraceae	List

						1B.1
	<input type="checkbox"/>	1	<u>Cordylanthus maritimus</u> ssp. palustris 	Point Reyes bird's-beak	Scrophulariaceae	List 1B.2
	<input type="checkbox"/>	1	<u>Dirca occidentalis</u> 	western leatherwood	Thymelaeaceae	List 1B.2
	<input type="checkbox"/>	1	<u>Eriogonum luteolum</u> var. caninum 	Tiburon buckwheat	Polygonaceae	List 1B.2
	<input type="checkbox"/>	1	<u>Eriogonum truncatum</u> 	Mt. Diablo buckwheat	Polygonaceae	List 1B.1
	<input type="checkbox"/>	1	<u>Fritillaria liliacea</u> 	fragrant fritillary	Liliaceae	List 1B.2
	<input type="checkbox"/>	1	<u>Helianthella castanea</u> 	Diablo helianthella	Asteraceae	List 1B.2
	<input type="checkbox"/>	1	<u>Hesperolinon breweri</u> 	Brewer's western flax	Linaceae	List 1B.2
	<input type="checkbox"/>	1	<u>Hoita strobilina</u> 	Loma Prieta hoita	Fabaceae	List 1B.1
	<input type="checkbox"/>	1	<u>Holocarpha macradenia</u> 	Santa Cruz tarplant	Asteraceae	List 1B.1
	<input type="checkbox"/>	1	<u>Horkelia cuneata</u> ssp. sericea 	Kellogg's horkelia	Rosaceae	List 1B.1
	<input type="checkbox"/>	1	<u>Juglans hindsii</u> 	Northern California black walnut	Juglandaceae	List 1B.1
	<input type="checkbox"/>	1	<u>Lasthenia conjugens</u> 	Contra Costa goldfields	Asteraceae	List 1B.1
	<input type="checkbox"/>	1	<u>Malacothamnus hallii</u> 	Hall's bush-mallow	Malvaceae	List 1B.2
	<input type="checkbox"/>	1	<u>Meconella oregana</u>	Oregon meconella	Papaveraceae	List 1B.1
	<input type="checkbox"/>	1	<u>Micropus amphibolus</u> 	Mt. Diablo cottonweed	Asteraceae	List 3.2
	<input type="checkbox"/>	1	<u>Monardella antonina</u> ssp. antonina	San Antonio Hills monardella	Lamiaceae	List 3
	<input type="checkbox"/>	1	<u>Monardella villosa</u> ssp. globosa 	robust monardella	Lamiaceae	List 1B.2
	<input type="checkbox"/>	1	<u>Navarretia myersii</u> ssp. myersii 	pincushion navarretia	Polemoniaceae	List 1B.1
	<input type="checkbox"/>	1	<u>Phacelia phacelioides</u> 	Mt. Diablo phacelia	Hydrophyllaceae	List 1B.2
	<input type="checkbox"/>	1	<u>Plagiobothrys diffusus</u>	San Francisco popcorn-flower	Boraginaceae	List 1B.1
	<input type="checkbox"/>	1	<u>Plagiobothrys glaber</u>	hairless popcorn-flower	Boraginaceae	List 1A
	<input type="checkbox"/>	1	<u>Polemonium carneum</u> 	Oregon polemonium	Polemoniaceae	List 2.2
	<input type="checkbox"/>	1	<u>Potamogeton filiformis</u>	slender-leaved pondweed	Potamogetonaceae	List 2.2
	<input type="checkbox"/>	1	<u>Sanicula maritima</u> 	adobe sanicle	Apiaceae	List 1B.1

	<input type="checkbox"/>	1	<u>Sanicula saxatilis</u> 	rock sanicle	Apiaceae	List 1B.2
	<input type="checkbox"/>	1	<u>Streptanthus albidus</u> <u>ssp. peramoenus</u> 	most beautiful jewel-flower	Brassicaceae	List 1B.2
	<input type="checkbox"/>	1	<u>Streptanthus hispidus</u> 	Mt. Diablo jewel- flower	Brassicaceae	List 1B.3
	<input type="checkbox"/>	1	<u>Suaeda californica</u> 	California seablite	Chenopodiaceae	List 1B.1
	<input type="checkbox"/>	1	<u>Trifolium</u> <u>depauperatum</u> var. <u>hydrophilum</u> 	saline clover	Fabaceae	List 1B.2
	<input type="checkbox"/>	1	<u>Triquetrella californica</u> 	coastal triquetrella	Pottiaceae	List 1B.2
	<input type="checkbox"/>	1	<u>Viburnum ellipticum</u> 	oval-leaved viburnum	Caprifoliaceae	List 2.3

To save selected records for later study, click the ADD button.

ADD checked items to Plant Press

check all

check none

Selections will appear in a new window.

No more hits.



APPENDIX C - HISTORIC RESOURCES



May 16, 2008

Erik Pearson, AICP, Senior Planner
City of Hayward
777 B Street
Hayward, CA 94541

RE: HISTORIC RESOURCES REPORT- MT. EDEN PHASE II REORGANIZATION

Dear Mr. Pearson:

PMC has completed an historic resource evaluation of properties located within two unincorporated "islands" completely surrounded by the City of Hayward that are proposed for annexation into the City. The purpose of this evaluation was to identify potential historic resources within the project area, evaluate their historic significance, and identify any potential impacts that the project may have on historic resources in accordance with the California Environmental Quality Act (CEQA). At the request of the City, this report also includes recommendations and financial incentive opportunities for the rehabilitation and continued maintenance of historic resources.

PMC prepared an assessment of the proposed project (hereinafter "the project") utilizing standards established by the Secretary of the Interior. The conclusions in this report are based on fieldwork and archival research performed between January 2007 and April 2008 by Christine Hopper, M.A. of PMC, with the assistance of John Nadolski, M.A. and Tina Pitsenberger, B.A. of PMC. Ms. Hopper and Mr. Nadolski meet the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in architectural history and history, respectively.

Scope of Work and Historic Investigations

The scope of work for the project stated that the Hermann Mohr Estate would be evaluated for historic significance. PMC addressed the historic significance of the Mohr-Fry Estate, located at 24985 Hesperian Boulevard and the Hermann Mohr Estate, located at 2595 Depot Road and conducted field and background research to identify previously documented historic and architectural resources in the vicinity of the project area.

PMC's current investigations included: a records search completed by the Northwest Information Center, Sonoma State University, Rohnert Park on January 17, 2008; a sacred lands search conducted by the Native American Heritage Commission (NAHC) on December 4, 2007; consultation with the Native American community; consultation with other interested parties (e.g.,

and field surveys conducted on February 25 and March 25, 2008. In addition, PMC coordinated efforts with the findings of the Draft Intensive Survey of Fifty Properties in Unincorporated Alameda County conducted by Carey & Co., Inc. of San Francisco in March of 2008.

Evaluation of Significance

Carey & Co., Inc. conducted intensive surveys of both the Mohr-Fry and Hermann Mohr and prepared Department of Parks and Recreation forms (DPR 523(a) & (b)). The DPRs (Appendix A & B) provided a historical evaluation of both properties and determination of significance the Mohr-Fry Estate based on the Secretary of the Interior's Standards for Evaluation. It was determined that the Mohr-Fry Estate appears eligible for both the National Register of Historic Places (NRHP) and the California Register of Historic Resources (CRHR). PMC agrees with the findings of eligibility for this property.

The Hermann Mohr Estate was determined by the Office of Historic Preservation to be ineligible for NRHP in 1992 by consensus through the Section 106 process. An evaluation of CRHR eligibility or local listing was not determined at that time. The DPR prepared by Carey & Co., Inc. suggests that the property is locally significant for its relationship to early subdivisions, and as an example of late Queen Anne architecture. However, the property was evaluated for local significance based on the County of Alameda standards for local significance, and not the more stringent standards set forth by the City of Hayward for listing as a historic resource.

According to CEQA, a property that is listed on a local inventory is considered a historic resource and is subsequently subject to CEQA review. The Hermann Mohr Estate, as evidenced in the DPR, has been extensively physically altered and is many of its character defining features are either missing or have been enclosed with newer materials. Based on existing conditions, PMC concurs that the property would not be eligible for individual listing on the CRHR because the historic integrity of the property has been compromised.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and hence, in evaluating adverse changes to them. Integrity is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." The seven aspects of integrity are defined by the *National Register Bulletin: How to Apply the National Register Criteria for Evaluation* as follows:

Location is the place where the historic property was constructed.

Design is the combination of elements that create the form, plans, space, structure and style of the property.

Setting addresses the physical environment of the historic property inclusive of the landscape and spatial relationships of the building(s).

Materials refer to the physical elements that were combined or deposited during a particular period of time and in a particular pattern of configuration to form the historic property.

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history.

Feeling is the property's expression of the aesthetic or historic sense of a particular period of time.

Association is the direct link between an important historic event or person and a historic property.

The Hermann Mohr Estate, in its current condition, maintains only integrity of location. Integrity of setting, feeling and association has been compromised with the significant alteration of the grounds and neighborhood surrounding the property. Integrity of materials, workmanship, and design has been compromised in the removal or covering up of character defining features that originally conveyed the Queen Anne style.

The existing condition of the property does not necessarily preclude it from listing as a local resource, as the property has the potential to reclaim much of its integrity through restoration. Therefore, for the purposes of CEQA, because a preponderance of evidence has not been discovered that would eliminate local eligibility, the property is considered a historic resource.

Project Impacts

The proposed project does not include any physical changes to the annexation area, including the sites on which the Hermann Mohr and Mohr-Fry Estates exist. In addition, the zoning for the two sites is proposed to remain as is, which will not impact the intensity or type of development that could potentially impact the integrity of the properties.

The City of Hayward's historic preservation program appears to have more stringent and defined criteria for inclusion in its local register than the County of Alameda. The City also maintains a comprehensive program for the protection of the City's historic resources.

Therefore, for the purposes of CEQA, the project will not have an impact on historic resources.

Recommendations

The Mt. Eden Neighborhood Plan, adopted in 1990, includes direction to designate the Hermann Mohr and Mohr-Fry Estates as local historic resources. PMC recommends that the City proceed with listing to add an additional layer of protection to both properties.

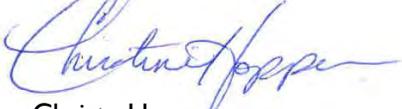
The City of Hayward and the property owners of the subject properties have indicated concern as to the cost of maintenance and restoration. PMC suggests that the City explore the following incentives for historic preservation:

- Offer Mill's Act contracts for reduction in property taxes in exchange for restoration and maintenance of historic properties;
- Explore becoming a Certified Local Government, which would open the City up to State grants for historic preservation;
- Educate owners of historic properties on Federal Tax Credits; and

- Explore Façade Improvement Programs.

Thank you for the opportunity to provide this historic resource evaluation for the Mt. Eden Annexation project area. Please let me know if you have any questions.

Sincerely,



Christy Hopper
Historic Preservation Specialist

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code

Other Listings
Review Code

Reviewer

Date

Page 1 of 9

*Resource Name or #: 24985 Hesperian Boulevard

P1. Other Identifier:

*P2. Location: Not for Publication Unrestricted

*a. County: Alameda

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Hayward

Date:

T ; R ; ¼ of ¼ of Sec ; M.D. B.M.

c. Address: 24985 Hesperian Boulevard

City: Hayward

Zip: 94545

d. UTM: Zone: 10 ; mE/ mN (G.P.S.)

Elevation:

e. Other Locational Data:

Assessor Parcel Number: 441-0020-007-01

***P3a. Description:**

Situated on flat land in the middle of an urban landscape, the Cornelius Mohr house and farm includes a residence, a large carriage house, a caretaker's cottage, a tank house, and other outbuildings, including a blacksmith shop, a bunk house, two garages, and a small shed. The parcel also contains grass, plants, trees, and agricultural fields. The following descriptions are based on photographs taken by Christy Hopper of PMC, a consultant to the City of Hayward, during a site visit conducted on March 25, 2008. Carey & Co. was unable to gain site access during the course of its survey. In addition to the buildings described below, a one-story, Ranch-style house with a gable roof and rectangular plan as well as at least five other outbuildings or sheds appear to be located on the same parcel north of the carriage house. They appear to have been constructed more recently, well after the site's period of significance. (See continuation sheet.)

*P3b. Resource Attributes: HP2, Single-family property; HP33, Farm/Ranch

*P4. Resources Present: Building Structure Object Site District Element of District Other (Isolates, etc.)

P5a. Photo or Drawing



P5b. Description of Photo:
Main façade of the residence (east elevation), March 25, 2008.

*P6. Date Constructed/Age and Sources:

Historic Prehistoric Both
1876; pamphlet files, Hayward Area Historical Society

*P7. Owner and Address:

Marian C. Zimmerman
P.O. Box 97
Hayward, CA 94557

*P8. Recorded by:

Carey & Co., Inc.
460 Bush Street
San Francisco, CA 94108

*P9. Date Recorded:

April 2008

*P10. Survey Type: Intensive

*P11. Report Citation: Carey &

Co. "Intensive Survey of Fifty Properties in Unincorporated Alameda County." March 2008.

*Attachments: NONE Location Map Sketch Map Continuation Sheet Building, Structure, and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other (List):

DPR 523A (1/95)

*Required information

State of California — The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
BUILDING, STRUCTURE, AND OBJECT RECORD

Primary #
 HRI#

Page 2 of 9

*NRHP Status Code 3S

*Resource Name or # 24985 Hesperian Boulevard

B1. Historic Name: Cornelius Mohr house and farm

B2. Common Name:

B3. Original Use: Farmhouse and farm

B4. Present Use: Single-family home and farm

*B5. Architectural Style: Italianate

*B6. Construction History: Constructed ca. 1876

*B7. Moved? No Yes Unknown Date:

Original Location:

*B8. Related Features:

B9a. Architect: Unknown

b. Builder: Unknown

*B10. Significance: Theme: Early Settlement, Agriculture

Area: Mt. Eden, Hayward

Period of Significance: 1876-1894

Property Type: Single-family property Applicable Criteria: A, B, C

Cornelius Mohr (1822-1880), a native of Ellerhop, Schleswig-Holstein, Germany, began his working life on a whaling ship that cast anchor in San Francisco in 1852. Like many of his shipmates, Mohr decided not to continue on to Alaska and Siberian waters. Unlike the rest of his shipmates, however, Mohr chose not to mine for gold. He spent some time working as a carpenter in San Francisco, then sailed around the bay on a freight sloop before joining a grain threshing team on the farm of Joel Russell in Mt. Eden. Mohr's was a fortuitous decision, for the onslaught of people into the state exposed a dire need for agricultural products, especially wheat.

By 1856, Mohr had saved enough income to purchase 200 acres from his boss. He successfully cultivated wheat and barley, and raised horses and cattle, allowing him to purchase more land and build a fortune. According to a family history, "the land he bought... was on both sides of Hesperian Boulevard, starting at a point of intersection of Turner Court and Hesperian, going east along Turner Court to Calaroga, and following Calaroga south and east across Jackson... to Skokie, then south to Sleepy Hollow and west to Clawiter Road." In addition, he owned land along Niles Road, the present-day Hayward Golf Course, and 600 acres in Pleasanton. (See continuation sheet.)

B11. Additional Resource Attributes:

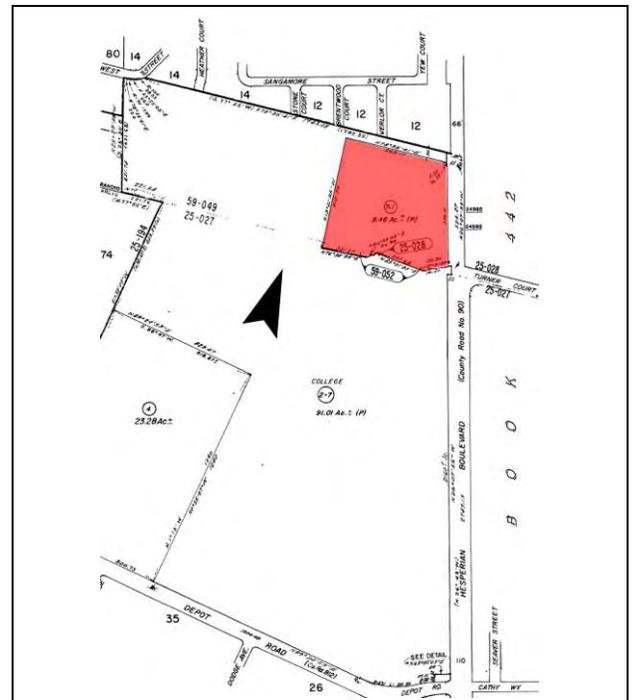
*B12. References:

See continuation sheet.

B13. Remarks:

*B14. Evaluator: Carey & Co., Inc.

*Date of Evaluation: April 2008



State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI#
Trinomial

Page 3 of 9

*Resource Name or # 24985 Hesperian Boulevard

*Recorded by: Carey & Co., Inc.

*Date: April 2008

Continuation

Update

Continuation of P3a. Description:

Residence

The residence is a two-story Italianate structure that faces east and roughly follows a rectangular plan. It has a hipped roof and features horizontal wood cladding. Heavy decorative wood brackets support the eave overhang. A one-story enclosed porch spans the west elevation and wraps slightly around the corners. Primary windows are wood-sash, one-over-one, double-hung. The façade's windows have rounded corners on the first story and segmental arches on the second story. The three-bay façade has full-height canted bay windows, with engaged colonette mullions, in the outer two bays. The bay windows also feature projecting cornices with a modillion course at the first story and a dentil course at the second story. The central bay contains a slightly recessed front entry porch with wood Corinthian columns. The porch also features a plain frieze, modillion course, and projecting cornice. A wood balconet with a stencil cut balustrade and two urns sits above the porch. A window with a thick surround and pediment looks out onto this balcony. A small arched window located under a small gable peak with cornice returns completes the façade.

Carriage House

The carriage house is a massive, rectangular-in-plan structure with a front-gabled roof clad in asphalt shingles. Wood horizontal wood siding clads the building, and wood-sash, six-over-six, double-hung windows are located throughout. Bracketed flat hoods cap the windows and entrances on the façade. A square cupola with a hipped roof, slightly flared eaves, and vents on all four sides projects from the center of the structure. A witch's cap, a widow's walk, and a flag pole tops the cupola. The carriage house also features a wide eave overhang with brackets, cornice returns, and a round louvered gable vent. The symmetrical façade features two sets of doors located centrally and a similar door, but narrower, at each corner. The north and south elevations contain four bays, with two vertically ranked windows in each bay. These windows feature a wide wood trim and small brackets underneath.

Caretaker's Cottage

The caretaker's cottage faces west and consists of a wood-frame, one-and-one-half story structure with a rectangular plan. Wood horizontal boards clad the building, and wood shingles clad the front-gabled roof. The building features a raking cornice and cornice returns in the front gable and wood-sash, four-over-four, double-hung windows throughout. The windows have a wide wood trim and lamb's tongue detailing. A full-width porch with a shed roof and wood railing spans the façade. Wood square posts with chamfered corners support the porch.

Blacksmith Shop

The blacksmith shop is a small, wood-frame rectangular-in-plan building that faces north. Wood vertical boards clad the one-story structure, and wood shingles clad the gabled roof. The eaves overhang slightly. The façade features an entrance with a small concrete stoop and a wood-sash, six-over-six, double-hung window. A similar window with lamb's tongue detailing sits on the south elevation. A solitary wood-sash, six-lite awning window adorns the west elevation, while a similar awning window and additional double-hung window adorns the east elevation.

Bunk House

The bunk house consists of a small, wood-frame, one-story building with a rectangular plan and front-gable roof clad in wood shingles. Wood horizontal boards clad the structure. The building also features a raking cornice with returns in the gables and corner boards. A solitary entrance with a wood paneled door, wood trim, two-lite transom window, and a decorative crown sits on the façade. Small wood steps lead to the entrance. A wood-sash, four-over-four, double-hung window with lamb's tongue detailing adorns the south elevation.

Garage

A garage that, according to Christy Hopper, appears to have been constructed much later (c. 1960s), sits between the bunk house and an additional garage and consists of a one-story, wood-frame structure with a rectangular plan. Wood shingles clad the front-gable roof, and wood horizontal boards clad the building. Additionally, it features a wide eave overhang and corner boards. Two garage openings appear to be located on the façade.

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*Resource Name or # 24985 Hesperian Boulevard

*Recorded by: Carey & Co., Inc.

*Date: April 2008

Continuation

Update

Continuation of P3a. Description:

Garage

A wood-frame, one-story garage with a rectangular plan sits west of the house and appears to be much older than the former garage. Wood shingles clad the front-gable roof, and wood horizontal boards clad the structure. The building features a wide eave overhang and wood-sash, four-over-four windows set in a wood trim throughout. An entrance with sliding wood doors provides access to the building on its east and west elevations.

Shed

A small shed sits northwest of the house near the tank house. The rectangular-in-plan structure has a wood shingle-clad, front-gable roof, horizontal wood board cladding, a wide eave overhang, and corner boards. An entrance set in a wide wood trim with cut corners adorns the façade.

Tank House

A three-story tank house with a square plan and wood horizontal cladding stands northwest of the house. The structure tapers inward slightly as it rises toward a square platform with a wood balustrade atop the roof. A round water tank with an octagonal roof tops the structure. The east and north elevations feature three windows vertically ranked, although the east elevation most likely has an entrance at the first story. The windows are wood-sash, six-over-six, double-hung with a wood trim and slightly projecting cornice.

Continuation of B10. Significance:

Around 1876, Cornelius Mohr set about improving the land. Among the structures that date to this period is the main residence, a two-story Italianate mansion. It had twenty-five rooms, including multiple parlors, a sitting room, a dining room, kitchen, basement, fourteen bedrooms (seven on the second floor for the Mohr family and seven on the third floor for a working family), and one bathroom. The caretaker's cottage and carriage house date to 1876 as well. The carriage house is the wood-frame structure measuring 65 by 70 feet, large enough to house all the produce harvested at the farm and thirty-two horses. It also has a large hayloft and storage spaces for harnesses, carriages, and farm machinery. A larger barn that could hold up to 10,000 wire bales of hay once stood behind this structure. Other structures at the site include two wells, a tank house, a blacksmith shop, two garages, and a shed.

Though not interested in holding political office, Cornelius Mohr invested in his local community. He served as a trustee for the Mt. Eden Grammar School District and donated the land for Mr. Eden Community Church.

Cornelius Mohr married Cecelia Toasperm, also from Schleswig-Holstein, Germany, in 1857. They had seven children – six sons and one daughter – but by the time Cecelia Mohr died in 1894, and when the Mohr estate was settled a year later, only three sons and the daughter survived. The daughter died a year later, leaving Cornelius Mohr's vast acreage to the three boys. Henry Paul Mohr, the eldest son, inherited land in Amador Valley, and amassed a fortune in his own right. Herman Mohr, the sixth child, inherited 280 acres of the land in Mount Eden. He built a house at 2595 Depot Road, which still stands, but farming did not interest him. Instead, he subdivided his land and sold it, building a fortune that allowed him to travel widely and pursue an eclectic range of intellectual interests.

William, the youngest son, inherited the farm house and buildings, along with 280 acres, at 24985 Hesperian Boulevard. He farmed the land and, in the wake of the collapsing California wheat industry during the late nineteenth century, studied how to improve grain and grass seeds. Flowers fascinated William Mohr too. His father had planted an avenue of palms, as well as locusts, walnut trees, two kinds of redwoods, and a wisteria plant that came to be one of the largest in the San Francisco Bay Area. For his part, William studied bulb flowers; he spent ten years raising daffodils, tulips, and irises, winning national awards for his hybrids of the latter. William Mohr remained at the original family mansion with his wife and daughter until 1923, when a train collided with a car he was riding in, killing him, his wife, and three other people. Henry Mohr managed the farm for the next twelve years. Under his tenure, the farm raised more lucrative crops, like tomatoes and sugar beets for the Hunt-Wesson cannery in Hayward and Holly Sugar Co. in Union City. In 1935 Marian Mohr, William's surviving

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*Date: April 2008

Continuation

Update

Continuation of B10. Significance:

daughter, married Jeryl Fry, a third-generation Californian. The newlyweds moved to the home of Marian's childhood, where she resided until her death in September of 2007.

While several of the structures at the Mohr-Fry estate have undergone virtually no alterations, save an enclosed porch on the main residence, new paint, and plumbing and electrical upgrades, the 600-700 acres of farmland have been reduced to just 9 acres. As noted, Herman Mohr inherited half of it, which he subdivided and sold. By the 1960s, the post-World War II population boom created demand for a new junior college in the Hayward area. In 1961 a new junior college district formed and acquired through eminent domain proceedings 271 acres of the Mohr estate. Chabot College now stands on that land.

This site appears eligible for the California Register of Historical Resources and the National Register of Historical Places under Criteria A/1, B/2, and C/3. It stands out as the only surviving farmstead from the nineteenth century in this otherwise heavily developed area, and reminds one of the agricultural landscape that dominated Hayward until World War II. Cornelius Mohr, the original owner, was one of Mount Eden's earliest settlers, most prosperous farmers, and largest landowners. Finally, as a group, the buildings present a nearly unadulterated portrait of nineteenth-century farm architecture. The site's period of significance dates to 1876 to 1894, beginning with the initial construction of the main residence, carriage house, and other buildings by Cornelius Mohr and ending with the death of his wife Cecelia and the division of the property among the remaining Mohr children. All of the buildings at the site appear to be contributing except for the garage that appears to have been constructed sometime in the 1960s and the cluster of buildings north of the carriage house, which were also constructed outside the site's period of significance..

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Continuation

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Additional Photographs:



East elevation of the carriage house
(Christy Hopper, PMC; March 25, 2008)



Façade and south elevation of the caretaker's cottage
(Christy Hopper, PMC; March 25, 2008)

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North elevation of the blacksmith shop
(Christy Hopper, PMC; March 25, 2008)



Façade of the bunk house with the caretaker's house in the background
(Christy Hopper, PMC; March 25, 2008)

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West and south elevations of the garage not original to the site
(Christy Hopper, PMC; March 25, 2008)



West elevation of the garage
(Christy Hopper, PMC; March 25, 2008)

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West and north elevations of the tank house
(Christy Hopper, PMC; March 25, 2008)

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PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code

Other Listings
Review Code

Reviewer

Date

Page 1 of 12

*Resource Name or #: 2595 Depot Road

P1. Other Identifier:

*P2. Location: Not for Publication Unrestricted

*a. County: Alameda

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Hayward

Date:

T ; R ; ¼ of

¼ of Sec ; M.D.

B.M.

c. Address: 2595 Depot Road

City: Hayward

Zip: 94545

d. UTM: Zone: 10 ; mE/ mN (G.P.S.)

e. Other Locational Data:

Elevation:

Assessor Parcel Number: 441-0068-040-04

***P3a. Description:**

This two-story Queen Anne residence stands on a flat parcel, amid tress, grass, and other plantings. It has a complex plan and multiple gable and hipped roof with asphalt shingles. Stucco clads the exterior walls. Most windows are missing, but primary extant windows are one-over-one wood with lamb's tongues. A full-length rounded turret with four hipped dormers dominates the southeast elevation. The dormers feature wood shingle cladding, and the turret features a plain frieze and a projecting cornice with dentil course at the first floor. A single story, 1.5 room-deep, gabled and pedimented ell with high-waisted windows projects from the south elevation, and an ADA ramp provides access to the enclosed entrance at the east elevation.

This house has undergone many alterations. Stucco covers the original, predominantly horizontal, wood cladding. The port cochere at the south elevation and entrance porch on the east elevation have been enclosed, with an ADA ramp leading to the latter. The southern elevation to the west of the former port cochere appears to have been altered or added on to and

*P3b. Resource Attributes: HP2, Single-family residence; HP 41, Hospital

*P4. Resources Present: Building Structure Object Site District Element of District Other (Isolates, etc.)

P5a. Photo or Drawing



P5b. Description of Photo:
View of the southeast elevation;
October 31, 2007

*P6. Date Constructed/Age and Sources:

Historic Prehistoric Both
1900, Hayward *Twice-Weekly Review*, 1908.

*P7. Owner and Address:

Horizon Services
P. O. Box 4217
Hayward, CA 94540

*P8. Recorded by:

Carey & Co., Inc.
460 Bush Street
San Francisco, CA 94108

*P9. Date Recorded:

February 2008

*P10. Survey Type: Intensive

*P11. Report Citation: Carey & Co. "Intensive Survey of Fifty Properties in Unincorporated Alameda County." March 2008.

*Attachments: NONE Location Map Sketch Map Continuation Sheet Building, Structure, and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other (List):

DPR 523A (1/95)

*Required information

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION BUILDING, STRUCTURE, AND OBJECT RECORD	Primary # HRI#
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*NRHP Status Code 551

*Resource Name or # 2595 Depot Road

- B1. Historic Name: Sea Breeze
- B2. Common Name:
- B3. Original Use: Residence
- B4. Present Use: Vacant

*B5. Architectural Style: Queen Anne

*B6. Construction History: Constructed in 1900. Additions and alterations ca. 1930s, 1960s.

*B7. Moved? No Yes Unknown Date: Original Location:

*B8. Related Features: This property also retains the original tank house and a small, one-story single gable structure that was a janitor's shed.

B9a. Architect: Thomas D. Newsome

b. Builder: Unknown

*B10. Significance: Theme: Residential Development

Area: Hayward

Period of Significance: 1900

Property Type: Nursing Home

Applicable Criteria: A, C

Hermann Jasper Mohr was born near Hayward in 1869 to Cornelius Mohr, a farmer and one of the wealthiest landowners in Alameda County. Upon inheriting their father's estate, two of the three Mohr boys continued in the agricultural tradition, but Hermann Mohr subdivided his 280-acre portion of the estate into "Mohrland" and reaped significant profits. He was able essentially to retire by the age of thirty and indulge in a variety of intellectual pursuits and travel. He also served as a director of San Lorenzo Savings Bank, was one of the organizers and stock holders of Eden Creamery, and participated in civic booster activities, particularly in the promotion of road improvements in and around Hayward and Mt. Eden. In 1898 Mohr married Miss Louise Behrens of San Francisco, who had been a teacher for ten years and who remained active in charitable causes after marriage.

The Mohrs commissioned architect Thomas Dean Newsom, of Oakland, to design the Queen Anne style house at 2595 Depot Road in 1900. Newsom was a well-known architect who designed mostly domestic structures, and small business complexes. A cement driveway, ten feet in width, originally led to a porte cochère supported by massive Ionic pillars on the south side of the house, and a broad veranda partially enclosed the main porch on the east side. Cement walks and

B11. Additional Resource Attributes:

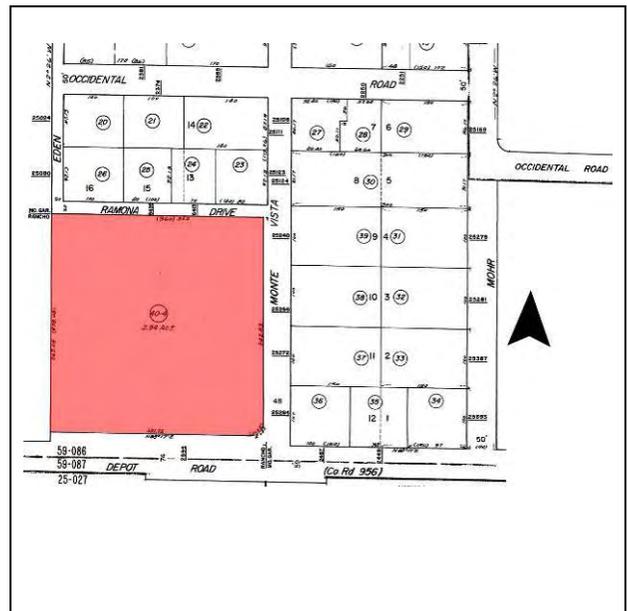
*B12. References:

See continuation sheet.

B13. Remarks:

*B14. Evaluator: Carey & Co., Inc.

*Date of Evaluation: February 2008.



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Continuation of P3a. Description:

features multi-lite, fixed wood windows. Apart from a dentil course beneath the cornice of the turret, the house no longer retains any of the original applied decoration. Ghosting of the decorations appear on the turreted tower. Few of the original wood frame double sash windows remain; most window openings feature boards or nothing at all.

Continuation of B10. Significance:

blooming evergreen shrubs decorated the gardens, and the fourteen-room house was lighted with gas, heated with hot air, and equipped with electric bells. At the time, admirers called it a "modern country home." The Mohrs named their home "Sea Breeze" for its close proximity to the San Francisco Bay.

Despite building a home fit for public gatherings, the Mohrs appear to have spent little time there. They rented the property to others and spent time traveling extensively and educating themselves in an eclectic range of topics. At one point they studied law together at Columbia University in New York. Upon returning to California, Hermann and Louise Mohr led reclusive lives in their grand home.

In 1926 Hermann Mohr partnered with George A. Posey, noted engineer and subdivision expert, to transform the H. J. Mohr Estate into Mohrland Gardens and South Mohrland, for Mohr saw a need for small ranches outside of Oakland. They subdivided the estate into twenty-six parcels in 1926 and dedicated Mohr Road (now Depot Road) and Occidental Road as public highways. Within months realtors were selling complete homes and sites and within eight years twenty homes mostly in an English style dotted the landscape. Realtors praised them as "ideal for chickens, flowers," suitable for all suburban dwellers, and complete with modern conveniences, including gas, electricity, phone, and garage. In 1939, after all of the land had been subdivided and H. J. Mohr had died, Sea Breeze and the three acres on which it stands was sold as well.

Realtors presented Sea Breeze as "Ideal for Sanatorium or Rest Home," and from the late 1930s till about 1980 the house has functioned in this capacity. It was known as the Jackson Nursing Home until 1964 when Adela and Darwin Stahl bought the property and opened the Dar-Dell Convalescent Sanitarium. They remodeled the building extensively to accommodate sixty mentally ill patients and to meet safety requirements. In 1970 the Stahls built a second facility on the premises. Gloria and Louis Bond subsequently acquired the hospital, which closed down ca. 1980. Horizon Service, Inc., now owns the buildings; the newer is known as Cronin House and offers treatment for substance abuse. The original house stands empty and has fallen into a state of disrepair.

The residence is locally significant for its relationship to early subdivisions, and as an example of late Queen Anne architecture. By subdividing his land, Hermann Mohr established himself as an early developer of Mt. Eden and foreshadowed the shift away from an agricultural economy, which dominated the Hayward area until World War II. Although the house pales in comparison to its early days, it is rare, if not unique, in the Hayward area. In terms of setting, scale, roofline, full-length turret, and window openings – including the dormers in the turret and the eyebrow window of the main façade – the house retains some of its historical character. The tank house and janitor's shed add to the historic feeling of the site. And while the porte cochere and entrance porch are now enclosed, they retain their scale as well.

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Herman Mohr House, southeast elevation, ca. 1908. From "A Modern County Home in a Modern Garden of Eden." *Hayward Twice-a-Week Review*, 1908, p. 2.

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Herman Mohr House, southeast elevation. Carey & Co. Inc., October 31, 2007.

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North elevation. Photo by Carey & Co. Inc., October 31, 2007.

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West elevation. Photo by Carey & Co. Inc., October 31, 2007.

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East elevation. Photo by Carey & Co. Inc., October 31, 2007.

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Detail from north elevation showing original horizontal wood cladding and covered window. Photo by Carey & Co. Inc., October 31, 2007.

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Water tower, Herman Mohr house. Photo by Carey & Co. Inc., October 31, 2007.

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Janitor's shed, Herman Mohr house. Photo by Carey & Co. Inc., October 31, 2007.

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*Resource Name or # 2595 Depot Road

*Recorded by: Carey & Co., Inc.

*Date: February 2008 Continuation Update**Continuation of B12. References:**

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APPENDIX D - TRANSPORTATION

MT. EDEN ANNEXATION - PHASE II TRANSPORTATION ANALYSIS

Report

Prepared For:
City of Hayward
and
PMC

DMJM HARRIS | AECOM

July 2009

Mt. Eden Annexation – Phase II Transportation Analysis

Report

July 2009

Submitted to:

City of Hayward

and

PMC

Prepared By:

DMJM HARRIS | **AECOM**

2101 Webster Street, Suite 1900
Oakland, CA 94612

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APPENDIX

Roadway Geometry
Turning Movement Volumes
LOS Calculation Sheets

1.0 INTRODUCTION

This analysis has been performed to assess the potential transportation impacts of potential development on two unincorporated islands in the westerly portion of the City of Hayward's Sphere of Influence. This future development is herein referred to as the Project (Mt. Eden Phase II Annexation).

1.1 PROJECT LOCATION

The Project sites are located in the westerly portion of the City of Hayward, south of West Street and north of Depot Road, generally along Mohr Drive, as shown in **Figure 1**. The project area is immediately surrounded by residential, educational, regional retail, agricultural, cemetery, and light industrial land uses. Existing land uses for the two islands are as follows:

- The West-Mohr island includes predominantly single-family dwellings, with a portion of the Chabot College campus and the Mohr-Fry Estate, a private estate that was built originally in 1876.
- The Mohr-Depot island includes predominantly single-family dwellings, with a rehabilitation facility (Horizon Services) located on the Hermann-Mohr property.

1.2 PROJECT DESCRIPTION

The Project involves annexing two remaining unincorporated "islands" in the Mt. Eden area of the City, which are surrounded by incorporated areas of Hayward. Three other islands were annexed into Hayward in March 2007 (Mt. Eden Annexation Phase I). For this study's purposes, the two islands currently under consideration for annexation are termed as Annexation area 1 and Annexation area 2, as shown on **Figure 1**.

The Project sites lie within Alameda County's Eden Area Redevelopment Project area. The proposed Project involves the following potential development in Annexation areas 1 and 2 in the next 20 years:

- 54 single-family dwelling units;
- 20,000 additional square feet of institutional uses at the Hermann-Mohr property on Depot Road; and
- 4,200 additional square feet of industrial uses at 2661 Depot Road.

No development is assumed on the Mohr Fry Estate since the City proposes preserve this as a historic resource.

1.3 STUDY SCOPE AND APPROACH

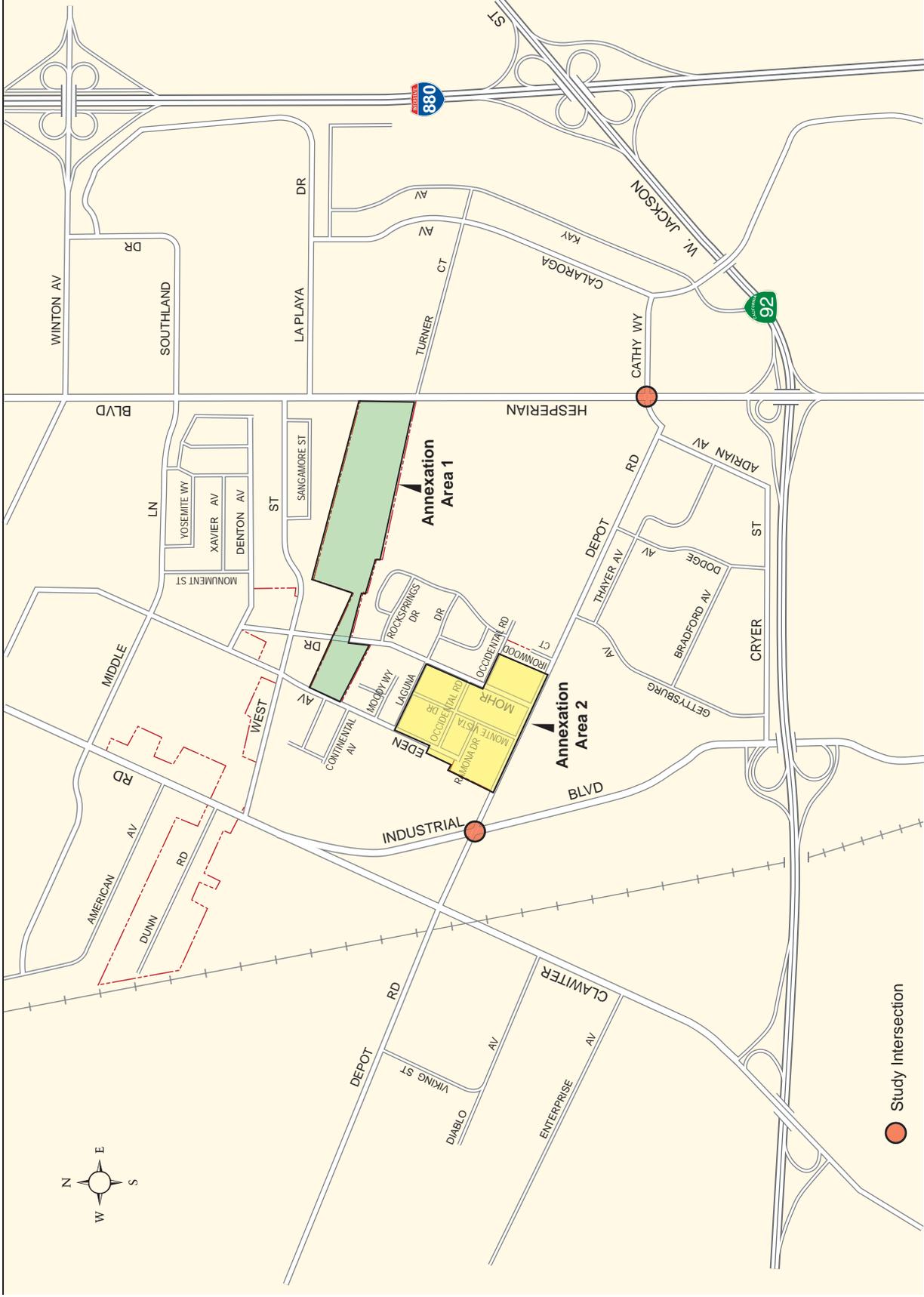
The following three scenarios were evaluated to identify the potential transportation impacts of the proposed project:

-
- Existing Conditions;
 - Existing plus Project Conditions (Phase II); and
 - Baseline (Existing plus Phase I) plus Project Conditions (Phase II).

Intersection Level of Service (LOS) conditions were analyzed at the following two study intersections in the vicinity of the project site for the weekday AM (7:00 AM to 9:00 AM) and PM peak periods (4:00 PM to 6:00 PM):

1. Industrial Boulevard / Depot Road; and
2. Hesperian Boulevard / Depot Road.

In conjunction with City staff, these intersections were identified as including all locations wherein the Project could result in a significant adverse impact. The locations of the study intersections are shown on **Figure 1**.



Study Area

HAYWARD MT. EDEN PHASE II ANNEXATION TRAFFIC IMPACT ANALYSIS

Figure 1

PROJECT LOCATION AND STUDY INTERSECTIONS

2.0 EXISTING CONDITIONS

This section provides a description of the existing transportation facilities in the vicinity of the proposed Project. Included in this section are descriptions of the existing roadway and transit networks, and documentation of the existing traffic, transit, parking, pedestrian, and bicycle conditions.

2.1 ROADWAY NETWORK

This section includes a description of the existing roadway setting.

REGIONAL ACCESS

Interstate 880 (I-880) is a regional freeway extending between San Jose to the south and I-80 in Emeryville to the north. Four lanes are generally provided in each direction on this freeway near the Project sites, with auxiliary lanes available at some locations. Access to I-880 from the Project sites is provided via an interchange at West Winton Avenue located north of the Project sites.

State Route 92 (SR-92) is a regional freeway and state highway located south of the Project sites, extending between I-880 in Hayward and Half Moon Bay to the west. Three to four lanes are generally provided in each direction on this freeway near the Project sites. Access to SR-92 from the Project sites is provided via interchanges at Hesperian Boulevard and Industrial Boulevard.

LOCAL ACCESS

Hesperian Boulevard is a north-south, six-lane arterial that runs between Bayfair Shopping Center in San Leandro to Union City, where it becomes Union City Boulevard. It is fronted by primarily commercial uses and provides access to the Hayward Executive Airport, Chabot College, and Highway 92.

Industrial Boulevard is a north-south, four-lane arterial that runs from Clawiter Road to I-880, where it turns into Industrial Parkway. It provides access to both Route-92 and I-880.

Depot Road is an east-west, four-lane road that runs from Clawiter Road to I-880, where it turns into Industrial Parkway. It provides access to both Route-92 and I-880 for Project trips.

2.2 INTERSECTION OPERATING CONDITIONS

Existing intersection operating conditions were evaluated for the weekday AM (7:00 AM to 9:00 AM) and PM (4:00 PM to 6:00 PM) peak periods. Intersection turning movement counts were conducted at both the study intersections on Wednesday, February 27, 2008. Roadway geometry and weekday AM and PM peak hour turning movement volumes are presented in the **Appendix**.

The operating characteristics of intersections are described by the concept of Level of Service. LOS is a qualitative description of the performance of an intersection based on

the average delay per vehicle. Intersection levels of service range from LOS A, which indicates free flow or excellent conditions with short delays, to LOS F, which indicates congested or overloaded conditions with extremely long delays. LOS D or better is used as the criteria for satisfactory operation at analysis intersections based on the City's established significance criteria. Per the City of Hayward's requirements, the signalized intersections were evaluated using the Transportation Research Board's *1994 Highway Capacity Manual* (HCM) methodology. **Table 1** presents operational characteristics associated with each level of service category and stopped delay thresholds for signalized intersections.

Table 1 Intersection Level of Service Definitions

Level of Service	Description	Stopped Delay
A	Free flow with no delays. Users are virtually unaffected by others in the traffic stream.	≤ 5
B	Stable traffic. Traffic flows smoothly with few delays.	>5 to ≤15
C	Stable flow but the operation of individual users becomes affected by other vehicles. Modest delays.	>15 to ≤25
D	Approaching unstable flow. Operation of individual users becomes significantly affected by other vehicles. Delays may be more than one cycle during peak hours.	>25 to ≤40
E	Unstable flow with operating conditions at or near the capacity level. Long delays and vehicle queuing.	>40 to ≤60
F	Forced or breakdown flow that causes reduced capacity. Stop and go traffic conditions. Excessive long delays and vehicle queuing.	> 60

Source: Transportation Research Board, *Highway Capacity Manual*, National Research Council, 1994

Notes:

Delay in seconds per vehicle

Traffic analysis was performed using the TRAFFIX Version 7.9 software to determine intersection levels of service at the study intersections. **Table 2** presents the results of the intersection LOS analysis for the existing weekday AM and PM peak hour conditions (**Appendix** contains the LOS calculation sheets). Currently, all study intersections operate under acceptable conditions (LOS C or better) during the weekday AM and PM peak hours.

Table 2 Intersection Level of Service – Existing Conditions

Intersection		Traffic Control	AM Peak Hour		PM Peak Hour	
			LOS	Delay	LOS	Delay
1	Industrial Boulevard / Depot Road	Signalized	C	20.3	C	17.4
2	Hesperian Boulevard / Depot Road	Signalized	C	23.7	B	14.9

Source: DMJM Harris – July 2009

Notes:

Delay in seconds per vehicle

2.3 TRANSIT NETWORK

AC Transit operates following routes in the vicinity of the proposed Project sites.

Route 83 operates between the Hayward and the South Hayward BART stations. In the vicinity of the Project sites, this line runs along Winton Avenue, Clawiter Road, Eden Landing Road, Investment Boulevard, Corporate Boulevard, Arden Road, Industrial Boulevard and Tennyson Road. Route 83 operates with 30-minute headways in the peak hours and 60-minute headways in the off-peak hours.

Route 86 also operates between the Hayward and the South Hayward BART stations. In the vicinity of the Project sites, this line runs along West Winton Avenue, Cabot Boulevard, Depot Road, Industrial Boulevard and West Tennyson Road. Route 83 operates with 30-minute headways in the peak hours and 60-minute headways in the off-peak hours.

Route 92 operates between Kaiser Hospital and Hayward BART station. In the vicinity of the Project sites, this line runs along Winton Avenue and Hesperian Boulevard. Route 92 operates with 15-minute headways throughout the day.

Route 97 operates between the Union City and Bayfair BART stations. In the vicinity of the Project sites, this line runs along Hesperian Boulevard. Route 97 operates with 15-minute headways throughout the day.

Line M has been combined with the discontinued Line MA. This new route operates in both directions between the Castro Valley BART station and Union City BART station via the San Mateo and Dumbarton bridges. Seventeen morning trips and 19 evening trips on weekdays with 30-60 minute headways serve employment centers in Foster City, San Mateo, Redwood Shores, Redwood City, and Melno Park. Weekend service now operates only between Castro Valley BART and Hillsdale Mall. In the vicinity of the Project sites, this line runs along Winton Avenue and Hesperian Boulevard.

Line S operates between Eden Shore, Hayward and the Transbay Terminal in San Francisco via Hesperian Boulevard.

2.4 PEDESTRIAN AND BICYCLE CONDITIONS

Sidewalks currently exist along the majority of the roadways in the vicinity of the Project sites. However, sidewalks were missing along many of the property frontages within the areas. As the areas are annexed into the City of Hayward and potentially redeveloped, it is anticipated that sidewalks would be added in accordance with City standards.

Class III bike facilities currently exist on Middle Lane, Clawiter Road and Depot Road. Class III bicycle facilities are signed routes only, where bicyclists share travel lanes with vehicles.

2.5 PARKING CONDITIONS

In the vicinity of the Project sites, on-street parking is generally permitted in the residential areas and is prohibited in the industrial areas.

3.0 PROJECT TRAVEL DEMAND

Travel demand refers to the new vehicle traffic that would be generated by a proposed project. This section provides an estimate of the travel demand that would be generated by residential land use developments in Annexation areas 1 and 2. In order to provide for a conservative estimate of project impacts, all traffic generated by the proposed Project is assumed to be new, and no credit is taken for potential removal of existing trip generators.

3.1 TRIP GENERATION

Project trip generation was based on rates presented in Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 7th Edition*. The "Single Family Dwelling" land use (ITE Land Use Code 210), "General Light Industrial" land use (ITE Land Use Code 110) and "Nursing Home" land use (ITE Land Use Code 620) average trip rates were used to determine trip generation for the proposed Project sites. **Table 3** presents the results of Project trip generation analysis.

Table 3 Vehicle-Trip Generation

Trip Generation Rates	ITE Land Use Code	Daily Trip Rate	AM Peak Hour			PM Peak Hour		
			Peak Hour Rate	% In	% Out	Peak Hour Rate	% In	% Out
Residential Uses	210	9.57	0.75	25%	75%	1.01	63%	37%
Industrial Uses	110	6.97	0.92	88%	12%	0.98	12%	88%
Rehabilitation Facility ⁽¹⁾	620	6.10	0.38	60%	40%	0.42	47%	53%
Project Description	Project Size	Daily Trips	Peak Hour Trips	In	Out	Peak Hour Trips	In	Out
Annexation Area 1								
Residential Uses	27 D.U.	258	20	5	15	27	17	10
Annexation Area 2								
Residential Uses	27 D.U.	258	20	5	15	27	17	10
Industrial Uses	4,200 S.F.	30	4	3	1	4	1	3
Rehabilitation Facility ⁽¹⁾	20,000 S.F.	122	8	5	3	8	5	3
Total Vehicle Trips		668	52	18	34	66	40	26

Source: DMJM Harris – July 2009

Notes:

- (1) Trip Rates for Nursing Home (ITE Land Use Code 620) were used in the absence of more site-specific information for the rehabilitation facility uses. In addition, inbound/outbound split information for the AM peak hour was obtained from San Diego Traffic Generators (SANDAG) in the absence of information for Nursing Home uses in the ITE *Trip Generation Manual, 7th Edition*.

Overall, the combined uses on the Project site would generate 668 gross daily trips, with 52 occurring in the AM peak hour and 66 occurring in the PM peak hour.

3.2 TRIP DISTRIBUTION

The distribution of new Project trips was based on observations of existing traffic patterns, information from the Alameda County Congestion Management Agency's (ACCMA) travel demand model and the distribution developed for the Phase I transportation study. **Figure 2** presents the Project trip distribution for Annexation Areas 1 and 2.

4.0 IMPACT ANALYSIS

This section presents the assessment of potential traffic, transit, pedestrian, bicycle, and parking impacts due to the proposed Project.

4.1 SIGNIFICANCE CRITERIA

As defined by the City's General Plan Circulation Element, the minimum acceptable threshold for signalized intersection traffic operations is level of service D; however, LOS E may be acceptable at locations where the high fiscal and social costs of implementing improvements to achieve LOS D may be prohibitive. In addition, the City utilizes a significance threshold of five seconds of added delay for peak hour at intersections operating at LOS F.

4.2 EXISTING PLUS PROJECT CONDITIONS

The Project (Phase II) trip assignment at the study intersections for the weekday AM and PM peak hours is presented in the **Appendix**. Intersection level of service analysis has been performed for Existing plus Project conditions. (the **Appendix** contains the detailed LOS calculation sheets). **Table 4** presents a comparison of the Existing and Existing plus Project (Phase II) intersection operating conditions, for the weekday AM and PM peak hour conditions.

As illustrated in the table, both study intersections are expected to operate at acceptable levels (LOS C or better) during the weekday AM and PM peak hours during these scenarios. The proposed Project would result in minor increases in vehicular delay.

Table 4 Intersection Level of Service – Existing plus Project Conditions

Intersection	Peak Hour	Existing Conditions		Existing plus Project (Phase II) Conditions	
		LOS	Delay	LOS	Delay
1 Industrial Boulevard / Depot Road	AM	C	20.3	C	20.6
	PM	C	17.4	C	17.5
2 Hesperian Boulevard / Depot Road	AM	C	23.7	C	23.8
	PM	B	14.9	B	15.0

Source: DMJM Harris – July 2009

Notes:

Delay in seconds per vehicle.

4.3 BASELINE PROJECT CONDITIONS

Phase I of the Mt. Eden reorganization was approved by the Alameda County Local Agency Formation Commission (LAFCo) on March 5, 2007. As indicated in Section 1.2, Phase I of the Mt. Eden study included the annexation of three other unincorporated area “islands”. The new traffic volumes that would be generated by the Phase I were added to the existing volumes to establish the baseline conditions for this report. Phase I volumes for the weekday AM and PM peak hours at the study intersections are presented in the **Appendix**.

Intersection operating conditions were then analyzed for the Baseline plus Project traffic conditions (**Appendix** contains the LOS calculation sheets). **Table 5** presents a comparison of the Existing plus Project and Baseline plus Project intersection operating conditions for the weekday AM and PM peak hours.

Table 5 Intersection Level of Service – Baseline plus Project Conditions

Intersection	Peak Hour	Existing plus Project (Phase II) Conditions		Baseline (Existing plus Phase I) plus Project (Phase II) Conditions	
		LOS	Delay	LOS	Delay
1 Industrial Boulevard / Depot Road	AM	C	20.6	C	21.2
	PM	C	17.5	C	17.6
2 Hesperian Boulevard / Depot Road	AM	C	23.8	C	24.4
	PM	B	15.0	C	15.2

Source: DMJM Harris – July 2009

Notes:

Delay in seconds per vehicle.

As seen from **Table 5**, both the study intersections would continue to operate at acceptable conditions (LOS C or better) under the Baseline plus Project scenario.

4.4 TRANSIT IMPACTS

Based on information from the latest United States Census Journey to Work data, a relatively low percentage of area trips occur by transit. Given the low levels of project trip generation and multiple bus lines serving the area, significant adverse impacts to area transit providers are not anticipated.

4.5 PEDESTRIAN AND BICYCLE IMPACTS

With the incorporation of the Mt. Eden annexation areas into the incorporated regions of the City of Hayward, it is anticipated that sidewalks would be added in accordance with city standards as areas redevelop.

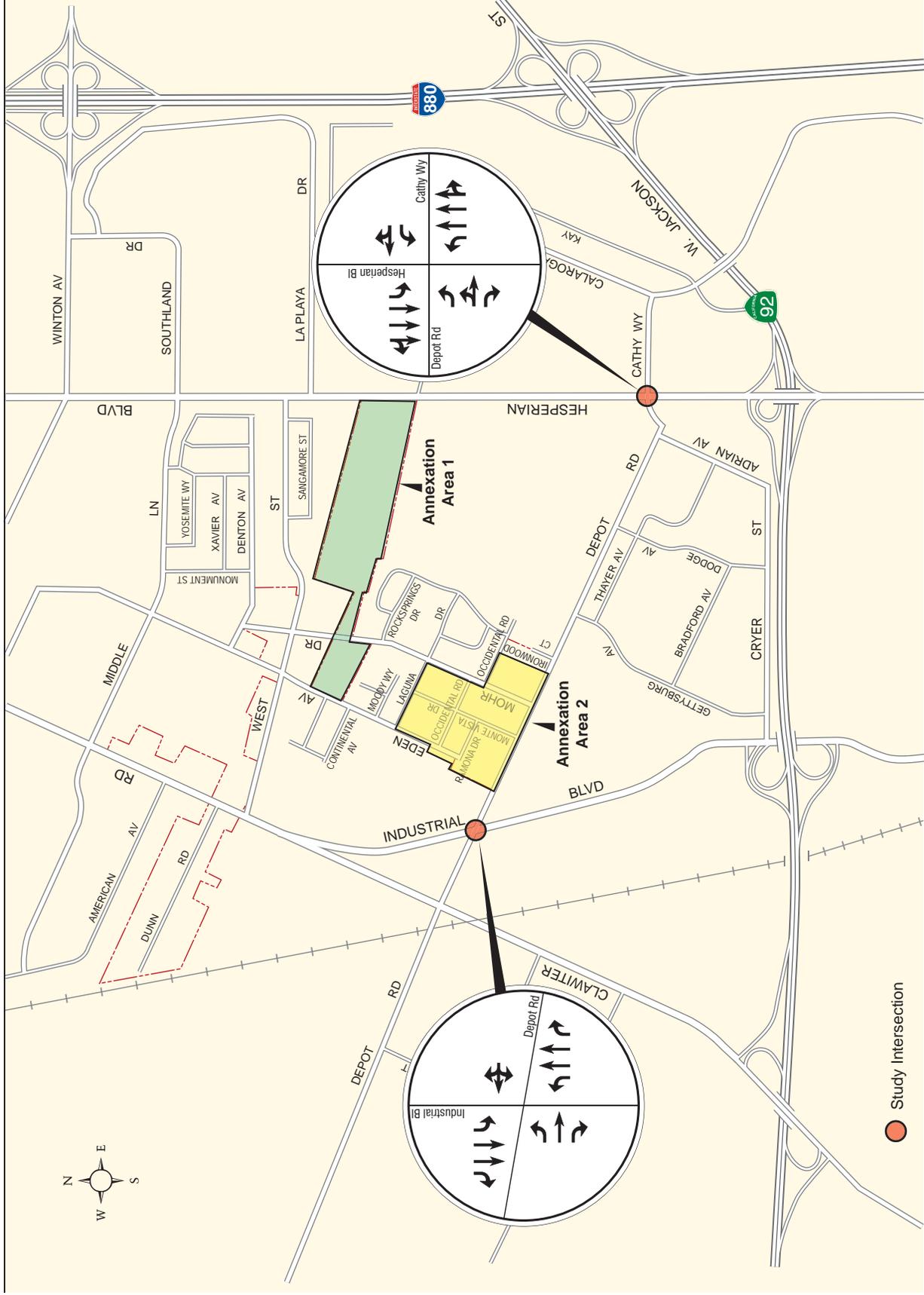
4.6 PARKING IMPACTS

With the incorporation of the Mt. Eden annexation areas into the incorporated regions of the City of Hayward, it is anticipated that sufficient parking for the new development would be provided in accordance with city standards as areas redevelop.

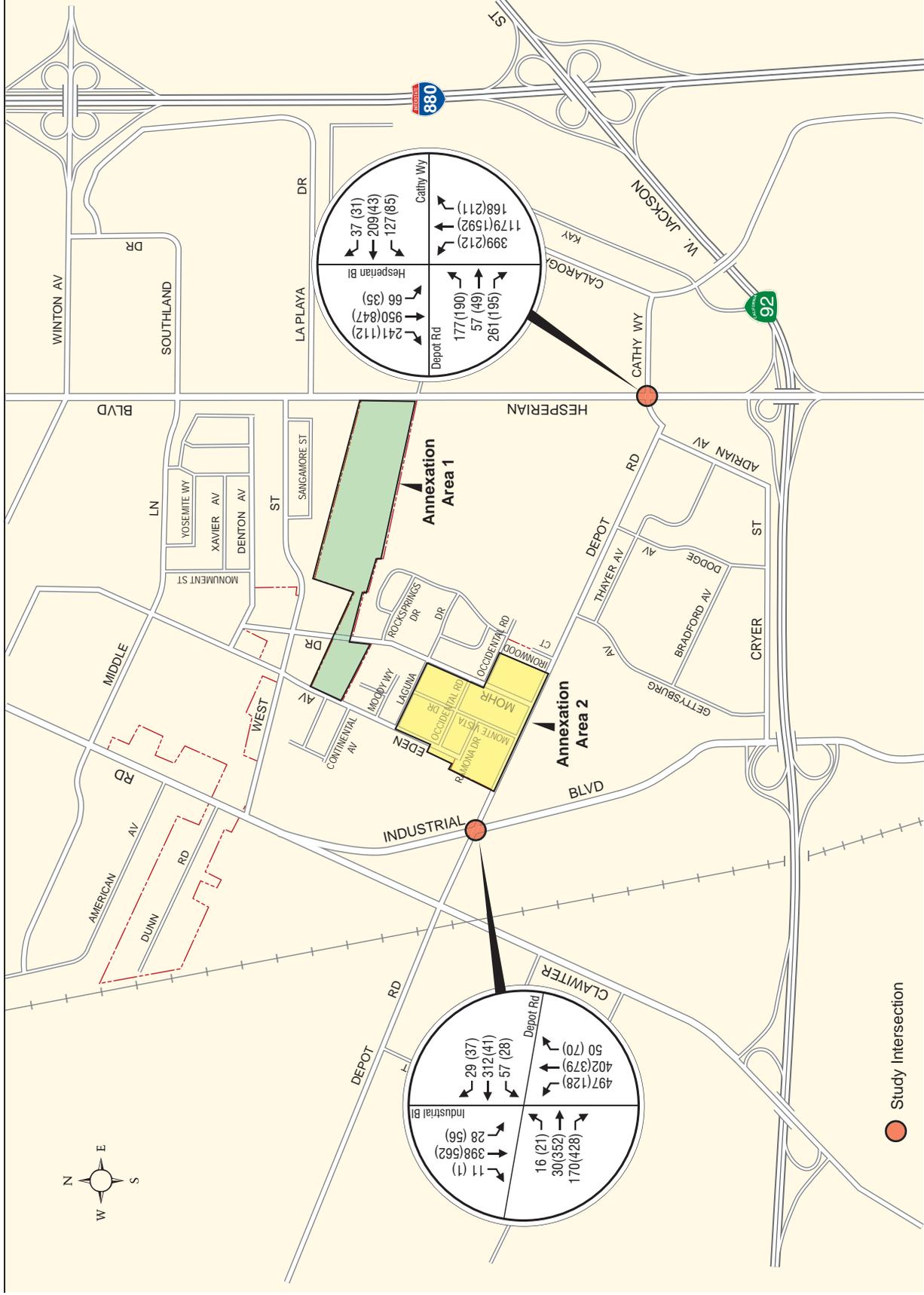
Mt. Eden Annexation – Phase II Transportation Analysis

Appendix

Roadway Geometry

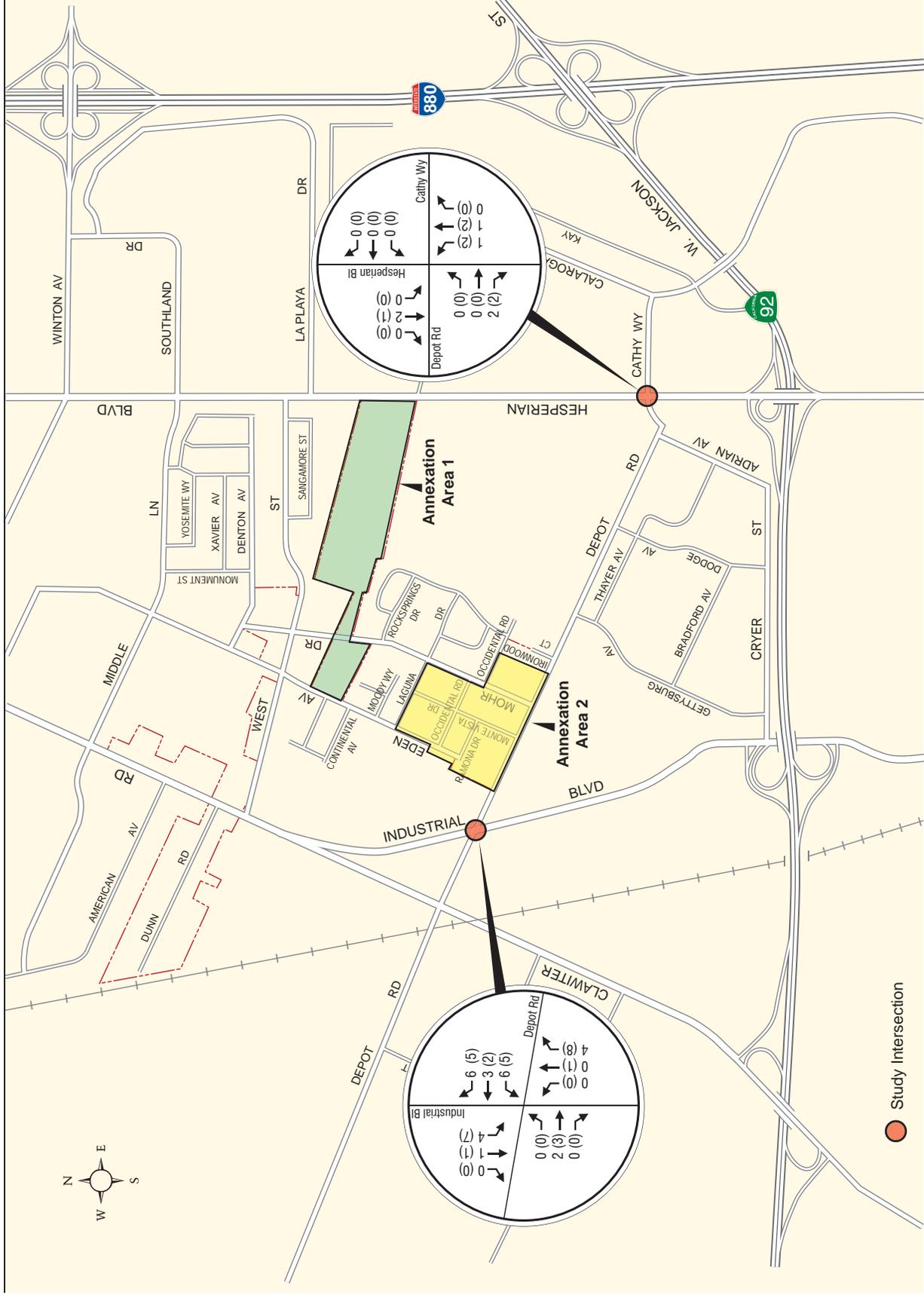


Turning Movement Volumes



HAYWARD MT. EDEN PHASE II ANNEXATION TRAFFIC IMPACT ANALYSIS

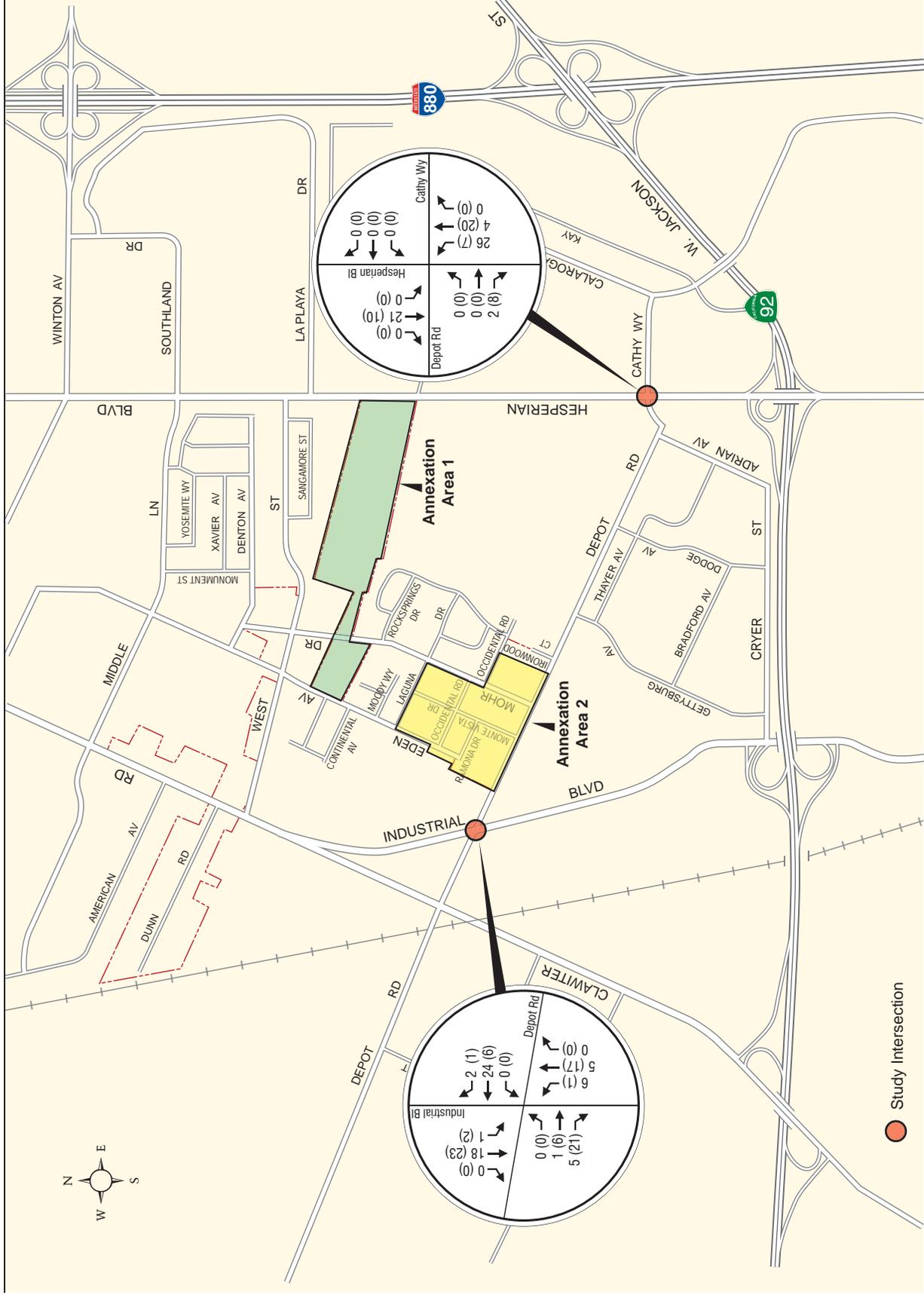
EXISTING TRAFFIC VOLUMES
AM (PM) Peak Hour



HAYWARD MT. EDEN PHASE II ANNEXATION TRAFFIC IMPACT ANALYSIS

PROJECT TRAFFIC VOLUMES
AM (PM) Peak Hour

Project Volumes.ai



HAYWARD MT. EDEN PHASE II ANNEXATION TRAFFIC IMPACT ANALYSIS

PHASE 1 TRAFFIC VOLUMES
AM (PM) Peak Hour

Phase 1 Volumes.ai

Intersection Level of Service Calculation Worksheets

Mt. Eden Annexation
Transportation Impact Analysis
Existing AM Peak Hour

Level Of Service Computation Report

1994 HCM Operations Method (Base Volume Alternative)

Intersection #1 Industrial Blvd / Depot Rd

Cycle (sec): 115 Critical Vol./Cap.(X): 0.682
Loss Time (sec): 4 (Y+R=4.0 sec) Average Delay (sec/veh): 20.3
Optimal Cycle: 34 Level Of Service: C

Table with columns for Street Name (Industrial Blvd, Depot Rd), Approach (North Bound, South Bound, East Bound, West Bound), Movement (L, T, R), Control (Protected, Permitted), Rights (Include), and Lanes.

Volume Module:AM

Table showing traffic volume data for various movements and approaches, including Base Vol, Growth Adj, Initial Bse, User Adj, PHF Adj, PHF Volume, Reduct Vol, Reduced Vol, PCE Adj, MLF Adj, and Final Volume.

Saturation Flow Module:

Table showing saturation flow data for different lane configurations and adjustment factors.

Capacity Analysis Module:

Table showing capacity analysis data including Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, and DesignQueue.

Note: Queue reported is the number of cars per lane.

Mt. Eden Annexation
Transportation Impact Analysis
Existing AM Peak Hour

Level Of Service Computation Report

1994 HCM Operations Method (Base Volume Alternative)

Intersection #2 Hesperian Blvd / Depot Rd

Cycle (sec): 116 Critical Vol./Cap.(X): 0.820
Loss Time (sec): 4 (Y+R=4.0 sec) Average Delay (sec/veh): 23.7
Optimal Cycle: 56 Level Of Service: C

Table with columns for Street Name (Hesperian Blvd, Depot Rd), Approach (North Bound, South Bound, East Bound, West Bound), Movement (L, T, R), Control (Protected, Split Phase), Rights (Include), and Lanes.

Volume Module:AM

Table showing traffic volume data for various movements and approaches, including Base Vol, Growth Adj, Initial Bse, User Adj, PHF Adj, PHF Volume, Reduct Vol, Reduced Vol, PCE Adj, MLF Adj, and Final Volume.

Saturation Flow Module:

Table showing saturation flow data for different lane configurations and adjustment factors.

Capacity Analysis Module:

Table showing capacity analysis data including Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, and DesignQueue.

Note: Queue reported is the number of cars per lane.

Mt. Eden Annexation
Phase II Transportation Analysis
Existing PM Peak Hour

Level of Service Computation Report

1994 HCM Operations Method (Base Volume Alternative)

Intersection #1 Industrial Blvd / Depot Rd

Cycle (sec): 115 Critical Vol./Cap.(X): 0.536
Loss Time (sec): 4 (Y+R=4.0 sec) Average Delay (sec/veh): 17.4
Optimal Cycle: 24 Level of Service: C

Street Name: Industrial Blvd Depot Rd
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R
Control: Protected Protected Permitted Permitted
Rights: Include Include Include Include
Min. Green: 0 0 0 0 0 0 0 0 0 0 0 0
Lanes: 1 0 2 0 1 1 0 2 0 1 1 0 1 0 1 0 0 0 0

Volume Module:PM

Base Vol: 128 379 70 56 562 12 21 352 428 28 41 37
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 128 379 70 56 562 12 21 352 428 28 41 37
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 0.95 0.95 0.95 0.95 0.95 0.95 0.95 0.95 0.95 0.95 0.95 0.95
PHF Volume: 135 399 74 59 592 13 22 371 451 29 43 39
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
Reduced Vol: 135 399 74 59 592 13 22 371 451 29 43 39
PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
MLF Adj: 1.00 1.05 1.00 1.00 1.05 1.00 1.00 1.00 1.00 1.00 1.00 1.00
FinalVolume: 135 419 74 59 621 13 22 371 451 29 43 39

Saturation Flow Module:

Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900
Adjustment: 0.95 1.00 0.85 0.95 1.00 0.85 0.83 1.00 0.85 0.62 0.62 0.62
Lanes: 1.00 2.00 1.00 1.00 2.00 1.00 1.00 1.00 1.00 0.26 0.39 0.35
Final Sat.: 1805 3800 1615 1805 3800 1615 1577 1900 1615 311 456 412

Capacity Analysis Module:

Vol/Sat: 0.07 0.11 0.05 0.03 0.16 0.01 0.01 0.20 0.28 0.09 0.09 0.09
Crit Moves: ****
Green/Cycle: 0.14 0.34 0.34 0.10 0.31 0.31 0.52 0.52 0.52 0.52 0.52 0.52
Volume/Cap: 0.54 0.32 0.13 0.32 0.54 0.03 0.03 0.37 0.54 0.18 0.18 0.18
Delay/Veh: 31.5 18.1 16.8 31.4 21.8 18.1 8.7 10.7 12.4 9.4 9.4 9.4
User DelAdj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
AdjDel/Veh: 31.5 18.1 16.8 31.4 21.8 18.1 8.7 10.7 12.4 9.4 9.4 9.4
DesignQueue: 8 9 3 3 14 1 1 12 15 3 3 3

Note: Queue reported is the number of cars per lane.

Mt. Eden Annexation
Phase II Transportation Analysis
Existing PM Peak Hour

Level of Service Computation Report

1994 HCM Operations Method (Base Volume Alternative)

Intersection #2 Hesperian Blvd / Depot Rd

Cycle (sec): 116 Critical Vol./Cap.(X): 0.591
Loss Time (sec): 4 (Y+R=4.0 sec) Average Delay (sec/veh): 14.9
Optimal Cycle: 27 Level of Service: B

Street Name: Hesperian Blvd Depot Rd
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R
Control: Protected Protected Split Phase Split Phase
Rights: Include Include Include Include
Min. Green: 0 0 0 0 0 0 0 0 0 0 0 0
Lanes: 1 0 2 1 0 1 0 2 1 0 1 1 0 0 1 1 0 0 1 0

Volume Module:PM

Base Vol: 212 1592 211 35 847 112 190 49 195 85 43 31
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 212 1592 211 35 847 112 190 49 195 85 43 31
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 0.95 0.95 0.95 0.95 0.95 0.95 0.95 0.95 0.95 0.95 0.95 0.95
PHF Volume: 223 1676 222 37 892 118 200 52 205 89 45 33
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
Reduced Vol: 223 1676 222 37 892 118 200 52 205 89 45 33
PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
MLF Adj: 1.00 1.10 1.10 1.00 1.10 1.10 1.05 1.05 1.00 1.00 1.00 1.00
FinalVolume: 223 1843 244 37 981 130 210 54 205 89 45 33

Saturation Flow Module:

Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900
Adjustment: 0.95 0.98 0.98 0.95 0.98 0.98 0.96 0.96 0.85 0.95 0.94 0.94
Lanes: 1.00 2.65 0.35 1.00 2.65 0.35 1.59 0.41 1.00 1.00 0.58 0.42
Final Sat.: 1805 4932 654 1805 4934 652 2900 748 1615 1805 1038 748

Capacity Analysis Module:

Vol/Sat: 0.12 0.37 0.37 0.02 0.20 0.20 0.07 0.07 0.13 0.05 0.04 0.04
Crit Moves: ****
Green/Cycle: 0.26 0.63 0.63 0.03 0.41 0.41 0.21 0.21 0.21 0.08 0.08 0.08
Volume/Cap: 0.48 0.59 0.59 0.59 0.48 0.48 0.34 0.34 0.59 0.59 0.52 0.52
Delay/Veh: 24.3 8.3 8.3 45.1 16.4 16.4 25.0 25.0 28.4 37.3 35.4 35.4
User DelAdj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
AdjDel/Veh: 24.3 8.3 8.3 45.1 16.4 16.4 25.0 25.0 28.4 37.3 35.4 35.4
DesignQueue: 11 18 18 2 15 15 7 7 11 5 5 5

Note: Queue reported is the number of cars per lane.

Mt. Eden Annexation
Phase II Transportation Analysis
Existing plus Project AM Peak Hour

Level of Service Computation Report
1994 HCM Operations Method (Future Volume Alternative)

Intersection #1 Industrial Blvd / Depot Rd

Cycle (sec): 115 Critical Vol./Cap.(X): 0.695
Loss Time (sec): 4 (Y+R=4.0 sec) Average Delay (sec/veh): 20.6
Optimal Cycle: 35 Level of Service: C

Table with columns for Street Name, Approach, Movement, Control, Rights, Min. Green, Lanes. Rows for Industrial Blvd and Depot Rd.

Table with columns for Volume Module: AM, Base Vol, Growth Adj, Initial Bse, Added Vol, PasserByVol, Initial Fut, User Adj, PHF Adj, PHF Volume, Reduct Vol, Reduced Vol, PCE Adj, MLF Adj, Final Volume.

Table with columns for Saturation Flow Module, Sat/Lane, Adjustment, Lanes, Final Sat.

Table with columns for Capacity Analysis Module, Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, DesignQueue.

Note: Queue reported is the number of cars per lane.

Mt. Eden Annexation
Phase II Transportation Analysis
Existing plus Project AM Peak Hour

Level of Service Computation Report
1994 HCM Operations Method (Future Volume Alternative)

Intersection #2 Hesperian Blvd / Depot Rd

Cycle (sec): 116 Critical Vol./Cap.(X): 0.822
Loss Time (sec): 4 (Y+R=4.0 sec) Average Delay (sec/veh): 23.8
Optimal Cycle: 56 Level of Service: C

Table with columns for Street Name, Approach, Movement, Control, Rights, Min. Green, Lanes. Rows for Hesperian Blvd and Depot Rd.

Table with columns for Volume Module: AM, Base Vol, Growth Adj, Initial Bse, Added Vol, PasserByVol, Initial Fut, User Adj, PHF Adj, PHF Volume, Reduct Vol, Reduced Vol, PCE Adj, MLF Adj, Final Volume.

Table with columns for Saturation Flow Module, Sat/Lane, Adjustment, Lanes, Final Sat.

Table with columns for Capacity Analysis Module, Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, DesignQueue.

Note: Queue reported is the number of cars per lane.

Mt. Eden Annexation
Phase II Transportation Analysis
Existing plus Project PM Peak Hour

Level of Service Computation Report
1994 HCM Operations Method (Future Volume Alternative)

Intersection #1 Industrial Blvd / Depot Rd

Cycle (sec): 115 Critical Vol./Cap.(X): 0.536
Loss Time (sec): 4 (Y+R=4.0 sec) Average Delay (sec/veh): 17.5
Optimal Cycle: 24 Level of Service: C

Table with columns for Street Name, Approach, Movement, Control, Rights, Min. Green, Lanes for Industrial Blvd and Depot Rd.

Table with columns for Volume Module: PM, Base Vol, Growth Adj, Initial Bse, Added Vol, PasserByVol, Initial Fut, User Adj, PHF Adj, PHF Volume, Reduct Vol, Reduced Vol, PCE Adj, MLF Adj, Final Volume.

Table with columns for Saturation Flow Module, Sat/Lane, Adjustment, Lanes, Final Sat.

Table with columns for Capacity Analysis Module, Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, DesignQueue.

Note: Queue reported is the number of cars per lane.

Mt. Eden Annexation
Phase II Transportation Analysis
Existing plus Project PM Peak Hour

Level of Service Computation Report
1994 HCM Operations Method (Future Volume Alternative)

Intersection #2 Hesperian Blvd / Depot Rd

Cycle (sec): 116 Critical Vol./Cap.(X): 0.593
Loss Time (sec): 4 (Y+R=4.0 sec) Average Delay (sec/veh): 15.0
Optimal Cycle: 27 Level of Service: B

Table with columns for Street Name, Approach, Movement, Control, Rights, Min. Green, Lanes for Hesperian Blvd and Depot Rd.

Table with columns for Volume Module: PM, Base Vol, Growth Adj, Initial Bse, Added Vol, PasserByVol, Initial Fut, User Adj, PHF Adj, PHF Volume, Reduct Vol, Reduced Vol, PCE Adj, MLF Adj, Final Volume.

Table with columns for Saturation Flow Module, Sat/Lane, Adjustment, Lanes, Final Sat.

Table with columns for Capacity Analysis Module, Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, DesignQueue.

Note: Queue reported is the number of cars per lane.

Mt. Eden Annexation
Phase II Transportation Analysis
Existing + Phase I + Project AM Peak Hour

Level of Service Computation Report
1994 HCM Operations Method (Future Volume Alternative)

Intersection #1 Industrial Blvd / Depot Rd

Cycle (sec): 115 Critical Vol./Cap.(X): 0.721
Loss Time (sec): 4 (Y+R=4.0 sec) Average Delay (sec/veh): 21.2
Optimal Cycle: 38 Level of Service: C

Table with columns: Street Name, Approach, Movement, Control, Rights, Min. Green, Lanes. Rows for Industrial Blvd and Depot Rd.

Table with columns: Volume Module:AM, Base Vol, Growth Adj, Initial Bse, Added Vol, Phase I, Initial Fut, User Adj, PHF Adj, PHF Volume, Reduct Vol, Reduced Vol, PCE Adj, MLF Adj, FinalVolume.

Table with columns: Saturation Flow Module, Sat/Lane, Adjustment, Lanes, Final Sat.

Table with columns: Capacity Analysis Module, Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, DesignQueue.

Note: Queue reported is the number of cars per lane.

Mt. Eden Annexation
Phase II Transportation Analysis
Existing + Phase I + Project AM Peak Hour

Level of Service Computation Report
1994 HCM Operations Method (Future Volume Alternative)

Intersection #2 Hesperian Blvd / Depot Rd

Cycle (sec): 116 Critical Vol./Cap.(X): 0.844
Loss Time (sec): 4 (Y+R=4.0 sec) Average Delay (sec/veh): 24.4
Optimal Cycle: 63 Level of Service: C

Table with columns: Street Name, Approach, Movement, Control, Rights, Min. Green, Lanes. Rows for Hesperian Blvd and Depot Rd.

Table with columns: Volume Module:AM, Base Vol, Growth Adj, Initial Bse, Added Vol, Phase 1, Initial Fut, User Adj, PHF Adj, PHF Volume, Reduct Vol, Reduced Vol, PCE Adj, MLF Adj, FinalVolume.

Table with columns: Saturation Flow Module, Sat/Lane, Adjustment, Lanes, Final Sat.

Table with columns: Capacity Analysis Module, Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, DesignQueue.

Note: Queue reported is the number of cars per lane.

Mt. Eden Annexation
Phase II Transportation Analysis
Existing + Phase I + Project PM Peak Hour

Level of Service Computation Report
1994 HCM Operations Method (Future Volume Alternative)

Intersection #1 Industrial Blvd / Depot Rd

Cycle (sec): 115 Critical Vol./Cap.(X): 0.558
Loss Time (sec): 4 (Y+R=4.0 sec) Average Delay (sec/veh): 17.6
Optimal Cycle: 25 Level of Service: C

Table with columns for Street Name, Approach, Movement, Control, Rights, Min. Green, Lanes for Industrial Blvd and Depot Rd.

Volume Module:PM

Table with columns for Base Vol, Growth Adj, Initial Bse, Added Vol, Phase 1, Initial Fut, User Adj, PHF Adj, PHF Volume, Reduct Vol, Reduced Vol, PCE Adj, MLF Adj, Final Volume for Industrial Blvd and Depot Rd.

Saturation Flow Module:

Table with columns for Sat/Lane, Adjustment, Lanes, Final Sat. for Industrial Blvd and Depot Rd.

Capacity Analysis Module:

Table with columns for Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, DesignQueue for Industrial Blvd and Depot Rd.

Note: Queue reported is the number of cars per lane.

Mt. Eden Annexation
Phase II Transportation Analysis
Existing + Phase I + Project PM Peak Hour

Level of Service Computation Report
1994 HCM Operations Method (Future Volume Alternative)

Intersection #2 Hesperian Blvd / Depot Rd

Cycle (sec): 116 Critical Vol./Cap.(X): 0.603
Loss Time (sec): 4 (Y+R=4.0 sec) Average Delay (sec/veh): 15.2
Optimal Cycle: 28 Level of Service: C

Table with columns for Street Name, Approach, Movement, Control, Rights, Min. Green, Lanes for Hesperian Blvd and Depot Rd.

Volume Module:PM

Table with columns for Base Vol, Growth Adj, Initial Bse, Added Vol, Phase 1, Initial Fut, User Adj, PHF Adj, PHF Volume, Reduct Vol, Reduced Vol, PCE Adj, MLF Adj, Final Volume for Hesperian Blvd and Depot Rd.

Saturation Flow Module:

Table with columns for Sat/Lane, Adjustment, Lanes, Final Sat. for Hesperian Blvd and Depot Rd.

Capacity Analysis Module:

Table with columns for Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, DesignQueue for Hesperian Blvd and Depot Rd.

Note: Queue reported is the number of cars per lane.

